



立法會圖書館 Legislative Council Library

香港特別行政區立法會議事規則修訂紀錄

RECORDS OF AMENDMENTS TO RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

I 部

會議規程

PART I

RULES OF ORDER

議事規則第 44 條

主席決定為最終決定

Rule 44

Decision of Chair Final

香港特別行政區立法會議事規則

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。

I 部 會議規程

44. 主席的決定

(2021年第125號法律公告)

- (1) 立法會主席、全體委員會主席或任何委員會主席分別就立法會及委員會會議遵照會議規程行事負責。主席在會議規程問題上所作決定為最終決定。

(2011年第87號法律公告；2021年第125號法律公告)

- (2) 立法會主席或全體委員會主席如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。

(2021年第125號法律公告)

- (3) 第(2)款授予立法會主席或全體委員會主席的權力，可由任何其他委員會的主席或副主席在處理規程問題時行使，但主持該委員會會議的任何其他委員則不得行使此權力。

(2021年第125號法律公告)

I 部 會議規程

議事規則第 44 條

主席的決定

條次	委員會		內務委員會		立法會		憲報
	會議日期	附件	會議日期	附件	會議日期	附件	附件
44					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			2003.06.27	6, 7			
			2004.04.23	8, 9			
					2004.07.07	10, 11	17
			2011.04.15	12, 13	2011.05.11	15, 16	
			2011.05.06	14			
			2021.05.21 [#]	20	2021.06.25	21, 22	2021.07.14
					2021.10.27	26, 27	
	44(1)					1998.04.07	1, 2
1998.07.02						3, 4	
2003.06.27				6, 7			
2004.04.23				8, 9			
					2004.07.07	10, 11	17
2011.04.15				12, 13	2011.05.11	15, 16	
2011.05.06				14			
2021.05.21 [#]				20	2021.06.25	21, 22	2021.07.14
					2021.10.27	26, 27	

[#] 發出日期

條次	委員會		內務委員會		立法會		憲報
	會議日期	附件	會議日期	附件	會議日期	附件	附件
44(2)	2021.05.21 [#]	20	2021.06.25	21, 22	2021.07.14	23, 24	25
					2021.10.27	26, 27	
44(3)	2021.05.21 [#]	20	2021.06.25	21, 22	2021.07.14	23, 24	25
					2021.10.27	26, 27	

[#] 發出日期

I部 會議規程
議事規則第44條
主席的決定

附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第44條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*
6	HC	CB(2)2651/02-03	立法會及委員會的會議規程的文件	2003.06.27
7	HC	CB(2)2979/02-03	內務委員會會議紀要的節錄	2003.06.27
8	HC	CROP31/03-04	把會議規程的適用範圍擴展至委員會的文件	2004.04.23
9	HC	CB(2)2156/03-04	內務委員會會議紀要的節錄	2004.04.23
10	CM		香港特別行政區立法會議事規則委員2003年7月至2004年6月的工作進度報告的節錄	2004.07.07
11	CM		立法會會議過程正式紀錄的節錄	2004.07.07
12	HC	CROP22/10-11	對《議事規則》第44及45條的修訂建議的文件	2011.04.15
13	HC	CB(2)1649/10-11	內務委員會會議紀要的節錄	2011.04.15
14	HC	CB(2)1713/10-11	內務委員會會議紀要的節錄	2011.05.06
15	CM	CB(3)689/10-11	根據《中華人民共和國香港特別行政區基本法》第七十五條動議的擬議決議案	2011.05.11
16	CM		立法會會議過程正式紀錄的節錄	2011.05.11
17			2011年第87號法律公告	2011.05.13*
18	CM		香港特別行政區立法會議事規則委員會2010年11月至2011年6月工作進度報告的節錄	2011.07.13
19	CM		立法會會議過程正式紀錄的節錄	2011.07.13
20	CRoP	CROP65/20-21	就修訂《議事規則》及《內務守則》的建議進行諮詢 - 第二批擬議修訂	2021.05.21 [#]
21	HC	CROP71/20-21	就《議事規則》及《內務守則》進行的檢討 - 第二批擬議修訂	2021.06.25
22	CM	CB(2)1238/20-21	內務委員會會議紀要的節錄	2021.06.25
23	CM	CB(3)743/20-21	根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案	2021.07.14
24	CM		立法會會議過程正式紀錄的節錄	2021.07.14
25			2021年第125號法律公告	2021.07.16*
26	CM		香港特別行政區立法會議事規則委員會2020年10月至2021年10月工作進度報告的節錄	2021.10.27
27	CM		立法會會議過程正式紀錄的節錄	2021.10.27

* 刊憲日期；# 發出日期

CM = 立法會；HC = 內務委員會；CRoP = 議事規則委員會

I部 會議規程
議事規則第44條
主席的決定

附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第44(1)條				
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2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
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27	CM		立法會會議過程正式紀錄的節錄	2021.10.27

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I部 會議規程
議事規則第44條
主席的決定

附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第44(2)條				
20	CRoP	CROP65/20-21	就修訂《議事規則》及《內務守則》的建議進行諮詢 - 第二批擬議修訂	2021.05.21 [#]
21	HC	CROP71/20-21	就《議事規則》及《內務守則》進行的檢討 - 第二批擬議修訂	2021.06.25
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附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第44(3)條				
20	CRoP	CROP65/20-21	就修訂《議事規則》及《內務守則》的建議進行諮詢 - 第二批擬議修訂	2021.05.21 [#]
21	HC	CROP71/20-21	就《議事規則》及《內務守則》進行的檢討 - 第二批擬議修訂	2021.06.25
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檔號：CB1/R/1/1

**臨時立法會
議事規則委員會報告**

目的

此份報告旨在匯報議事規則委員會(下稱“委員會”)自1997年9月19日成立以來的工作，並概述委員會就所考慮的事項進行商議的結果。

委員會

2. 臨時立法會(下稱“臨立會”)在1997年9月10日藉修訂《議事規則》，議決成立議事規則委員會。委員會的職能是檢討臨立會的《議事規則》，並因應需要向臨立會作出修正或改變的建議。
3. 臨時立法會主席根據《議事規則》第74(2)條，在1997年10月17日委任12名臨立會議員為委員會委員，當中包括主席周梁淑怡議員及副主席程介南議員。委員名單載於附錄I。

委員會的工作

4. 委員會自1997年10月組成以來，舉行了9次會議。在1997年11月17日首次會議上，委員會檢討了須在臨立會任期內考慮的事宜，並決定進行以下工作：
 - (a) 因應臨立會在1997年9月10日會議上通過的《議事規則》各項修訂，對《內務守則》作出修訂，以便反映臨立會及其轄下各委員會現時的行事方式；
 - (b) 確保現有的立法程序已妥為涵蓋有效處理和制定法例所需的一切必要步驟；及
 - (c) 改進《議事規則》及其他議事程序安排，以確保符合《基本法》的條文及其他法例規定。

《內務守則》修訂事宜

5. 在詳細研究修訂《內務守則》的事宜時，委員會亦藉此機會一併檢討了若干行政及程序上的安排，以期消除當中不明確之處和提高處理議會事務的效率。委員會在展開研究《內務守則》的工作前，曾徵詢臨立會議員的意見，隨後並接獲若干建議。在商議過程中，委員會已顧及了此等建議。

6. 除了建議對《內務守則》作出修訂，以反映臨立會在1997年9月10日通過的《議事規則》各項修訂外，委員會亦向內務委員會提出以下建議：

- (a) 應詳細載列擬動議議案辯論的議員申請及獲編配辯論時段的行政程序(守則第14條)；
- (b) 應清楚訂明處理議員在作出議案預告期限之前或之後撤回議案的有關安排(守則第14條)；
- (c) 只有議案動議人有答辯權的原則應維持不變，而議員獲分配的發言時間應反映該項原則(守則第17條)；及
- (d) 事務委員會在香港以外地方進行活動須獲內務委員會允許(守則第22條)。

7. 內務委員會接納委員會的建議，並在1998年2月20日修訂《內務守則》。《內務守則》各項主要修訂的摘要載於附錄II。

議案及修正案的預告

8. 委員會知悉，關於本身並非附屬法例但適用的法例審議機制與附屬法例相若的法定文書(例如技術備忘錄或實務守則)，《議事規則》並無特定條文，就動議與審議此類文書有關的議案作出規定。因此，任何修正該等文書或延展其審議期限的議案，均須在不少於12整天前作出預告。如此一來，議員只有極少時間考慮有關的文書。此外，如須動議修正案，每次均須請求臨時立法會主席准許免卻規定的預告。委員會認為宜把此類文書的預告期規定，改為與附屬法例的預告期規定一致。

9. 政府當局回應委員會的查詢時證實，對於委員會所提出的意見，即同一套的預告期規定應適用於附屬法例，以及其他適用法例審議機制與附屬法例相若的法定文書，當局並無異議。然而，鑑於關乎法定文書的議案為數不多，委員會的結論是沒有迫切需要修改臨立會的《議事規則》，而秘書處應提醒首屆立法會有需要在其日後制訂的議事規則內，作出有關修改。

立法程序的適應化工作

10. 委員會曾檢討前《皇室訓令》所載有關立法程序的條文的適應化現況，並諮詢政府當局需否對《皇室訓令》下列條文妥為適應化：第XXV條(制定條例時須予遵從的規則和規例)及第XXVI條(不得批准的條例草案類別及在緊急情況下條例即時生效的但書)。當局的結論是毋須另訂法律條文，取代第XXVI條有關不得批准的條例草案類別的規定，因為《基本法》第十七條已可達到目的。儘管委員會對當局此項結論並無特別的看法，但仍要求當局考慮把《皇室訓令》第XXV條中規限香港法例格式的規定本地化，並讓立法機關有充裕時間審議有關的方案。

符合《基本法》的條文及其他法例規定

11. 除以上所述外，臨立會秘書處亦曾就《議事規則》的擬議修訂徵詢委員會的意見，以期符合《基本法》的規定，其中兩個主要事項為：

- (a) 按《基本法》附件二的規定，就議員提出的事項進行表決的新程序；及
- (b) 處理立法會已通過但遭行政長官發回重議的法案的程序。

表決程序

12. 《基本法》附件二訂明，議員提出的法案、議案及對法案的修正案，須分別經功能界別選舉產生的議員，以及分別由地方選區直接選舉和選舉委員會選舉產生的議員，兩部分出席會議者各過半數表決贊成，方為通過。考慮到既要符合《基本法》的規定，又要確保議會事務得以迅速處理，委員會衡量過下列做法的優劣長短：以聽取答聲的方法進行表決，或以電子表決的方法進行表決，或兩者兼用。委員會亦檢討了若干相關事項，例如臨時立法會主席及全體委員會主席的決定性表決，並且參考了其他立法機關的做法。委員會認為較宜由首屆立法會決定本身的議事程序，故此委員會只是就各個方案提出意見，以便秘書處在綜合該等意見後擬備建議，供首屆立法會考慮。

重議行政長官發回的法案的程序

13. 根據《基本法》第四十九條，行政長官如認為立法會通過的法案不符合香港特別行政區的整體利益，可在3個月內將法案發回立法會重議。由於臨立會的《議事規則》及前立法局的《會議常規》均未有訂出處理此等情況的程序，臨立會秘書處曾就應採用的程序和步驟徵詢委員會的意見。

14. 鑑於重議立法會已通過但遭行政長官發回的法案是立法會須予處理的重要事項，委員會認為議事規則應就處理發回的法案的特定程序，作出規定。在此事上，委員會曾參考其他立法機關的有關程序，並提出下列意見：

- (a) 除過半數議員另有決定外，發回的法案及行政長官發回法案的理由應交由一個委員會(例如專責委員會)慎加研究；
- (b) 重議法案的程序應使發回的法案可在顧及有關各方，包括政府、負責法案的議員及其他與該法案有關的人士／組織的意見後，予以修正；
- (c) 議員應獲准在立法會會議上就法案進行辯論，並在有需要時，在全體委員會會議上對法案提出修正案；
- (d) 議員應就“通過經重議的法案”的議案進行表決，而不論法案是否經過修正。如法案以其原有內容經不少於三分之二的立法會議員通過，即會引發《基本法》第五十條所規定的情況。

15. 委員會認為，在首屆立法會制訂其議事規則時，秘書處應向其反映委員會的意見。

致謝

16. 對於臨立會其他議員提出的寶貴意見，以及他們對委員會工作給予的支持，委員會委員謹此致謝。

臨時立法會秘書處

1998年4月1日

附錄 I

臨時立法會

議事規則委員會委員名單

周梁淑怡議員(主席)
程介南議員(副主席)
何鍾泰議員
杜葉錫恩議員
陳財喜議員
陳婉嫻議員
黃宏發議員
黃英豪議員
廖成利議員
劉健儀議員
劉漢銓議員
蔡素玉議員

總數：12名議員

議事規則委員會
就《內務守則》提出的主要修訂建議摘要

- (a) 以往載於《內務守則》附錄的選舉臨時立法會主席程序，現已在《議事規則》附表中有所規定(《內務守則》第1(d)條)；
- (b) 行政長官酌情出席臨時立法會(下稱“臨立會”)會議，答覆議員的質詢(《內務守則》第4(a)條)；
- (c) 在臨立會會議上提出6項口頭質詢的時限為一小時至一個半小時，而提出10項口頭質詢的時限為兩個半小時(《內務守則》第7(a)條)；
- (d) 申請編配辯論時段的限期，訂明為有關的臨立會會議舉行日期24天前(《內務守則》第14條)；
- (e) 應清楚訂明就不具立法效力的議案編配辯論時段的程序，並詳列有關安排，以決定議員在撤回原先作出的預告後再提出議案辯論的優先次序(《內務守則》第14條)；
- (f) 《議事規則》內關於議案修正案動議人沒有答辯權的規定，應在《內務守則》中予以反映；不具立法效力的議案修正案動議人的發言時限應延長至10分鐘，而該等議員不會再有5分鐘時間，回應其他議員就其修正案所作的發言(《內務守則》第17(c)條)；
- (g) 參加法案委員會或內務委員會為研究立法建議而成立的小組委員會的限期，通常定於有關法案委員會或小組委員會首次會議的一整天前(《內務守則》第21(b)條)；
- (h) 事務委員會及法案委員會的工作報告須提交臨立會(《內務守則》第21(i)及22(u)條)；
- (i) 事務委員會在香港以外地方進行活動須獲內務委員會允許(《內務守則》第22(t)條)；及
- (j) 在內務委員會之下成立的議會聯絡小組委員會負責統籌議會聯絡活動(《內務守則》第34條)。

1998年4月7日臨時立法會會議過程正式紀錄的節錄

X X X X X X

發言

主席：發言。周梁淑怡議員會就《議事規則》委員會報告 1997/98 向本會發言。周梁淑怡議員。

《議事規則》委員會報告 1997/98

周梁淑怡議員：主席，本人謹代表臨時立法會的《議事規則》委員會呈交工作報告。有關的報告載於日前送交各位議員審閱的臨時立法會 CB(1)1236 號文件。

《議事規則》委員會在 1997 年 10 月正式成立，接管《議事規則》工作小組所負責的職務。委員亦基本上是工作小組的所有成員，從工作小組至《議事規則》委員會的 14 個月內，一共舉行了 23 次正式會議及 9 次交流會，而且許多會議還是以馬拉松式舉行。

委員會的工作可以分為兩大部分：第一部分是擬備臨時立法會的《議事規則》、《內務守則》及《財務委員會會議程序》，希冀臨時立法會的會務，得以順利進行。委員會亦致力於確保現有的立法程序已妥為涵蓋有效處理和制定法例所需的一切必要步驟。

第二部分是就香港特別行政區第一屆立法會的《議事規則》提供一些意見，尤其是將按照《基本法》的有關條文，在《議事規則》中提供配合現時機制的程序。其中的例子，包括與“表決程序”及“重議行政長官發回的法案的程序”有關的事宜等。委員會希望可以就重要及較爭議性的事項，在政策及原則方面向臨時立法會秘書處給予意見，以便秘書處在擬定香港特別行政區第一屆立法會的《議事規則》草擬本時，作參考之用。

我很高興能告知各議員，委員會已完成以上目標。在此，除了多謝委員會的成員所付出的時間及精神外，亦謹代表各委員對本會其他同事向委員會所提出的寶貴意見及支持，作出感謝。我亦要感謝秘書處多位職員努力工作。我希望將此記錄在案。

謝謝主席。

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檔 號： CB(3)/M/MR
電 話： 2869 9205
日 期： 1998 年 6 月 26 日
發文者： 助理秘書長 3
受文者： 立法會全體候任議員

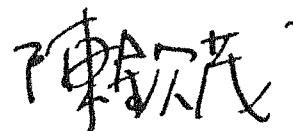
1998 年 7 月 2 日
立法會首次會議

就《香港特別行政區立法會議事規則》及
財務委員會、內務委員會及各事務委員會的首次會議日期
提出的決議案

梁智鴻醫生在 1998 年 7 月 2 日舉行的立法會會議上作出立法會誓言，以及待選出主席後，會動議兩項決議案。現謹附上有關決議案，供候任議員考慮。就《香港特別行政區立法會議事規則》動議的決議案載列於附錄 I，而第二項決議案則載列於附錄 II。

2. 秘書處將會請主席准許豁免有關作出預告的規定，以便梁智鴻醫生可無經預告動議上述決議案。

助理秘書長 3



(陳 欽 茂)

決議

(根據《中華人民共和國香港特別行政區基本法》第七十五條制定)

香港特別行政區立法會議事規則

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

1998年7月2日立法會會議過程正式紀錄的節錄

X X X X X X

議員議案

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

《香港特別行政區立法會議事規則》

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

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

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

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

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

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

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

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

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

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

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

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

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

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

我謹此陳辭，提出議案。

梁智鴻議員動議的決議案如下：

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

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

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

主席：梁耀忠議員。

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

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

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

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

主席：涂謹申議員。

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

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

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

主席：吳靄儀議員。

吳靄儀議員（譯文）：說句公道話，法律政策專員的確曾主動要求與立法會法律顧問討論他在信中提出的論點。可是，我卻代表當時沒有時間再次召開會議的小組回覆政府當局，表示當時不宜進行討論。我這樣回應政府當局，主要是由於我本人認為，無論政府要說甚麼，都要說給所有議員聽，而任何討論磋商也應與立法會全體議員進行。因此，我們告訴政府當局，我們希望在委員會內進行討論。至於討論的形式，則可由內務委員會盡早決定。因此，無論以何種方式進行討論，只要是適當的場合，我衷心希望各位議員屆時都能聆聽政府當局的意見。

謝謝，主席女士。

主席：楊森議員。

楊森議員：我剛才提到民主黨支持今天通過這《議事規則》，是令立法會得以運作。

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

主席：夏佳理議員。

夏佳理議員（譯文）：主席女士，自由黨也支持在今天通過《立法會議事規則》。可是，涂謹申議員關注沒有政府官員列席今天的會議，我亦有同感。我想各位有出席昨天慶典的立法會同事都曾經從報界人士口中，聽聞政府如何看待我們這個立法機關。主席女士，我可以告訴你，我們當時聽到的措辭的確令人感到非常不快。政府官員沒有列席今天的會議，我想便是一個很清晰的信號。我希望我猜錯了，我衷心希望我的確猜錯了政府對我們的態度。

謝謝。

主席：梁智鴻議員，你是否打算發言答辯？

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

第二，我絕對不是替政府辯護。他們為何不出席呢？我也覺得有些遺憾。不過，正如剛才吳靄儀議員所說，法律政策專員馮華健先生曾與我們的法律顧問討論過這問題，而我覺得最好是在我們的《議事規則》委員會成立後，由他向全體同事解釋，如果他向我們提出些甚麼問題，便在該處解釋，然後再行討論則會較好。

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

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

主席：黃宏發議員。

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

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

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

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

（議員舉手）

主席：反對的請舉手。

（議員舉手）

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

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附件

香 港 特 別 行 政 區
立 法 會
議 事 規 則

香港特別行政區立法會議事規則

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香港特別行政區立法會議事規則

A 部

立法會議員及立法會人員

1. 宗教式或非宗教式宣誓

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

2. 語文

議員在立法會發言，可用普通話、粵語或英語。

3. 主持立法會及全體委員會會議

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

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

(a) 立法會代理主席；或

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

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

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

4. 立法會主席的選舉

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

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

(3) 立法會主席的任期至立法會解散為止。

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

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5. 立法會代理主席

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

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

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

6. 立法會秘書的職責

(1) 立法會秘書須負責就有關立法會程序的一切事宜，向立法會主席提供意見。

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

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

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

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

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

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(7) 立法會秘書須負責為立法會每一個委員會及小組委員會提供一名秘書。

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

7. 立法機關法律顧問

(1) 立法機關法律顧問，由立法會秘書處的法律顧問擔任。

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

8. 行政長官出席會議

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

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

9. 官員列席會議

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

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

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

(4) 立法會轄下其他委員會或小組委員會可按需要，邀請官員列席其會議。

10. 官員參與會議程序

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

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

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

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

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B 部

立法會會期、會議及休會待續期間

11. 一般會期

(1) 立法會每一公曆年須至少召開一個會期，但於某一公曆年開始的會期，可延續至下一年結束。

(2) 每一會期自行政長官藉憲報公告指定的日期開始。

(3) 每一會期在行政長官藉憲報公告指定的日期或在立法會解散之日結束，以較早者為準。

(4) 任何法案或其他立法會事項的處理，不受會期結束的影響，可於任何其後的會議恢復處理，但當立法會任期完結或解散時，未完事項即告失效。

12. 每屆任期的首次會議

(1) 在立法會每屆任期首次會議上，議員須按照本議事規則第 1 條(宗教式或非宗教式宣誓)的規定作宗教式或非宗教式宣誓。

(2) 在所有出席會議的議員作宗教式或非宗教式宣誓後，須按照本議事規則第 4 條(立法會主席的選舉)規定的程序進行立法會主席的選舉。

(3) 立法會主席在獲選後須主持該次會議。

13. 行政長官發表施政報告

(1) 在行政長官向立法會發表施政報告不少於 14 天後舉行的會議上，議員可無經預告而動議就行政長官發表施政報告向其致謝。

(2) 根據第(1)款動議的議案，格式如下：

“本會感謝行政長官發表施政報告。”

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

14. 會議日期及時間

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

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

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

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

(5) 立法會主席可隨時將會議暫停，或宣布休會待續。

15. 處理急切事項的會議

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

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

(3) 本議事規則適用於根據第(1)及(2)款舉行的立法會會議。

16. 立法會休會待續議案

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

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

(3) 上述議案如獲通過，立法會即須休會待續。

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

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

但立法會主席可酌情免卻預告。

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

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

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17. 會議法定人數

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

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

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

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

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

C 部

事項編排

18. 各類事項的次序

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

(a) 進行宗教式或非宗教式宣誓。

(b) 致悼辭及其他禮節性演辭。

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

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

19. 立法會議程

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

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

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

D 部

呈請書及文件

20. 呈請書的提交

(1) 呈請書只可由議員向立法會提交。呈請書須用中文或英文書寫。

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

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

(4) 行政長官明示其同意一事，須記錄在會議紀要內。

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

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

21. 文件的提交

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

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

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

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

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

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

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E 部

向政府提出的質詢

22. 質詢性質

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

(2) 質詢須指明要求口頭答覆或書面答覆。

23. 質詢時間

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

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

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

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

24. 質詢預告

(1) 未作預告，不得提出質詢；但在第(4)款所規定的情況下除外。

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

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

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

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

25. 質詢內容

(1) 質詢須符合以下規則：

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

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

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

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

26. 質詢的提出及答覆

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

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

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

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

(5) 議員不得就質詢向立法會陳詞，亦不得以質詢作為辯論的藉口。

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

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

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

27. 根據本議事規則第 8 條舉行的會議

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

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F 部

聲明

28. 獲委派官員發表的聲明

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

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

G 部

議案

29. 議案及修正案的預告

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

但立法會主席或全體委員會主席可酌情免卻預告。

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

但立法會主席可酌情免卻預告。

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

但立法會主席可酌情免卻預告。

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

(5) 第(2)、(3)及(4)款指明的預告期分別適用於 ——

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

(6) 除本議事規則另有規定外，不得就議案動議任何修正案，除非 ——

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

30. 議案及修正案的預告方式

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

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

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

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

31. 議案及修正案的規限

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

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

32. 有關立法會先前所作決定的議案

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

33. 議案的辯論方式

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

(2) 議員動議議案後，立法會主席或全體委員會主席須向立法會或全體委員會提出該議案的待議議題；議員即可就該議題進行辯論。

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

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

34. 議案修正案的辯論方式

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

(2) 議案的修正案，須以下列其中一種形式提出 —

(a) 在該議案中刪去一字或多字。

(b) 在該議案中或結尾加插或增補一字或多字。

(c) 在該議案中刪去一字或多字，並以加插或增補一字或多字來代替。

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

(4) 立法會主席或全體委員會主席可准許就議案及其修正案進行合併辯論。

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

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

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35. 議案及修正案的撤回

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

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

H 部

發言規則

36. 發言時間及方式

(1) 議員發言時須起立，並須將其意見向立法會主席或全體委員會主席陳述。

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

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

(4) 議員發言後須坐下，其他擬發言的議員須起立或舉手示意。

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

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

37. 內務委員會建議的發言時間

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

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

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

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

38. 議員可發言多於一次的情況

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

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

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

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

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

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

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

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

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

39. 插言

議員不得打斷其他議員的發言 —

(a) 除非起立要求就規程問題發言；遇此情況，正在發言的議員須坐下，而打斷其發言的議員須指出其認為應注意的問題，並將該問題交由立法會主席或全體委員會主席決定；或

(b) 除非要求澄清正在發言的議員在其發言中提出的某項事宜，而正在發言的議員願意退讓並坐下，擬插言的議員又獲得立法會主席或全體委員會主席叫喚。

40. 辯論中止待續或全體委員會休會待續

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

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

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

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

(5) 動議修正本條所述的議案，不合乎規程。

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

但立法會主席可酌情免卻預告。

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

但全體委員會主席可酌情免卻預告。

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

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41. 發言內容

(1) 議員只限對討論中的題目發表意見，而不得提出與該題目無關的事宜。

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

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

(4) 凡對立法會議員使用冒犯性及侮辱性言詞，即屬不合乎規程。

(5) 議員發言的內容不得意指另一議員有不正當動機。

(6) 不得以行政長官之名左右立法會。

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

(8) 不得提及法官或其他履行司法職能人士的行為。

42. 議員在會議進行中的舉止

立法會會議進行中 ——

(a) 議員進出立法會會場，在衣飾及舉止上須保持莊重；

(b) 如無必要，議員不得橫越立法會會場；

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

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- (d) 當一名議員發言時，其他議員須保持肅靜，且不得作不適當的插言。

43. 辯論規則對委員會的適用範圍

本部的規則適用於委員會的會議程序，但委員會主席另有命令者除外。

I 部

會議規程

44. 主席決定為最終決定

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

45. 立法會及委員會會議中的秩序

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

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

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J 部

表決

46. 就議案作出決定

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

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

(a) 功能界別選舉產生的議員(第 I 部分)；及

(b) 分別由地方選區直接選舉和選舉委員會選舉產生的議員(第 II 部分)。

47. 立法會及全體委員會的表決

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

(a) 立法會主席或全體委員會主席須先請贊成該議題的議員舉手，繼而請反對該議題的議員舉手；

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

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

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

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

48. 電子表決系統的使用

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

49. 點名表決

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

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

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

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

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

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

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

K 部

法案的處理程序

50. 法案的格式

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

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

51. 提交法案的預告

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

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

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

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

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

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

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

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

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

52. 法案的提交及刊登

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

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

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

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53. 法案的首讀

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

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

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

54. 二讀

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

(2) 行政長官的書面同意一經示明，須記錄在會議紀要內。

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

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

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

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

但立法會主席可酌情免卻預告。

(6) 不得對現即二讀法案的議題作出修正。

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

(8) 二讀法案的議案如被否決，不得再就該法案進行其他程序。

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55. 法案的付委

(1) 二讀法案的議案如獲通過，該法案即告付委予全體委員會，除非 —

(a) 立法會通過議案，將法案付委予一專責委員會；該項議案可無經預告，但須在該法案二讀後即時由任何議員動議；或

(b) 立法會主席認為該法案會特別惠及或反之特別影響某人、某社團或某法團，在此情況下，立法會主席可指示將該法案付委予一專責委員會。

(2) 負責法案的議員無須為全體委員會就法案進行的程序作出預告。

(3) 專責委員會就法案進行的程序，須在按照本議事規則第 79(2) 條(專責委員會的程序)指定的日期開始。

56. 委員會就法案的職能

(1) 獲付委某法案的任何全體委員會或專責委員會，只可討論該法案的細節，不得討論其原則。

(2) 任何此類委員會均有權對法案作出其認為適當的修正，但修正案(包括新條文及新附表)必須與法案的主題有關。

57. 法案的修正案

(1) 本條適用於在全體委員會或專責委員會會議上，或再付委時，對法案所動議的修正案。

(2) 動議法案修正案的預告，須於全體委員會審議該法案當天不少於 7 整天前作出；倘無如此作出預告，除獲全體委員會主席許可外，不得動議對法案作出修正。

(3) 本議事規則第 30 條(議案及修正案的預告方式)適用於法案修正案的預告，但該條第(3)款中“立法會主席”一詞須以“全體委員會主席”代替。

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(4) 以下規定適用於與法案有關的修正案：

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

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

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

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

58. 全體委員會處理法案的程序

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

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

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

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

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

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

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

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

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

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

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

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

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

59. 全體委員會就法案作出報告的程序

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

60. 法案專責委員會中的程序

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

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

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

61. 專責委員會就法案作出報告的程序

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

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

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

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

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

62. 專責委員會報告的法案再付委的程序

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

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

但立法會主席如認為必要或可取，可要求按照第(1)款的規定將整條法案再付委。

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

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

63. 三讀

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

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

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

(4) 如三讀法案的議案遭否決，即不得就該法案再進行任何程序。

64. 法案的撤回或押後處理

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

65. 呈交法案予行政長官簽署

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

66. 發回重議的法案

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

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

(3) 該法案的簡稱須按立法會主席的指示列入立法會會議的議程內。

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

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

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

(7) 議員不得動議修正根據第(5)或(6)款動議的議案。

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

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

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

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L 部

財政程序

67. 撥款法案的提交及二讀

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

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

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

68. 全體委員會處理撥款法案的程序

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

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

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

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

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

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

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

69. 全體委員會處理撥款法案預算總目的修正案

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

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

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

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

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

(6) 刪除某一總目的修正案，即不合乎規程，不得列入立法會議程內。

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

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

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

(10) 當所有列於立法會議程內而與某一開支總目有關的修正案獲得處理後，全體委員會主席須再次提出“總目……的款額納入本附表”的待議議題，或提出“總目……（經增加或削減）的款額納入本附表”的經修正待議議題，視乎情況所需。有關該等議題的辯論，須同樣受到本議事規則第 68(3)條（全體委員會處理撥款法案的程序）適用於辯論的限制所規限。

70. 撥款法案的三讀

撥款法案三讀議案不容修正或辯論而付諸表決。

M 部

委員會

71. 財務委員會

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

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

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

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

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

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

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

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

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

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

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

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

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

72. 政府帳目委員會

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

(a) 政府的帳目；

(b) 委員會認為須提交立法會省覽的其他帳目；及

(c) 委員會認為與審計署署長履行職責或行使職權有關的事宜。

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

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

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

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

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

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

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

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

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

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

73. 議員個人利益監察委員會

(1) 立法會設有一個名為議員個人利益監察委員會的常設委員會，負責 ——

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

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

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

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

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

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

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

(7) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

74. 議事規則委員會

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

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

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

(4) 委員會會議無須公開舉行，但須不時向立法會報告其討論結果及作出建議。

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

(6) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

75. 內務委員會

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

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

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

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

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

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

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

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

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

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

(11) 委員會可按其認為適當的方式，研究與立法會事務有關的任何其他事項。

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

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

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

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

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

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

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

76. 法案委員會

(1) 立法會設有名為法案委員會的委員會，其數目由內務委員會按情況決定。

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

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

(4) 法案委員會可委任小組委員會，以協助委員會履行其職能。

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

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

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

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

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

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

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

77. 事務委員會

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

(2) 事務委員會的職權範圍由內務委員會建議，並由立法會通過。

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

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

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

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

(7) 每一位議員均不得同時兼任多於一個事務委員會的主席或副主席職務。

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

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

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

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

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

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

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

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

78. 專責委員會

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

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

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

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

(5) 立法會轄下各專責委員會，須於立法會的每個會期結束時解散。

79. 專責委員會的程序

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

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

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

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

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

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

(7) (a) 專責委員會委員可提交報告供委員會研究。所有報告提交後，主席須從其本人所提交的報告開始，根據其他委員提交報告的次序，逐一提出各報告，直至專責委員會接納其中一份作為討論的基礎為止。主席就報告所提出的待議議題，須為將主席(或.....議員)的報告逐段二讀，當該議題獲得通過後，不得再就其他報告提出待議議題。但其他報告中的部分內容如與獲接納考慮的報告有關，可被用作為對該份獲接納的報告的修正案。

(b) 專責委員會須逐段研究該份被接納的報告。本議事規則第 58 條(全體委員會處理法案的程序)的規定適用於此程序，一如該報告為法案，而該報告內的段落為法案的條文。

(c) 專責委員會完成逐段研究該報告，並考慮所有建議的新段落後，主席須提出將該報告作為專責委員會提交立法會的報告的待決議題。

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

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

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

80. 證人的出席

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

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

81. 證據的過早發表

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

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

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N 部

其他事宜

82. 議員以專業身份受聘

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

83. 個人利益的登記

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

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

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

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

(5) 在本條中，“須予登記的個人利益”指 —

(a) 公共或私營公司的受薪董事職位；

(b) 接受薪酬的僱傭關係、職位、行業、專業或職業；

(c) 客戶的姓名或名稱，如以上所提述的個人利益包括議員向客戶提供的個人服務，而該等個人服務是由於其立法會議員身份所引致或以任何方式與該身份有關者；

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

84. 個人金錢利益的披露

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

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

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

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

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

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

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

85. 與個人利益有關的處分

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

86. 准許新聞界及公眾人士進入會場

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

87. 行為不檢

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

88. 新聞界及公眾人士離場

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

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

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

89. 就議員出席民事法律程序擔任證人一事取得許可的程序

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

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

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

90. 就立法會會議程序提供證據一事取得許可的程序

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

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

(3) 立法會秘書須以書面將立法會的決定通知該要求許可的人。

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

91. 議事規則的暫停執行

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

92. 議事規則未有規定的程序

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

93. 釋義

在本議事規則內，除文意另有所指外 —

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

附表

選舉立法會主席的程序

立法會主席的選舉須在立法會會議上進行。

提名

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

推選主持選舉的議員

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

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

選舉立法會主席

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

18. 出席會議並有意投票的議員只須在選票上其屬意的候選人姓名旁邊的空格內劃上“✓”號，並將選票放進投票箱。任何未劃上“✓”號、未妥為劃上“✓”號或劃有多於一個“✓”號的選票，將會作廢。

19. 所有出席會議並有意投票的議員投票後，立法會秘書須在全體出席會議的議員面前點算選票，並向主持選舉的議員報告點票結果；該名主持選舉的議員須核對點票結果，予以確認。

20. 主持選舉的議員須宣布各候選人之中獲最高票數的一名候選人當選為立法會主席。

21. 如兩名或以上候選人獲相同最高票數，則主持選舉的議員須命令在同一次會議上，按上文第 17 至 20 段所規定的方法，對該等獲相同最高票數的候選人進行第二輪投票。

22. 如在第二輪投票中未有一名候選人獲得的票數較其他任何候選人為高，則主持選舉的議員須宣布其將以抽籤方式決定其中一名候選人當選為立法會主席。

23. 主持選舉的議員將隨即進行抽籤，並按結果隨即宣布該名候選人當選為立法會主席。

24. 隨後，主持選舉的議員須讓位予立法會主席。立法會主席可向立法會陳詞，然後視乎情況，著手處理會議事項、宣布休會待續、或暫停舉行會議。

附件 I

致：立法會秘書

立法會主席選舉
提名表格

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

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

日期： _____

2. 本人謹此接受提名。

	姓 名	簽 署
獲提名的議員	_____	_____

日期： _____

附件 II

立法會

Legislative Council

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

選票
BALLOT PAPER

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

附件 III

立法會主席選舉

選票

選舉日期：_____

只可選一名候選人

請在屬意的候選人
姓名旁邊的空格內
劃上“✓”號

候選人姓名

1		
2		
3		
4		
5		

註：如候選人的數目少於或多於 5 名，則選票的最終格式會作相應修改。

1998 年第 265 號法律公告

中華人民共和國香港特別行政區基本法

立法會決議

香港特別行政區立法會議事規則

立法會於 1998 年 7 月 2 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

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

立法會秘書
馮載祥

1998 年 7 月 2 日

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

(4) 凡對立法會議員使用冒犯性及侮辱性言詞，即屬不合乎規程。

(5) 議員發言的內容不得意指另一議員有不正當動機。

(6) 不得以行政長官之名左右立法會。

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

(8) 不得提及法官或其他履行司法職能人士的行為。

42. 議員在會議進行中的舉止

立法會會議進行中——

(a) 議員進出立法會會場，在衣飾及舉止上須保持莊重；

(b) 如無必要，議員不得橫越立法會會場；

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

(d) 當一名議員發言時，其他議員須保持肅靜，且不得作不適當的插言。

43. 辯論規則對委員會的適用範圍

本部的規則適用於委員會的會議程序，但委員會主席另有命令者除外。

I 部

會議規程

44. 主席決定為最終決定

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

立法會 *Legislative Council*

立法會CB(2)2651/02-03號文件

檔 號：CB2/H/1

2003年6月27日內務委員會會議文件

立法會及委員會的會議規程

文件目的

麥國風議員於2003年6月18日致函內務委員會主席，投訴保安事務委員會主席劉江華議員在2003年6月17日司法及法律事務委員會和保安事務委員會聯席會議上濫用權力。

2. 由於麥國風議員在函件中提出議員在立法會及委員會會議中的規程問題，本文件詳細載列有關規則，供議員參閱。

2003年6月17日司法及法律事務委員會和保安事務委員會聯席會議

3. 麥國風議員在函件中所提述的會議為司法及法律事務委員會和保安事務委員會聯席會議，旨在討論團體及個人就實施《基本法》第二十三條的具體建議所提交意見的分類事宜。劉江華議員獲選主持該次會議。政府當局的代表包括保安局局長在內，亦有出席該次會議。

4. 該次聯席會議有關部分的逐字紀錄本載於附錄I。

有關規則

議員在事務委員會會議中的秩序

5. 《議事規則》第41(4)及(5)條規定 ——

“41. 發言內容

(4) 凡對立法會議員使用冒犯性及侮辱性言詞，即屬不合乎規程。

(5) 議員發言的內容不得意指另一議員有不正當動機。”

6. 謹請議員注意 ——

- (a) 根據《議事規則》第43條，《議事規則》H部規則第36至42條“適用於委員會的會議程序，但委員會主席另有命令者除外”；及
- (b) 《議事規則》第10(2)條規定，“官員就某事項列席會議時，就該事項而言，本議事規則對其適用，一如對立法會議員適用，但本議事規則第1條(宗教式或非宗教式宣誓)、第3條(主持立法會及全體委員會會議)、第8條(行政長官出席會議)、第17條(會議法定人數)、第20條(呈請書的提交)、J部(表決)及第71(2)及(8)條(財務委員會)除外：但官員就某事項列席會議時，本議事規則第39條(插言)的規定僅就該事項而言對其適用。”實際上，此條規則一向是《議事規則》適用於列席立法會及其委員會會議的官員的依據。

7. 《議事規則》第77(15)條規定 ——

“77. 事務委員會

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

8. 然而，由於並無任何具體規則，關乎在該次事務委員會聯席會議上當其時要處理的問題，故應由主席就所提出的規程問題作出決定，但須視乎該兩個事務委員會的大多數委員是否另有任何相反意見。

議員在立法會、常設委員會及專責委員會會議中的秩序

9. 至於議員在立法會、常設委員會及專責委員會會議中的秩序，《議事規則》第44及45條為相關條文。該兩條規則訂明 ——

“44. 主席決定為最終決定

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

45. 立法會及委員會會議中的秩序

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

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

10. 立法會的常設委員會指 ——

- (a) 財務委員會(《議事規則》第71(1)條)；
- (b) 政府帳目委員會(《議事規則》第72(1)條)；及
- (c) 議員個人利益監察委員會(《議事規則》第73(1)條)。

《議事規則》第71(1)、72(1)及73(1)條的詳情載於附錄II，方便議員參閱。

議事規則委員會研究把《議事規則》第44及45條的適用範圍擴及其他委員會

11. 謹請議員注意，議事規則委員會先前曾在1999年4月27日的會議上，研究應否把規則第44及45條的適用範圍擴大至立法會其他委員會，例如內務委員會、事務委員會、法案委員會及該等委員會轄下的小組委員會，因為該等其他委員會的主席或有必要在委員會會議上實施立法會的會議規程和維持秩序。

12. 考慮到海外立法機關的做法，加上現行安排一直運作良好，議事規則委員會決定無須把規則第44及45條的適用範圍擴大至立法會轄下其他委員會及該等委員會的小組委員會。

13. 議事規則委員會的決定詳載於2000年6月21日提交立法會的工作進度報告(1999年5月至2000年6月)內。該工作進度報告的有關摘錄載於附錄III。

議員意見

14. 謹請議員察悉本文件。

立法會秘書處
2003年6月25日

(逐字紀錄本由立法會秘書處擬備，只供議員參考用)
(The verbatim record is prepared by
the Legislative Council Secretariat for Members' reference only)

2003 年 6 月 17 日
司法及法律事務委員會和保安事務委員會聯席會議有關部分逐字紀錄本
Verbatim record of the relevant part of
the joint meeting of the Panel on Administration of
Justice and Legal Services and Panel on Security on 17 June 2003

劉江華議員： 麥國風議員。

麥國風議員： 今日就是 2003 年國王的新衣的最新版。局長做了兩個角色，做裁縫公司，又做騙子。偷天換日，完完全全將有些理據來蒙閉市民。數人頭又不夠人多，上街又不夠人多，我不知政府怎樣可以說相信市民大眾是支持立法，立法會裏面

陳鑑林議員： 主席，我想你應該要請局長先回應，因為他說局長是騙子。

保安局局長： 他這樣說，有冒犯性。他是不對的，主席。已經有議員「爆粗」，我已覺得很難聽，現在又要聽這樣的說話。

麥國風議員： 不是，是寓言，寓言而已。

劉江華議員： 你舉了手，我以為你是想回應。

保安局局長： 我想問主席你的裁決，有人說局長是騙子，算不算冒犯性。

麥國風議員： 只是寓言，我說是寓言，一個寓言。

劉江華議員： 好了，麥國風議員你讓我講，好嗎？

我相信大多數或全部議員都不希望在議會裏有任何冒犯性的字眼，這是議會裏不容許的。如果是形容任何人，不只是局長，任何人出席會議用騙子這兩個字，都是不適當的。麥國風議員請你收回這兩個字。

麥國風議員： 我所說的是個寓言

劉江華議員： 麥國風議員請你收回這兩個字。

麥國風議員： 如果不收回又怎樣？

劉江華議員： 那麼你不可以出席這個會議，對不起。

(麥國風議員離席)

節錄自《香港特別行政區立法會議事規則》

X X X X X X X X

71. 財務委員會

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

X X X X X X X X

72. 政府帳目委員會

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

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

X X X X X X X X

73. 議員個人利益監察委員會

(1) 立法會設有一個名為議員個人利益監察委員會的常設委員會，負責 ——

- (a) 研究議員個人利益登記冊的編製、備存、取覽等各項安排；
- (b) 考慮議員或其他人士就該登記冊的形式及內容提出的建議；

- (c) 考慮及調查與議員個人利益的登記及申報有關或就議員未有登記及申報其個人利益而作出的投訴；
- (d) 考慮關乎議員以其議員身份所作行為的道德標準事宜，並就該等事宜提供意見及發出指引；
- (e) 向立法會作出報告及建議，包括關於根據本議事規則第 85 條(與個人利益有關的處分)作出處分的建議。

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節錄自議事規則委員會1999年5月至2000年6月的工作進度報告

X X X X X X X X

擴大會議規程的適用範圍至各委員會

4.2 委員會察悉，有關在立法會及委員會會議過程中遵照會議規程行事和維持秩序的規則，載於《議事規則》I部(會議規程)，即規則第44條(主席決定為最終決定)及第45條(立法會及委員會會議中的秩序)。根據該等規則，立法會主席、全體委員會主席或任何常設或專責委員會主席：

- (a) 就立法會及委員會會議遵照會議規程行事負責，而其在會議規程問題上所作決定為最終決定(規則第44條)；
- (b) 如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，指示該議員不得繼續發言(規則第45(1)條)；及
- (c) 如議員行為極不檢點，命令其立即退席，不得繼續參與立法會或委員會的該次會議(規則第45(2)條)。

4.3 上述各項規則適用於立法會、全體委員會、常設委員會及專責委員會的會議，但不適用於立法會轄下其他委員會，例如內務委員會、議事規則委員會、法案委員會、事務委員會，以及該等委員會的小組委員會。由於該等委員會及小組委員會的主席或有必要在委員會會議上實施立法會的會議規程和維持秩序，委員會曾研究應否把現行會議規程的適用範圍擴大至該等委員會及小組委員會。

4.4 委員會察悉，在英國、澳洲、加拿大及美國的立法機關，委員會主席通常有權在會議上維持秩序和確保委員的行為得體，但委員可就主席的決定向委員會或下議院／眾議院提出上訴。然而，某議員須退席的決定一律由下議院／眾議院作出。

4.5 考慮到各海外立法機關的做法，加上現行安排一直運作良好，委員會認為無須把會議規程的適用範圍擴大至立法會轄下其他委員會及該等委員會的小組委員會。

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2003年6月27日內務委員會會議紀要的節錄

X X X X X X

VIII. 麥國風議員於 2003 年 6 月 18 日致內務委員會主席的 函件，投訴保安事務委員會主席劉江華議員在 2003 年 6 月 17 日舉行的司法及法律事務委員會和保安事務委員會聯席會議上濫用權力

(已於2003年6月19日隨立法會CB(2)2572/02-03號文件發出的麥國風議員於2003年6月18日致內務委員會主席的函件(只有中文本)亦隨附於後)(立法會CB(2)2651/02-03號文件)

103. 麥國風議員提述他於2003年6月18日致內務委員會主席的函件時表示，他對於2003年6月17日司法及法律事務委員會和保安事務委員會聯席會議主席劉江華議員要求他在該次會議退席的決定，感到受屈。麥議員認為他受到劉議員粗暴對待，而他希望其他議員會就劉議員處理該事件的手法還他一個公道。

104. 麥國風議員指出，據立法會秘書處擬備的文件所述，《議事規則》並無任何具體規則，關乎在該次事務委員會聯席會議上當其時要處理的問題。麥議員表示，他希望就擔任該次事務委員會聯席會議主席的劉江華議員是否有權命令他退席，以及若然有權，則權力基礎為何等問題，聽取其他議員的意見。麥議員又表示，鑒於有越來越多具爭議性的事宜在事務委員會會議上討論，實有需要澄清事務委員會主席可行使的權力及酌情權。

105. 劉江華議員表示，雖然議員對某事宜的意見或有不同，但按照立法會的慣例，議員在發表意見時，不會對其他議員及官員使用冒犯性及侮辱性言詞。劉議員告知議員，在2003年6月17日事務委員會聯席會議上，當麥國風議員指保安局局長是“騙子”時，保安局局長即就麥議員有否對她使用冒犯性言詞一事提出規程問題。由於他認為稱呼某人為“騙子”是非常嚴重的指控，故他曾試圖說服麥議員收回其言詞。麥議員隨後詢問，若他不收回其言詞會有何後果。劉議員表示，他當時答覆，麥議員便不能出席會議，而麥議員隨即離席。劉議員指出，事件的發展過程很自然，而出席會議的其他委員並無提出不同意見。

106. 劉江華議員表示，委員會會議的主席有責任維持會議的秩序、就規程問題作出裁決，以及維護立法會的尊嚴。劉議員認為，

主席扮演類似足球比賽中球證的角色，而他應有權在有需要時出示“黃牌”或“紅牌”，以維持秩序。劉議員補充，他並無濫用權力，亦無粗暴對待麥國風議員。他樂意聽取其他議員的意見。

107. 內務委員會主席表示，內務委員會不應就此次事件擔當仲裁人的角色。她表示，議員應集中討論在事務委員會會議上當有人提出有關使用侮辱性及冒犯性言詞的規程問題時，主席應採取甚麼行動。

108. 內務委員會主席請法律顧問向議員解釋有關的規則。法律顧問表示，為方便進行討論，立法會秘書處擬備了一份文件，詳細載述《議事規則》內有關立法會及委員會秩序的規則。法律顧問又表示，《議事規則》第41條訂明，“凡對立法會議員使用冒犯性及侮辱性言詞，即屬不合乎規程”。據他理解，委員會的慣例是禮貌對待出席其會議的所有人士。若主席已裁定某位委員對另一位委員使用的言詞具侮辱性或冒犯性，慣常的做法是由主席請該位委員收回有關言詞。不過，就《議事規則》而言，他證實當中並無明訂規則，訂明若某位議員拒絕收回主席請其收回的侮辱性或冒犯性言詞時，應依從的程序。法律顧問指出，《議事規則》第45條訂明，“如議員行為極不檢點，……任何常設或專責委員會主席即須命令其立即退席，不得繼續參與……該次會議”，但該條並不適用於事務委員會，因為事務委員會並非常設委員會。

109. 法律顧問解釋，雖然並無具體規則處理事務委員會秩序的事宜，但《議事規則》的精神是給予事務委員會及其他委員會行事彈性，確保委員會有秩序地處理其事務。就此，《議事規則》第77條規定，“事務委員會或其轄下小組委員會的行事方式及程序，由該事務委員會自行決定。在作出任何此等決定時，事務委員會須考慮根據本議事規則第75(8)條(內務委員會)提供的任何指引”。法律顧問表示，實際上，事務委員會在會議上未必凡事均可以表決方式作出決定。在此情況下，若有關事宜未為《議事規則》所涵蓋，將由主席作出決定，但要視乎事務委員會委員會否另有不同意見。

110. 譚耀宗議員表示，他沒有出席2003年6月17日的事務委員會聯席會議。不過，根據該次會議的逐字紀錄本，他並未得出麥國風議員曾被粗暴對待的印象。譚議員又表示，出席該次會議的其他委員似乎普遍覺得，對保安局局長使用“騙子”一詞是不恰當的。由於保安局局長在會議上提出規程問題，主席須就麥議員有否對她使用冒犯性或侮辱性言詞作出裁決。譚議員補充，若他是劉江華議員，他亦會作出相若決定。

111. 譚耀宗議員指出，劉江華議員只是要麥國風議員收回其言詞，然後才提出，若他拒絕這樣做，便不能出席會議。劉議員並沒有濫用權力，因為麥議員本人並沒有質疑劉議員的提議，而其他委員亦沒有對劉議員的提議提出不同意見。

112. 譚耀宗議員又表示，內務委員會不應就此事擔當“仲裁”角色。他在上次會議上已表示關注內務委員會不應成為事務委員會及其他委員會的“上訴委員會”。他認為，沒有出席該次聯席會議的議員難以評論此次事件。譚議員指出，《議事規則》規定，事務委員會的行事方式及程序由該事務委員會自行決定。譚議員補充，若議員認為《議事規則》應訂立具體條文，處理在事務委員會會議上委員的行為，便應請議事規則委員會研究此事。

113. 蔡素玉議員表示，作為會議主席的劉江華議員有權在該次會議上就規程問題作出決定。蔡議員指出，劉議員事實上並無命令麥國風議員退席，而是麥議員自行離席。蔡議員又表示，委員會主席須維持秩序，以確保會議可順利處理事務。她認為議員不應在立法會及委員會會議上使用冒犯性及侮辱性言詞。不過，由於沒有規則訂明如何處理曾使用冒犯性及侮辱性言詞，而又拒絕收回有關言詞或退席的議員的情況，故此事需作進一步研究。

114. 朱幼麟議員表示，立法會委員會會議是公開進行的。事務委員會主席實際上需要有權命令在會議上使用冒犯性及侮辱性言詞而又拒絕收回其言詞的議員退席，藉以維護立法會的形象。

115. 單仲偕議員表示，根據法律顧問給予的意見，《議事規則》似乎沒有賦予劉江華議員足夠權力，要求麥國風議員從2003年6月17日的會議退席。單議員又表示，雖然他同意議員應尊重其他議員及出席會議的人士，但有需要研究事務委員會主席是否有權以使用冒犯性或侮辱性言詞為理由，命令某位議員或團體代表從事務委員會會議退席。

116. 李卓人議員表示，只有當議員並無審慎及詳細地審議法案時，立法會的形象才會受損。李議員又表示，議員應有權選用他們希望使用的言詞；至於他們使用的言詞是否恰當，則由其選民來判斷。李議員補充，有需要界定《議事規則》第41條中“冒犯性及侮辱性言詞”的定義。他認為，若把某人形容為“騙子”是公道的評語，該言詞不應被視為冒犯性或侮辱性。

117. 李卓人議員指出，並無具體規則訂明事務委員會主席應如何處理2003年6月17日聯席會議所面對的情況。李議員又指出，出席聯席會議的委員並無獲請考慮當時主席應否使用“紅牌”。故此，他認為劉江華議員無權要求麥國風議員退席。李議員補充，由於劉議員濫用權力，麥議員理所當然感到受屈。

118. 李卓人議員表示，他個人認為，在任何情況下，會議主席均不應命令某位議員退席，因為這樣的權力容易被濫用，令委員會會議的討論受到窒礙。

119. 曾鈺成議員要求法律顧問澄清，若某位議員或官員在事務委員會會議上就有人對其使用冒犯性及侮辱性言詞一事提出規程問題，主席有何權力及責任。

120. 法律顧問表示，若在事務委員會會議上提出這樣的規程問題，便會由事務委員會主席決定是否有人對某位議員或官員使用冒犯性或侮辱性言詞。法律顧問解釋，《議事規則》並無具體條文，規定主席須採取的行動。不過，按照慣常做法，主席會要求有關議員收回其被裁定屬冒犯性或侮辱性的言詞。

121. 法律顧問又表示，事務委員會主席有責任確保會議在有秩序及有效率的情況下處理議程上的事項。若會議的討論被打斷，事務委員會主席有責任處理此情況。若沒有具體條文訂明應採取的行動，主席在採取行動前，通常應徵求出席會議的委員同意。若主席必須立即採取行動，主席可在採取行動後，在切實可行範圍內盡快尋求會議的確認。

122. 曾鈺成議員詢問，事務委員會主席是否有責任確保出席會議的委員遵守秩序。曾議員補充，事務委員會主席似乎是有責無權。

123. 法律顧問回應時表示，雖然並無具體規則訂明事務委員會主席的責任，但《議事規則》第43條規定，H部規則第36至42條“適用於委員會的會議程序，但委員會主席另有命令者除外”。法律顧問表示，在1999年，議事規則委員會曾研究應否把關於議員在立法會、常設委員會及專責委員會會議中的秩序事宜的規則第44及45條的適用範圍，擴大至立法會其他委員會，例如內務委員會、事務委員會、法案委員會及該等委員會轄下的小組委員會。議事規則委員會當時決定無須把規則第44及45條的適用範圍擴大至其他委員會。

124. 內務委員會主席表示，維持會議秩序是事務委員會主席的責任。雖然《議事規則》並無就事務委員會主席的權力訂定具體條文，但這並不表示事務委員會主席不能採取某些行動，若這些行動已獲得事務委員會同意的話。

125. 陳鑑林議員表示，劉江華議員並沒有濫用權力，或粗暴或不公平地對待麥國風議員。陳議員指出，出席會議的其他委員亦認為，使用“騙子”一詞形容保安局局長是不恰當的。

126. 陳鑑林議員又表示，議員在立法會及委員會會議上發言時，應小心選擇所用的言詞。陳議員補充，應請議事規則委員會研究應否在《議事規則》內，就事務委員會會議的秩序訂明具體規則。

127. 黃宏發議員表示，在立法會或委員會會議上對議員或官員使用例如“騙子”、“說謊者”或“白痴”等言詞是不恰當的。黃議員又表示，他在1996年擔任立法局主席時，曾在一次立法局會議上，以某位議員在立法局主席多次要求下，仍拒絕收回其冒犯性及侮辱性言詞構成極不檢點行為為理由，命令該位議員立即退席，不得繼續參與該次會議，這是對前立法局《會議常規》作出的大膽詮釋，而前《會議常規》的有關條文與《議事規則》第41及45條大致相同。

128. 黃宏發議員表示，委員會主席命令議員從會議退席是非常嚴重的事情。他指出，英國國會下議院議長並無這樣的權力。黃議員又表示，事務委員會及其他委員會應在運作方面獲給予彈性，故不應訂立過多規則。黃議員認為，若認為有需要在《議事規則》訂立關乎命令某位議員從事務委員會會議退席的條文，此項權力只應透過由事務委員會通過議案行使，而非由主席單獨行使。黃議員補充，若要編製冒犯性或侮辱性言詞的詞彙，議事規則委員會應請立法會主席提出其意見。

129. 張文光議員表示，他有出席該次事務委員會聯席會議，並且是其中一位認為麥國風議員對保安局局長使用“騙子”一詞並不恰當，而麥議員應收回其言詞的委員。張議員又表示，劉江華議員並沒有粗暴對待麥議員。他指出，劉江華議員所作的裁決由兩部分組成，即要求麥議員收回其言詞，而若他拒絕收回有關言詞，便須退席。張議員補充，他當時並不知悉有關立法會會議秩序的規則不適用於事務委員會，因而並不認為劉江華議員的裁決有問題。不過，事後回顧，現在看來即使其他委員當時對劉江華議員的裁決並無提出不同意見，劉議員可能無權命令麥國風議員退席。

130. 張文光議員表示，雖然議員應獲准在委員會會議上暢所欲言，但議員應避免使用冒犯性或侮辱性言詞。他同意議員或需考慮如何處理日後的類似情況。

131. 楊耀忠議員表示，麥國風議員在該次事務委員會聯席會議上稱保安局局長為“騙子”是不恰當的。雖然並無有關事務委員會會議秩序的具體條文，但他相信《議事規則》的精神是事務委員會主席應有權要求議員退席，以確保有關會議可順利進行。楊議員又表示，他不同意李卓人議員較早時的言論，即由選民決定某位議員有否對另一位議員或官員使用冒犯性言詞。楊議員指出，若在會議上提出規程問題，主席須即時就有關事項作出裁決，雖然這往往是很難作出的決定。

132. 田北俊議員表示，他並非該兩個事務委員會的委員，亦沒有出席2003年6月17日的聯席會議。他詫異地得悉事務委員會主席無權要求某位議員退席，以執行其就規程問題所作的決定。田議員又表示，事務委員會主席應有某些權力，以確保會議順利進行。他不認為事務委員會主席會濫用權力，因為他們是由事務委員會委員選出。田議員表示，屬於自由黨的議員認為，此事應由議事規則委員會作進一步研究。他傾向支持把規則第44及45條的適用範圍擴大至立法會所有委員會。

133. 葉國謙議員表示，最近有越來越多關於委員會會議秩序的事宜提出。葉議員又表示，《議事規則》並無具體條文，訂明事務委員會主席不能以某位議員拒絕收回其冒犯性或侮辱性的言詞為理由，要求該位議員離席。葉議員指出，規則第77(15)條為事務委員會提供自主權及彈性，而按照現行做法，事務委員會主席可就規程問題作出決定，但要視乎事務委員會的大多數委員是否另有不同意見。葉議員同意，應請議事規則委員會考慮應否在《議事規則》內訂明有關事務委員會會議秩序的規則。

134. 梁富華議員表示，部分議員可能基於事後會獲得傳媒報道而享受被要求退席，而某些議員則是故意從會議退席，因為他們反正就想離開。梁議員又表示，若麥國風議員確信他有權留下來，他大可選擇不退席。梁議員認為，由於麥議員當時並無對劉江華議員的決定提出爭議，他沒有理據在事後作出投訴。

135. 司徒華議員不同意葉國謙議員的說法，即事務委員會主席有權命令某位議員退席，理由是《議事規則》內並無具體規則禁止作出這樣的做法。司徒議員指出，根據《議事規則》，只有專責委員會及常設委員會的主席獲給予如此權力，但事務委員會主席並無此

權力。司徒議員又表示，只有麥國風議員才有權說出他有何感受，而麥議員的感受是他被劉江華議員粗暴對待。司徒議員提及黃宏發議員於1996年作出的裁決時表示，他個人並不同意有關議員在該事件中曾使用冒犯性或侮辱性的言詞。

136. 李鳳英議員表示，據立法會秘書處的文件第7及8段所述，事務委員會主席有責任及權力就關乎《議事規則》第41(4)及(5)條提出的規程問題作出決定，但有關規則對主席執行該規則的權力範圍並不清晰。李議員指出，公務員及資助機構員工事務委員會部分委員在最近一次會議上，曾對事務委員會主席就可在“其他事項”下討論的事宜類別所作的決定表示不滿。李議員認為應訂立具體規則，方便事務委員會主席順利及有效率地進行會議。她同意此事應交由議事規則委員會討論。

137. 余若薇議員要求法律顧問澄清，《議事規則》第45(2)條所指的極不檢點行為，是否包括規則第41條第(4)及(5)款分別涵蓋的使用冒犯性或侮辱性言詞及意指另一位議員有不正當動機的情況。余議員亦詢問，該兩項條款是否適用於出席立法會委員會會議的官員。

138. 法律顧問解釋，《議事規則》沒有界定甚麼會構成極不檢點的行為。違反規則第41(4)及(5)條的行為，本身不一定構成規則第45(2)條所指的極不檢點行為。法律顧問提述黃宏發議員對他在1996年擔任立法局主席時所作裁決的解釋時表示，黃議員當時裁定，由於有關議員在立法局主席一再要求下，仍拒絕收回他已被裁定為屬冒犯性及侮辱性的言詞，故該議員的行為屬極不檢點。

139. 法律顧問又表示，一如有關文件第6(a)段解釋，規則第10(2)條一向是《議事規則》適用於列席立法會及其委員會會議的官員的依據。

140. 蔡素玉議員表示，張文光議員的言論很公道。然而，她不同意李卓人議員所說若議員相信他是作出公道的評論，便可使用冒犯性或侮辱性的言詞。蔡議員又表示，部分議員可能習慣對其他人使用冒犯性或侮辱性言詞。她認為該等議員不應對自己寬容，但對別人嚴苛。

141. 李卓人議員重申，若稱某人為“騙子”是公道的評語，那便沒有冒犯性或侮辱性。他澄清，他並非說不應就使用冒犯性或侮辱性言詞訂立規則，而《議事規則》已對此方面有所規定。

142. 內務委員會主席總結討論時表示，會議主席有責任確保會議得以順利進行，而問題在於事務委員會主席是否有權命令某位議員退席。內務委員會主席指出，主席命令某位議員退席的決定後果非常嚴重。然而，在該次聯席會議上發生的情況是，麥國風議員未有挑戰劉江華議員請他退席的意見，而在席的委員亦無就此提出反對。

143. 內務委員會主席強調，內務委員會不應在事務委員會或其他委員會的事務上擔當“仲裁”角色。內務委員會進行的討論，目的是讓議員就日後應如何處理類似的情況交換意見。內務委員會主席表示，雖然議事規則委員會在1999年決定，無需把規則第44及45條的適用範圍擴大至其他委員會，但有關規則須因應經驗加以檢討，而麥國風議員的情況提供了一個有參考作用的事例，可供議事規則委員會在檢討有關規則時加以考慮。內務委員會主席引述另一例子，提到她曾在一次立法會會議上提出規程問題，指劉慧卿議員曾對其他議員使用冒犯性及侮辱性言詞。雖然立法會主席已命令劉議員收回其言論，但劉議員拒絕這樣做。在這次事件中，立法會主席並沒有命令劉議員退席，但告知立法會她已就劉議員的不當行為正式譴責她。

144. 內務委員會主席建議請議事規則委員會研究，是否需要明示授權事務委員會主席可處理在事務委員會會議上使用冒犯性或侮辱性言詞的議員；以及有關立法會、常設委員會及專責委員會會議秩序的《議事規則》第44及45條的適用範圍，應否擴大至事務委員會。議員表示贊同。

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立法會秘書處
議會事務部2
2003年8月12日

立法會 *Legislative Council*

立法會CROP 31/03-04號文件

檔 號：CB(3)/CROP/3/21

2004年4月23日
內務委員會會議文件

議事規則委員會

把會議規程的適用範圍擴展至委員會

目的

本文件旨在告知內務委員會，議事規則委員會對於應否把《議事規則》I部(會議規程)的適用範圍擴展至立法會所有委員會一事的意見。

背景

2. 內務委員會曾在2003年6月27日的會議上，考慮一位議員的投訴，該宗投訴是針對在保安事務委員會與司法及法律事務委員會於2003年6月17日舉行的聯席會議上，保安事務委員會主席對一項規程問題的處理手法。在該次事務委員會聯席會議上，保安局局長就該議員指她是“騙子”有否對她使用冒犯性言詞一事，提出規程問題。

3. 內務委員會決定邀請議事規則委員會研究是否需要明示授權事務委員會主席，處理在事務委員會會議上有議員被指使用冒犯性或侮辱性言詞的情況，以及有關立法會、常設委員會及專責委員會會議秩序的《議事規則》I部的適用範圍，應否擴展至事務委員會。

有關規則

4. 《議事規則》H部(發言規則)第41(4)及(5)條訂明：

“41. 發言內容

(4) 凡對立法會議員使用冒犯性及侮辱性言詞，即屬不合乎規程。

(5) 議員發言的內容不得意指另一議員有不正當動機。”

5. 規則第43條訂明，規則第36至42條“適用於委員會的會議程序，但委員會主席另有命令者除外”。憑藉規則第10(2)條，該等規則對列席立法會及其委員會會議的官員適用，一如對立法會議員適用。

6. 有關在立法會、全體委員會、常設或專責委員會會議過程中遵照會議規程行事和維持秩序的規則，載於《議事規則》I部(會議規程)，即規則第44條(主席決定為最終決定)及第45條(立法會及委員會會議中的秩序)。根據該等規則，立法會主席、全體委員會主席或任何常設或專責委員會主席：

- (a) 就立法會及委員會會議遵照會議規程行事負責，而其在會議規程問題上所作決定為最終決定(規則第44條)；
- (b) 如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言(規則第45(1)條)；及
- (c) 如議員行為極不檢點，命令其立即退席，不得繼續參與立法會或委員會的該次會議(規則第45(2)條)。

7. 規則第44及45條的適用範圍不包括立法會轄下其他委員會，例如內務委員會、議事規則委員會、法案委員會、事務委員會，以及該等委員會的小組委員會。《議事規則》訂明，該等委員會的行事方式及程序，由各委員會自行決定。

議事規則委員會過往研究把規則第44及45條的適用範圍擴展至其他委員會的情況

8. 議事規則委員會曾在1999年4月研究應否把規則第44及45條的適用範圍擴展至立法會轄下其他委員會，例如內務委員會、議事規則委員會、法案委員會、事務委員會，以及該等委員會的小組委員會，因為上述其他委員會的主席可能亦有需要在委員會會議上，實施立法會的會議規程和維持秩序。

9. 當時，議事規則委員會得悉，在英國、澳洲、加拿大及美國的立法機關，委員會主席一般擁有維持會議秩序和確保委員行為得體的權力，但委員可針對主席的決定，向有關委員會或下議院／眾議院提出上訴。然而，關於議員須退席一事，則一律由下議院／眾議院作出決定。

10. 考慮到海外立法機關的做法，以及在當時的委員會會議安排看來一直行之有效的情況下，議事規則委員會決定，規則第44及45條的適用範圍無須擴展至立法會其他委員會及該等委員會轄下的小組委員會。

議事規則委員會現時的意見

11. 應內務委員會之請，議事規則委員會在2004年3月再次研究有關事項。經討論後，議事規則委員會認為，與規則第44及45條適用的立法會、全體委員會、常設或專責委員會會議過程不同，立法會其他委員會的會議在性質上屬於工作會議。該等委員會的主席目前獲賦予的權力，足以使他們能處理在會議上出現的爭議。舉例而言，要處理有議員被指使用冒犯性或侮辱性言詞的情況，有關的委員會主席可將會議暫停，讓爭議和緩平息，而主席亦可提醒有關議員其言論並不恰當。因此，上述兩項條文的適用範圍無須擴展至立法會其他委員會及該等委員會轄下的小組委員會。

12. 議事規則委員會察悉，為協助委員會主席主持會議，秘書處將會擬備一份主席指南，當中的內容包括為主席提供指引，處理議員在會議上的發言或行為所引起的爭議。

徵詢意見

13. 謹請議員察悉議事規則委員會的意見，就是沒有需要把《議事規則》I部(會議規程)的適用範圍擴展至立法會所有委員會。

立法會秘書處
2004年4月20日

2004年4月23日內務委員會會議紀要的節錄

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VIII. 議事規則委員會提交的文件

(b) 把會議規程的適用範圍擴展至委員會

(立法會CROP31/03-04號文件)

32. 議事規則委員會主席曾鈺成議員表示，應內務委員會的要求，議事規則委員會曾研究是否需要明示授權事務委員會主席，處理在事務委員會會議上有議員被指使用冒犯性或侮辱性言詞的情況，以及有關立法會、常設委員會及專責委員會會議秩序的《議事規則》I部的適用範圍，應否擴展至其他委員會。

33. 曾鈺成議員告知議員，議事規則委員會經研究後認為，立法會其他委員會的會議在性質上屬於工作會議。該等委員會的主席目前獲賦予的權力，足以使他們能處理在會議上出現的爭議。因此，《議事規則》第44及45條的適用範圍無須擴展至立法會其他委員會及該等委員會轄下的小組委員會。

34. 曾鈺成議員表示，立法會秘書處將會擬備一份主席指南，協助委員會主席主持會議，當中的內容包括處理議員在會議上的發言或行為所引起的爭議。

35. 議員察悉有關文件第11段所載議事規則委員會的意見。

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立法會秘書處
議會事務部2
2004年4月28日

香港特別行政區立法會議事規則委員會
2003年7月至2004年6月的工作進度報告的節錄

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3. 檢討立法會轄下委員會的程序和工作機制

把會議規程的適用範圍擴展至委員會

3.15 議事規則委員會曾研究是否需要明示授權事務委員會主席，處理在事務委員會會議上有議員被指使用冒犯性或侮辱性言詞的情況，以及有關立法會、常設委員會及專責委員會會議秩序的《議事規則》I部的適用範圍，應否擴展至事務委員會。

議事規則委員會過往研究把《議事規則》第44及45條的適用範圍擴展至其他委員會的情況

3.16 議事規則委員會曾在1999年4月研究應否把規則第44條(主席決定為最終決定)及第45條(立法會及委員會會議中的秩序)的適用範圍擴展至立法會轄下其他委員會，例如內務委員會、議事規則委員會、法案委員會、事務委員會，以及該等委員會的小組委員會，因為上述其他委員會的主席可能亦有需要在委員會會議上，實施立法會的會議規程和維持秩序。

3.17 當時，議事規則委員會得悉，在英國、澳洲、加拿大及美國的立法機關，委員會主席一般擁有維持會議秩序和確保委員行為得體的權力，但委員可針對主席的決定，向有關委員會或下議院／眾議院提出上訴。然而，關於議員須退席一事，則一律由下議院／眾議院作出決定。

3.18 考慮到海外立法機關的做法，以及在當時的委員會會議安排看來一直行之有效的情況下，議事規則委員會決定，規則第44及45條的適用範圍無須擴展至立法會其他委員會及該等委員會轄下的小組委員會。

議事規則委員會現時的意見

3.19 應內務委員會之請，議事規則委員會在2004年3月再次研究有關事項。議事規則委員會認為，與規則第44及45條適用的立法會、全體委員會、常設或專責委員會會議過程不同，立法會其他委員會的會議在性質上屬於工作會議。該等委員會的主席目前獲賦予的權力，足以使他們能處理在會議上出現的爭議。例而言，要處理有議員被指使用冒犯性或侮辱性言詞的情況，有關的委員會主席可將會議暫停，讓爭議和緩平息，而主席亦可提醒有關議員其言論並不恰當。因此，上述兩項條文的適用範圍無須擴展至立法會其他委員會及該等委員會轄下的小組委員會。

3.20 議事規則委員會亦察悉，為協助委員會主席主持會議，秘書處將會擬備一份主席指南，當中的內容包括為主席提供指引，處理議員在會議上的發言或行為所引起的爭議。

3.21 內務委員會在2004年4月23日的會議上察悉議事規則委員會的意見，就是沒有需要把《議事規則》I部(會議規程)的適用範圍擴展至立法會所有委員會

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議事規則委員會

在 2003 至 2004 年度立法會會期內
研究的事項一覽表

(截至 2004 年 6 月 30 日的情況)

X X X X X X

項目	事項	參考資料	進展／備註
7	把會議規程的適用範圍擴展至委員會	《議事規則》第 I 部(會議規程)	內務委員會在 2004 年 4 月 23 日的會議上察悉議事規則委員會的意見，就是沒有需要把《議事規則》I 部(會議規程)的適用範圍擴展至立法會所有委員會。

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立法會秘書處

2004 年 6 月 30 日

2004 年 7 月 7 日立法會會議過程正式紀錄的節錄

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提交文件

下列文件是根據《議事規則》第 21(2)條的規定提交：

《香港特別行政區立法會議事規則委員會 2003 年 7 月至
2004 年 6 月的工作進度報告》

X X X X X X

立法會 *Legislative Council*

立法會CROP 22/10-11號文件

檔 號：CB(3)/CROP/3/66

2011年4月15日內務委員會會議文件

議事規則委員會

對《議事規則》第44及45條的修訂建議

目的

本文件旨在徵詢內務委員會對下述建議的意見：修訂《議事規則》第44及45條，將該兩條規則的適用範圍延伸至立法會的所有委員會。

背景

2. 《議事規則》第44及45條是指立法會主席或任何常設委員會¹或專責委員會的主席在規程問題上所作的決定為最終決定，以及他們有權命令不斷提出無關的事宜或冗贅煩厭地重提某論點的議員不得繼續發言，並命令行為極不檢點的議員立即退席。該兩條規則的文本載於**附錄I**。

3. 根據現行的《議事規則》，立法會其他委員會(如事務委員會、法案委員會及小組委員會)的主席沒有《議事規則》第44及45條所賦予的權力，不能命令行為不檢的議員退席。然而，在委員會上處理議員的行為或規程問題時，有關的主席可採用下述其中一項或多項做法，該等做法已分別納入《事務委員會主席手冊》、《法案委員會主席手冊》及《附屬法例／其他文書小組委員會主席手冊》之內：

(a) 提醒有關議員其行為不適當；

(b) 勸諭有關議員不要繼續作出這種引起爭議的行為；

¹ 現時有3個常設委員會，分別為財務委員會、議員個人利益監察委員會及政府帳目委員會。

(c) 如有需要，可將會議暫停，讓爭議和緩平息；及／或

(d) 就如何處理有關爭議徵詢委員會的意見。

4. 議事規則委員會曾於1999年及2004年探討應否將《議事規則》第44及45條延伸至立法會其他委員會的問題。該兩次檢討的結論均認為無須將該等規則延伸至其他委員會，因為該等委員會的主席獲賦予的權力，足以使他們能處理在會議上出現的爭議。其後在2009年，因應將該兩條規則延伸至其他委員會的建議，議事規則委員會曾向議員進行諮詢。諮詢結果顯示，議員對將該兩條規則延伸至其他委員會的建議有不同意見。議事規則委員會同意暫時不處理該項事宜。

最新發展

5. 最近在委員會會議進行期間發生數宗涉及部分議員行為不檢的事件後，應立法會主席的要求，委員在2011年3月29日的議事規則委員會會議上討論委員會會議中的秩序事宜。議事規則委員會大部分委員認為，鑒於議員在委員會會議中行為不檢的情況越來越頻密，現時就議員在委員會會議中行為不檢所採取的處理方法，再不能確保委員會暢順運作。

6. 然而，議事規則委員會副主席吳靄儀議員認為，若《議事規則》第44及45條現時並不涵蓋的委員會的主席獲賦權以行為不檢為理由命令議員退席，可能會導致更多衝突或對抗，而這情況將不利於該等委員會的暢順運作。

7. 議事規則委員會認為，如主席已作警告而議員繼續作出不檢點行為，有關的主席雖可暫停會議，但暫停會議對委員會的工作造成極大干擾。會議恢復進行後，若有關議員繼續作出不檢點的行為，主席可能別無他選而需再次暫停會議，讓該名議員冷靜下來。議事規則委員會同意，應將《議事規則》第44及45條延伸至涵蓋立法會其他委員會。

對《議事規則》第44及45條的修訂建議

8. 對《議事規則》第44及45條的中、英文文本提出的修訂建議載於**附錄II**。

徵詢意見

9. 謹請內務委員會委員就上文第8段所述的修訂建議表達意見。

10. 視乎內務委員會委員有何意見，議事規則委員會主席譚耀宗議員將於2011年5月11日的立法會會議上動議議案，按照建議對《議事規則》作出修訂。

立法會秘書處
議會事務部3
2011年4月13日

立法會議事規則第 I 部
會議規程

Part I of the Rules of Procedure of the Legislative Council
Rules of Order

44. 主席決定為最終決定

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

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. 立法會及委員會會議中的秩序

- (1) 立法會主席、全體委員會主席或任何常設或專責委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。
- (2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何常設或專責委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議；立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

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.

立法會議事規則第 I 部
會議規程

Part I of the Rules of Procedure of the Legislative Council
Rules of Order

44. 主席決定為最終決定

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

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

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- (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.

2011年4月15日內務委員會會議紀要的節錄

X X X X X X

VIII. 議事規則委員會提交的文件

對《議事規則》第44及45條的修訂建議

(立法會CROP22/10-11號文件)

52. 議事規則委員會主席譚耀宗議員表示，該文件旨在徵詢議員對下述建議的意見：修訂《議事規則》第44及45條，將該兩條規則的適用範圍延伸至立法會的所有委員會。他解釋，根據現行的《議事規則》，只有立法會主席或任何常設委員會或專責委員會的主席才可行使《議事規則》第44及45條所賦予的權力。他請議員參閱該文件，以瞭解修訂建議的詳情，並在補充時表示，視乎議員的意見，他會以議事規則委員會主席的身份，在2011年5月11日的立法會會議上動議議案，按照建議對《議事規則》作出修訂。

53. 內務委員會主席請議員就議事規則委員會的建議表達意見。

54. 李卓人議員憶述，議事規則委員會的討論主要集中於應否將有關行為不檢的《議事規則》第45(2)條的適用範圍延伸至其他委員會。至於《議事規則》第45(1)條有關委員會主席有權命令不斷提出無關的事宜或冗贅煩厭地重提某論點的議員不得繼續發言的規定，則並未作出深入討論。他指出，由於不少委員會已將每名委員的發言時限定為5分鐘，他因此認為無需將《議事規則》第45(1)條的適用範圍延伸至其他委員會。他詢問，可否另行處理對《議事規則》第45(1)條提出的修訂建議。

55. 吳靄儀議員表示，在議事規則委員會會議上進行討論時，她基於多個原因而反對有關修訂建議。她指出，在其他普通法司法管轄區(例如英國)，議會議長有權命令某名議員立即退席，以及將某名議員點名及暫停職務，但這些權力並沒有延伸至委員會主席。她闡述，英國國

會有兩類委員會，其一是以辯論形式進行會議及大致上依循下議院議事程序的委員會(包括全體委員會及常設委員會)，另一類是透過取證、進行商議及向下議院匯報所得結果進行工作的委員會(例如與立法會事務委員會類似的專責委員會)。只有前一類委員會的主席才有權命令某名議員立即退席。她反對修訂建議，因為有關建議旨在消除該兩類委員會之間的區別。她又認為，基於不應對地位對等者行使權限的原則，不宜將命令議員退席的權力延伸至其他委員會的主席。除了原則問題外，她又預期事務委員會主席在行使命令議員退席的權力時會有實際困難。依她之見，修訂建議不能達到遏止議員不檢行為的目的，反而只會導致議員之間更多衝突及對抗。基於上述考慮因素，她反對就《議事規則》提出的修訂建議。

56. 梁國雄議員指出，與立法會主席不同，事務委員會的主席並不中立。他關注到，事務委員會主席可能會利用《議事規則》第44及45條所賦予的權力，命令某些與其意見相左的議員退席。他認為不宜將《議事規則》第44及45條的權力延伸至立法會所有委員會。

57. 何俊仁議員表示，有關建議旨在將《議事規則》第44及45條的適用範圍延伸至立法會其他委員會，使該等委員會獲賦予與財務委員會及專責委員會相同的權力。他認為，將《議事規則》第45(2)條延伸至其他委員會的建議所涉範圍狹窄，因為有關建議旨在賦權其他委員會的主席，只可基於行為不檢而命令某名議員退席，而且只會在盡用其他方法無效後，最後才行使此項權力。從體制角度而言，考慮到其他委員會所擔當的重要角色及職能，例如就備受公眾廣泛關注的議題進行討論及聽取公眾意見，他認為沒有理由反對就《議事規則》第45(2)條提出的修訂建議。他同意李卓人議員的意見，認為議事規則委員會就《議事規則》第45(1)條進行的討論不多，並認為無需將該項規則延伸至其他委員會。

58. 謝偉俊議員要求澄清，程序上是否要先獲得內務委員會通過，立法會才可考慮修訂建議。若情況並非如此，他認為無需在內務委員會會議上討論修訂建議的優劣。

59. 內務委員會主席表示，議事規則委員會文件的目的是徵詢議員對《議事規則》第44及45條的修訂建議的意見。

60. 葉國謙議員表示，議員可在有關的立法會會議上就修訂建議進行辯論時表達意見。

61. 譚耀宗議員表示，議事規則委員會曾於1999年及2004年探討應否將《議事規則》第44及45條延伸至立法會其他委員會的問題。因應最近的發展，議事規則委員會在2011年3月29日的會議上再次討論此事。議事規則委員會在決定建議將《議事規則》第44及45條延伸至其他委員會時，已考慮委員表達的不同意見，包括吳靄儀議員的意見。他補充，議員可在2011年5月11日的立法會會議上，就修訂建議的優劣表達意見，並對修訂建議進行表決。

62. 內務委員會主席總結討論時表示，在考慮按照建議動議議案以修訂《議事規則》時，會參考議員所表達的意見。

X X X X X X

立法會秘書處
議會事務部2
2011年5月4日

2011年5月6日內務委員會會議紀要的節錄

X X X X X X

IV. 將於2011年5月11日立法會會議席上處理的事項

(e) 議員議案

(ii) 譚耀宗議員根據《中華人民共和國香港特別行政區基本法》第七十五條動議的兩項擬議決議案

(決議案措辭已於2011年4月26日隨立法會CB(3)689/10-11號文件發出。)

23. 內務委員會主席表示，議員在上次內務委員會會議上察悉議事規則委員會就《議事規則》第44及45條提出的修訂建議，以便將該兩條規則的適用範圍延伸至立法會的所有委員會。議事規則委員會主席譚耀宗議員將在立法會會議上動議兩項擬議決議案，按照建議對《議事規則》作出修訂。

X X X X X X

立法會秘書處
議會事務部2
2011年5月12日

立法會 *Legislative Council*

立法會 CB(3) 689/10-11號文件

檔 號： CB(3)/M/MR
電 話： 2869 9205
日 期： 2011年4月26日
發文者： 立法會秘書
受文者： 立法會全體議員

2011年5月11日
立法會會議

根據《中華人民共和國香港特別行政區基本法》 第七十五條動議的擬議決議案

譚耀宗議員已作出預告，表示會在2011年5月11日的立法會會議上，根據《中華人民共和國香港特別行政區基本法》第七十五條動議兩項擬議決議案(附錄I及II)，以修訂《議事規則》。立法會主席已指示應按所交來的原有措辭印載在立法會議程上。

2. 按照立法會主席的指示，本會會就兩項擬議決議案進行**合併辯論**。在議員就兩項擬議決議案發言後，立法會主席會先將**附錄I**的決議案付諸表決。在附錄I的決議案進行表決後，不論該決議案是否獲得通過，立法會主席繼而會將**附錄II**的決議案付諸表決。

立法會秘書

(林鄭寶玲女士代行)

連附件

《中華人民共和國香港特別行政區基本法》

決議

(根據《中華人民共和國香港特別行政區基本法》第七十五條)

《香港特別行政區立法會議事規則》

議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

對《香港特別行政區立法會議事規則》的修訂

1. 修訂第 44 條(主席決定為最終決定)

第 44 條—

廢除

“常設或專責”。

2. 修訂第 45 條(立法會及委員會會議中的秩序)

第 45(2)條—

(a) **廢除**

“常設或專責”；

(b) 英文文本—

廢除

“clerks of any committees”

代以

“clerk of any committee”。

《中華人民共和國香港特別行政區基本法》

決議

(根據《中華人民共和國香港特別行政區基本法》第七十五條)

《香港特別行政區立法會議事規則》

議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

對《香港特別行政區立法會議事規則》的修訂

1. 修訂第 45 條(立法會及委員會會議中的秩序)

第 45(1)條—

廢除

“常設或專責”。

2011年5月11日立法會會議過程正式紀錄的節錄

X X X X X X

根據《中華人民共和國香港特別行政區基本法》第七十五條動議的擬議決議案

譚耀宗議員：代理主席，我謹以議事規則委員會主席的身份，動議通過關於修訂《香港特別行政區立法會議事規則》（“《議事規則》”）的第一項擬議決議案。

《議事規則》第44條訂明，立法會主席或任何常設委員會或專責委員會的主席在規程問題上所作的決定為最終決定。《議事規則》第45條進一步訂明，立法會主席或任何常設委員會或專責委員會的主席，有權命令不斷提出無關的事宜或冗贅煩厭地重提某論點的議員不得繼續發言，並命令行為極不檢點的議員立即退席。

大部分議事規則委員會委員認為，鑒於議員在委員會會議中行為不檢的情況越來越頻密，現時立法會其他委員會(如事務委員會、法案委員會及小組委員會)的主席，只可就議員在委員會會議中行為不檢採用下述其中一項或多項做法，包括勸諭有關議員不要繼續作出這種引起爭議的行為，以及可將會議暫停，讓爭議和緩平息。但是，這些做法再不能確保委員會暢順運作。大部分議事規則委員會委員認為，雖然有關的主席可暫停會議，但暫停會議對委員會的工作造成極大干擾。會議恢復進行後，如果有關議員繼續作出不檢點的行為，主席可能別無他選而需要再次暫停會議，讓該名議員冷靜下來。他們認為《議事規則》第44及45條的適用範圍，應該延伸至立法會的所有委員會。議事規則委員會副主席吳靄儀議員則認為這種做法，可能導致更多衝突或對抗，這將不利於該等委員會的暢順運作。

議事規則委員會建議修訂《議事規則》第44及45條，以將該兩條規則的適用範圍延伸至立法會的所有委員會。內務委員會於2011年4月15日的會議上，曾就有關議題進行討論。在會議上，議員就應否一併修改《議事規則》第45(1)及45(2)條表達了不同意見。第45(1)條訂明，立法會主席或任何常設委員會或專責委員會的主席有權命令不斷提出無關的事宜或冗贅煩厭地重提某論點的議員不得繼續發言。第45(2)條則訂明，如議員行為極不檢點，立法會主席或任何常設委員會或專責委員會的主席有權命令該議員立即退席，不得繼續參與立法會或委員會的該次會議。

這項擬議的決議案旨在修訂《議事規則》第44及45(2)條，把第44及45(2)條的適用範圍應延伸至立法會的所有委員會。第二項擬議的決議案旨在修訂《議事規則》第45(1)條，把第45(1)條的適用範圍應延伸至立法會的所有委員會。

以下是我對擬議決議案的一些意見。

代理主席，這一屆立法會總共發生了28次議員作出不檢行為的事件，包括在會議上擲香蕉、“掃檯”、拋擲各種物件、破壞議會秩序，或是用一些冒犯性或侮辱性的言論及言詞來攻擊公職人員等。單是今年首3個月，已發了4次投擲物件事件。立法會整體的公眾形象，因而受到拖累，立法會的正常工作亦受到妨礙。此外，亦影響行政立法關係，因為每次有議員在立法會內衝擊政府官員，政務司司長都會致函給立法會主席，希望立法會主席採取行動，而立法會主席會把這些信件轉交我，而我身為議事規則委員會主席，要跟進的這類信件多達7至8封。

面對這些變化，公眾普遍有一種看法，認為應該收緊立法會《議事規則》。過去數年，議事規則委員會亦曾經進行過4輪探討，並因而舉行了多次會議並徵詢議員意見。但是，結果大家有目共睹，雖然有不少議員要求收緊，但也有部分議員不為所動。在今年3月2日立法會就針對行政長官及公職人員的暴力行為的休會待續議案辯論中，大家都清晰看到，有些主要黨派認為現時的《議事規則》沒有甚麼問題，不需要作出修改，或認為條文已經作出足夠規定；亦有一些議員認為暴力行為只是擾攘數分鐘，任由他擾攘一會兒，大家忍耐一下便算了。有的甚至很風趣地表示，有時候做一些行為，有可能達到提神作用，並認為沒有甚麼大不了。

議事規則委員會研究過很多其他立法機關，當它們的成員屢次或不斷出現一些不檢點行為的時候，有甚麼規管、有甚麼做法。我們看到澳洲、英國或我們鄰近地區的台灣，立法機關可以向屢次違規的議員施加停職期。澳洲國會的停職期由24小時至3次會議，以至7次會議不等。英國國會方面，如果議員是首次及第二次違規，停職期則是5個會議日或20個會議日，及後再違規，停職期便由議會決定，甚至可以是整個會期餘下的時間。至於台灣方面的立法委員，則可以被停職4至8次議會會議或3至6個月。在英國和台灣，被停職的議員在停職期間會被暫停薪酬。

對於規限議員攜帶危險物件或表演道具或妨礙他人的標語方

面，台灣的立法院明文禁止攜帶危險物品進入議事廳。英國、澳洲、新西蘭及加拿大，則以議長的裁決所建立的慣例來作出限制。這些立法機關一律不准使用對於其他議員構成不便，或妨礙會議進行的輔助工具。

然而，較諸這些國家和地區在議會的有關規定，香港立法會在這方面沒有甚麼直接限制。議員即使不聽從主席的指示，因行為極為不檢點而被逐出會議廳，亦沒有進一步的懲處。

我剛才提到會把今天由我所提出的決議案分為兩部分，原因是有些議員對於將第45(1)條延伸至所有委員會有所保留。這項修訂其實只是賦權給其他委員會的主席，可以命令不斷提出無關事項或煩厭地重複論點的議員退席。他們擔心主席的權力太大，影響到委員發言的自由。但是，我認為這種擔心是有點過慮。發言內容跟議程是否無關、論點是否重複，完全是客觀的問題，每個有基本理解能力的人都可以得出相同的結論。所以，並不存在執行上的困難。何況多年來立法會主席的親身示範，亦提供了充足的範例。況且，重複發言或離題的議員只要言歸正傳，便可以繼續發言。所以，相比起第45(2)條的退席令，第45(1)條的要求，我認為根本很合乎情理。

所以，我認為如果大多數議員都支持修訂第45(2)條，我亦希望他們能夠同樣支持修訂第45(1)條。

本人謹此陳辭，希望大家能夠支持這兩項決議案。

多謝代理主席。

譚耀宗議員動議的議案如下：

“議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

對《香港特別行政區立法會議事規則》的修訂

1. 修訂第44條(主席決定為最終決定)
第44條 —
廢除
“常設或專責”。

2. 修訂第45條(立法會及委員會會議中的秩序)

第45(2)條 —

(a) 廢除

“常設或專責”；

(b) 英文文本 —

廢除

“clerks of any committees”

代以

“clerk of any committee”。”

代理主席：我現在向各位提出的待議議題是：譚耀宗議員動議的第一項議案，予以通過。

吳靄儀議員(譯文)：代理主席，這項決議案及下一項決議案的擬議修正案看似不太重要，但兩項決議案實質上甚為重要，涉及《議事規則》的根本原則及本會的運作方式。

首先，讓我開宗明義表明，我們有必要確保本會會議過程秩序井然，議員舉止行為恰當，這樣立法會才能正常運作，才能令香港特別行政區立法機關對市民有公信力。

一如其他議員及市民，我關注到管制行為舉止的規則一再受到挑戰。在多次會議上，主席的命令遭到蔑視和反抗，結果只能不體面地動用武力才得以執行，對此我深感不安。我並不擔心這些行徑為兒童豎立壞榜樣，但更嚴重的是，這是一個關乎邏輯和義務的問題。如果主席不能保證我們可在會議廳內安全通行，我們怎可合理地要求任何官員或市民出席立法會會議呢？

同樣地，我也明白，有議員屢次違規，但顯然獲豁免不受懲處，公眾因而不斷施壓，要求“收緊”規則以遏止這種行為。

問題清晰不過，但修訂《議事規則》是否就可以解決問題？我認為不可以。第一，我們應該區別規則的執行。最為人所知的不檢行為都在立法會會議進行期間發生。今天擬議的修正案與立法會會議無關。在現有規則下，立法會主席已獲賦予權力；問題是如何能更有效及迅速地應用及執行《議事規則》。立法會行政管理委員會現正積極

處理這事。擬議修正案向所有委員會的主席賦予相同的權力，我不清楚這做法如何能釋除公眾的疑慮。

一些市民建議，應制訂新規則以懲處行為不檢的議員，禁止他在數星期內出席立法會會議，同時扣減他們的薪酬。我們的研究顯示，英國下議院確實有這樣的權力，但卻不是按照議長的命令執行，而是由另一位議員動議議案，獲下議院通過後才能執行。

下議院這種顯然奇特的程序說明一項基本原則：權力不應施加於地位相等的人身上。為了方便辯論，訂立規則准許一位議員對另一位議員行使權力，這做法合乎情理。今天，我們在投票之前必須撫心自問，擬議修正案能否滿足這項要求。

正如我先前所說，擬議修正案看似不重要，只是從《議事規則》第44、45(1)及45(2)條中刪除一些字眼，包括3個英文字和5個中文字。不過，實質的意義是，不再把立法會主席、全體委員會主席或任何常設或專責委員會主席的權力，與任何其他委員會(如事務委員會、小組委員會及法案委員會)主席的權力加以區分。根據現行規則，前者有權命令行為不檢的議員立即退席，但後者卻沒有這種權力。

我想補充一點，3項修正案是互相關聯的。讓我們倒序來看，《議事規則》第45(2)條容許主席命令行為極不檢點的議員退席；《議事規則》第45(1)條訂明，如有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，而且在主席指示不得繼續發言後拒絕停止發言，便犯有嚴重行為不檢；《議事規則》第44條則訂明，主席就有議員違反《議事規則》第45(1)或(2)條所作的決定為最終及無可質疑。這些權力是嚴苛的，對這些權力作出限制是正確和恰當的做法。

為何一類委員會獲賦予這種權力，但另一類委員會卻沒有？我認為這不是一種任意的安排，當中涉及原則和準確判斷的問題。

《立法會議事規則》源自下議院的《會議常規》，《會議常規》同樣把委員會區分兩類。《會議常規》第42條(類似《議事規則》第45(1)條)及《會議常規》第43條(類似《議事規則》第45(2)條)下的權力，只可由議長及下議院全體委員會或常設委員會主席行使，但不可由任何其他主席執行。有關的區別在厄斯金梅(Erskine May)所編一書第27章的開首載明：委員會分為兩類，一類以辯論形式舉行會議；另一類的工作是取證、審議及提交報告。這些權力只適用於進行辯論的

委員會。換句話說，這類委員會處理正式質詢(議案或法案)、就這些事宜進行辯論及有需要時以投票方式進行表決。另一類委員會則聽取建議，進行討論以審議這些建議及有適當時向內務委員會提交報告，但所作的決定不具任何約束力。這類委員會所提交的報告，在適當時會在立法會會議上進行辯論。

根據研究結果，沒有其他地方的議會會向負責審議的委員會的主席賦予擬議修正案所載的權力，而我們考慮的正是這種權力。

我清楚瞭解到，決策委員會主席有權行使《議事規則》第44及45條所訂的嚴苛的權力，以執行辯論規則，這是必要和適當的做法。議長或主席須確保下議院正式會議秩序井然及議員行為舉止恰當，同時亦要顧及議會的尊嚴。這些考慮因素不適用於負責審議工作的委員會及小組委員會。

代理主席，這不僅是名稱上的區別；也不僅是盲目借鑒現時被視作外地的司法管轄區的做法。這種區別強調了我們兩部分的功能互為補足，並顯示我們履行職能的方式。我們就不同的意見進行辯論，並按政黨的路線作出表決，但我們超越黨派界限，合作進行調查及審議工作，容納彼此間的不同路線。在制訂報告時，我們明白團結就是力量，有關西九龍文娛藝術區報告及多份專責調查委員會報告便可一再證明議員間的合作。雖然辯論更能引人注意，但我認為委員會的工作往往取得更大成效。順帶一提，下議院使用“專責委員會”的名稱，即我們的“政策事務委員會”，而下議院部分立法程序是在常設委員會進行的，因此常設委員會亦進行辯論。

簡言之，我們取證及進行審議，然後進行辯論及作出決定。這些修正案漠視這種區分，輕率提出建議，等同承認議員之間未能合作，展開全面辯論。現時的議會欠缺耐性，不容許我們花時間真正交換意見，以期達成最大的共識，反之只着眼於即時進行辯論，各自表達立場，最後投票決定。這離開真正的民主精神多麼遠，我無法說明。

這讓我想起《愛麗絲夢遊仙境》中的審訊。在讀出指控後，國王隨即向陪審團說：“作出裁決”。兔子連忙打斷國王的話，並說：“還沒有、還沒有”。“還有很多事情需要處理！”。代理主席，本會是否還有很多事情需要處理呢？

讓我們暫時不談原則、憲法功能和職責。即使我們單單考慮實際情況，也應反對這些修正案。這些修正案既無必要，也不具實效。委員會只需休會幾分鐘，便可處理有關行為不檢的問題，因此沒必要作

出修訂。此外，要議員溫順地服從主席的命令退席，我認為可能性不大，因此這些修正案不具實效。若在職員協助下強行將議員逐出會議室，所引致的騷動只會變成鬧劇，無助維護議會尊嚴。

事實上，我相信若主席下令議員退席，有關的議員很大可能會對抗，議員之間的芥蒂難以磨滅。在這種情況下，我們不可能建立合作與達成共識。

由於這些額外權力既不具實效，也無必要，我認為沒有任何理由採納有關建議。規則不能確保行為端正，只有尊重規則和制度才能讓人養成良好的行為習慣。

最後，我想提出一點，當數位議員堅持向官員亂扔東西，當議員獲准肆無忌憚地互相表示輕蔑，以及當議員獲准不斷作出辱罵和人身攻擊，我們的《議事規則》將會崩潰。

我不知道在這種語言環境下，如何進行理性的辯論。不過，如我們要履行職責，包括為香港的福祉而制訂有原則和理智的長期公共政策，便要進行理性的辯論。我長期擔任立法會議員，看到這種情況真使我感到非常悲痛！

雖然理性可能已無關重要，但我希望反對這項議案的理由能夠記錄在案。我想補充一點，我提出反對與公民黨的立場絕無關係，因為《議事規則》應凌駕於政治之上。

謝謝。

何俊仁議員：代理主席，我剛才說我們今天這個決定並非政治考慮，並非黨派利益，所以我希望吳靄儀議員不要誤會。我們也是在說原則……

(黃毓民議員走到何俊仁議員面前指罵他)

代理主席：黃毓民議員，請坐下。

何俊仁議員：代理主席……

黃毓民議員：你說甚麼原則？你是甚麼民主派？你帶頭收緊《議事規則》，算甚麼民主派？

代理主席：黃議員，請坐下。現在是何俊仁議員發言的時間。何議員，請繼續。

何俊仁議員：代理主席，在議事規則委員會的多次會議中，一直也有很多意見覺得須擴大不只是某個委員會主席的權力，甚至是大會主席的權力，譚耀宗議員剛才引述了各種外國議會的例子。可是，在每一次會議中，我們也很清楚表述，在香港的政治環境，以及在我們今天的政治架構下，我們不能接受這類權力。至於箇中原因，大家是知道的。

當然，如果是一個民選……即譚耀宗議員所說，很多議會也是民選產生的，但我們今天這個議會的結構，我無需在此多說了。我們相信，不只是這個議會，即使社會也不會放心把類似英國或澳洲等國會議長所享有的權力交給我們今天的大會主席，讓他行使。

此外，今天所動議的兩項修訂，正如有同事剛才說，在增加權力方面，第一，修訂是相當輕微的，所賦予的權力亦有限；第二，對於把一些常設或專責委員會主席的權力跟一些其他委員會主席的權力看齊，代理主席，我們考慮到儘管這些權力已備受批評為非常有限，但我們覺得為了讓會議能正常進行，這些權力仍然是必需的。

大家可以看到，現在只是修訂第45(2)條有關行為不檢的部分。大家知道，以往即使大會主席，在他行使這權力時，也會先作出勸諭甚至給予警告，最後才作出要求議員離席的決定。

(主席恢復主持會議)

看到這些情況出現，令我感到遺憾，但我理解有些議員是故意以這種方式表達，他們甚至寧願冒着被驅逐離開會場的風險或壓力也要那樣做；他們有他們的政治考慮，也瞭解到他們要為每一種行為向整個社會交代和負責。在一個民選的環境下，選民會透過投票，表達他

們對那些行為的評價。

可是，無論如何，這種權力只是規限於當出現行為不檢的情況，主席覺得無法繼續維持會議時才行使的。我覺得這項權力雖然有限，但為了讓會議能繼續進行，也還是有必要的。既然大會主席、常設委員會主席、專責委員會主席均享有這種有限的權力，確保會議能夠順暢進行，我便看不到為何立法會內其他委員會的主席，包括事務委員會主席，不應享有同等的權力。

當然，我瞭解不同的委員會有着不同的權力，例如事務委員會只是議事，沒有決策權，但任何公開議事的會議能否有序、暢順地進行，尤其是那些觀眾可以透過大眾傳播直接收看的會議，便會涉及整個會議的尊嚴、公眾的期望及社會的知情權。所以，這些會議能夠正常進行，即使最終未必能夠達成一個具法定效力的決定，但也絕對具有同樣的重要性，參與者享有同樣的尊嚴，公眾也可有同樣的期望。基於上述論點，我覺得同樣地把權力交予其他委員會的主席，以確保會議能夠正常進行，此舉是應該的，也是可以接受的。

然而，主席，第45(1)條的情況則不同了，那是涉及主席須裁定發言的議員是否不斷重複作出與議題不相關的發言，甚至是作出冗長、煩厭的發言。主席，這是非常主觀的判斷。

各位議員皆有其表達的方式，有些喜歡藉哲學、歷史、個人感受等帶出觀點，只要不是到了我們一般理解的行為極度不檢的程度，不是阻礙會議進行，甚至極度冒犯他人，為何不可給予議員最大的自由度，讓他們按自己選擇的方式表述呢？反正現在很多時候，在會議上的發言時間也是有限的，3分鐘、5分鐘，即使要多發言1次，也是有限制的，那麼，為何要把一項困難的工作完全交予主席，由他決定某些議員的發言是否煩厭？所以，我們想得很清楚，覺得就第45(1)條作出的修訂完全沒有必要，也不能接受。

基於上述兩點考慮，民主黨今天將會接受其中一項有關就第45(1)條作出的修訂，讓常設委員會主席、專責委員會主席及其他事務委員會主席在有限的、特定的情況下，行使管理會議的權力，在逼不得已時可以因為有關的議員行為不檢，要求他離席。至於其他的修訂，我們將會表決反對。

梁美芬議員：主席，專業會議在今年的3月4日至3月6日就《議事規則》應否收緊的問題訪問了606名市民，其中的3項調查代表了我們對

此問題的看法。

對於經常在電視看見的議會騷亂情況，約有70.8%的受訪市民對此非常反感。在受訪的市民中，對於議員在立法會的“擲蕉”、擲樽或撒錢等行為，約有83.9%，即508人out of 606人，表示非常不同意或不同意。

就立法會是否需要加強《議事規則》，進一步規管立法會在議政時不可用這些過激行為，有74.7%的市民表示同意或非常同意。我們為何會進行這項民調呢？因為這個問題已討論了差不多兩年，但基本上，我們(尤其是專業會議)並沒有表達過是否有此需要。可是，很多我們所代表的市民及我們在落區時所遇到的市民，均希望我們能就着這個問題做點工夫。所以，我們希望看看，在客觀上，究竟普通市民是如何看待這個問題的。

這項民調結果顯示，大部分香港市民均不贊成議員在立法會使用過激或經常以騷擾性的行為來表達意見，他們亦希望我們的議會不要動不動便在討論問題時休會，他們覺得這是很煩厭的事。

我們覺得這項民調結果其實帶出了一些問題。我想，有議員在本屆議會的早期做出這些過激的行為，可能有些市民覺得反感，也有些市民覺得很新鮮，這不足為奇；但久而久之，大家已不能再容忍這些行為，由新鮮變成反感。我很明白，我們均希望香港社會有言論自由，這個主流價值觀一定沒有人會反對的，每一個人均希望我們有最大的表達言論空間。作為立法會議員，在賦予我們特權的條例下，我們有很多言行是不會遭受法律懲處的。然而，議員作為一個公眾人物，在議事堂及鏡頭前的一言一行，其實是會影響香港整體社會，特別是對年青人、下一代有着深遠的影響。

就《議事規則》而言，我認為議事規則委員會的討論當然重要，但更重要的是，我認為所謂的《議事規則》是由議員自己訂立，沒有議員能強迫另一位議員怎樣行事。《議事規則》會影響議事文化，而立法會的議事文化，除了影響議員議政的氣氛及權利外，亦影響香港社會的文化。我個人並不同意，大家因為對政治制度有不同的看法及認為現時的政治制度欠佳，便把這些行為合理化。我認為，議事文化與選舉制度並無必然的關係。

就這問題，我亦有在議事規則委員會中提出了個人的意見。其中一項意見是，我們可以仿效其他國家，使用紅牌、黃牌的機制。其實

這個方法不會剝奪言論空間，我們照樣可以表達我們的意見，但懲罰上有紅牌、黃牌，表示程度上的分別。

我個人認為，澳洲的方法較佳。如果第一次違規，議員須停職24小時，即1天；第二次違規，停職期為3次會議，這已是一個很大的懲罰，因為議員最重要的工作是議政。而出現第三次違規時，議員可被罰暫停參與連續7次的會議。我參閱不同國家處理其議事規則及違規行為的方法後，認為澳洲的紅牌、黃牌機制比扣薪的懲罰方式為佳。

我們是立法會的一部分，這建議純粹是我們對現時在立法會出現的議事文化的表態，就是希望《議事規則》能作出修訂。我當然希望香港的立法會是一個莊嚴、文明及使香港人驕傲的立法會，因此，我再次重申，我不認同某些人以不能實現自己的理想政治制度為由，而把這些行為合理化。為着理想的政治制度，我們絕對不應把這種行為合理化。

事實上，在過去半年裏，市民對有關情況的反對聲音大增。如果大家說要聽取市民的意見，我相信這便是代表普羅大眾或沉默大多數的聲音。我謹此陳辭。

陳偉業議員：主席，今天討論《議事規則》的收緊及有關議案的通過。除了“偽政改方案”通過的那一天，今天可以說是回歸後這議事堂內其中最黑暗的一天。今天有關收緊《議事規則》的議案也是繼民主黨投共後，另一次進一步限制議員言論及行為自由的行動，亦局限或控制了抗爭的手段。

主席，“擲蕉”及“掃場”事件，一件發生在兩年前，另一件則發生在差不多1年前。在這兩件事情發生之後，社民連與公民黨啟動了“五區公投”。在去年5月，我當時參選時便開宗明義地說明，我會在議會內外抗爭，亦會延續以往抗爭的手段。這個承諾和論述，得到了10萬名選民的支持，令我重回議會。在議會內外進行抗爭，得到了選民的認同和授權。

今天在這個議事堂內，不單功能界別議員一面倒地支持加強限制，連民主黨竟然也無耻地支持這種限制。這種限制是攔了10萬名投我一票的選民一巴掌。這羣選民透過投票，授權我在議會內外進行抗爭。因此，議會這次通過有關修訂，可以說把香港民主政制發展帶進黑暗。

主席，有關“擲蕉”、“掃場”，或擲“陰司紙”……我當初應該送少許給梁美芬議員，讓她好作紀念；可能沒有送給她，所以她感到不高興。有關議會內外的抗爭，很多議員引用了很多外國的例子——英國、美國、加拿大、澳洲、新西蘭。然而，這些國家的議會是由民主選舉產生的，而並非由一些被中央任命的“狗奴才”及由小圈子選舉產生的議員所操控的。大家均知道，過去許多次要在這議事堂進行投票前，特別在一些重要的時刻，在前廳裏，有人便不斷與中聯辦的人談電話或收取消息，或收取指示。在1997年前有這情況，而1997年後亦屢有發生。因此，在這個議事堂裏，不少議員的投票決定並非基於人民的利益，而是基於主子的指示。

因此，我當初與“毓民”多次透過選舉強調在議會內外抗爭，目的便是要抗議這個議會不公義的一面。這個議會缺乏民意的授權和代表性，令許多政策不斷被扭曲。我們採用抗爭的手段，便是要凸顯這個議會的不公，代表市民發出憤怒的聲音。

主席，我希望議員清楚瞭解，在現時香港這個社會裏，普羅百姓、一般羣眾，並沒有渠道表達他的憤怒。面對這個政府、面對某些政黨，特別是那些欺騙選民，選舉時承諾一套但在選舉後卻又欺騙選民，違背政綱的政黨，市民是沒有渠道表達他們的憤怒的。

我昨天在荃灣麗城花園進行有關鐵路發展的問卷調查。有一位中年男士走過來，他說：“‘大嚟’，我以前很討厭你們‘擲蕉’、‘掃場’。我有很多朋友是中產專業人士，他們均很反對和不喜歡這種做法。然而，最近看到政府的表現，便覺得你擲得對、做得對。”市民亦看到政府無能、無耻的表現，看到很多無耻政客的嘴臉。市民的憤怒是在不斷上升的。“擲蕉”、“掃場”的目的是透過行動來反映市民的憤怒。這是有一定的社會效果的。

很多人指責我們，說我們的目的是搏取曝光率和選票。然而，如果這些行為能得到選票，為何那些大政黨不跟着做呢？明顯地，它們覺得這些行動會受選民唾棄，故此它們不願意仿效，以免喪失選票，讓我們這些人來做“醜事”。我們因為要凸顯這個議會的不公義，而做出一些很多所謂“君子”、“淑女”議員不屑做的行為。我們透過這些行為來凸顯某些政治現象、信念，以及政府不當的措施。這種行為，有助民怨的宣泄，亦有助社羣矛盾對立壓力的減少。任何抗爭性的行為、任何對政府表露不滿的行為，如果是市民認同的話，多少也有助

他們發泄及宣泄心中的憤怒。

如果你們要堵塞這些發泄渠道的話，我便要發出一個很嚴重的警告：你們會製造更大的機會，令民怨、民憤進一步加劇，因為市民現時已失去了發泄的途徑和機會。若這種壓力越積越大，便可能會出現更激烈的政治及社會抗爭。例如在美國，在1960年代時便有馬丁路德·金的和平抗爭運動，亦有黑豹黨的暴力，暗殺聯邦警探、放火燒毀貨倉及炸毀寫字樓。若你們把一些正當抗爭行為，或只是你們感到不滿意及認為有滋擾性的抗爭行動加以壓制，市民的憤怒便會沒有地方宣泄，最終必然走向更暴力的抗爭行為。

主席，自1997年回歸後的十數年以來，政治“金剛箍”的操控一直不斷收窄：臨立會、人大釋法、重新引入區議會委任制度、第二十三條嘗試立法、強行通過截聽條例、選擇性檢控所謂的非法廣播、曾德成局長干預志願機構，使一名社工被解聘、警方沒收民主女神像，打壓言論自由，以及在最近一連串遊行活動中，警方的操控越來越嚴苛等。在過去十數年間，“金剛箍”其實是不斷收窄的。

民主黨在投共後通過“偽政改方案”，在短時間後又再收窄議會抗爭的空間，收緊了議會的有關程序和權力。這其實是會影響了議會內外的抗爭進程。民主黨現時又與保皇黨連成一氣，就好像通過“偽政改方案”時一般，進一步打壓抗爭的手段和路線。這其實是自1997年以來，統戰成功的一部分。民主黨甘願成為中國共產黨的政治打手，接受進一步操控議會的規條，正是其進一步投共，甘心做“狗奴才”的一個例證。

主席，我想談談進一步把驅逐議員權力伸延到其他事務委員會的問題。很多議員也表示，既然立法會主席擁有這權力，其他事務委員會的主席便沒有理由不享有同樣權力。其實，把這種政治操控權進一步擴闊的另一個含意便是把控制進一步收緊。把驅逐議員權力由議事堂擴展至所有事務委員會及小組委員會的主席，其實是發出了一個明顯而且強而有力的政治信息，即政治上的操控是會進一步被收緊的。

當然，今天這項建議，特別是把大會主席的權力擴展至其他事務委員會的主席，是必然會得到議事堂大部分議員的通過，正如“偽政改方案”的情況般。儘管是透過投票而得到議會正式授權，這其實是一種相當粗暴的行為。可是，這項議案的通過，並不代表抗爭行為不會繼續發展和持續。你們今天可以把我趕出去，你們可以趕我1次或

趕10次，甚至可以終止我的議員身份，但抗爭是必然會持續的。因為，這個議會是一個不正義和沒有民意認受性的議會。當議會一天仍然出現不公義的情況，抗爭便必然會持續。

所以，我亦想向各位清楚說明，你們大可以把我趕出議事堂，但我的抗爭道路是必然會延續下去的，直至公義得以彰顯，民主得以落實為止。耶穌當年亦掃過聖殿，便是因為有一羣“狗奴才”把聖殿弄成像市集般；孫中山當年亦扭斷過偶像的手臂，便是因為他想衝擊封建的制度。我們是不怕你們加強操控、不怕你們加強管制，亦不怕你們把委員會主席的權力不斷增加的。

主席，最後我想指出一點。很多議員說我們過去的衝擊及拋擲物件構成了滋擾，亦對議員和政府構成不便。我一聽到會對政府構成不便，便感到極為反感。政府各部門和其首長過去做了不知多少卑鄙的事情及犯了不少錯誤，也對市民構成了不便。對於這些事情，他們又不予以指責，但當我們對政府官員構成少許不便時，便說成我們好像開罪太上皇般。各“狗奴才”是甘願為主子清理有關阻礙的。

帶來不便？其實遊行示威亦經常會帶來不便，對嗎？有些議員更曾經橫卧馬路上阻礙交通；亦有政黨不斷舉行遊行示威，導致道路需要封閉等。這些也是會構成不便的。今天把議事堂內的行為加以規管後，日後同樣也可以禁止所有上述對市民構成不便的行為。那便全部把它禁止吧！這種情況是終有一天會出現的，因為中共的維穩工作將會越來越全面。艾未未到今天仍然未被釋放，對嗎？艾未未所受到的對待，香港市民早晚也會承受。這種對言論和政治行為的操控將會繼續收緊下去。所以，我呼籲各位市民要清醒和醒覺。若市民自己不醒覺，任由這些“狗奴才”在議事堂不斷加強打壓政治行為，最後他們自由的政治言論和行為亦必然會受到影響，當中的因果關係是十分清楚的。

所以，我們只會重申，我們的抗爭手段 —— 不論今天通過了甚麼議案 —— 我們的抗爭手段是一定會持續的。

黃毓民議員：主席，首先，我要多謝吳靄儀議員在發言時對議會精神的闡釋。我不知道，在這個議會內有多少代議士能聽入耳。

吳靄儀議員絕對不會喜歡黃毓民的行為，對嗎？對於我們有時候在議會內發出的那種噪音，或那些所謂肢體動作，我相信吳議員一定

會感到不以為然。然而，她不以為然歸不以為然，今天提出的這項修正案，她真是期期以為不可。她剛才說的理由，我不想在這裏重複。但是，問題是，在這個議會內，那些自稱為民主派的議員，包括民主黨正、副主席何俊仁議員和劉慧卿議員，公民黨的湯家驊議員，以及支聯會主席李卓人議員，4位在議事規則委員會內支持收緊《議事規則》，把驅趕行為不檢的議員的權力擴及各事務委員會的主席。主席，這項權力只應你享有。你是我們選出來的，那些事務委員會主席只是政治協商的產品而已。

那天，當我知道議事規則委員會通過上述修訂後，我便問李卓人議員，這位支聯會主席如何回答我呢，他說：“毓民，你也是事務委員會主席，你也可以驅趕人。”

主席，這些就是我們偉大的民主派議員。這是甚麼思維方式呢？我一定不會驅趕人，OK？如果我在主持資訊科技及廣播事務委員會會議時，有議員行為不檢，甚至用粗言罵我，我也未必會趕他出去。我會休會，這便“搞掂”，然後10分鐘後回來開會，我一定不會驅趕人。不過，我可以向大家保證，當這項修正案通過後，不管我是否委員，我一定會在所有的事務委員會內以身試法來考驗其主席，要他趕我出去，我要做到他趕我出去為止。

這個是甚麼議會呢？甚麼是議會精神呢？為何會有《立法會(權力及特權)條例》、為何議員會有言論免責權呢？為何議員要言論自由、可以暢所欲言呢？為甚麼呢？全世界的議會均盡量在《議事規則》內方便主席主持會議，絕對不可有任何限制議員表達自由的動機，更何況人家的是民選議會，而我們這個議會只有一半議員是由普及而平等的一人一票選舉所產生的。

很多時候，大家也看到，在議會內，多數的人變成少數。在分組投票下，多數變成少數，這種倒行逆施做法，這種荒謬情況，每天也在立法會發生。黃毓民進入這個議會後，這個議會真的有些變化。黃毓民沒有甚麼通天本領，黃毓民只不過是童話故事《國王的新衣》中那個小童而已。黃毓民在議會內的抗爭，只凸顯這些領導我們香港民主運動20年的政客的不堪、氣急敗壞。堂堂一個民主黨主席，我走到他面前罵他兩句，便氣急敗壞。張文光議員走上前像是要推開我般，還說“我是主席，你為何罵他？”氣急敗壞——只是試探他一下便氣急敗壞。支持政改方案後，在兩項條例草案的二讀辯論、三讀時全部也像啞了般。他們是民主派，他們有8個立法會議員，但在辯論如此

重要的條例草案時，卻全部啞了。

老實說，主席你也看不過眼吧，也渴望能聽到一些精采辯論吧。豈料他們談的，與你貴黨民建聯談的一模一樣：我們香港人爭取一人兩票，民主有一個小的進步、向前行。在2005年，他們不是這麼說啊。司徒老先生說，原地踏步也等於不倒退。我們現在不倒退、不妥協。當年很具智慧的劉千石，說要搞“大和解”，他先知先覺，他們卻指他是猶大，幾乎要把他掃出門，現在“石哥”是斯人獨憔悴。

主席，黃毓民進入議會後搞議會抗爭，必定令很多人感到不快了。因為打破了這個議會的神話嘛，他的畫皮被撕破了，對嗎？現在大家也沒面子了，對嗎？

看到事件發展至今天為止，其實我們早已有心理準備。在2008年，我們進入議會；10月，我“擲蕉”；接着建制派聯署譴責我們，對嗎？接着2009年，曾俊華發表財政預算案，我走到他面前撕毀其財政預算案，民主黨與公民黨開聯合記者會譴責我們。建制派大力“吹雞”——除了你“老人家”沒有份簽名，因為你是主席——全部均有份簽名。老實說，那時，如果大家一起譴責我們，建制派與民主派合流，根據《基本法》，我們3個已離開議會了。不過，我會被選進來的，譚耀宗主席，我一定會被選進來的。所以，我現在向何俊仁議員、劉慧卿議員、湯家驊議員、李卓人議員挑戰，我一定會繼續行為不檢，我希望他們與建制派一起聯署開除我們。假如他們不敢做，便代表他們懦弱。

今天提出要修改《議事規則》那位，是表明對人不對事，寧願壞了大局，為了對付我們數人，也在所不惜。是甚麼民主派啊，“老兄”。他們站出來會感到羞耻嗎？何俊仁感到羞耻嗎？他有甚麼資格稱自己為民主派呢？有甚麼資格動輒聲援劉曉波、聲援艾未未，全部都是假的。何秀蘭議員和劉慧卿議員經常喜歡說甚麼“溫水煮蛙”，現在是否“溫水煮蛙”呢？

他們打開一個缺口，對我和“大嚙”，甚至“長毛”，都沒有甚麼影響。老實說，我們照樣會這樣做。但是，對其他人會有影響，其他議員表達自由的空間收窄了。

走得這一步，一定會有第二步。湯家驊議員安慰我說，不會的，最多也是這樣而已，不會罷免你們。現在8位民主黨議員當我是殺父

仇人般，現在有一個缺口給他們，他們怎會不乘虛而入，不乘虛而入才奇怪。

但是，主席，我不害怕，我一定再參選的。把我趕走後，你猜我可不可以再參選？難道把我趕走後，不可以再參選？沒有可能。假如是我們辭職後補選，你才可以說修例。但是，你把我趕走，然後我再補選，竟然這樣也要修例？天下間居然有這樣的事情？梁美芬議員大可以嘗試把我們趕走後再修例，規定被人趕走的議員不可以再參選，但這樣做可以嗎？

如果真的這樣做的話，一定很有趣。我告訴大家，我一定會奉陪的。以我的性格及我所號召的羣眾，我一定放心陪大家玩。其實我在去年6月25日已經“批”了民主黨不是民主派，他們還厚顏無恥，自認是民主派，要帶領香港的民主運動，量變而質變。還撰寫了萬多字，在《明報》刊登了3天。只有《明報》這份民主黨黨報可以讓他們這樣做，《蘋果日報》也未必肯這樣做，人家的篇幅要緊，倒不如用來刊登廣告。他們以為有這些主流媒體便會贏嗎？贏了甚麼呢？即使我們數人被趕走，他們也贏不了。他們對我們的青年人、我們的下一代有甚麼交代呢？他們當年帶領着我們遊行示威爭取雙普選，2007年、2008年、2012年雙普選，原來全部都是“搵笨”的。今時今日，他們在立法會提出要修改《議事規則》來收緊我們的言論自由，他們還有沒有人性呢？

建制派這樣做是理所當然的，他們怎可以讓反對派擡頭。但是，民主派在明的便說這些是危險行為，暗的便說我們投共，指搞“五區公投”是投共，共產黨最開心。還說我的兒子被人拘捕了，用來要挾我，所以我其實是投共。這些全部都是他們這羣“狗賊”說的話。

主席，人性惡劣到這個地步，我們毀家紓難也在所不惜。但是，他們的人性惡劣到這個地步，還有甚麼資格、甚麼面目走出來說是為香港爭取民主。一個這樣的缺口他們都要打開，明顯是對人不對事。這等同司徒老先生臨終時都要兜腎囊踢我，他說：“這個人不可靠，所以，我不支持‘五區公投’”。他不支持“五區公投”，原來是因為我，這麼奇怪，但他卻是搞了數十年民主運動。

我們當然會反對這項修訂，但我們是反對無力。所以，我開首時特別強調，我很感謝吳靄儀議員。她不是從我們的角度出發，她是從維護整個議會精神，以及她對議會政治的專業認識出發。但是，這樣

說他們都不明白。其實他們是故意不想明白，包括她的黨友。

湯家驊議員告訴我，你這樣做是為甚麼呢？解釋給我聽這是為了甚麼。把這個權力交給事務委員會主席，讓他可以把我們趕走，是為了甚麼呢？把理由說出來吧。他可以說，因為黃毓民樣子不討好。那麼，我只會再做一年多，下屆再不參選。“驊哥”，你是為了甚麼呢？請告訴我。一旦通過了，便千秋萬世，所有人都受到同樣的規範，包括謝偉俊議員，大家不知道“阿Paul”何時“發癲”。有朝一日他都可能“發癲”，發覺這樣搞都不妥當，不如跟我們一樣擲東西。任何人都有機會的，主席。十五分鐘的發言時限，我是不足夠的。我可以從各國的議會歷史、政治發展、抗爭歷史說一大堆，但我不想說。

我要歷史記錄下來，所以，我今天一定要發言，我要指名道姓，民主黨主席何俊仁議員、副主席劉慧卿議員、支聯會主席李卓人議員及公民黨的湯家驊議員，這4位民主派議員在議事規則委員會裏支持收緊《議事規則》，對付我們這些搞議會抗爭，為公義奮鬥的人。歷史會記着，在公眾席上旁聽的小朋友聽着，你們要記着這些人全部都是“搵笨”的，甚麼民主派。

自從他們贊成通過政改方案後，我們已預期會有這一天。不過，沒有所謂的。正如毛澤東說：“天要下雨，娘要嫁人，由他去吧！”。但是，我都要說。我在這裏就這項議案可以說15分鐘，我一定要譴責這些所謂民主派的人，一定要撕破他們的畫皮，以後不要走出來大聲說，要聲援艾未未、聲援劉曉波，又提出關於六四的議案。

李卓人議員當年在大陸寫悔過書，我還未跟他算帳，他一樣可以做支聯會的主席。今時今日，其實是他最令我失望。我告訴大家，何俊仁議員、劉慧卿議員，我都預計了，完全是私人恩怨。譚耀宗議員，我都預計了很久，因為他是議事規則委員會主席，是民建聯、建制派。這些我全部預計了。可是，我真的沒想到他會這樣，沒預計到他會“搞”我，但他走來“搞”我，而且不是“搞”我，是“搞”全世界，他是為香港民主政治做了一個最壞的示範。

我向大家保證，在我有生之年或以後的選舉，我一定會把這羣所謂民主派的“狗賊”的真面目，在歷次選舉中凸顯出來。包括透過我的文宣、號召支持我的羣眾、在我網絡上的平台，我都不會放棄宣示議會抗爭的理念，而且還要身體力行呼籲多些年青人參與。以後有民主派這數位“老兄”的活動，我們都不妨噙聲表達我們不同的意見。

主席，我不會說今天是多麼黑暗的一天，我會說今天在這個議事廳內支持這項修訂的議員，終於會得到歷史的懲罰。

馮檢基議員：主席，身為民選議員，在自己的議會上表達看法，我覺得這不單是自由，而是我們的權利。市民選我們出來，就是要我們在議會內發言，縱使我們在憲法上沒有政策決定權，但表達言論的權利是不能被剝削的。

主席，如果我稍後舉出的兩個例子是錯的話，請你指正。制度上，我們有免責權利，即是在會議上，當我們認為所說的話是對或是事實，即使說話的內容可能影響，甚至是責罵議會外的人士，我們是免被追究的。第二個情況，據我瞭解，當議員要到立法會開會的途中，如有犯法的情況出現，例如衝紅燈、超速或其他原因被警方截停，只要告訴他是前往正式的會議開會，警方也需要先讓他開會，然後再處理有關問題。最終目的是讓議員有權力回到議事廳內表達意見。這兩個例子顯示議員在議會內表達言論的權利，是不容剝削的。

我想提出的第二點是，議會是議員的政治平台。我們不要那麼天真或不理會現實，以為這個平台是很隨和及和平，喜歡怎麼說就怎麼說。但是，我們在政治平台以外(即地方或功能團體上)要“打餐死”，競選勝出後才能進入這個議事廳、議會政治平台。換句話說，在這個政治平台上得到言論權力前，大家要經過政治競爭或鬥爭，更甚是透過某些手段才能進立法會內的政治平台。無論如何，既然法例上容許議員有發言的權力，我便覺得在這個空間上，只要可以開放的都要開放，可以容許的都要容許。

很明顯，大家都看到在2008年的選舉後，立法會的政治光譜已有所改變。當然，“毓民”等數位議員把光譜“激”的部分帶到更“激”，但溫和的人始終跟以前差不多。光譜是拉闊了，我們不容光譜拉闊，還是要讓光譜拉闊呢？而容讓光譜拉闊的過程中，是否可容忍和接受呢？這是需要討論的。但是，我認為任何的政制發展，光譜必定越拉越闊，而不會越拉越窄。在越拉越闊的過程中，如果我們作為這一屆議員，設下規限、關卡和門檻，不讓這些光譜拉闊，是否恰當的想法呢？還是我們容讓光譜拉闊的同時，只要現時的制度或《議事規則》可以處理得來，就光譜的拉闊，無論對議會內容的討論，對政治行為的容讓擴闊，以至政治或民生問題上的爭取的手法或手段，是否應按

光譜的擴闊而讓它擴闊呢？當然，我說這番說話的態度，是認為應該如此的。光譜擴闊便讓它擴闊，除非我們覺得處理不來。我稍後會再談談是否處理不來。

究竟光譜和言論擴闊後，現時的制度是否處理不了某些議會行為呢？我籠統地分為兩類。一類是違法的，當然是指犯法，而犯法便有法例處理，即使在議會內不能拘捕他，也能在他離開議會後拘捕他。所以，我看不到如果有違法的行為，例如把東西擲中別人(這很明顯是刑事罪行)，是處理不了。我覺得這種情況，甫一散會便會立即被處理的了，即使在會議期間不能拘捕他——正如我剛才所說的第一種情況，議員在前往會議途中，警方已不能拘捕他，在會議期間便更不能拘捕他——但會議結束便可拘捕他了。

第二種情況是沒有違反香港法律。如果沒有違反香港法律，剩餘的問題便是《議事規則》是否容許。如果沒有違反香港法律，基本上不能用香港法律來處理，便應用《議事規則》來處理。以《議事規則》來說，大家看看第44及45條，有數個委員會的主席(立法會主席、全體委員會主席、常設或專責委員會主席)均有權力把議員趕走，但其他主席則沒有這種權力。大家看到這數個委員會或立法會主席，其實都有法定、法律或決策上的權力，而其他類別的會議，純粹是討論式、議事式，或即使動議的議案通過或不通過，對政府完全沒有約制，基本上沒有限制。但是，這些情況下是否處理不來呢？其實，我看過有些例子我們是曾處理的。

就剛才說的第44及45條，對於有點名的情況，我們可以處理得來，而至於沒有點名的情況，其實我們也試過有一次在人力事務委員會上，我記得“長毛”梁議員向局長擲膠樽。當然，我們沒看過有任何一次擲中，如果擲中可能有不同的處理方法，然而他沒有擲中。在沒有擲中的情況下，主席，舉例來說，我現時很憤怒地擲這本書，這跟我擲膠樽……當然，我把這本書擲多遠和擲向甚麼方向，會否擲中人，可能有不同的結果。如果我擲這本書，是向前擲，擲前1呎，擲前3呎，或擲前10呎，我們如何衡量擲前1呎會沒事，擲前1呎亦沒事，但擲前2呎便有事，擲前10呎亦有事？這是難以量化的。因此，我覺得是很難處理的。

其實，事務委員會主席現時有權提出休會，即暫停會議，在5分鐘或10分鐘後復會。根據以往的經驗，所有較激進的議員接着都不會出現，又或即使出現，復會後也會守規矩。我覺得是可以處理的，也沒有出現不能處理的情況。當然，容許這種行為出現，我們會否是讓

其他人有一個平台做show，令他這麼激進？我本身是不同意這種政治行為的，所以多年來，大家沒有看過我處理議會工作時會擲物，亦沒有說粗言穢語。如果“毓民”記得，當他第一次擲蕉後，我在議事廳外對他說：“毓民”，不是有很嚴重的事情吧，弄致要擲蕉，是過分了。”記得他當時回答我：“唔關你事，我做甚麼事會自己負責，有甚麼事，我的選民會告訴我。”我覺得他說得的道理，他的選民讓他加入立法會，如果選民不同意他的行為，自然不會再投票給他，我作為一位跟他同區的議員，我有甚麼把握說他應該當選或不當選呢？對這些政治行為，他須負上政治責任，會在政治上負責。我覺得對他自己的行為，他將來會承受其結果。雖然我不同意“毓民”的做法，我很清楚告訴他不同意他的做法，但我接受他的答案。大家亦知道，“毓民”改了口徑說不會派手下狙擊我，縱使我們的政治立場和看法不相同，我仍然覺得要堅持剛才的態度和立場，可容讓一些議員以自己的方式來表達，但我們是要處理得到的。

大家不要以為基於“毓民”要狙擊，所以我感到驚慌，要反對這些修訂。不是的，如果大家查看我以往的發言和表決，其實我是一致的，意思是以往曾有兩、三次提出修訂《議事規則》，收緊議員的規矩和行為，我都是反對的。如果大家記得，我覺得議會是一個政治角力的地方，特別是當光譜越闊，由最激進至最溫和，兩個極端一定是對着幹的。這些政治立場或價值觀上的對着幹，可以運用一些規則來處理，但規則便成為某一方面的工具來對付對方。我覺得要盡量避免這些規則成為工具。

如果大家還記得，當天甘乃威事件哄動全城，有人提出要“砌”甘乃威議員，我是反對的，因為這是道德問題，而非議事廳的議事問題。為何議會要處理一個人的道德呢？很多人都有道德問題，你可以知道或不知悉，但知道了，是否也要拿來討論呢？現時吸煙也變成不單是道德問題，還有是否合法的問題。這是難以判斷的。

第二，對於行為不檢，又是很籠統的，怎樣才算是行為不檢呢？例如第45(2)條，對於行為不檢需要採取行動，怎樣算是行為不檢呢？我跟你的道德觀念也可能不相同。在公開發言中，第一個最不喜歡別人說粗言穢語的人是劉慧卿議員，我算是第二個，我曾經公開說過，我不准別人說粗言穢語，連Facebook也不准寫粗言穢語，如果有人在我的Facebook寫上粗言穢語，我會立即刪除，這是我的家規。

縱使如此，我們現時仍然能夠處理這些情況，我們仍然有《議事

規則》的條文可以處理這些態度。不過，我只想告訴大家，對我來說，應盡量避免用規則，來規限議員在議會內非不能處理，而可容讓在現有規則範圍內作出的一些行為；我覺得這是越闊越好，應避免越修越窄。這是回應我的第一點，議員獲選後有其發言權，這不單是自由，還是其權力。所以，對於今次提出的兩項修訂，我都不同意。多謝主席。

何秀蘭議員：主席，我發言就兩項修訂《議事規則》的建議提出反對，以下是我的論據。

今天的議會跟殖民地年代的議會已相去甚遠，對《議事規則》作出修訂亦非首次。隨着行政立法兩局在1992年、1993年間結束，《議事規則》曾作出很大程度的修訂。在1997年後，由於有更多來自基層的議員獲選進入議會，在衣着方面也不斷作出不同程度的放寬。但是，在修訂這項機構內部的規則時，有一個前提必須格外留意，便是讓議員擁有最大的議政空間。所以，馮檢基議員剛才提出的數個例子是正確的。有數個常設委員會因為須按照《立法會(權力及特權)條例》行事，故此委員會的主席擁有把議員趕離議事廳的自由，這當中有非常明確的分別。可是，在過去數次就《議事規則》作出修訂時，從來沒有提及要把議員逐出議事廳的權力賦予所有事務委員會的主席，這是我們從來沒有進行討論的建議。

從譚耀宗議員剛才的發言，我清楚知悉他提出的主要論據有二，第一是立法會整體形象受損，但立法會整體形象受損其實是有很大原因導致。個別議員或黨派衝擊《議事規則》可能是其中一個原因，這當然會令部分市民反感。然而，立法會無力監察行政機關，我們的權力受到諸多限制，亦有很多黨派的議員由最初譴責政府，發展至後來改變立場投支持票，其實亦是立法會整體形象受損的原因，對此我們又應如何處理？

另一論據是因為有議員衝擊《議事規則》，導致會議過程不暢順。但是，我不認為在修訂《議事規則》後可以令會議過程更暢順，如果有議員存心要衝擊既定規則，是否訂有制約他也會進行衝擊。正如剛才一些曾衝擊規則的議員所說，他們的目的是要撕破議會的畫皮，有沒有制約他們也要進行衝擊，如訂有制約的話，進行衝擊的誘因反而會更大，因為在已有規則以外又多添了一層皮。

主席，我認為讓事務委員會主席擁有暫停會議的權力已屬足夠。就修訂《議事規則》第45(1)條的建議，我亦有一些不吐不快的意見。對於讓主席有權就議員提出重複的論點或煩厭的論述而作出制裁和處理的會議規程，我有很大意見。理論上，議員應已在法案委員會就法案進行審慎和仔細的討論，因此當法案提交大會討論時，議長即主席你當然有權制止上述行為，這也是沒有辦法之中的辦法。但是，如把這項權力延伸至適用於事務委員會或法案委員會的議事工作，那便有很大問題。

關於煩厭的論述，為何議員有時要不斷重複提問？正是因為官員不肯作出回應。猶記當年就《基本法》第二十三條的立法建議進行審議時，議員曾提出不少問題，葉劉淑儀議員是當時的保安局局長，她一直對這些問題避而不答，各位議員在逼不得已的情況下惟有不厭其煩地提問。其實我們也感到非常煩厭，因為無論怎樣問也得不到答案。所以，如果讓這項權力適用於其他事務委員會，將會妨礙議員論政，是極不理想的做法。

此外，我曾於2004年至2008年間離開議會，但到了2008年重回議會時，卻發現有一項新的不成文規定，所造成的破壞性亦極大。有關規定是讓事務委員會把議員發言時間限制於5分鐘內，最多也只有7分鐘，有時甚至只得3分鐘。當闡述背景和理據已需要花費這麼多時間時，留給官員作答的機會真的不多。正因為設有時限，官員也就懂得和我們耍把戲，知道只要帶領議員在有關議題上團團轉，轉足5分鐘，便能夠避而不答。於是，此情況又引發另一惡性循環，那就是議員心想反正會被官員耍得團團轉，倒不如利用這5分鐘大肆責罵官員，好能一消他們的心頭之憤，也能代市民出一口氣。所以，這種限時議政的方法，其實無助議員進行理性的討論。

以前在事務委員會已有出現這種現象，官員明知議員最多只有兩小時時間，只要把花招耍足兩小時他便能脫身，所以便盡量以廢話敷衍了事。專責小組委員會由於只涉及單一議題，議員反而可專心作出跟進，迫使行政機關面對問題及務必將之解決。如在事務委員會議事方面背離這個原則，把議員的提問時間限制在5分鐘內，對議事質素可說是有害無益。因此，我特別藉此機會提出這一點，雖然這是不成文規定，但亦希望各事務委員會主席可視乎情況行事，在顧及讓議員有平等機會發言之餘，亦要預留充足時間，讓議員有充足時間就其觀點，尤其是一些基本和節骨眼的觀點進行討論。

主席，就《議事規則》第45(2)條關於行為不檢的規定，剛才有議員引述外國不少例子作出論證。我們先不要說外國議會是經一人一票的選舉產生，只要從事實出發，當可發現外國議會向議員採取趕離現場或制裁的行動時，均須由議長而非事務委員會實行。外地議會甚或會將問題交由特設的委員會處理，例如英國的Committee on Standards and Privileges，便會交由經過獨立委任的專員進行調查及擬備報告，然後轉交委員會跟進，最後提交大會表決。當中訂有很嚴謹的規定，不會就這樣把權力賦予事務委員會了事。

其實，賦予暫停會議的權力已是非常足夠。今天我們需要在此處理這問題，誠屬不幸。我在希望保障議員有充足議政空間之餘，亦期望議員在衝擊《議事規則》時有個分寸，知所進退。正如剛才有些同事所說，除了《議事規則》之外，其實還有香港的法律，每一位議員在法律面前均屬平等。如出現人身襲擊的情況，有關議員必會受到制裁，只不過可在會議進行期間暫緩一刻。

但願各位同事一方面可擺脫規矩上的限制，另一方面亦知所節制。多謝主席。

湯家驊議員：主席，我的助理及身邊的朋友昨天跟我說：“湯家驊議員，你明天最好不要就這項議題發言，免得引起一些你日後會感到後悔的爭拗。”黃毓民議員剛才質問我是否知醜。最大的問題是，我確實是知醜的。正正因為我是知醜的，所以我覺得在今天可能是“仇者快，親者痛”的一天，如果我持有不同意見，便不應該默認，反而應該公開說清楚。

主席，更重要的是，我絕對信任或信服民主派之所以得到香港人接受，是因為其所秉持的普世核心價值。民主精神在於包容，民主派不論在議事堂內，或是在議事堂外，也應該“是其是，非其非”，不應因為某些較激進的民主派成員提出難堪的言論或指責便噤若寒蟬，不把道理說清楚。

主席，我今天處於一個極度不幸的位置，因為我的立場與吳靄儀議員及黃毓民議員的立場並不相同。既然如此，我覺得我有責任解釋清楚。不論其他人認為我孰對孰錯、對我的看法如何，我覺得我也有責任解釋清楚。

主席，我與吳靄儀議員及黃毓民議員分歧，見於3個觀點上。我們所持的第一個不同觀點，是我不接受立法會被視為至高無尚、神聖不可侵犯的地方。相反，我覺得立法會不是屬於立法會議員的，而是屬於全港市民的。立法會是代表民意的最高機關，而並非代表個人想法的機關。

主席，更重要的是，立法會並非只有民主派的議員的，也有其他派別的議員。終有一天，如果我真的可以看到普選立法會，我今天的立場也會保持不變。正正因為立法會並非屬於議員的，所以大家有必要維持立法會的尊嚴和確保其運作暢順，而立法會的尊嚴及暢順的運作也奠下市民對立法會公信力的基礎。所以，如果有人自以為自己的言論是絕對正確的話……如果有人堅守一種信念，認為本會的《議事規則》或運作程序均是神聖不可侵犯的話，我是不能接受的。

主席，第二個不同觀點——這點可能最為重要——是我個人認為世上沒有絕對正確，相應地，當然也沒有絕對錯誤。主席，我雖然不接受中庸之道，但我相信每種信念及理想皆要受適量限制及有適量調節。正因如此，我不能接受宗教信仰會引致殘酷的殺戮、社會動盪不安。我對此是不能接受的。

那麼，我能否接受人們因政制壓迫而進行暴力革命呢？主席，到此刻為止，我難以接受。當然，如果中國或香港的情況達到不可接受的地步，那麼我的意見可能會有所改變。不過，幸運地，我們今天在議事堂內尚未就此進行討論。

主席，黃毓民議員剛才說道，民主派支持有關修訂，便會使言論自由被扼殺。主席，這便正正是問題所在。世上沒有一種人權或核心價值是絕對的。雖然我捍衛言論自由，但我卻認為言論自由亦應受限制，否則各國便不會制定誹謗法。每種自由均需受恰當的限制，問題是如何劃下界線。這條界線今天所限制之處，我是可以接受的。我不能接受的說法，是把有關界線延伸會扼殺議會的所有言論自由。

主席，我必須提出的第三點是關於黃毓民議員剛才的說法的。他批評民主派成員要把《議事規則》修訂來限制言論及表達自由，使一眾議員千秋萬世不能享有這種權利。

主席，我並不認同他這種說法，因為《議事規則》是可以修訂的。

我們今天便正正是要修訂我們之前認為已經恰當及足夠的條文。來屆的立法會議員也可以作出修訂。在來屆60位——對不起，不是60位——70位立法會議員當中，如果黃毓民議員、吳靄儀議員也成功當選的話，他們當然可以提出修訂，把今天所通過的修訂全部修訂過來，這是沒問題的。不過，議會至高無尚的權力……此刻，我們有責任面對香港市民，亦有責任自我約束。所以，我不覺得今天的修訂會導致言論自由千秋萬世地受限制。

主席，一個更重要的核心問題可能是，究竟有關限制是甚麼樣的限制呢？是否真的一如某些同事，例如何秀蘭議員、黃毓民議員，甚至馮檢基議員剛才所描述般，會極度限制言論自由呢？主席，我認為並非如此。此話怎麼說呢？今天的修訂只是旨在把其他委員會主席的權力，與立法會主席的權力看齊。如果有人說這項修訂會限制言論自由及表達自由，便等於在說他們現時在立法會會議上也沒有言論自由及表達自由，因為立法會主席已經擁有這種權力。

現時的分別為何呢？唯一的分別，似乎是上一屆或之前的同事皆認為，在立法會裏，不同工作是可以由不同層次的會議所擔當的，而由於立法會主席及常設委員會主席的權力，可能有別於其他委員會主席的權力，所以其他委員會的主席便不需獲賦予這種權力。

主席，這才是我們需要討論的核心問題。這種看法究竟是否正確呢？如果吳靄儀議員、黃毓民議員、馮檢基議員及何秀蘭議員是正確的話，我們所需做的事，其實是把立法會主席的權力加以修改，刪除第44條及第45條。這可能是邏輯上應持的立場。

然而，主席，我不接受立法會的運作是有階級之分的。我剛才已說過，最重要的是立法會並非屬於議員的，我們只是代表而已，立法會是屬於香港人的，這是我的中心思想。從香港人的眼中看來，會議是沒有分別的。現時科學昌明、資訊發達，市民每天均可以透過收音機或電視機收聽或收看所有會議，甚或可以親身前來立法會大樓，一如今天坐在公眾席的同學般，可以親身體驗會議。現時亦很多時候有市民代表參與我們事務委員會的會議。

既然如此，階級之別其實是不應該存在的。主席，既然不存在階級之別，如果我們以保持立法會運作暢順為出發點，接受立法會主席可以在某程度上限制議員的行為及言論，以維持立法會的尊嚴的話，我覺得這權力絕對可以延伸至其他委員會主席。

正因如此，在議事規則委員會會議上，我曾表示可以接受有關修訂。我不曾想過，我接受有關修訂會招致某些同事，例如黃毓民議員、陳偉業議員、“長毛”或別的同事對我作出惡性譴責或侵犯。我完全沒有想過這問題。當然，我不曾想過並不等於這問題不存在，但這問題的存在也同樣不等於我要迴避這問題。

主席，在今天之前，有民主派的同事，特別是民主黨的朋友向我提及他們不能接受第45(1)條(即關於議員“在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點”)所施加一定程度的限制有所延伸。

主席，我覺得如果從宏觀的角度來審視這問題……正如我剛才所說般，立法會主席現時已經擁有這種權力。在我過去短暫——雖然看似很漫長——的政治生涯裏，主席似乎在立法會會議上不曾運用這權力。即使我覺得很多時候同事在重複或煩厭地提出無關事情重點的言論，但縱使我發現這種情況多次出現，我記憶所及，主席亦不曾運用這種權力。當然，如果吳靄儀議員覺得主席曾經運用有關權力，她稍後可以發言糾正我，我亦樂於接受她糾正我。

然而，問題的核心並非在於次數多寡。議會文化是憲制常規的凝聚，只有在極端的情況下，立法會主席才會運用他的智慧來行使這種權力。當然，立法會主席在行使這權力時會否遭人非議……不論是立法會主席或立法會會議均受公眾監察及批評，我覺得這是制衡機制的一部分。

既然第45(1)條存在已久，而在過去的運作中，沒有人認為行使這權力會有礙民主或議會精神，把這權力延伸至其他委員會主席，藉以消除階級觀念，我覺得是恰當的，亦不會造成不可接受的政治事件。

當然，我的這種說法，可能會成為我的“famous last words”，意即我“著名的遺言”，因為說不定明天便發生事情。那麼，我屆時可能要立即吃一份“humble pie”(我不知道中文應如何表達)。然而，此時此刻，我們要作出決定。這項修訂應否獲得大多數同事的支持呢？我絕對相信有關修訂應該得到大多數同事的支持。

主席，坦白說，我真的不太清楚公民黨會否與民主黨一樣，對第45(1)條的修訂投反對票。不過，我會投支持票。

梁國雄議員：主席，聽了湯議員的發言，我感到很奇怪，為何他不明白，把權力向下延伸時，如果……

主席：梁議員，請先戴上擴音器。

梁國雄議員：我認為他犯了一項基本謬誤，那便是像你閣下般的絕對權力……你是享有絕對權力，你叫我走我便要走；你說我重複發言，我便是重複發言；你說我引喻失倫，我便是引喻失倫；你說我離題，我便是離題。范太經常以這方法對付我，你已經較她好一點。以往，我只說了一、兩句，范太便已經說“不好意思，請你出去”了。當年，吳靄儀議員曾仗義寫了一封信給范太，說這其實十分嚴重，因為一旦某位議員的發言令主席感到不中聽，反駁了兩句後便請他今天不用回來，有關的議員便無法表決了，對嗎？其後，范太便檢點了一些。

其實，為何會出現主席你所享有的這項絕對權力呢？你可以說它是“必要之惡”，也可以說它是讓大家更容易順利舉行會議的規則，但如果把這項權力下放，令立法會的其他小組和委員會均存在像主席般專制的人，所有事情由他定奪，當中更涉及言論自由時……其實，說到議員的發言是否冗長——或是特首說的“匡長”——或重複時，老實說，主席是否一定有智慧來決定呢？即使是主席你，也未必擁有這種智慧，你又有甚麼資格說我呢？

有一次我在法庭自辯，胡國興對我說：“梁先生，我明白你說的話，不用再說了，這是在浪費時間，法庭的時間很寶貴”，我於是跟他說：“請你找一張紙，寫出我下一句將會說甚麼。如果你可以猜到，我便不再說了”。結果，胡國興法官沒有辦法，惟有讓我繼續說。可是，我在這裏反而無法這樣做。我只是反駁一句，主席已經叫我出去，叫我要乖。湯議員似乎不明白，這是平等嗎？這是更不平等，是“平等地不平等”。在處理不同事情時，當然要有不同的平待，這是在人權方面一個最新的概念。

我們現在再看看拋擲物件這件事。這是在說我吧？這是說我向張建宗擲了4個樽那回事吧？我向他擲了4個鐘……是4個樽，不是4個鐘，還未發展到那種情況。我向他擲了4個樽，有何傷害性呢？那當然是傷害了他的尊嚴，亦傷害了我們的形象，因為在立法會內不應該出現那種場面，便是這麼多了。李卓人議員當天其實亦有問我，可否

保證以後不再拋擲物品，但我說我不會作出保證。結果，他決定休會，而休會後我並沒有回來。

當然，你們可以說有一位議員在委員會復會後又那樣做，也是可以的，但在立法會大會上又為何不行？如果有23位議員每次也拋擲物品，糾纏10分鐘，那已經花去了230分鐘——即如果泛民主黨的議員那樣做。當然，我不鼓勵他們那樣做，他們亦不願意，我們不會強人所難。其實，那只是一種手段，是藉議會抗爭凸顯議會的不義。我可以告訴大家，我是九死而不悔的。這樣的議會值得尊重嗎？這是一個甚麼議會呢？它是由小圈子選舉產生的，這教我如何尊重它呢？主席，我尊重你也沒有用，因為我並不尊重這個制度，這便是小弟從上面公眾席鬧到這個議事堂的原因。我是不會停止的，這是第一點。

第二，我要保留我在議會內抗爭的所有權利，但我已經作出聲明，我是不會打他的。在這種情況下，我們的議員便很好心地，他們看見情況已經漫延，於是提出應該怎樣做？不如像《西遊記》般，拔出一根毛，吹一口氣，變出19位或39位曾鈺成議員，即要主席你像冤魂附體般，到處說“我是曾鈺成，我現在代表其他人行使這項權力”。這當然是相當錯的，因為你老人家怎麼說也是經由選舉選出來。我曾問你是否共產黨，但你沒有回答。即使如此，還是有人投票選你，我也佩服。現在，你獲賦予專制的權力，而且是一項如此絕對的權力，究竟會否出現絕對的腐敗呢？我不清楚。

其實，這項權力只是為了方便會議能順利舉行。主席，你有時候也會出錯。如果你直接說散會，我便會走出去，何需驅逐我，對嗎？可是，你並沒有那樣做。我拋擲物品，究竟會阻礙香港人多少時間，“老兄”？你實際一點吧。可是，我們的議會是經由小圈子選舉制度產生，它造成了多大的禍害呢？讀書是為了明理，對嗎？撿了芝麻丟掉西瓜，如果想維護立法會的尊嚴，為何不要求全面普選？想要有尊嚴，便應該要這樣做。

最能夠讓我們擁有尊嚴的，便是容許立法會真正行使立法職能，不受《基本法》被第七十四條規限——抑或是第七十九條？我不記得了，但應該是第七十四條——政府不應在立法時說：“各位同學，請問一問大主席，當中有否涉及公帑開支、有否涉及政府政策”。這其實等於廢掉我們的武功，我們像是傻子般坐在這裏跟政府玩。有時候我看到吳靄儀議員提出修正案，便想叫她不要提了，因為是徒然的。我們儘管說了也沒有用，他們已經“數夠票”，情況便像“隔夜燒

賣”般，即是“整定”的，臭與不臭也要吃，吃完拉出來後又說其實並非情願，只是被迫而已。歷歷在目的例子是就兩鐵合併的立法、領匯、西九龍，以至去年的所謂政改方案，每次都是這樣。

議會沒有尊嚴，是壞制度造成的；我之所以要在這裏這樣做，我之所以進來後變了另一個人，是由於我要為香港人伸張正義，我要不停提醒他們。你可以說我無需擲4個膠樽，但我是認為有需要才那樣做，那是我的表達方式，只要不涉及暴力便可以了。

今天，你們要像孫悟空那樣，拔一根毛變出十多個人，可以嗎？他們有這種權力基礎嗎？可以政變嗎？是否可以因為因習的成見，即使教壞小孩子也無妨？如果說會教壞小孩，便不要播放利比亞內戰的片段，因為利比亞內戰有人死亡，也不要播出拉登的照片。你們是甚麼人呢？是否你們覺得某些人的行為會教壞人，於是便可以封殺他？艾未未也是這樣，他是獨立特行者，對嗎？

我的道理很簡單。我想說的是，如果是好心做壞事，我無所謂，但我已提醒你們，這是不能做的。現在，有關刑事的法例已經可以制裁我們，如果我們擲物或有任何舉動，休會便已經可以處理，為何還要提出一項永不可復修的權力，把議員趕離場及不准他表決？為何要擴大這權力？這是不能解釋的。如果真的要懲處我們，其實可以扣薪。《文匯報》說我們貪錢，扣我們的薪金我們便會害怕，為何不那樣做呢？我們最重要的權利便是在這裏議政和表決，要剝奪我的權利是不可能的。

其實，這個議事堂內有二分之一的議員並非由“一人一票”選出，但他們有權參與這個議會的決定，這亦是最大的侮辱。如果這不算是暴力，算是甚麼呢？我不擲樽又可以怎樣？有30人並非由“一人一票”選出，但卻跟我們有同等的權利，這不是最差的不平等嗎？我就是要反對這種不平等才擲樽。我沒有向議員擲樽，我只是向官員擲樽而已，錯在哪裏？各位同學，如果你們看到不公義的事也不發聲，那才是罪惡，因為會令其他人需要一起忍受罪惡。

蘇格拉底被捕時，他被指在灑毒藥，令雅典的青年人不信神，他說：“The hour of departure has arrived, and we go our ways — I to die and you to live. Which is the better, only God knows.”(譯文：“臨別的時候到了，你走你的路，我走我的路；我去死，你去生存。誰比較對，只有上帝才知道”。)主席，臨別的時候到了，你走你的路，我走我的

路；我去死，你去生存。誰比較對，只有上帝才知道。這是一句很好的引文，但上面的引文更有趣：“Still I have a favour to ask of them. When my sons are grown up, I would ask you, O my friends, to punish them; and I would have you trouble them, as I have troubled you, if they seem to care about riches, or anything, more than about virtue; or if they pretend to be something when they are really nothing, then reprove them, as I have reproved you, for not caring about that for which they ought to care, and thinking that they are something when they are really nothing. And if you do this, I and my sons will have received justice at your hands”。(譯文：“我仍有一事要拜託他們：朋友們，等我的兒子長大以後，如果你們發現他們重視錢財或其他東西更甚於重視德行，沒有出息而自以為是，那麼，請懲罰他們、阻撓他們，責備他們，就像我阻撓和責備你們一樣，責備他們忽略了本應看重的事情，沒有才能卻自命不凡。你們要是這樣做了，我們父子就算是得到你們的公平待遇了”。)這是蘇格拉底向判他死刑的人所說的話，他叫他們要做好事，不要做一些連自己也不清楚的事，要幹實事。如果想這個議會好，應該參加“五區公投”。民主黨是要被罵的，叫他們做一些好事，令這個議會能真真正正發揮議政和監察政府的功能，他們卻不做，只做一些“無厘頭”的事。

主席，你在這個議會時間不短。我自1997年起在公眾席上反對董建華廢法開始，阻了你們多少時間呢？請計算一下，有沒有30分鐘？經你處理的也未必有30分鐘。正如湯家驊議員說，會議過程是直播的，我便是利用這個平台顯示這個議會極不公義的一面，你們為何會覺得有損尊嚴呢？

道不同不相為謀，但問題在於你們對權力和權力的授予，以及以權力壓制自由的理解是完全錯誤。我們的權力是誰賦予的呢？是選民賦予的。主席，你有權威，讓我多讀一段給你聽：“不是為自由而存在的權威就不是權威，而是暴力。”你就是了。這裏是不公義的地方，不是為自由的。這句話不是我發明的，是那位被多次引述的Lord ACTON的說話。今天所發生的就是這樣，不是為了自由，而是要權威，令其他人不能暢所欲言。多謝主席。

梁家傑議員：主席，公民黨有5位議員，稍後就譚耀宗議員提出的兩項決議案贊成與反對將各投4票，因為在關於《議事規則》第45(1)條的議案方面，我們會投4票反對票，而湯議員會投贊成票的。此外，

在關於第45(2)條的議案方面，我們會投4票贊成票，而吳靄儀議員會投反對票的。

我黨個別黨員與黨的立場各異，主席，從這一客觀事實，你可以深切理解，在這天這議題上，公民黨是如何經歷一番掙扎和深入的思想鬥爭。

坦白說，公民黨對於今天需要討論這議題，是感到很痛心的，主席。我們為何痛心呢？我們真的要想想，為何我們的議會內部分議員會認為應透過一些比較激進的行為來貫徹言論自由的權利呢？不單是這樣，採用這種方法來表達意見的議員，很多都是立足於羣眾，從羣眾而來。這些議員把這種表達方式和行為視作行使言論自由的最有效方法，而他們這一觀點的確是有其羣眾基礎的。我經常說，從羣眾而來，始終也要走回羣眾，即使他們不是天天走回羣眾，4年一次的選舉，主席，他們也要走回羣眾。

我們的痛心是，議會裏出現了這種表達方式，其背後一定是有羣眾認為可藉此幫助他們抒一口悶氣。這是否我們社會需要整體反思的問題呢？公民黨當然認為這是需要的。這亦解釋了為何我們覺得今天討論這項修正案是很令人痛心的。香港人一直崇尚和平、理性的辯論，認為在制度內應可把道理說清楚，真理可越辯越明。然而，為何現時有人覺得這一信念已不能再擁抱呢？

記得有一次，在區裏有一位“阿叔”跟我說：“‘傑哥’你太斯文了，別人早已‘飛象過河’，‘馬行田’，‘象行日’，但你還依循傳統中國象棋的規則以待？你實在很愚蠢。事實上，我真的看不到成效。”主席，我當然語重心長地跟他解釋，這只是因為大家的表達方式不同而已。我說，我們習慣採用理性、平和的方式來辯論，希望他們理解。但是，主席，我不能說這位“阿叔”所說的話荒謬和完全沒有道理。這是我們痛心的第一個理由。

主席，另一個令公民黨感到痛心的理由是，今天需要討論這項修正案，是因為很多議題在議會裏已爭取了不下數年，甚至是10年、8年，但官員卻完全視而不見，聽而不聞。因此，當這種完全不被接納和不被尊重的感覺重複出現時，情況便可能達至臨界點。我們今天要討論這些修正案，是否顯示我們已接近臨界點呢？公民黨為此感到痛心。

主席，有議員說，外國的議會甚至會採用減薪、停止有關議員的議會職務等方法。剛才公民黨吳靄儀議員已清楚指出，這些權力並非由議長來行使的，而是由議會透過議員的提案，經過整個議會的辯論、投票後，才懲處有關議員的。今天我們根本不是討論這些問題。吳議員亦清楚指明——我不能解釋得比她好，所以不會班門弄斧。然而，吳議員很清楚告訴大家，會議可分兩種，一種會議是用來討論政事的，另一種會議則是要表決的。在有需要表決的會議方面，其實我們的《議事規則》第44條及第45條已說得很清楚，立法會主席、全體委員會主席、任何常設或專責委員會主席均擁有較大權力，以方便控制議會的秩序，方便投票，這的確有其存在的理由。因此，我們討論第44條及第45(1)、(2)條的修訂時，絕不會說這些事情與外國議會比較，實是微不足道，並因而掉以輕心，隨便作出處理。公民黨的立場絕對不是這樣。我們覺得這是一項嚴肅的修訂，而亦正因為這是一項很嚴肅的修訂，公民黨很明白其深層的意義。因此，我們才會經過反覆的辯證，來達致我們今天投票的取向。

主席，與廣大的市民一樣，我們也很希望能夠保持議會的秩序，亦希望最低限度能夠保證，出席本會會議的政府官員及公眾均不會感到任何壓力，或人身安全受到任何威脅。所以，基於這些考慮，我們便不斷思考今天這項修訂究竟是否已能取得一個最適切的平衡。

當然，另一方面的考慮便是吳靄儀議員剛才擲地有聲、鏗鏘有力地表達的觀點。要在兩者之間取得平衡，公民黨的主流意見認為，秉持理性討論原則之餘，仍然要照顧羣眾的情緒，因為市民前來立法會時，總不希望受到一些自己不想受到的待遇，而也有些市民為官員而感到不值。因此，在平衡之下，我們最後的主流決定是，就與第45(1)條有關的修訂，即在辯論中有議員不斷提出無關的事宜、一些冗贅、煩厭地重提本身或其他議員的論點，不應該把立法會主席的權力交給事務委員會的主席。

然而，在極不檢點的行為方面，我們認為，為處理目前情況，可以嘗試把這權力交給事務委員會主席。總的來說，我們很希望將來無須真的要運用這種權力，我們更希望在不久的將來，我們可以把第44條、第45(1)條、第45(2)條回復原貌，因為已經沒有議員覺得再有需要用一些平和、理性辯論以外的方法，來表達意見和貫徹及行使言論自由的權利。我們亦很希望我們的政制能很快地達致真正的普及和平等，令所有市民可以透過理性、平和的表達方式來令當權者聽他們的意見。我們希望在制訂政策的過程中，議員能夠被尊重，令他們不再

覺得要採用非平和和非理性的辯論手法是會得到支持的。我們不希望有需要行使修正案涉及的權力。

因此，主席，我今天代表公民黨表達了我們就這兩項議案的投票的取向，以及解釋了我們的立場。謹此陳辭。

主席：是否有其他議員想發言？

葉國謙議員：主席，在過去兩、三年，香港莊嚴的議會文化產生了明顯的變化。個別立法會議員在立法會大會、財務委員會、特首答問大會各種公開會議上“擲蕉”、辱罵官員、推撞保安，視議會常規為無物，肆意破壞議會秩序，為社會的下一代樹立了極壞的榜樣，立法會必須正視問題，讓議會秩序重回正軌。

這次對《議事規則》第44及45條提出的修訂建議，受到黃毓民議員、陳偉業議員及梁國雄議員反對，相信是意料中事，他們不反對才令人感到意外，因為他們是議會暴力的始作俑者。但是，如果將自己的議會暴力行為，美化為“民主抗爭”，我倒想問一句，擲膠樽、擲拖鞋、擲白果、辱罵官員是“狗官”、“太監”等，這些行為跟民主有何關係呢？這種“暴力問政”的方式，其實是“反民主”的惡霸行為。

有人說香港的議會文化越來越“台灣化”。台灣議會的暴力文化，一般以1988年民進黨立委朱高正，跳上主席台毆打當時的立法院院長劉闊才的事件，視為“暴力問政”的開始。說到台灣政治，相信黃毓民議員是專家，肯定比我更清楚。1980年代的台灣，仍處於國民黨威權管治的時代，在立法院的少數派，提出的政策或政治主張，很多時候都沒有正常渠道表達，媒體又鮮有報道，所以被迫採取激烈的手段，這是可以理解的。

然而，香港是一個多元化的社會，任何政治訴求或政治主張均找到渠道表達，不論大小政黨或獨立議員均有機會在媒體露臉，議員也有很多種正常途徑向政府表達意見。所以，個別議員在議會內採取極端的抗爭行為來表達訴求，其實沒有必要。他們之所以樂此不倦，甚至變本加厲，唯一可以解釋的理由，就是要以激進作為賣點，向支持他們的選民作出交代。

梁國雄議員在早前的內務委員會會議上，已經對有關修訂表示反對，他說：立法會大會主席是中立的，但事務委員會主席並非中立，賦權事務委員會主席驅逐議員的做法不合理，他還叫其他議員“做事顧及身份”。原本，事務委員會主席並非必要擁有驅逐議員的權力，正正因為梁議員不顧身份，在人力事務委員會內，向張建宗局長擲膠樽，使在座大部分議員均覺得有需要賦予事務委員會主席權力。剛才吳靄儀議員亦就這方面提及，為何常設委員會應該有這權力，其他委員會則不應該賦予權力。其實，我們贊成湯家驊議員提出的某些邏輯，即若有人覺得這是不對的，是剝奪議員的發言權，則立法會大會及其他常設委員會主席的權力均取消才合邏輯。然而，事務委員會本身是執行處理立法會的運作，我看不到主席之中，為何會有不同的等別，有些主席可以運用這權力，有些較二流或低一級的主席則不能。所以，我真的不能在這方面認同這些邏輯。

這次提出的修訂建議，除了賦權事務委員會主席驅逐行為不檢的議員之外，還賦予事務委員會主席權力，可以指示不斷提出無關的事宜或冗贅煩厭的議員停止發言。但是，反對的議員認為，議員在事務委員會上發言有時間限制，故此，並無必要賦予事務委員會主席這種權力。其實，常設委員會的議員在發言時均有時間限制，而常設委員會主席一直都被賦予權力中止議員的冗贅煩厭的發言及提出無關的事宜。因此，我看不到有任何理由，在同意增加事務委員會主席執行議會程序權力的修訂中，單單剔除賦予事務委員會主席與常設委員會主席中止議員發言的同等權力。為何要單單剔除在外，不同意呢？我剛才聽到何俊仁議員的發言，他覺得沒有必要將中止議員發言變成主席的權力。其實在《議事規則》內清楚說明，議員重複提出無關事宜及冗贅煩厭地發言，主席才可指示其停止發言，目的是讓會議能有效和有序地進行，並能得以控制。

這次提出的修訂建議，是讓議會秩序重回正軌踏出第一步。我聽到陳偉業議員剛才的發言提及，在街上聽到很多街坊就議會有如此的《議事規則》的改變，表達憤怒的聲音。不過，我亦需跟陳議員說，我聽到很多市民的聲音，對於現時立法會這種暴力的議會文化表示強烈不滿。我相信這是大多數議員均覺得有需要利用這次機會作這方面的修訂的最重要的一點。不過，坦白說，即使這次修訂建議獲得通過，也不一定能杜絕我特別關心現時在議會內的肢體暴力和語言暴力的行為。因為“罰離場”對於個別議員來說，並不是一種懲罰，甚至可能是一種獎賞，因為既可以提早“收工”，又可以“博出位”。所以，民建聯認為，有必要再進一步研究外國議會的議事規則，以制訂適合香港政制不斷發展下的議會常規。

主席，我謹此陳辭，支持議案。

主席：是否有其他議員想發言？

黃國健議員：主席，我代表工聯會發言支持這兩項決議案。其實我覺得今天的討論是好事，這個好是在於香港現在很多市民對立法會普遍感到不滿。他們不能分辨出在立法會中發生了甚麼事，他們對某些議員的某些行為的不滿，可能擴展至對整個立法會的不滿。我記得之前有一項民調的結果顯示，立法會的民意支持度是較政府部門、特首、高官還要低的。報章也常常指責我們待人以嚴，律己則以寬。所以，我覺得今次的討論可向社會作出交代，說明我們立法會其實也是要有律己精神的。

其實我覺得提出這兩項決議案是理所當然的，目的只是維持會議正常、持續及公平地進行。維持會議持續地進行，這大家較為理解。公平的意思就是，議員不應作出任何不當行為來影響其他議員開會，也不應該影響整個會議的進行。影響會議的進行，其實亦影響公眾的利益。

所以，我覺得今次把問題提出來討論是好事。即使最後決議案不能獲得通過，也能給公眾一個交代，讓公眾看到究竟是哪些政黨、議員包庇這些行為，哪些議員為這些行為充當保護傘。所以，我覺得今次討論的好處，是在於把問題揭露出來，讓社會大眾看到，立法會現在對這些問題已開始討論，也有很多議員不滿這些行為，對這些行為“say no”。

其實我們在社區中或在社區進行諮詢會時，很多街坊、市民都對我們抱怨，責罵我們為何不制止這些行為。我記得我最近乘搭巴士時，突然有一位“阿叔”特意走到我身旁坐下，就是說這些事情。他問我們為何不做一些事情，來制止這些行為。我覺得今天這討論，即使沒有結果，也可作出交代，讓人們知道我們是有做工夫的。所以，我們會支持這項決議案的。

我剛才聽到很多議員提出理據，指議員是市民選出來的，所以，做這些行為是向其選民交代。其實我也有一個疑問，究竟選民選議員出來的時候，有沒有授權給他在立法會中做這些行為呢？有多少市民

真的希望選一位議員進入立法會做一些不當的行為，阻礙會議的進行呢？老實說，以民主、言論自由這些理據是不能遮蓋這些行為的不當性。

我相信現在這項決議案並沒有阻礙任何議員的言論自由，即議員想說甚麼，根本沒有人可以加以阻止。問題是，任何人在會議進行中所做的事情，均不應該妨礙會議的進行，不應該妨礙其他議員議政和表達意見。所以，在這前提下，工聯會將會支持今次這項決議案。多謝主席。

主席：是否有其他議員想發言？

謝偉俊議員：主席，我首先希望清楚指出兩個分野：第一是議會內、外的分別；第二是言論和行為的分別。正由於存在上述分野，我稍後的投票取向將與某些同事相同，贊成修訂《議事規則》第45(2)條規管議員行為的規定，但在現階段不贊成同時修改《議事規則》第45(1)條，有關作出冗長或煩厭性的發言的規定。

立法會和任何其他建制內的機構一樣，必須訂有規矩。今天就修訂《議事規則》進行的討論，本身已是self-evident即不言而喻地證明我們有需要訂立規矩。我很同意剛才湯家驊議員所提出，例如關於立法會並非神聖不可侵犯等的數個論點，在此我不再重複。但是，整體而言，我不能自稱是一個經常恪守規矩的人，黃毓民議員亦對我提出質疑，指謝偉俊議員一旦瘋起來也會作出嚇人的行為，不過，我會選擇性地視乎場合和情況而行動。即使我曾在公開場合及傳媒鏡頭之前，說出或作出某些可能被視為離經叛道、被所屬業界中人高調批評的說話或行為，甚至為此承受非常嚴厲的指責和懲罰，但有一條界線是我從來不會僭越的，那便是法院內、外之分的重要界線。同一道理，我認為如要維持建制(包括立法會)的尊嚴，便應就立法會內、外作出區分。

我十分贊成，亦相當瞭解及支持在某些情況下，為了表達意見必須不惜進行抗爭和表示不滿，甚至需要走上街頭示威，以至作出一些被認為偏向衝擊性的行為。但是，我始終認為在議事廳的大門之內不應出現這些行為，否則我們便沒有資格也不配談甚麼民主，因為議事

廳是讓我們進行理性討論的地方。

我經常強調“政法同門”，政治和法律一樣，即使有人甚至在座某些同事曾遭受他們認為屬不公義的檢控，但我從未聽聞有任何大律師、律師或街頭鬥士，膽敢在法庭內公然挑戰法官的權威，藐視法庭……

梁國雄議員：主席，我澄清我曾這樣做，MACKINTOSH便曾經被我罵過。

主席：梁議員，你有甚麼問題？

梁國雄議員：他說他不相信，但那位已過身的MACKINTOSH已被我罵過了。

主席：梁議員，請坐下。

梁國雄議員：不知道便不要亂說。

謝偉俊議員：主席，如果沒有記錯，過去應不曾有任何議員被判藐視法庭。即使有間歇性的不恰當語言，或一如梁國雄議員剛才所說，他曾與胡國興法官進行某些對話，但在某程度上，法庭對於沒有代表律師的人士通常會有較高容忍度和包容度，但這並不等於在議事廳內發生的某些行為，我強調不是言論而是行為，是可以為任何法庭所接受。

主席，其實凡事均講求平衡，剛才梁家傑議員亦曾多次使用“平衡”這個字眼。我認為除了平衡之外，還要加上合理、proportionate、合乎尺度的方向，這些均是普通常識。在今次討論的議題上，平衡點應放在何處？有些同事提出議會的尊嚴和順暢運作，這些我均表贊同，亦無需多說。不過，我想提出關於公平的問題。公平問題涉及數個方面，時間分配是其中之一。有同事指出這些行為不會阻礙太多時

間，只要把所涉議員趕離議事廳便可恢復進行會議，但事實上，往往在一些重要會議上，例如每當進行行政長官或政務司司長會出席回答問題、傳媒關注最多、時間分配最為緊張的會議時，便會有同事選擇性地在這些場合作出他們認為可引人注目的行為。但是，我們不要忘記，這些重要會議的時間分配往往非常緊張，為了鬧事而花費的每一分鐘，其實均褫奪了其他同事的發言權利和時間。由於出現這種行為，其他同事往往不能獲得公平的時間分配，這是第一點。

第二點是造成破壞的問題，這一點也不用多說，每當氣氛被破壞之後，均可能需要一段時間才得以恢復。第三點是壓力問題，壓力不僅在於同事本身，還可能涉及參與會議的官員或市民，而剛才也有同事提及，這可能涉及有形或無形的壓力。有時不一定要被所投擲物件擊中才構成暴力，任何恐嚇對方，令對方感到人身可能受到傷害的行為，理論上均已構成刑事罪行，只是如在執法上不太清晰，屬 *borderline cases* 即邊緣個案的話，警方便不會或不想隨意採取行動。事實上，某些議員過往的一些行為，嚴格而言已可能在邏輯上和理論上構成刑事行為，儘管沒有人被所投擲的物件擊中。所以，不要自以為眼界奇準或自恃以往行為沒有造成任何後果，其實是尚未到達臨界點而已，至於臨界點這回事，儘管未達到要提出檢控的地步，本會的同事其實已可說是非常忍讓。由開始出現暴力事件，某些同事作出書面譴責，以至漸漸有越來越多同事加入譴責行列，直至今次就修訂《議事規則》作出討論，所涉及的其實是一個演變過程，是 *action* 和 *reaction* 的過程。在一方選擇進行衝擊時，另一方自然有需要考慮應否相應作出回應。

對於吳靄儀議員剛才所作分析，我雖表尊重，但恐怕不能接受其中兩點。首先，她以英國議會作出比較，但英國議會沒有可能出現這種情況，最低限度暫時從未發生。正如我們無法想像英國超級足球聯賽會像非洲某些國家的足球賽事一般，經常有球員被罰離場或出現球員毆鬥的情況。說到英國議會，最低限度在我的印象中從未出現議員間的毆鬥行為，言論上的諷刺和衝擊有不少，但吳靄儀議員如認為有這樣的情況，希望她可以給我們一些意見，因為我亦希望能掌握這方面的證據。

其次，我不能夠完全接受吳靄儀議員的分析，因為在她洋洋灑灑的發言之中，她只表示很關注 (*concern*) 這種情況，但卻沒有提出任何 *relief* 即解決問題的方法，似乎只能繼續容忍。然而，以今時今日的

議會文化及社會輿論而言，恐怕已不能夠繼續容忍這種情況。

主席，有些同事特別是反對作出任何修訂的同事大聲疾呼，指本會並不公義，因此便可為所欲為；又或他們只是反映坊間的某些意見；甚或認為這是一個作出宣泄的場合，如果連這種宣泄機會也欠奉，恐怕會出現更嚴重的社會暴力事件。對於這方面的意見，我們可略作參考。不過，我想指出無論現行立法會選舉機制如何不公義，而某程度上我亦贊同有關說法，但這亦是經過充分討論和考慮後所訂定的漸進過程，而且有關過程仍在繼續不斷進行。正因為在制度上實施了比例代表制，才能容許一些自以為擁有民意基礎的同事肆意妄為。

事實上，如果對每一位議員的言論，均以社會上認為是否恰當的評論來作出論斷，相信這些只取得10%至15%選民支持的同事，未必可以如此大聲疾呼地說自己才擁有民意基礎。正如近期出現的某些偏激言論，加諸新移民身上的所謂“蝗蟲論”，是否有15%人士贊同便可以容許他們繼續肆意作出攻擊，提出一些非理性、具侮辱性甚至帶有種族主義(racism)色彩的言論？如果任何人有任何不滿，均可在得到15%人士認同下肆意妄為，相信亦非大部分市民的主流意見所能接受的做法。

對於宣泄渠道的說法，我亦有很大保留。事實上，剛才有同事大聲疾呼，號召羣眾跟隨他們的做法，這已不單是宣泄的問題，而是鼓吹甚至呼籲青年人參與其行動，這根本是唆使、教唆和煽動行為，對此我亦有極大保留。

有同事嘗試就大會主席和其他主席作出區分，作為不贊同作出修訂的理據。我同意湯家驊議員的說法，這其實不單涉及階級問題，大會主席並不僅僅代表其個人，而是一旦擔當這個職位，便要代表整個議會、整個建制行事，而這個位置亦可隨時由其他無需經過選舉選出的議員擔當，並且行使該職位所獲賦予的權力。舉例而言，代理主席會經常代為執行主席的職務，但他們並未像大會主席般經過選舉程序被推舉出來。當然，我們可以作出修訂，就此訂定一個選舉程序。

因此，基於同一道理，內務委員會或常設委員會的主席，理論上也只是暫時代表整個建制行使大會主席的權力。在這方面，我並不認為只有大會主席才可行使相關權力，當由其他議員代任時則不能行使那些權力。有同事指出其他委員會的主席其實也是經過協商而選出，但其實即使是大會主席，很多時候也是由大型政黨協商下選出，難道

可容許我們這些獨立議員置喙？所以，我認為這方面的分野其實問題不大，我反而希望在此重申，最重要的分野其實在於那究竟是言論還是行為上的問題。

有些同事擔心這是作出限制的第一步，是黑暗的一天，因為這做法會破壞議員的言論自由，收緊議員的言論空間，而且可進一步把議員逐出立法會，只要有三分之二議員同意行使《基本法》第七十九條所訂權力便可。理論上當然有這個可能，但實際上並不容易，而過往亦不曾出現這樣的先例。議員須接受社會的監察，如果隨便濫用所獲賦予的權力，將須接受適當的制裁，所以這想法未免是過慮了。

整體而言，每一項措施和修改均是一項incremental process，即漸進式的程序。今次，我們很不幸地需要處理這個問題，正是因為議會出現了一些和過往不同的做法和事件，令議員在逼不得已的情況下須以漸進方式修訂《議事規則》。是次修訂是在不妨礙整體言論自由之下，針對特別嚴重的不檢行為，容許其他委員會的主席享有和大會主席及常設委員會主席相若的權力，我認為這是可以接受的。然而，對於就發言問題作出制裁的權力，我認為在現階段未有需要採取這一步行動，所以我會按以上所述取向作出投票。多謝主席。

主席：是否有其他議員想發言？

(沒有其他議員表示想發言)

主席：如果沒有，我現在請譚耀宗議員發言答辯。在譚耀宗議員答辯後，這項辯論即告結束。

譚耀宗議員：主席，謝偉俊議員剛才的發言，已是一篇很好的總結陳辭，回應了各位議員的辯論，我其實很贊成他總結陳辭的內容。謝偉俊議員對議會內外作出了分析，我覺得這是正確的。如果看回他的情況，他也是過來人。在過往未進入議會之前，他其實也有很多“出位”的行動，我覺得他與“長毛”也是不遑多讓的。不過，自從他參加了議會之後，我覺得他是一個按照《議事規則》做事的人。

因此，就這個問題，在議會裏，大家的容忍度其實相當高。大家

想一想，我們這屆的任期還有一年多便完結。我剛才在發言時已經說過，這屆立法會共發生了28次議員作出極不檢點的行為。在今年的首3個月，亦有4次擲物件的事件發生。看到這些情況，大家均希望這可能只是一時之氣，希望議員會逐步收斂這些行為，或相關的議員會遵守《議事規則》。然而，大家覺得這些期望均一一落空；社會的輿論，最終亦對立法會整體的情況提出了很多批評意見。所以，今天對《議事規則》第44條、第45條作出少許修訂，我覺得這其實是很小的一步。但是，如果說這項修訂也引致議員在剛才發言時提出很多很強烈的抨擊，我是感到心痛，而並非為這些互相攻擊而感到很高興。

有些議員說今天是很黑暗的日子，我覺得這是誇大其事。一項如此細微的修訂，如何會是黑暗呢？是甚麼地方黑暗呢？他們說到彷彿以後也不讓人發言，其實並不是這樣的情況。陳偉業議員舉例說，他昨天在荃灣麗城花園，有街坊走過來說他做得非常好，很認同他這些議會暴力的行為，也很支持他。然而，湊巧我昨天由中午至晚上的不同時候、環境之下，也有3次聽到了市民的意見。

第一次是我在吃中午飯的時候。當時一羣人在吃飯，在座其中一位是家庭主婦，她有一子一女，均是十多歲的了。她主動提出——她知道我是立法會議員，我們有數年沒有見面——她主動提出：“立法會議員為何會是這樣的？你們開會時不守規矩、亂擲東西。”她甚至說：“這些行為不是把台灣的行為搬過來了？這是不好、不應該的。”她說了這些話，這個話題完全不是由我帶出來的，我亦再沒有“加鹽加醋”。我只看到這些家庭主婦平時可能對議會的事項不一定全部也關心，但看到這些行為的出現，也有着相當強烈的反應。這是我在中午吃飯時聽到的。

我在晚上出席一位友人的女兒的婚宴場合，有一位是金融界的朋友，他很多時候也對金融市場、股價或其他方面作出一些評論，也算是一名“名嘴”。他主動地與我談及這個問題，說對於立法會議員既擲物件又作出粗暴的行為，他感到很不滿。

在飲宴完畢，當我登上的士返家途中，的士司機看到並認得我是譚耀宗議員，我接着便聆聽他的說話。他點出了黃毓民議員的名字，他首先澄清他是無黨無派的，接着說：“不過，我認為立法會議員，例如好像黃毓民議員般，他很有知識、文化，為何會做出這些行為呢？他做的行為也是不對的，開會便開會，無需做出這些行為。”他擔心駕車時說得太多，因為我乘坐的路途並不很遙遠；在我抵達目的地的時候，他甚至說：“阻礙你一會兒，我要再多說兩句。”的士司機也發

表了相類的意見。在一天內，不知為何，我所接觸的人不約而同地……他們沒有問及我們今天是否就要修改《議事規則》進行表決，他們可能亦不知道有這項討論，但不同背景、階層的人，均關心這個問題。

陳偉業議員當然會說，有很多支持者也支持他這些做法，我對此便不清楚了。不過，如果以我接觸的人來看，剛才發言的議員其實亦表示，大家在日常接觸的市民，對議會出現這些情況，很多也認為議員是不應該這樣做的。所以，我很希望我們的議員、同事均能認真地深入思考一下。你說這些是抗爭的行為，但我覺得抗爭是有一種程度的；到了某一種程度，而你要繼續這樣下去的時候，事情便可能會適得其反，而並非等於你做了這些行為之後，便會帶來更好的效果，得到更多人的欣賞，或能夠對你的目標或訴求有正面的作用，除非你有其他的議題是我不知道的。

有議員剛才發言時反對這項對《議事規則》的小修訂，他們說現時議會有一半議員是由功能團體選出，是小圈子選出來的，而並非全部是民意的代表。我覺得他們說這些話的時候便要再想想，如果說他們是經地區直選選出來的，是民意的代表，只有他們才能夠代表市民的話，但他們那些行為、言論卻得不到大家的支持，最終不是會影響地區直選的議員嗎？大家可能對直選方面便會有些戒心，認為在現時30位議員裏，幸好暫時只有數位議員是這般模樣，如果將來有越來越多直選議席，有越來越多這類議員，可怎麼辦呢？這對於地區直選的議員能否起到正面的作用呢？會否令更多人想到，幸好仍有功能團體的議員呢？我覺得這些均是值得大家思考的。

主席，有人認為不用修改《議事規則》，大家明白要如何做便可以了。但是，我們對此已等待了很久，大家也是這樣想，亦有議員說修改了卻不等於不會有事情發生。吳靄儀議員強調，修改了便等於不會有事情發生嗎？如果按照這種邏輯精神，可能很多東西亦是不用修改的了；我們經常要修改法例，但這其實也是不用修改的，修改了也是無法杜絕的。例如說要修改法例、加強罰則，阻嚇人們不要亂拋垃圾，罰款由500元增加至現時的1,500元。你可以說不用這樣做，即使罰款1,500元，同樣也會有人亂拋垃圾……

謝偉俊議員：醉酒駕駛。

譚耀宗議員：對了，謝偉俊議員提醒我還有醉酒駕駛方面，我沒有駕

駛執照，這些事不會發生在我身上，所以我想不起來。你可以說是不用增加罰則的，因為也無法阻止醉酒駕駛，這些情況同樣會發生。你說飲一杯酒便要受罰，但可能仍同樣有人有心地以身試法，或無意地作出這些行為。

總的來說，如果覺得某項規例、條例是有問題，我們要進行修改或加強一下，或甚至對某些情況需設多些限制，我覺得這也是很自然的事。雖然大家均明白，肯定不會因為這些修改而令問題得以完全解決；如果是這樣的話便很簡單、很容易做了，是嗎？然而，如果我們連這一步也不做的話，我覺得便是有負社會很多市民對我們的期望。我們希望做了這一步之後，相關的議員能好好地反省一下、想一想，他們是否繼續要這樣做？在議會裏大多數人有這樣的意見，在社會上也有這麼多意見，他們還是否應該繼續在這裏堅持自己這種做法呢？

再者，你說要抗爭，這是沒有人要阻止你的。不過，大家在開會的時候，最好便按照《議事規則》辦事，這樣便可以了；你喜歡在外面做其他事情，沒有人會阻止你。香港是法治的社會，你可以做很多事情，只要不是違反法例的事情，你也可以做。

有議員提到我們稍後會分開兩項修訂來進行表決，有些說只會贊成一項，有些則是兩項均贊成。當然，每個人對此也可以有選擇。不過，我覺得即使我提出這兩項修訂，亦不會導致第45(1)條不准人們作出評論。我想大家均知道，我們在開會的時候，無論是大會主席、事務委員會主席，還是各個委員會的主席，大家在擔任主席、坐在主席的位置上的時候，他們處事均很公正、公道，我完全不認為擔任了主席的人便會濫權、霸權，我想大家也不會這樣做。大家是輪流擔任主席的，也有機會坐上那個位置。大家已合作了數年，均明白、亦不會因為這項修訂而故意阻止別人發言，影響別人的言論自由。我相信這情況應該是不會出現的，因為我們均不是剛剛才開始進行議會工作。

至於有議員說日後會否有這樣的情況？我同樣覺得是不會的。我們的會議全部是開放的，大家有目共睹我們不會濫用《議事規則》。出現了問題的時候，大家很多時候反而會懷疑《議事規則》會否是有些東西沒有說清楚、會否太寬鬆而令主席難以作出裁決？是有很多這樣的情況出現，反而是大家對《議事規則》提出一些疑問。

在我發言後便會進行表決，我很希望大家可以重新考慮，對於今天分開表決的這兩項修訂，均能夠全部支持。謝謝主席。

陳偉業議員：主席，我可否請他澄清在他剛才的發言中，他說呼籲大家按《議事規則》辦事。我覺得他的發言似乎有誤導性，以及他可能是說錯話。他可否澄清，現時是修訂《議事規則》，而非按《議事規則》辦事，他的發言似乎是有誤導性及扭曲性的成分。

主席：陳議員，在譚耀宗議員發言答辯後，這項辯論已告結束。我現在向各位提出的待決議題是：譚耀宗議員就修訂《議事規則》第45(2)條動議的第一項議案，予以通過。現在付諸表決，贊成的請舉手。

(議員舉手)

主席：反對的請舉手。

(議員舉手)

陳偉業議員起立要求記名表決。

主席：陳偉業議員要求記名表決。表決鐘會響3分鐘。

(在表決鐘響起期間，何俊仁議員站起來)

主席：何俊仁議員，你有甚麼問題？

何俊仁議員：我們現在是就第45(1)條，還是第45(2)條進行表決？

主席：現在是就第一項議案，即修訂《議事規則》第45(2)條進行表決。

(表決鐘繼續響起期間，黃毓民議員站起來大聲叫罵)

黃毓民議員：打壓言論自由，可耻！

主席：黃毓民議員……

黃毓民議員：民主黨自掘墳墓，可耻！

主席：黃毓民議員，請立即坐下。

黃毓民議員：偽民主派打擊言論自由，可耻！

主席：黃毓民議員……

黃毓民議員：主席，我們離場表示抗議。

(陳偉業議員亦站起來)

陳偉業議員：主席，你無需趕我們離場，我們不承認這項表決結果。

主席：陳偉業議員，請立即坐下。

陳偉業議員：民主黨投共，可耻！民主黨可耻！出賣選民，可耻！

主席：陳偉業議員，請立即離開會議廳。

(黃毓民議員及陳偉業議員離開了會議廳)

(表決鐘響結束)

主席：現在開始表決。

主席：請各位議員核對所作的表決。如果沒有問題，現在停止表決，顯示結果。

功能團體：

何鍾泰議員、張文光議員、梁劉柔芬議員、黃宜弘議員、黃容根議員、劉皇發議員、劉健儀議員、李鳳英議員、張宇人議員、方剛議員、李國麟議員、林健鋒議員、梁君彥議員、黃定光議員、劉秀成議員、林大輝議員、陳茂波議員、陳健波議員、梁家騶議員、葉偉明議員、葉國謙議員、潘佩璆議員及謝偉俊議員贊成。

吳靄儀議員反對。

地方選區：

何俊仁議員、李華明議員、涂謹申議員、陳鑑林議員、劉江華議員、劉慧卿議員、譚耀宗議員、余若薇議員、王國興議員、李永達議員、張學明議員、湯家驊議員、甘乃威議員、李慧琼議員、陳克勤議員、梁美芬議員、黃成智議員、黃國健議員、葉劉淑儀議員、梁家傑議員及陳淑莊議員贊成。

馮檢基議員、何秀蘭議員及梁國雄議員反對。

鄭家富議員棄權。

主席曾鈺成議員沒有表決。

主席宣布經由功能團體選舉產生的議員，有24人出席，23人贊成，1人反對；而經由分區直接選舉產生的議員，有26人出席，21人贊成，3人反對，1人棄權。由於議題獲得兩部分在席議員分別以過半數贊成，他於是宣布議案獲得通過。

主席：譚耀宗議員。你現在可以動議第二項議案。

譚耀宗議員：主席，我動議通過以我名義提出的第二項議案。

譚耀宗議員動議的議案如下：

“議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

對《香港特別行政區立法會議事規則》的修訂

1. 修訂第45條(立法會及委員會會議中的秩序)
第45(1)條 —
廢除
“常設或專責”。

主席：我現在向各位提出的待議議題是：譚耀宗議員動議的第二項議案，予以通過。

主席：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

(議員舉手)

主席：反對的請舉手。

(議員舉手)

梁國雄議員起立要求記名表決。

主席：梁國雄議員要求記名表決。表決鐘會響3分鐘。

主席：現在開始表決。

主席：請各位議員核對所作的表決。如果沒有問題，現在停止表決，顯示結果。

功能團體：

何鍾泰議員、梁劉柔芬議員、黃宜弘議員、黃容根議員、劉皇發議員、劉健儀議員、李鳳英議員、張宇人議員、方剛議員、林健鋒議員、梁君彥議員、黃定光議員、劉秀成議員、林大輝議員、陳茂波議員、陳健波議員、葉偉明議員、葉國謙議員及潘佩璆議員贊成。

吳靄儀議員、張文光議員、李國麟議員、梁家騮議員及謝偉俊議員反對。

地方選區：

陳鑑林議員、劉江華議員、譚耀宗議員、王國興議員、張學明議員、湯家驊議員、李慧琼議員、陳克勤議員、梁美芬議員、黃國健議員及葉劉淑儀議員贊成。

何俊仁議員、李華明議員、涂謹申議員、劉慧卿議員、鄭家富議員、馮檢基議員、余若薇議員、李永達議員、甘乃威議員、何秀蘭議員、黃成智議員、梁家傑議員、梁國雄議員及陳淑莊議員反對。

主席曾鈺成議員沒有表決。

主席宣布經由功能團體選舉產生的議員，有24人出席，19人贊成，5人反對；而經由分區直接選舉產生的議員，有26人出席，11人贊成，14人反對。由於議題未獲得兩部分在席議員分別以過半數贊成，他於是宣布議案被否決。

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B3092

2011 年第 87 號法律公告

2011 年第 87 號法律公告

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

立法會於 2011 年 5 月 11 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

2011 年第 87 號法律公告

附表

對《香港特別行政區立法會議事規則》的修訂

1. 修訂第 44 條 (主席決定為最終決定)
第 44 條——
廢除
“常設或專責”。
2. 修訂第 45 條 (立法會及委員會會議中的秩序)
第 45(2) 條——
 - (a) 廢除
“常設或專責”;
 - (b) 英文文本——
廢除
“clerks of any committees”
代以
“clerk of any committee”。

立法會秘書
吳文華

2011 年 5 月 11 日

香港特別行政區立法會議事規則委員會
2010 年 11 月至 2011 年 6 月的工作進度報告的節錄

X X X X X X

2. 檢討與立法會會議有關的程序安排

對議員在立法會會議上屢次或不斷作出不檢點行為作出處分

2.17 根據《議事規則》，議員：

- (a) 應就討論中的題目發言，而不應提出與該題目無關的事宜(《議事規則》第 41(1)條)；
- (b) 不應對其他議員使用冒犯性及侮辱性言詞(《議事規則》第 41(4)條)；
- (c) 不應意指另一議員有不正當動機(《議事規則》第 41(5)條)；
- (d) 出席立法會會議時，應在衣飾及舉止上保持莊重(《議事規則》第 42(a)條)；
- (e) 在立法會會議進行中，如無必要，不應橫越立法會會場(《議事規則》第 42(b)條)；
- (f) 在立法會會議進行中，不應閱讀與立法會事務無關的報章及其他文件(《議事規則》第 42(c)條)；
- (g) 在另一名議員發言時，應保持肅靜，且不應作不適當的插言(《議事規則》第 42(d)條)；及
- (h) 不應在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點(《議事規則》第 45(1)條)。

2.18 《議事規則》並無就議員違反上文第 2.17 段所述規則訂明任何特定處分。《議事規則》第 85 條¹所訂的暫停職務，是與個人利益、工作開支或營運資金有關的處分，並非對行為不檢的處分。儘管如此，《議事規則》第 45(2)條賦權立法會主席命令行為極不檢點的議員立即退席，不得繼續參與立法會或委員會的該次會議。

2.19 在以往的事例中，對於違反上述規則的行為(或議員的任何其他行為)是否構成行為極不檢點，是由立法會主席決定，並在其認為適當的情況下，命令有關議員退席。在以往的事例中所涉及各類不檢點行為載述於下：

- (a) 拒絕停止展示標誌及標語；
- (b) 在會議上投擲物件；
- (c) 橫越立法會會場，並試圖抓取一名官員的演詞；
- (d) 在無必要的情況下橫越立法會會場，並拒絕返回座位；
- (e) 在並非其發言的時間內高聲說話，並拒絕坐下及停止說話；
- (f) 拒絕撤回冒犯性及侮辱性言詞；
- (g) 拒絕撤回對立法會主席的指控；
- (h) 拒絕停止就不相關的事宜發言；
- (i) 不遵照就口頭質詢提出補充質詢的規則；及
- (j) 拒絕停止評論財委會主席的裁決。

¹ 《議事規則》第85條訂明，任何議員如不遵從規則第83條(個人利益的登記)、第83A條(個人金錢利益的披露)、第83AA條(申請發還工作開支或申請預支營運資金)或第84(1)或(1A)條(在有直接金錢利益的情況下表決或退席)，可由立法會藉訓誡或譴責，或暫停職務或權利的議案加以處分。

2.20 由於有關注意見認為，《議事規則》內未有就阻止議員在立法會會議上屢次或不斷作出不檢點的行為訂明處分，議事規則委員會遂於對上兩個年度的立法會會期內就立法會會議中的秩序問題作出多次研究。議事規則委員會經商議後察悉，對於是否需要修訂《議事規則》或訂立任何新安排以處理議員在立法會屢次作出不檢點行為的情況，委員彼此之間未能達成共識。一般來說，委員認為《議事規則》第 45(2)條已賦予立法會主席權力，可命令行為極不檢點的議員立即退席，這已足以處理有關情況。如擬對議員作任何進一步處分，須予以審慎考慮，確保不會抵觸《基本法》。

2.21 在某些海外立法機關，如有議員在會議上屢次或不斷作出極不檢點行為，其主席／議長獲賦權把該等議員暫停職務而無須為此動議議案，一如若干地方的國會所採取的做法。應部分委員的要求，議事規則委員會要求秘書處就這些海外立法機關的相關規則和做法作進一步研究。

2.22 上述進一步研究涵蓋德國、印度及南非三國的國會，在該等國會中，若有議員嚴重破壞秩序，主席／議長均有權命令該議員退席，不得繼續參與該次會議，並把在會議上屢次破壞秩序的議員暫停職務一段期間，而且無需通過議案，停職處分便可生效。據悉，雖然主席／議長可命令議員暫停職務一段期間，但停職處分亦受某種形式的上訴機制所約束，例如被停職的議員可提交反對書，而反對書會列入下次會議的議程讓下議院在無需辯論的情況下作出決定；或隨時就終止停職議員的停職期而動議議案。至於南非的情況，被停職的議員可向議長提交歉疚書。若議長接納該歉疚書，他可解除有關議員的停職期，然後通知國民議會。獲議長接納的歉疚書須在會議過程紀錄中記錄在案。

2.23 經進一步商議，委員普遍仍認為並無必要修訂《議事規則》，針對議員在立法會的不檢點行為作出處分。

2.24 然而，在2011年5月及6月發生若干涉及部分議員於立法會會議及委員會會議上作出不檢點行為的事件後，立法會主席要求議事規則委員會再考慮此事。議事規則委員會將會在其2011年7月的會議上研究在選定海外立法機關中，針對議員在國會或委員會的會議上作出暴力行為(尤其是投擲物件)所採取的相關規則及做法。

3. 檢討立法會轄下委員會的程序

3.1 在 2010-2011 年度會期，議事規則委員會亦曾研究以下與立法會轄下委員會的程序有關的事宜：

- (a) 委員會會議中的秩序；及
- (b) 委員會的其他程序。

委員會會議中的秩序

3.2 議事規則委員會對上一次是在 2004 年研究應否將《議事規則》第 44 及 45 條延伸至立法會其他委員會的問題。第 44 條是指立法會主席或任何常設委員會或專責委員會的主席在規程問題上所作的決定為最終決定，而 45(1)條訂明立法會主席或該等委員會的主席有權命令不斷提出無關的事宜或冗贅煩厭地重提某論點的議員不得繼續發言。第 45(2)條則賦權立法會主席或任何常設委員會或專責委員會的主席可命令行為極不檢點的議員立即退席。檢討所得結論認為無須將該等規則延伸至其他委員會，因為這些委員會的主席獲賦予的權力，足以使他們能處理在會議上出現的爭議。其後在 2009 年，因應將該兩條規則延伸至其他委員會的建議，議事規則委員會曾向議員進行諮詢。諮詢結果顯示，議員對將該兩條規則延伸至其他委員會的建議有不同意見。議事規則委員會同意暫時不處理該項事宜。

3.3 最近在某些委員會的會議進行期間發生數宗涉及部分議員行為不檢的事件後，應上文第 2.12 段所述立法會主席提出的要求，議事規則委員會曾討論，有何方法確保委員會運作暢順。大部分委員認為，鑒於議員在委員會會議中行為不檢的情況越來越頻密，現時就議員在委員會會議中行為不檢所採取的處理方法，再不能確保委員會暢順運作。部分委員指出，若議員不理會委員會主席的警告而繼續作出不檢點行為，有關的主席雖可暫停會議，但此舉會對委員會的工作造成極大干擾。會議恢復進行後，若有關議員繼續作出不檢點的行為，主席可能別無他選而需再次暫停會議，讓該名議員冷靜下來。議事規則委員會大部分委員支持將《議事規則》第 44 及 45 條延伸至涵蓋立法會轄下所有委員會。

3.4 然而，議事規則委員會副主席吳靄儀議員認為，若賦權其他委員會的主席以行為不檢為理由命令議員退席，可能會導致更多衝突和對抗，而這情況將不利於該等委員會的暢順運作。議事規則委員會備悉吳議員的意見。

3.5 內務委員會在 2011 年 4 月 15 日的會議上討論議事規則委員會就延伸《議事規則》第 44 及 45 條的適用範圍所提出的建議。由於有部分議員表示反對將第 45(1)條延伸至涵蓋所有委員會的主席，議事規則委員會主席於 2011 年 5 月 11 日的立法會會議上遂分別動議兩項議案，一項修訂第 44 及 45(2)條，另一項則修訂第 45(1)條。第一項議案得到立法會通過，第二項則被立法會否決。

X X X X X X

議事規則委員會

在 2010 年 11 月至 2011 年 6 月期間研究的事項一覽表

X X X X X X

項目	事項	相關規則	進展／備註
2	對議員在立法會會議上屢次或不斷作出不檢點行為作出處分	《議事規則》第 44 及 45 條	議事規則委員會認為，並不需要修訂《議事規則》，針對議員在立法會會議上的不檢點行為作出處分。議事規則委員會將會在其 2011 年 7 月的會議上進一步研究選定海外立法機關針對議員在國會或委員會的會議上作出暴力行為（尤其是投擲物件）所採取的相關規則及做法。
5	委員會會議中的秩序	《議事規則》第 44 及 45 條	內務委員會在 2011 年 4 月 15 日審議議事規則委員會就《議事規則》第 44 及 45 條提出的修訂建議。立法會在 2011 年 5 月 11 日的立法會會議上通過修訂第 44 及 45(2) 條。已對該等條文作出相應修訂。

X X X X X X

2011年7月13日立法會會議過程正式紀錄的節錄

X X X X X X

發言

主席：發言。譚耀宗議員會就“議事規則委員會2010年11月至2011年6月的工作進度報告”向本會發言。

香港特別行政區立法會議事規則委員會2010年11月至2011年6月的工作進度報告

譚耀宗議員：主席，我以議事規則委員會(“委員會”)主席的身份，向本會提交《香港特別行政區立法會議事規則委員會2010年11月至2011年6月的工作進度報告》。我在此扼述過去的1年，委員會的兩項主要的工作。

首先，委員會檢討了立法會會議上就討論全體委員會(“全委會”)階段提出修正案的安排。委員會留意到，為節省時間及避免議論重複，全委會通常都會就一系列關乎某一項法案的條文、擬議新條文、附表或擬議新附表的互有關連的修正案進行合併辯論，然而《議事規則》第58(5)及(7)條指定處理條文和附表的次序，引致議員或官員須動議暫停執行該兩條《議事規則》，而動議暫停執行《議事規則》又必須先由全委會回復為立法會，取得立法會主席同意才提出，而立法會之後又再次轉變為全委會，就修正案進行辯論。

經研究後，委員會諮詢內務委員會，並於2011年3月30日的立法會會議上，建議修訂第58(2)條，以清楚訂明如果某項法案有一系列互有關連的修正案，全委會主席可准許同時討論該等互有關連的修正案，並在有需要時更改現行第58(5)及(7)條所訂有關處理新條文、附表及新附表的次序。上述修改獲得立法會通過。

委員會另一項主要的工作是檢討如何處理議員在立法會會議和委員會會議上屢次作出不檢點行為的情況。委員會自今屆立法會開始，曾就議員在會議上屢次作出不檢點行為參考其他國家的做法。

由於在今年年初發生了數宗事件，涉及部分議員在立法會會議及委員會的會議上向官員投擲物件，委員會應立法會主席要求，再次進

行檢討，就規管議員在立法會會議進行期間展示物件、議員屢次或不斷作出不檢點行為，以及立法會主席或委員會主席在執行《議事規則》第44及45條的權力範圍作出研究。

就議員在會議進行期間展示物件，委員會曾在2010年8月就此事宜諮詢所有立法會議員。諮詢所得的結果反映大多數議員都不支持改變現時的規管尺度。故此，委員會決定無須再跟進此事。不過，鑒於情況及後再次引起關注，委員會參考了英國國會、澳洲國會、新西蘭國會、加拿大國會及台灣立法院的相關規則和做法。委員會普遍認為新西蘭國會的相關規則和做法最具參考價值。在新西蘭國會眾議院，其《會議常規》第108條訂明，議員發言時可使用恰當的讓與會者看到的輔助工具以闡釋其論點，但該等的輔助工具不得對其他議員構成不便或妨礙眾議院進行會議。

我已代表委員會致函立法會主席，建議如有任何物件可能對其他議員構成不便或妨礙立法會進行會議，以致立法會主席須就使用該等物件作出裁決時，立法會主席可參考該項新西蘭《會議常規》的條文所反映的原則。

至於議員在立法會會議上屢次或不斷作出不檢點行為，委員會亦參考了多個地方國會的做法，並留意到德國、印度及南非國會設有特定機制，讓其主席或議長遇到有議員屢次破壞會議的秩序時，可即時暫停其職務一段期間，而且無需通過議案，停職處分便可即時生效。不過，這些國會亦同時提供上訴機制，讓有關的處分可透過議案得以撤銷。經商議後，委員瞭解到議員之間並未有共識認為有必要修改現時的做法，因為《議事規則》第45(2)條已賦予立法會主席權力，可命令行為極不檢點的議員立即退席，這已足以處理有關情況。

在檢討的過程中，委員會留意到一些委員會的主席，例如事務委員會、法案委員會及小組委員會的主席，並沒有獲賦予行使《議事規則》第44條和第45條在規則問題上有最終決定權和可命令行為極不檢點議員退席的權力。換言之，這些委員會的主席只可勸諭有關議員不要繼續作出這種引起爭議的行為，以及可將會議暫停，讓爭議和緩平息。但是，這種做法再不能確保委員會暢順運作。

因此，委員會認為，既然《議事規則》第44條及第45(1)及(2)條的適用範圍，包括任何常設或專責委員會主席，實在有需要使其延伸至立法會的所有委員會。委員會在諮詢內務委員會後作出建議，修改有關《議事規則》。立法會於2011年5月11日通過修訂《議事規則》

第44條及第45(2)條，將其適用範圍延伸至所有委員會和小組委員會。

繼在2011年5月及6月發生涉及部分議員於立法會會議及委員會會議上作出不檢點行為的事件後，委員會應立法會主席要求，已要求秘書處搜集其他立法機關就針對議員在國會或委員會的會議上作出暴力行為(尤其是投擲物件)所採取的相關規則及做法。

此外，委員會亦曾討論委員會的其他程序，以及選舉立法會主席的方法。在彈劾行政長官的程序安排方面，委員會在接獲當局的回覆後，會繼續商議此事。

最後，我想藉此機會感謝各位議員對委員會的工作給予的支持及寶貴意見。

多謝主席。

X X X X X X

立法會 *Legislative Council*

立法會 CROP 65/20-21 號文件

檔 號：CB(2)/CROP/3/90

電 話：3919 3204

日 期：2021 年 5 月 21 日

發文者：議事規則委員會秘書

受文者：立法會全體議員

議事規則委員會

就修訂《議事規則》及《內務守則》的建議進行諮詢 第二批擬議修訂

議事規則委員會現邀請議員就有關修訂《議事規則》及《內務守則》的建議提出意見，該等建議涉及下列範疇：

- (a) 委員會委員組合及委員會正副主席選舉¹ (請參閱第 3 至 6 段)；
- (b) 處理點算法定人數要求及規程問題的程序 (請參閱第 7 至 14 段)；
- (c) 議員出席立法會會議的衣飾 (請參閱第 15 段)；及
- (d) 議員在立法會會議上展示物件 (請參閱第 16 段)。

背景

2. 自 2020-2021 年度會期開始以來，議事規則委員會一直檢討立法會的規則及行事方式，並研究議員就修訂《議事規則》及《內務守則》所提交的多項建議，以期令議會事務得以有秩序、有效率及公平地處理。繼《議事規則》及《內務守則》的第一批修訂於 2021 年

¹ 就(a)項而言，"委員會"指事務委員會、法案委員會，以及由內務委員會、事務委員會或法案委員會委任的小組委員會。

2 月及 3 月實施後，議事規則委員會隨即展開第二階段檢討工作。議事規則委員會於 5 月 11 日及 20 日的會議上同意推展數項建議(可按第 1 段指明的範疇分為 4 組)(下稱"建議 1 至建議 4")，並邀請議員就該等建議提出意見。該等建議的目的及詳情載於下文各段。

建議 1：委員會委員組合及委員會正副主席選舉(附錄 VI 第 1 至 3 項)

3. 議事規則委員會考慮及討論了下述有關委員會委員組合及委員會正副主席選舉的各項建議，此等建議乃參照陳克勤議員的相關建議(請參閱附錄 I)和選定海外立法機關採取的做法(請參閱附錄 II)後擬訂，並已參考經全國人民代表大會常務委員會於 2021 年 3 月 30 日修改的《基本法》附件二所訂明的第七屆立法會的組成方式：(i)就委員會的委員人數設定上限；(ii)分配委員會席位的擬議機制；及(iii)委員會正副主席選舉的擬議程序。

(i) 就委員會的委員人數設定上限(附錄 VI 第 1 項)

4. 鑒於第七屆立法會的議席數目將由 70 席增至 90 席，為使立法會轄下委員會屆時能以有效及具效率的方式運作，謹此建議就《議事規則》目前沒有訂明委員人數的委員會設定委員人數上限：

- (a) 就負責監察及研究政策事宜的委員會(即**事務委員會及由內務委員會或事務委員會委任負責研究政策事宜的小組委員會**)而言，其委員人數應以 20 人為上限；² 及
- (b) 就為研究立法建議而成立的委員會(即**法案委員會(及其小組委員會)及由內務委員會委任負責研究附屬法例及其他文書的小組委員會**)，以及由內務委員會委任負責研究與立法會事務有關的其他事宜的小組委員會而言，除非內務委員會另有決定，否則其委員人數應以 15 人為上限。³

² 18 個事務委員會在第四屆立法會、第五屆立法會及第六屆立法會(2020-2021 年度會期除外)的每年平均委員人數分別由 17 人至 19 人、22 人至 24 人，以及 25 人至 30 人不等。以每次處理兩個討論事項的兩小時會議為例，由超過 20 名委員組成的委員會只可給予每名委員少於 3 分鐘時間就每個討論事項發言。

³ 在第四屆立法會、第五屆立法會及第六屆立法會(2020-2021 年度會期除外)，成立法案委員會的每年平均數目分別為 18 個、19 個及 16 個，而成立研究附屬法例的小組委員會的每年平均數目則分別為 23 個、30 個及 26 個。考慮到議員可否騰出時間參加該等委員會的問題，加上議員處理有關審議工作的時間有限(預期須於相對緊迫的時限內完成有關工作)，謹此建議把該等委員會的委員人數上限定為 15 人。

(ii) 分配委員會席位的擬議機制(附錄 VI 第 2 項)

5. 如就上述委員會的委員人數設定上限，便應訂立新機制，藉以在議員之間分配委員會席位，詳情載於**附錄 III**。鑒於有為數眾多的議員並不隸屬任何政黨，為確保委員會委員組合能反映立法會內各政治黨派的相對實力，同時保持靈活性，謹此建議在每個會期均邀請議員互相協調以組成名單，以便分配該會期的委員會席位。⁴該會期的委員會席位會按名單所列的議員人數加以分配(請參閱**附錄 III 的附件 I**)。任何議員如不擬與其他議員組成任何名單，可以個別議員身份示明加入委員會。亦謹建議訂明每名議員可同時出任最多 6 個事務委員會(即所有事務委員會的三分之一)的委員，務求令議員之間的工作分配更趨平衡。

(iii) 委員會正副主席選舉的擬議程序(附錄 VI 第 3 項)

6. 為確保委員會正副主席選舉能順利進行並在合理時間內完成，謹此建議修訂現行的提名及選舉程序，以達致下述效果：正副主席的所有提名均須在指定期限前以電子方式提交，而有效提名的名單將於預定進行正副主席選舉的會議舉行之之前發給委員。如主席一職沒有任何有效提名，委員中排名最先者須視作當選為主席。⁵亦謹建議有關選舉須於指定時限內完成，而主持選舉的委員在主持有關選舉時，須按照《內務守則》附錄 IV 第 7 至 12 段訂明的程序直接進行投票，而不得聽取任何規程問題或受理任何議案，包括就確立委員會進行有關選舉的方式而提出的議案。有關委員會正副主席選舉程序的擬議修訂詳情載於**附錄 IV**。

⁴ 如有關擬議修訂獲得通過，《內務守則》的相關條文將予修訂，以訂明除非議員退出某事務委員會，否則其事務委員會委員的身份至每一會期結束時終止。

⁵ 就事務委員會而言，這項擬議修訂須受《議事規則》第 77(6)條所列的條件(即凡出任事務委員會認為與其職權範圍直接相關的政府諮詢團體的主席或副主席的議員，不得成為該事務委員會的正副主席)及《議事規則》第 77(7)條所列的條件(即每一位議員均不得同時兼任多於一個事務委員會的主席或副主席職務)所規限。

建議 2：處理點算法定人數要求及規程問題的程序(附錄 VI 第 4 至 7 項)

立法會會議法定人數

7. 《議事規則》於 2017 年的修訂實施後，⁶ 不斷要求點算法定人數的問題仍然持續，導致立法會會議程序受到干擾和立法會無法及時處理事務。經參考議事規則委員會過往所作的商議、有關會議法定人數事宜的外間法律意見，以及陳克勤議員於 2021 年 1 月向議事規則委員會提交的相關建議後，謹此建議採納下述程序，以處理有議員在立法會及全體委員會("全委會")會議上不斷要求點算法定人數的情況：

(i) 當立法會會議因法定人數不足而休會待續時，對並無有效理由而缺席的議員施行財政處分(附錄 VI 第 4 項)

8. 現謹建議，如立法會會議因法定人數不足而根據《議事規則》第 17(2)或(3)條休會待續(不論如此休會待續的立法會會議是否須當做是被命令暫停的會議，並可按《議事規則》第 17(6)及 14(4)條的規定復會，繼續處理未完事項)，任何並無有效理由⁷而缺席的議員均須接受**財政處分**。⁸ 立法會主席將有酌情權，可在考慮個別個案的相關事實、過往做法、當前情況及海外立法機關的經驗等因素後，決定議員是否基於有效理由而缺席。每當立法會因法定人數不足而休會待續時，對每名並無有效理由而缺席的議員逐次施加的財政處分**金額**建議定為**相當於並非兼任行政會議成員的議員當時可獲的每日酬金**。⁹ 換言之，財政處分金額會按並非兼任行政會議成員的議員的當時每月酬金的變化而予以調整。¹⁰

⁶ 立法會於 2017 年 12 月批准多項由議員提出的修訂，當中包括修訂《議事規則》第 17 條以達到下述目的：(a)訂明全體委員會的會議法定人數為包括主席在內的 20 名委員；及(b)賦權立法會主席在已編定的下次立法會會議前召開立法會會議，以完成立法會議程上的未完事項。

⁷ 參照某些海外立法機關的相關做法，有效理由可包括病患、分娩、侍產、與議會事務相關的職務訪問等。

⁸ 立法會將透過制定新法例或修訂相關現行法例，以獲得對議員施行該等財政處分的明確法定權限。

⁹ 計算財政處分金額的方程式(按 30 個曆日計算)：

財政處分金額[#] = 議員*當時每月酬金 ÷ 30

(即議員*一天的酬金)

[#]經四捨五入至最接近的百元

*並非兼任行政會議成員的議員

¹⁰ 自 2020 年 10 月 1 日起，並非兼任行政會議成員的議員每月可獲酬金為 102,820 元。因此，按目前的酬金水平計算，財政處分金額將為 3,400 元。

(ii) **如議員就法定人數提出規程問題屬濫用程序，立法會主席可不予處理(附錄 VI 第 6 及 7 項)**

9. 現謹建議修訂《議事規則》，訂明立法會主席或全委會主席如認為議員就法定人數提出規程問題屬濫用程序，為確保立法會事務得以有秩序、有效率及公平地處理，主席可根據《基本法》第七十二條行使其權力，決定何時及如何處理有關法定人數的規程問題。相關擬議安排的詳情載於下文**第 12 及 13 段**。

(iii) **禁止議員在點算法定人數期間離開會議廳(附錄 VI 第 5 項)**

10. 現謹建議修訂《議事規則》第 17 條，訂明在主席指示點算法定人數後，**所有議員均不得離開會議廳**，直至有足夠法定人數出席會議或立法會休會待續為止。

規程問題

11. 自第六屆立法會開始以來，部分議員傾向濫用程序提出規程問題，以達到拉布目的。為防止濫用程序，陳克勤議員建議對《議事規則》第 39 及 44 條作出下述修訂，藉此賦予立法會主席或全委會主席酌情權，以處理屬濫用性質的規程問題(包括要求點算法定人數的規程問題)：

(iv) **《議事規則》第 39 條的擬議修訂(附錄 VI 第 6 項)**

12. 有關建議擬修訂《議事規則》第 39 條，以達致下述效果：
(a)議員不得打斷其他議員的發言，除非起立要求就規程問題發言，並**獲**立法會主席或全委會主席**叫喚**發言；及(b)立法會主席或全委會主席如認為某議員打斷別人發言之舉屬濫用程序，可指示該名議員**不得繼續發言**。謹請議員考慮此等擬議修訂應否同時適用於委員會，以致**委員會主席亦獲賦予相同的酌情權**，以處理在委員會會議上提出的規程問題。

(v) **《議事規則》第 44 條的擬議修訂(附錄 VI 第 7 項)**

13. 有關建議擬修訂《議事規則》第 44 條，以訂明立法會主席、全委會主席或任何委員會主席**(不包括任何主持會議的議員)**如認為議員提出規程問題之舉屬**濫用程序**，可決定**何時及如何處理該規程問題**。

14. 根據《議事規則》第 3(3)條，¹¹ 當立法會主席或立法會代理主席缺席或認為不能執行主席職務時，主持立法會及全委會會議的議員可享有《議事規則》賦予立法會主席或全委會主席在該次會議或部分會議上可行使的一切權力。謹請議員考慮，**主持立法會及全委會會議的議員應否享有與立法會主席或全委會主席一樣的酌情權**，即該主持會議的議員如認為議員提出規程問題之舉屬**濫用程序**，可決定**何時及如何處理該規程問題**。換言之，主持立法會及全委會會議的議員將**繼續享有**立法會主席或全委會主席在某次會議或部分會議上的一切權力。

建議 3：議員出席立法會會議的衣飾(附錄 VI 第 8 至 10 項)

15. 《議事規則》第 42(a)條訂明，立法會會議進行中，議員進出立法會會場，在衣飾及舉止上須保持莊重。然而，立法會既沒有在《議事規則》中明文訂定議員出席立法會會議的莊重衣着，亦未有就此另訂指引，以致議員(尤其是新任議員)難以了解何謂出席立法會會議的恰當衣飾。為維護立法會的尊嚴和形象，現謹藉此機會：**(a)修訂《議事規則》第 42(a)條**，明文規定議員須穿着**商務衣飾**出席立法會會議；及**(b)提供衣飾指引(請參閱附錄 V)**。

建議 4：議員在立法會會議上展示物件(附錄 VI 第 11 至 13 項)

16. 目前，《議事規則》並無條文對議員在立法會會議上展示物件作出規管。考慮到自第五屆立法會開始以來，議員在立法會會議上展示物件的情況漸趨頻繁，謹此建議：**(a)修訂《議事規則》第 42 條**，訂明議員只可在發言時為闡釋其發言論點而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、標語或任何其他資料均須符合《議事規則》第 41 條的規定；及**(b)在《內務守則》中加入一項新條文**，列明相關條件。

¹¹ 《議事規則》第 3(3)條規定，"立法會代理主席或其他主持會議的議員，在其主持的立法會會議或擔任主席的全體委員會會議或部分會議上，或在立法會主席要求其主持的立法會會議或擔任主席的全體委員會會議或部分會議上，享有本議事規則賦予立法會主席或全體委員會主席在該次立法會會議或全體委員會會議或部分會議上可行使的一切權力"。

問卷

17. 謹請議員填妥載於**附錄 VI**的問卷，就上述 4 組建議提出意見，並於**2021 年 5 月 28 日(星期五)或該日前**將問卷交回秘書處。若議事規則委員會主席謝偉俊議員同意，秘書處或會因應接獲議員的意見及運作需要，作出必需及適當的修改，以協助完善相關擬議修訂。倘議事規則委員會同意，獲得足夠支持的擬議修訂隨後會提交內務委員會通過。

議事規則委員會秘書

(莫穎琛)

連附件

副本致：梁君彥議員, GBM, GBS, JP (立法會主席)

謝偉俊議員, JP (主席)

秘書長、法律顧問、副秘書長(議會及機構事務)、

副秘書長(發展及資源管理)、助理秘書長 1、助理秘書長 3、

助理秘書長 4、高級助理法律顧問 1、高級助理法律顧問 3、

主管(公共資訊部)、助理法律顧問 2、總議會秘書(2)5

**綜述陳克勤議員有關
決定委員會委員組合及委員會正副主席選舉的建議的
流程圖¹**

委員會委員的任命

- ◆ 委員會(即事務委員會、法案委員會及由內務委員會、事務委員會及法案委員會委任的小組委員會)的委員人數須以 15 人為上限。
- ◆ 為分配委員會席位，議員將分為若干組別(例如 5 組)。15 個委員會席位須在各組議員之間分配(即以每組 3 名議員為上限)。
- ◆ 有興趣加入委員會或小組委員會的議員須指明其選擇的組別。如任何組別的議員人數超過上限，便須以抽籤方式選出他們當中可獲分配委員會席位的議員。如任何組別留有空缺，則須在前一輪抽籤中未被選中的議員當中(同樣以抽籤方式)選出議員填補有關空缺。

正副主席的提名

- ◆ 提名邀請須在委員名單公布後 3 整天內發出。
- ◆ 提名期不得少於 3 整天。
- ◆ 有效提名須由一名委員提出，獲另一名委員附議，並為獲提名的委員接納。

提名期結束

- ◆ 委員會秘書須發出有效候選人名單，並提供正副主席選舉投票期的詳情。
- ◆ 如任何一個職位只有一項提名，委員會秘書須作出書面公布。

正副主席的選舉

- ◆ 在正副主席選舉各自的投票期內，有關委員會的委員可進入投票室及領取選票，並將其選票投進投票箱。
- ◆ 獲得最高票數的候選人即告當選。
- ◆ 如出現票數相同的情況，則須以抽籤方式決定哪名候選人當選。
- ◆ 主席選舉的投票環節為時不得超過 30 分鐘。在主席選舉的結果公布後，委員會委員須立即獲告知副主席選舉的投票期。

¹ 本流程圖乃參照陳克勤議員的相關建議而擬備，該等建議載於其日期為 2021 年 1 月 18 日致議事規則委員會的函件。

選定海外立法機關的 委員會委員組合及委員會正副主席任命

下文撮述有關選定海外立法機關(即英國國會下議院("英國下議院")、新西蘭眾議院("新西蘭國會")、德國聯邦議院和法國國民議會)的委員會委員組合及委員會主席任命的研究結果：

2. 大部分選定國會均把委員會的委員組合和委員會主席的任命，與議院的組成方式或在議院佔有議席的各個政黨或議會團體的相對實力掛鉤。一般而言，各選定國會的委員會委員人數若非限為某個固定數目，便是以某個固定數目或議院整體規模的某個百分比/分數為上限。

3. 所有選定國會在分配委員會席位方面採取的做法，均以在議院佔有議席的各個政黨或議會團體¹的相對實力為基礎。在英國下議院，各專責委員會的席位會以協商方式分配予不同政黨，過程中會顧及下議院的政黨平衡。在新西蘭國會，專責委員會的委員組合必須與政黨實力相稱。至於在德國聯邦議院和法國國民議會，則由各議會團體達成協議，按各自的議員人數分配委員會席位。在委員會席位分配完畢後，各相關政黨或議會團體可隨即自行決定如何從黨內或團體內挑選個別議員出任該等委員會席位。

4. 在英國下議院，大部分委員會主席均由下議院以不記名投票方式選出。議員可在投票前一天的指定時間前提名候選人，並以書面向下議院秘書提交提名。² 在新西蘭國會和法國國民議會，委員會主席由委員會自行以不記名投票方式選出。在德國聯邦議院，委員會主席職位會分配予各議會團體，並由各議會團體任命。

¹ 在德國聯邦議院和法國國民議會，議會團體一般是指由政治目標相近並在國會內以團體形式舉辦議會活動的議員所組成的聯盟。

² 各政黨會根據議長就下議院組成方式提供的意見，就分配各委員會主席職位予各政黨一事進行協商。只有所屬政黨已獲分配某委員會主席職位的議員才符合資格成為該委員會的主席候選人。

分配委員會席位的擬議程序

現謹建議採納以下程序，藉以分配委員會席位：

- (a) 在每個會期，秘書處會邀請議員互相協調以組成名單，以便分配該會期的委員會席位。¹ 名單所列的議員人數與名單可獲分配的委員會席位數目("指定配額")之間的換算表載於附件 I。有意組成名單的議員應以電子方式向秘書處提交該等名單。任何議員如不擬與其他議員組成任何名單，可以個別議員身份示明加入該會期的委員會；
- (b) 在示明加入委員會的期限前，² 有意示明加入委員會的議員應表明自己是利用指定配額示明加入，還是在沒有任何指定配額的情況下以個別議員身份示明加入；
- (c) 在示明加入委員會的期限過後，如示明加入委員會的議員總數不超過可供分配的委員會席位數目，每名該等議員均會獲分配一個委員會席位。否則，各份名單所列利用指定配額的議員會先獲分配委員會席位，而其他議員(包括各份名單上示明在超出指定配額的情況下加入委員會的議員，以及以個別議員身份示明加入委員會的議員)則會納入"超額名單"；
- (d) 如屬示明加入 18 個事務委員會的情況，在"超額名單"所列議員當中，先前獲分配最少事務委員會席位的議員將享有優先權。³ 如享有同等分配優先權的議員人數超過某事務委員會可供分配的席位數目，將由內務委員會主席或(如主席未克處理)內務委員會副主席抽籤決定該事務委員會的席位分配。若內務委員會正副主席均未克處理此事，則由一名助理秘書長負責抽籤。如屬示明加入法案委員會及由內務委員會、事務委員會或法案

¹ 在每個會期，議員可於各事務委員會邀請議員示明加入委員會時互相組成名單。

² 在新一屆任期首個會期開始後才加入立法會的議員，可在宣布其當選為立法會議員之日起計的一個月內，示明擬加入哪些委員會，但前提是該等委員會的委員人數未達到指明上限。

³ 18 個事務委員會分配席位的次序，須按 18 個事務委員會在第四屆立法會、第五屆立法會及第六屆立法會(2020-2021 年度會期除外)的每年平均委員人數由多至少編排，一如附件 II 所示。

委員會委任的小組委員會的情況，在"超額名單"所列議員當中，不論該等議員已加入多少個其他委員會，將由內務委員會主席或(如主席未克處理)內務委員會副主席抽籤決定委員會席位的分配。若內務委員會正副主席均未克處理此事，則由委員會秘書負責抽籤；

- (e) 只要委員會的委員人數未達到指明上限，任何委員均可提交逾期參加委員會的申請，而該項申請應否獲接納，則由有關委員會決定；
- (f) **若某事務委員會在有關會期結束前出現席位空缺(例如有議員退出該事務委員會，又或該事務委員會有委員不再擔任立法會議員一職)，同一名單上的另一名議員將享有填補該空缺的優先權。如該名單所列的議員人數不再足以獲取指定配額，⁴ 又或退出該事務委員會的議員原屬"超額名單"所列者，則秘書處會向所有非委員的議員發出通告，邀請他們以個別議員身份示明加入該事務委員會。如示明加入的議員人數超過所須填補的空缺數目，有關的事務委員會將使用電子表決系統進行投票，以決定由哪名議員填補空缺。⁵ 不過，就法案委員會及由內務委員會、事務委員會或法案委員會委任的小組委員會而言，則無須填補空缺；及**
- (g) 現謹建議訂明**每名議員可同時出任最多 6 個事務委員會(即所有事務委員會的三分之一)的委員**，務求令議員之間的工作分配更趨平衡。

⁴ 舉例而言，如該事務委員會有委員不再擔任立法會議員一職，該議員原本與其他議員組成的名單所列的議員人數便可能不再足以獲取指定配額。

⁵ 內務委員會曾採用類似程序選舉議員填補政府帳目委員會、議員個人利益監察委員會和議事規則委員會的席位空缺。

附錄 III 的附件 I

將予分配的委員會席位數目與
議員名單所列的議員人數之間的換算表

將予分配的委員會 席位數目	名單上須有多少名議員 才可獲分配指明數目的席位	
	<u>有 15 個席位可供 分配的委員會¹</u>	<u>有 20 個席位可供 分配的委員會²</u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16		72
17		77
18		81
19		86
20		90

¹ 分配每個席位的門檻是以 6 的倍數為基礎計算(即 6 名議員獲分配一個席位, 12 名議員獲分配兩個席位, 18 名議員獲分配 3 個席位, 如此類推)。

² 分配每個席位的門檻是以 4.5 的倍數(上調至最接近的整數)為基礎計算(即 5 名議員獲分配一個席位, 9 名議員獲分配兩個席位, 14 名議員獲分配 3 個席位, 如此類推)。

18 個事務委員會分配席位的次序¹

1. 政制事務委員會
2. 保安事務委員會
3. 發展事務委員會
4. 教育事務委員會
5. 交通事務委員會
6. 房屋事務委員會
7. 經濟發展事務委員會
8. 民政事務委員會
9. 食物安全及環境衛生事務委員會
10. 環境事務委員會
11. 司法及法律事務委員會
12. 財經事務委員會
13. 人力事務委員會
14. 衛生事務委員會
15. 資訊科技及廣播事務委員會
16. 福利事務委員會
17. 工商事務委員會
18. 公務員及資助機構員工事務委員會

¹ 18 個事務委員會分配席位的次序，須按 18 個事務委員會在第四屆立法會、第五屆立法會及第六屆立法會(2020-2021 年度會期除外)的每年平均委員人數由多至少編排。

有關委員會正副主席選舉的擬議修訂

為確保委員會正副主席選舉能順利進行並在合理時間內完成，可考慮修訂現行的提名及選舉程序，以達致以下效果：

- (a) 正副主席的**所有提名**均須在**指定期限前**(例如在預定進行選舉的會議的一整天前)以電子方式**提交**。**有效提名的名單將於會議前發給委員**。如主席一職沒有任何有效提名，委員中排名最先者須視作當選為主席；¹
- (b) 主持選舉的委員²在主持有關選舉時，須按照《內務守則》附錄 IV 第 7 至 12 段訂明的程序**直接進行投票**，而不得聽取任何規程問題或受理任何議案，包括就確立委員會進行有關選舉的方式而提出的議案。**候選人不得陳述其競選綱領或回答委員提問**；及
- (c) 如在有關會議上**未能於指定時限**(例如 30 分鐘)內完成有關選舉，**內務委員會主席指明的相關委員會委員將召開另一次會議**以進行有關選舉，並主持有關選舉的餘下程序。在此情況下，內務委員會主席將有酌情權，可決定是否因應每宗個案的實際情況為有關選舉設定時限。

¹ 就事務委員會而言，這項擬議修訂須受《議事規則》第 77(6)條所列的條件(即凡出任事務委員會認為與其職權範圍直接相關的政府諮詢團體的主席或副主席的議員，不得成為該事務委員會的正副主席)及《議事規則》第 77(7)條所列的條件(即每一位議員均不得同時兼任多於一個事務委員會的主席或副主席職務)所規限。

² 有關"主持選舉的委員"一詞的涵義，請參閱《內務守則》附錄 IV 第 2 及 3 段。

可能被視為不適合出席立法會會議穿着的議員衣飾的指引

根據《議事規則》第 42(a)條，立法會會議進行中，議員進出立法會會場須穿着**商務衣飾**，並在舉止上保持莊重。^{*} 雖然具有以下特徵或屬於以下類別的衣飾可能被視為不恰當，但**立法會主席可就議員的衣着標準行使酌情權**。

整體衣飾

- 展示標誌、口號或標語的衣物/配飾；
- 展示商業性質廣告的衣物(包括運動隊伍、聯賽、錦標賽等的宣傳和廣告)；
- 破損或有破洞的衣物；
- 任何種類的制服；
- 便裝和運動裝；及
- 泳裝。

上身類

- T 恤；
- 背心/無袖上衣；
- 運動上衣；
- 汗衫；
- 運動套裝；及
- 工人褲。

下身類

- 短褲；
- 牛仔褲；及
- 運動褲/緊身運動褲/瑜伽褲。

覆蓋頭部衣物

- 各類帽子；及
- 任何覆蓋頭部的衣物(因宗教或醫學理由而配戴者除外)。

鞋類

- 人字拖鞋、涼鞋/拖鞋、露跟鞋；
- 運動鞋；
- 工作靴、遠足靴或雨靴；及
- 任何種類的露趾鞋。

註：本指引會按立法會主席的指示修改/更新。

^{*} 視乎商務衣飾是否獲採納為議員出席立法會會議(包括全體委員會會議但不包括其他委員會會議)的衣着標準而定。

問卷

(請於 2021 年 5 月 28 日(星期五)或該日前交回)

電郵：rp_c@legco.gov.hk

致：立法會
議事規則委員會秘書
莫穎琛小姐

議事規則委員會

諮詢全體議員

對於立法會 CROP 65/20-21 號文件所載有關修訂《議事規則》及《內務守則》的建議，本人的意見如下：

(*請圈出適用者。如有需要，請附另頁提出意見。)

建議 1：委員會委員組合及委員會正副主席選舉¹ (立法會 CROP 65/20-21 號文件第 3 至 6 段)

項目	擬議修訂/安排	*本人的意見
1.	<u>就委員會的委員人數設定上限</u>	支持 / 不支持 / 沒有意見
	(a) 就負責監察及研究政策事宜的委員會(即事務委員會及由內務委員會或事務委員會委任負責研究政策事宜的小組委員會)而言，其委員人數應以 20 人為上限；及	其他意見/建議(如有的話)：
	(b) 就為研究立法建議而成立的委員會(即法案委員會(及其小組委員會)及由內務委員會委任負責研究附屬法例及其他文書的小組委員會)，以及由內務委員會委任負責研究與立法會事務有關的其他事宜的小組委員會而言，除非內務委員會另有決定，否則其委員人數應以 15 人為上限。	支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：

¹ 就建議 1 而言，"委員會"指事務委員會、法案委員會，以及由內務委員會、事務委員會或法案委員會委任的小組委員會。

建議 2：處理點算法定人數要求及規程問題的程序(立法會 CROP 65/20-21 號文件第 7 至 14 段)

項目	擬議修訂/安排	*本人的意見
4(a).	如立法會會議因法定人數不足而根據《議事規則》第 17(2)或(3)條休會待續(不論如此休會待續的立法會會議是否須當做是被命令暫停的會議，並可按《議事規則》第 17(6)及 14(4)條的規定復會，繼續處理未完事項)，任何並無有效理由而缺席的議員均須接受財政處分。 (有效理由可包括病患、分娩、侍產、與議會事務相關的職務訪問等。立法會主席將有酌情權，可在考慮個別個案的相關事實、過往做法、當前情況及海外立法機關的經驗等因素後，決定議員是否基於有效理由而缺席。)	支持 / 不支持 / 沒有意見 其他意見/建議(如有的話)：
4(b).	每當立法會會議因法定人數不足而休會待續時，對每名並無有效理由而缺席的議員逐次施加的財政處分金額定為相當於並非兼任行政會議成員的議員當時可獲的每日酬金，並按以下方程式計算：² 計算財政處分金額的方程式(按 30 個曆日計算) $\text{財政處分金額}^{\#} = \frac{\text{議員}^* \times \text{當時每月酬金}}{30}$ (即議員*一天的酬金) [#]經四捨五入至最接近的百元 [*]並非兼任行政會議成員的議員	支持 / 不支持 / 沒有意見 其他意見/建議(如有的話)：
5.	修訂《議事規則》第 17 條，訂明在主席指示點算法定人數後，所有議員均不得離開會議廳，直至有足夠法定人數出席會議或立法會休會待續為止。	支持 / 不支持 / 沒有意見 其他意見/建議(如有的話)：

² 擬施加的財政處分金額會按並非兼任行政會議成員的議員的當時每月酬金的變化而予以調整。自 2020 年 10 月 1 日起，有關議員每月可獲酬金為 102,820 元。因此，按目前的酬金水平計算，財政處分金額將為 3,400 元。

項目	擬議修訂/安排	*本人的意見
6.	修訂《議事規則》第 39 條 ，以達致下述效果： ➤ 議員不得打斷其他議員的發言，除非起立要求就規程問題發言，並獲立法會主席或全體委員會("全委會")主席叫喚發言；及 ➤ 立法會主席或全委會主席如認為某議員打斷別人發言之舉屬濫用程序，可指示該名議員不得繼續發言。 徵詢進一步意見： 上述擬議安排應適用於委員會，以致 委員會主席亦獲賦予相同的酌情權 ，以處理在委員會會議上提出的規程問題。	支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：
		支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：
7.	修訂《議事規則》第 44 條 ，以訂明立法會主席、全委會主席或任何委員會主席(不包括 任何主持會議的議員)如認為議員提出規程問題之舉屬 濫用程序 ，可決定 何時及如何處理該規程問題 。	支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：
		支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：
	徵詢進一步意見： 主持立法會及全委會會議的議員³應享有與立法會主席或全委會主席一樣的酌情權 ，可如上述建議般處理規程問題。	

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

建議 3：議員出席立法會會議的衣飾(立法會 CROP 65/20-21 號文件第 15 段)

項目	擬議修訂/安排	*本人的意見
8.	修訂《議事規則》第 42(a)條，明文規定議員須穿着 商務衣飾 出席立法會會議。	支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：
9.	採納 附錄 V 所載的"可能被視為不適合出席立法會會議穿着的議員衣飾的指引"。	支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：
10.	只採納 商務衣飾 作為議員出席 立法會會議(包括全委會會議但不包括其他委員會會議) 的衣着標準。	支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：

建議 4：議員在立法會會議上展示物件(立法會 CROP 65/20-21 號文件第 16 段)

項目	擬議修訂/安排	*本人的意見
11.	修訂《議事規則》第 42 條，訂明議員 只可在發言時為闡釋其發言論點 而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、標語或任何其他資料均須符合《議事規則》第 41 條的規定。	支持 / 不支持 / 沒有意見
		其他意見/建議(如有的話)：

項目	擬議修訂/安排	*本人的意見
12.	在《內務守則》中加入新訂第 19B 條，訂明議員在立法會會議期間發言時可展示物件，惟須符合下列條件： (a) 展示該物件與有關立法會議程所載的事項相關； (b) 展示該物件沒有及不會干擾會議進行、妨礙其他議員或獲委派官員參與會議程序，或阻擋立法會主席朝向會議廳內人士的視線； (c) 展示該物件沒有及不會對出席會議的任何人士構成危險或滋擾； (d) 該物件只限在展示該物件的議員的座位範圍內展示；及 (e) 展示該物件沒有及不會令公眾對立法會產生負面觀感、損害立法會的尊嚴或令立法會的聲譽受損。	支持 / 不支持 / 沒有意見 其他意見/建議(如有的話)：
13.	第 11 及 12 項所述的擬議安排應適用於委員會的會議程序，但委員會主席另有命令者除外。	支持 / 不支持 / 沒有意見 其他意見/建議(如有的話)：

簽署 : _____

議員姓名 : _____

日期 : _____

立法會 *Legislative Council*

立法會 CROP 71/20-21 號文件

檔 號：CB(2)/CROP/3/90

2021 年 6 月 25 日內務委員會會議文件

就《議事規則》及《內務守則》進行的檢討—— 第二批擬議修訂

目的

本文件旨在請內務委員會通過獲議事規則委員會同意對《議事規則》及《內務守則》提出的第二批擬議修訂。

背景

2. 自 2020-2021 年度會期開始以來，議事規則委員會一直檢討立法會的規則及行事方式，並研究議員就修訂《議事規則》及《內務守則》所提交的多項建議，以期令議會事務得以有秩序、有效率及公平地處理。繼《議事規則》及《內務守則》的第一批修訂於 2021 年 2 月及 3 月實施後，議事規則委員會隨即展開第二階段檢討工作。

3. 議事規則委員會於 2021 年 5 月 11 日及 20 日的會議上同意推展涉及下列範疇的《議事規則》及《內務守則》修訂建議，並邀請議員就該等建議提出意見：

- (a) 委員會委員組合及委員會正副主席選舉¹ (請參閱第 5 至 7 段)；
- (b) 處理點算法定人數要求及規程問題的程序 (請參閱第 8 至 13 段)；

¹ 就(a)項而言，“委員會”指事務委員會、法案委員會，以及由內務委員會、某事務委員會、兩個或多個事務委員會或某法案委員會委任的小組委員會。

(c) 議員出席立法會會議的衣飾(請參閱第 14 段)；及

(d) 議員在立法會會議上展示物件(請參閱第 15 至 16 段)。

4. 議事規則委員會於 2021 年 6 月 8 日的會議上考慮所作諮詢的結果，² 並同意把獲得議員充分支持的建議和對《議事規則》及《內務守則》有關條文的相關擬議修訂提交內務委員會通過。該等建議可按第 3 段指明的範疇分為 4 組(下稱"建議 1 至建議 4")，其內容綜述於下文各段。

建議 1：委員會委員組合及委員會正副主席選舉

5. 議事規則委員會曾研究陳克勤議員有關委員會委員組合及委員會正副主席選舉的建議，以及選定海外立法機關³ 相關做法的資料。經商議後，議事規則委員會同意應就目前沒有訂明委員人數的委員會設定委員人數上限，並應訂立新機制，藉以在議員之間分配委員會席位。鑒於有為數眾多的議員可能並不隸屬任何政黨，議事規則委員會認為新機制應確保委員會委員組合能反映立法會內各政治黨派的相對實力，同時保持靈活性。議事規則委員會亦同意應修訂現行的提名及選舉程序，以確保委員會正副主席選舉能順利進行並在合理時間內完成。

6. 諮詢結果顯示，大多數議員均支持以下各項擬議修訂：

(a) 就事務委員會及由內務委員會或事務委員會委任負責研究政策事宜的小組委員會而言，訂明其委員人數上限為 20 名委員，⁴ 而就法案委員會(及其小組委員會)及由內務委員會委任負責研究附屬法例及其他文書的小組委員會，以及由內務委員會委任負責研究與立法會事務有關的其他事宜的小組委員會而言，則訂明除非內務委員會另有決定，否則其委員人數上限為 15 名委員；

² 諮詢工作已藉 2021 年 5 月 21 日發出的通告(立法會 CROP 65/20-21 號文件)進行。

³ 該等選定海外立法機關為英國國會下議院、新西蘭眾議院、德國聯邦議院和法國國民議會。

⁴ 有意見認為，事務委員會的委員人數應以 30 人為上限，則合計會有 540 個席位(即 18 x 30 個席位)可於 90 名立法會議員之間分配，讓每名議員平均出任最多 6 個事務委員會的委員。

(b) 訂立詳載於**附錄 I**的新機制，藉以在議員之間分配委員會席位，並訂明每名議員可同時出任最多 6 個事務委員會的委員；⁵ 及

(c) 修訂委員會正副主席的選舉程序，詳情載於**附錄 II**。

7. 基於以上所述，謹建議修訂《議事規則》及《內務守則》的有關條文，修訂方式列於**附錄 III**。經修訂條文如獲通過，將於第七屆立法會開始時生效。謹請議員注意，議事規則委員會稍後會考慮，詳載於附錄 II 的擬議選舉程序經變通後是否亦應適用於內務委員會，以及應否建議財務委員會及其轄下兩個小組委員會考慮採納類似的選舉程序。有鑒於此，秘書處稍後會提供列明擬於第七屆立法會實施的委員會(包括內務委員會)正副主席選舉程序的《內務守則》附錄 IV 的擬議修訂，供內務委員會考慮。

建議 2：處理點算法定人數要求及規程問題的程序

8. 自第六屆立法會開始以來，不斷要求點算法定人數以致立法會會議程序受到干擾的問題曾持續數年。此外，部分議員曾傾向濫用程序提出規程問題，以達到拉布目的。大多數回應諮詢的議員均支持為處理屢次要求點算法定人數的情況及屬濫用性質的規程問題而提出的擬議程序，該等程序載於下文第 9 至 13 段。⁶

⁵ 部分議員提出的其他意見如下：

- (a) 如某委員會的委員人數未達上限，任何議員加入該委員會的要求均應獲考慮；
- (b) 如個別事務委員會經多輪席位分配後仍有席位空缺，應酌情允許已參加 6 個事務委員會的議員加入該事務委員會。若同時有多於一名議員申請加入該事務委員會，參加少於 6 個事務委員會的議員應有優先權，如議員均享有同等分配優先權，則以抽籤決定席位誰屬；及
- (c) 將每名議員可同時出任委員的事務委員會數目上限定為 5 個，比建議中的 6 個較為可行及合理。

⁶ 除該等程序外，對於規定在主席指示點算法定人數後，所有議員均不得離開會議廳，直至有足夠法定人數出席會議或立法會休會待續為止的建議，議員意見分歧。部分議員提出的關注包括此建議是否可行及如何執行、不遵從有關規定有何後果，以及此建議可能違反《立法會(權力及特權)條例》(第 382 章)等。亦有意見認為，應只規定要求點算法定人數的議員在點算法定人數期間不得離開會議廳，並應指明在一段時間內可於立法會提出點算法定人數要求的議員數目，以及限制可提出要求的次數。鑒於議員意見分歧及對此事並無共識，現階段不會推展此建議。

(i) 當立法會會議因法定人數不足而休會待續時，對並無有效理由而缺席的議員施行財政處分

9. 這項建議旨在規定，如立法會會議因法定人數不足而根據《議事規則》第 17(2)或(3)條休會待續(不論如此休會待續的立法會會議是否須當做是被命令暫停的會議，並可按《議事規則》第 17(6)及 14(4)條的規定復會，繼續處理未完事項)，任何並無有效理由而缺席的議員均須接受財政處分。有效理由可包括病患、分娩、侍產、與議會事務相關的職務訪問等。⁷ 立法會主席將有酌情權，可在考慮個別個案的相關事實、過往做法、當前情況及海外立法機關的經驗等因素後，決定議員是否基於有效理由而缺席。

10. 關於對每名在如此情況下缺席的議員逐次施加的財政處分金額，⁸ 謹建議把處分金額劃一定為相當於並非兼任行政會議成員的議員一天的酬金，不論在如此情況下缺席的議員是否行政會議成員亦然。⁹

11. 謹請議員注意，立法會將會藉修訂相關現行法例以訂明立法會對議員施行該等財政處分的權力，從而取得明確的法定權限，至於計算或釐定財政處分金額的實際方法，則會在《議事規則》中訂明。秘書處或會在較後階段，待立法會通過相關修訂法例後，才在《議事規則》中加入有關計算或釐定財政處分金額的條文。¹⁰

(ii) 如議員就法定人數提出規程問題屬濫用程序，立法會主席可不予處理

12. 為處理不斷要求點算法定人數的情況而提出的擬議程序，載於下文第 13 段。

⁷ 部分議員在諮詢期間提出意見，表示有效理由除第 9 段所指明者外，亦應包括某些重要公務，以及事先以書面向立法會主席請假。

⁸ 在諮詢期間接獲的建議之一是可考慮引入累進罰則，即議員越多次並無有效理由而缺席，對其施加的財政處分便越重。另有議員詢問，如何計算對兼任行政會議成員的議員施加的處分金額。

⁹ 計算財政處分金額的方程式(按 30 個曆日計算)：

財政處分金額[#] = 議員*當時每月酬金 ÷ 30

(即議員*一天的酬金)

[#] 經四捨五入至最接近的百元

* "議員"指"並非兼任行政會議成員的議員"

¹⁰ 政府當局表示會爭取在 2021 年 8 月向立法會提交相關的修訂法案。

**(iii)及(iv) 為處理屬濫用性質的規程問題而提出對《議事規則》
第 39 及 44 條的擬議修訂**

13. 陳克勤議員建議修訂《議事規則》多項條文，包括修訂《議事規則》第 39 及 44 條，以訂定程序處理屬濫用性質的規程問題(包括要求點算法定人數的規程問題)。根據陳議員的建議，謹建議：

(a) 修訂《議事規則》第 39 條，以訂明：

- (i) 議員不得打斷其他議員的發言，除非起立要求就規程問題發言，並獲立法會主席或全體委員會("全委會")主席叫喚發言；及
- (ii) 立法會主席或全委會主席如認為某議員打斷別人發言之舉屬濫用程序，可指示該議員不得繼續發言。

在獲得絕大多數回應諮詢的議員支持下，上述對《議事規則》第 39 條的擬議修訂將適用於委員會，讓委員會主席享有擬議的酌情權，以處理在委員會會議上提出的規程問題；及

- (b) 修訂《議事規則》第 44 條，以訂明立法會主席、全委會主席或任何委員會的主席(不包括主持該委員會的會議的任何委員)如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。此外，絕大多數參與諮詢的議員均贊成主持立法會及全委會會議的議員可行使擬議的酌情權，而主持任何其他委員會會議的委員則不得行使此酌情權。

《議事規則》第 39 及 44 條的擬議修訂標明文本載於**附錄 IV**。

建議 3：議員出席立法會會議的衣飾

14. 《議事規則》第 42(a)條訂明，立法會會議進行中，議員進出立法會會場，在衣飾及舉止上須保持莊重。然而，立法會既沒有在《議事規則》中明文訂定議員出席立法會或全委會會議的莊重衣着，亦未有就此另訂指引，以致議員(尤其是新任議員)難以了解何謂出席立法會或全委會會議的恰當衣飾。為維護

立法會的尊嚴和形象，絕大多數有回應諮詢的議員¹¹均支持以下建議：

- (a) 修訂《議事規則》第 42(a)及 43 條(標明修訂文本載於**附錄 V**)，明文規定議員須穿着商務衣飾出席立法會會議(包括全委會會議)，而此規定並不適用於其他委員會的會議；及
- (b) 提供載於**附錄 VI**的《可能被視為不適合出席立法會會議穿着的議員衣飾的指引》供議員參考，該指引可按立法會主席所作指示予以修改/更新。

建議 4：議員在立法會會議上展示物件

15. 考慮到自第五屆立法會以來，議員在立法會或委員會會議上展示物件的情況漸趨頻繁，而《議事規則》並無條文對議員在有關會議上展示物件作出規管，絕大多數議員在諮詢期間¹²均表示支持以下建議：

- (a) 修訂《議事規則》第 42 條，訂明議員只可在發言時為闡釋其發言論點而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、信息或任何其他資料均須符合《議事規則》第 41 條有關規管議員發言內容的規定；及
- (b) 在《內務守則》中加入一項新條文(即《內務守則》新訂第 19B 條)，列明內務委員會建議的有關規定或限制。

16. 《議事規則》第 42 條的擬議修訂及《內務守則》擬議新訂第 19B 條的標明文本載於**附錄 VII**。憑藉《議事規則》第 43 條，《議事規則》第 42 條的擬議修訂如獲通過，亦將適用於委員會的會議程序。¹³

¹¹ 在這些議員當中，有部分議員認為傳統民族服飾/端莊旗袍屬可接受的衣飾，而因健康理由穿着運動鞋出席立法會會議則不應被視為不恰當。

¹² 在諮詢期間接獲的其他意見包括：應嚴禁在會議上展示物件；以及立法會主席對有關事宜應有最終決定權。

¹³ 《議事規則》第 43 條訂明，"本部的規則適用於委員會的會議程序，但委員會主席另有命令者除外"。

徵詢意見

17. 謹請議員考慮及通過以下事項：

- (a) **建議 1 至建議 4** 和載於**附錄 III、IV、V 及 VII** 的《議事規則》及《內務守則》有關條文的相關擬議修訂；及
- (b) 載於**附錄 VI** 的《可能被視為不適合出席立法會會議穿着的議員衣飾的指引》。

18. 如有關事項獲內務委員會通過，議事規則委員會主席會在立法會會議上根據《基本法》第七十五條動議一項決議案，以修訂《議事規則》的有關條文。該決議案如獲通過，將於政府憲報刊登，屆時當中所載對《議事規則》的各項修訂(與委員會的委員組合及主席選舉有關者除外)將開始實施。¹⁴ 至於**附錄 III** 所載根據建議 1 (即"委員會委員組合及委員會正副主席選舉")修訂的《議事規則》及《內務守則》條文，則會自第七屆立法會開始當日起實施。

立法會秘書處

議會事務部 2

2021 年 6 月 24 日

¹⁴ 《內務守則》新訂第 19B 條(當中列明與議員展示物件有關的規定或限制)亦會相應地在該決議案刊憲後即時生效。

分配委員會席位的擬議程序

現謹建議採納以下程序，藉以分配委員會席位：

- (a) 在每個會期，秘書處會邀請議員互相協調以組成名單，以便分配該會期的委員會席位。¹ 名單所列的議員人數與名單可獲分配的委員會席位數目("指定配額")之間的換算表，將提供予議員備覽。² 有意組成名單的議員應以電子方式向秘書處提交該等名單。任何議員如不擬與其他議員組成任何名單，可以個別議員身份示明加入該會期的委員會；
- (b) 在示明加入委員會的限期前，³ 有意示明加入委員會的議員應表明自己是使用指定配額示明加入，還是在沒有任何指定配額的情況下以個別議員身份示明加入；
- (c) 在示明加入委員會的限期過後，如示明加入委員會的議員總數不超過可供分配的委員會席位數目，每名該等議員均會獲分配一個委員會席位。否則，各份名單所列使用指定配額的議員會先獲分配委員會席位，而其他議員(包括各份名單上示明在超出指定配額的情況下加入委員會的議員，以及以個別議員身份示明加入委員會的議員)則會納入"超額名單"；
- (d) 如屬示明加入 18 個事務委員會的情況，在"超額名單"所列議員當中，先前獲分配最少事務委員會席位的議員將享有優先權。⁴ 如享有同等分配優先權的議員人數超過某事務委員會可供分配的席位數目，將由內務委員會主席或(如主席未克處理)內務委員會副主席抽籤決定該事務委員會的席位分配。若內務委員會正副主席均未克處理此事，則由一名助理秘書長負責抽籤。如屬示明

¹ 在每個會期，議員可於各事務委員會邀請議員示明加入委員會時互相組成名單。

² 相關細節請參閱詳載於附錄 III 的《內務守則》擬議新訂第 20(ka)條。

³ 在新一屆任期首個會期開始後才加入立法會的議員，可在宣布其當選為立法會議員之日起計的一個月內，示明擬加入哪些委員會，但前提是該等委員會的委員人數未達到指明上限。

⁴ 18 個事務委員會分配席位的次序，須按 18 個事務委員會在第四屆立法會、第五屆立法會及第六屆立法會(2020-2021 年度會期除外)的每年平均委員人數由多至少編排。相關細節請參閱詳載於附錄 III 的《內務守則》擬議新訂第 20(ka)條。

加入法案委員會及由內務委員會、事務委員會或法案委員會委任的小組委員會的情況，在"超額名單"所列議員當中，**不論該等議員已加入多少個其他委員會**，將由內務委員會主席或(如主席未克處理)內務委員會副主席**抽籤**決定委員會席位的分配。若內務委員會正副主席均未克處理此事，則由委員會秘書負責抽籤；

- (e) 只要委員會的委員人數未達到指明上限，任何委員均可提交逾期參加委員會的申請，而該項申請應否獲接納，則由有關委員會決定；
- (f) **若某事務委員會在有關會期結束前出現席位空缺**(例如有議員退出該事務委員會，又或該事務委員會有委員不再擔任立法會議員一職)，同一名單上的另一名議員將享有填補該空缺的優先權。如該名單所列的議員人數不再足以獲取指定配額，⁵ 又或退出該事務委員會的議員原屬"超額名單"所列者，則秘書處會向所有非委員的議員發出通告，邀請他們以個別議員身份示明加入該事務委員會。如示明加入的議員人數超過所須填補的空缺數目，有關的事務委員會將使用電子表決系統進行投票，以決定由哪名議員填補空缺。⁶ 不過，**就法案委員會及由內務委員會、事務委員會或法案委員會委任的小組委員會而言**，則無須填補空缺；及
- (g) 現謹建議訂明**每名議員可同時出任最多 6 個事務委員會**(即所有事務委員會的三分之一)**的委員**，務求令議員之間的工作分配更趨平衡。

⁵ 舉例而言，如該事務委員會有委員不再擔任立法會議員一職，該議員原本與其他議員組成的名單所列的議員人數便可能不再足以獲取指定配額。

⁶ 內務委員會曾採用類似程序選舉議員填補政府帳目委員會、議員個人利益監察委員會和議事規則委員會的席位空缺。

有關委員會正副主席選舉的擬議修訂

為確保委員會正副主席選舉能順利進行並在合理時間內完成，可考慮修訂現行的提名及選舉程序，以達致以下效果：

- (a) 正副主席的**所有提名**均須在**指明限期前**(例如在預定進行選舉的會議的一整天前)以電子方式**提交**。**有效提名的名單將於會議前發給委員**。如主席一職沒有任何有效提名，委員中排名最先者須視作當選為主席；¹
- (b) 主持選舉的委員²在主持有關選舉時，須按照《內務守則》附錄 IV 第 7 至 12 段訂明的程序**直接進行投票**，而不得聽取任何規程問題或受理任何議案，包括就確立委員會進行有關選舉的方式而提出的議案。**候選人不得陳述其競選綱領或回答委員提問**；及
- (c) 如在有關會議上**未能於指明時限**(例如 30 分鐘)內**完成有關選舉**，**內務委員會主席指明的相關委員會委員將召開另一次會議**以進行有關選舉，並主持有關選舉的餘下程序。在此情況下，內務委員會主席將有酌情權，可決定是否因應每宗個案的實際情況為有關選舉設定時限。

¹ 就事務委員會而言，這項擬議修訂須受《議事規則》第 77(6)條所列的條件(即凡出任事務委員會認為與其職權範圍直接相關的政府諮詢團體的主席或副主席的議員，不得成為該事務委員會的正副主席)及《議事規則》第 77(7)條所列的條件(即每一位議員均不得同時兼任多於一個事務委員會的主席或副主席職務)所規限。

² 有關"主持選舉的委員"一詞的涵義，請參閱《內務守則》附錄 IV 第 2 及 3 段。

《議事規則》及《內務守則》的擬議修訂標明文本

《議事規則》

75. 內務委員會

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

(2) 委員會的正副主席須由委員會委員互選產生，任期直至下一會期的委員會正副主席在該下一會期分別選出為止；若下一會期的委員會正副主席選舉是在下一會期開始前進行，現任正副主席的任期直至該下一會期開始為止。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。

(2A) 立法會每屆任期首個會期的委員會正副主席選舉，須在委員會於該會期內舉行的首次會議上進行；至於每屆任期第二個或其後各個會期的正副主席選舉，則可在該會期開始前舉行的會議上進行。

(3) (由 1999 年第 107 號法律公告廢除)

(3A) 委員會須決定事務委員會、法案委員會及由委員會、某事務委員會、兩個或多個事務委員會或某法案委員會委任的小組委員會的席位分配機制，以及選舉該等委員會正副主席的程序。

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

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

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

(7) 在法案交付法案委員會後，~~按照委員會所決定的程序規則(該等規則只可就議員示明加入法案委員會的方式及示明的時間作出規定)示明加入為委員的議員(立法會主席除外)，即屬該法案委員會的委員。已示明加入法案委員會並按照委員會根據第(3A)款決定的機制獲分配法案委員會席位的議員(立法會主席除外)，即屬該法案委員會的委員。~~

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

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

(10) 委員會須決定下列事宜的研究方式 ——

- (a) 任何附屬法例，不論該等附屬法例是否受《釋義及通則條例》(第 1 章)第 34 及 35 條的條文所規限；
- (b) 根據任何條例訂立的任何其他文書；
- (c) (a)或(b)段提述的附屬法例或文書的任何擬稿；或
- (d) 根據本議事規則第 20(6)條(呈請書的提交)向其交付的呈請書。

(10A) 在研究第(10)款所提述的附屬法例、其他文書及呈請書後，委員會可向立法會提交報告。

(11) 委員會可按其認為適當的方式，研究 ~~不屬事務委員會職權範圍而備受公眾關注的事宜或~~與立法會事務有關的任何其他事項。

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

(b) ~~根據(a)段委任的小組委員會的委員為已示明加入小組委員會並按照委員會根據第(3A)款決定的機制獲分配小組委員會席位的議員(立法會主席除外)。~~

(c) 除(d)段另有規定外，根據(a)段委任的每一小組委員會須由不少於 3 名委員及(除委員會另有決定外)不多於 15 名委員組成，其中包括主席在內。

(d) 凡委任小組委員會的目的是協助委員會研究不屬事務委員會職權範圍而備受公眾關注的事宜，則該小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。

(12A) 委員會的會議法定人數為包括主席在內的 20 名委員。

(12AA) 所有須由委員會或其轄下小組委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定。

(12B) 委員會或其轄下小組委員會(根據第(12)款委任以便協助委員會研究第(10)款提述的事宜的小組委員會除外)的主席或主持會議的任何其他委員不得參與表決，但如其他委員贊成者及反對者數目相等，則在此情況下他須作決定性表決。

(12C) 根據第(12)款委任以便協助委員會研究第(10)款提述的事宜的小組委員會的主席或主持會議的任何其他委員享有原有表決權，而沒有決定性表決權。

(12D) (由 2005 年第 214 號法律公告廢除)

(12E) 儘管有第(12B)及(12C)款的規定，主席或主持選舉的委員(視屬何情況而定)在委員會或其轄下小組委員會的主席或副主席選舉中，同時享有原有表決權和決定性表決權。如在該選舉中有兩名或以上獲提名的委員獲得相同的最高有效票數，主席或主持選舉的委員(視屬何情況而定)須作決定性表決。

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

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

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

(16) (由 2005 年第 177 號法律公告廢除)

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

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

76. 法案委員會

(1) 立法會設有名為法案委員會的委員會，其數目由內務委員會按情況決定。

(1A) 法案委員會的委員為~~按照內務委員會決定的程序規則(該等規則只可就議員示明加入法案委員會的方式及示明的時間作出規定)示明加入法案委員會的議員(立法會主席除外)~~。已示明加入法案委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配法案委員會席位的議員(立法會主席除外)。

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

(3) 每一法案委員會須由不少於 3 名委員~~及(除內務委員會另有決定外)不多於 15 名委員~~組成，其中包括主席在內。每一法案委員會的會議法定人數為包括主席在內的 3 名委員，或委員人數的三分之一(整數後的分數不計)，其中包括主席在內，兩數中以較大者為準。

(4) 法案委員會可委任小組委員會，以協助委員會履行其職能。~~小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配小組委員會席位的法案委員會委員。每一小組委員會須由不少於 3 名委員~~

及(除內務委員會另有決定外)不多於 15 名委員組成，其中包括主席在內。

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

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

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

(8) 所有須由法案委員會或其轄下小組委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或主持會議的任何其他委員享有原有表決權，而沒有決定性表決權。

(8A) (由 2005 年第 214 號法律公告廢除)

(8B) 儘管有第(8)款的規定，主席或主持選舉的委員(視屬何情況而定)在法案委員會或其轄下小組委員會的主席或副主席選舉中，除有權作原有表決外，亦有權作決定性表決。如在該選舉中有兩名或以上獲提名的委員獲得相同的最高有效票數，主席或主持選舉的委員(視屬何情況而定)須作決定性表決。

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

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

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

77. 事務委員會

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

(2) 事務委員會的職權範圍由內務委員會建議，並由立法會通過。

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

(4) 事務委員會的委員為~~按照內務委員會決定的程序規則(該等規則只可就議員示明加入事務委員會的方式及示明的時間作出規定)示明加入事務委員會的議員(立法會主席除外)~~。~~已示明加入事務委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配事務委員會席位的議員(立法會主席除外)。~~事務委員會委員的任期為一個會期。

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

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

(7) 每一位議員均不得同時兼任多於一個事務委員會的主席或副主席職務。

(8) 每一事務委員會須由不少於 6 名委員~~及不多於 20 名委員~~組成，其中包括主席在內。每一事務委員會的會議法定人數為包括主席在內的 3 名委員，或委員人數的三分之一(整數後的分數不計)，其中包括主席在內，兩數中以較大者為準。

(9) 事務委員會如認為適當，可委任小組委員會研究特定事宜及向事務委員會作出報告。~~小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配小組委員會席位的事務委員會委員。每一~~

小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。

(9A) 兩個或多個事務委員會如認為適當，可委任聯合小組委員會，研究各有關事務委員會共同關注的任何事宜，並向該等事務委員會作出報告。聯合小組委員會的委員為已示明加入聯合小組委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配聯合小組委員會席位的有關事務委員會委員。每一聯合小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。

(10) 事務委員會或其轄下小組委員會如認為適當，可與任何其他事務委員會或其轄下小組委員會舉行聯席會議，以研究共同關注的任何事宜。聯席會議的會議法定人數為所有有關的事務委員會或小組委員會委員人數的三分之一(整數後的分數不計)，包括主席在內。

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

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

(13) 所有須由事務委員會、根據第(9)款委任的小組委員會或根據第(9A)款委任的聯合小組委員會決定的事宜，以及所有須由第(10)款提述的聯席會議決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或主持會議的任何其他委員享有原有表決權，而沒有決定性表決權。此類表決的結果無論在立法會、全體委員會或內務委員會中，對任何議員均不具約束力。

(13A) (由 2005 年第 214 號法律公告廢除)

(13B) 儘管有第(13)款的規定，事務委員會、根據第(9)款委任的小組委員會、根據第(9A)款委任的聯合小組委員會，或第(10)款提述的聯席會議的主席或主持選舉的委員(視屬何情況而定)，在有關委員會或會議的主席或副主席選舉中，除有權作原有表決外，亦有權作決定性表決。如在該選舉中有兩名或以上獲提名的委員獲得相同的最高有效票數，主席或主持選舉的委員(視屬何情況而定)須作決定性表決。

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

(15) 除本議事規則另有規定外，事務委員會或其轄下小組委員會的行事方式及程序，由該事務委員會自行決定。除本議事規則另有規定外，由兩個或多個事務委員會委任的聯合小組委員會的行事方式及程序，由各有關事務委員會自行決定。在作出任何此等決定時，事務委員會或(在由兩個或多個事務委員會委任聯合小組委員會的情況下)各有關事務委員會須考慮根據本議事規則第 75(8)條(內務委員會)提供的任何指引。

《內務守則》

20. 內務委員會

- (a) 內務委員會的正副主席須在公開會議中由該委員會的委員互選產生，任期直至下一會期的委員會正副主席在該下一會期分別選出為止；若下一會期的委員會正副主席選舉是在下一會期開始前進行，現任正副主席的任期直至該下一會期開始為止。
- (b) 立法會每屆任期首個會期的內務委員會正副主席選舉，須在委員會於該會期內舉行的首次會議上進行。內務委員會在每屆任期的首次會議，由立法會議員中排名最先者負責召開。
- (c) 至於每屆任期第二個或其後各個會期的內務委員會正副主席選舉，可在該會期開始前舉行的會議上進行。是次會議須由在任的內務委員會主席召開。若選舉前在任的正副主席均獲提名候選主席一職，出席委員中排名最先者須主持選舉。
- (d) 選舉內務委員會正副主席的程序載於附錄 IV。委員倘提名缺席的委員候選主席或副主席一職，必須表明已獲得該名缺席委員接受提名。
- (e) 立法會會期內，內務委員會通常在每個星期五下午 2 時 30 分舉行會議。若有財務委員會會議安排於同一下午舉行，在有需要時，內務委員會會議將於財務委員會會議預定開始的時間暫停，並於財務委員會會議結束後復會，以處理議程上的未完事項。內務委員會主席在財務委員會主席同意下，可讓內務委員會會議在財務委員會會議預定開始的時間之後繼續進行不超過 15 分鐘。其他委員會如需在星期五下午舉行會議，應安排在內務委員會會議及財務委員會會議結束後舉行。秘書處會發出書面預告通知委員有關內務委員會會議的日期、時間及地點。
- (f) (i) 提出每次會議議程項目的限期通常為該次會議舉行前的星期二下午 5 時。委員如欲在截止限期後提出急切議程項目，可向內務委員會主席提出要求，以便於會議上在“其他事項”下加以討論。主席須決定是否批准該項要求。

- (ii) 委員如擬在內務委員會為討論實質事宜而舉行的特別會議上動議議案，應在該次會議日期不少於兩整天前以書面向內務委員會主席提出要求。主席須決定擬議議案是否與議程項目直接相關，以及擬議議案應否由內務委員會處理。在處理與立法會事務有關的事宜及程序事宜的內務委員會例會上，不得動議議案。
- (g) 內務委員會會考慮政府當局提供的資料、法律顧問的意見、法案委員會的數目及法案的急切程度等，決定是否成立法案委員會，以及法案委員會展開工作的先後次序。當某法案已準備就緒，可在立法會恢復二讀辯論時，內務委員會主席會安排知會負責該法案的議員或官員。
- (h) 並非所有法案均須成立法案委員會進行研究。內務委員會可以 ——
- (i) 在審閱法律顧問就法案所涉及的法律範疇提交的報告(及在有需要時進一步提交的報告)後，通過支持恢復對法案進行二讀辯論；或
- (ii) 因應個別委員要求就法案若干方面提供資料或作出澄清，向法律顧問或秘書處其他有關職員發出指示，由他們與政府當局商討該等問題，然後向有關的委員及內務委員會進一步提交關於該法案的報告。
- (i) 內務委員會就須設立的事務委員會數目、名稱及職權範圍提出建議。委員會亦可將與立法會事務有關的任何政策事宜交付相關的事務委員會研究，並可要求事務委員會就與其職權範圍有關的事宜提交報告和聽取有關報告。
- (j) 內務委員會可委任小組委員會，協助委員會研究 ——
- (i) 某項附屬法例、根據某條例訂立的文書(非附屬法例的文書)、附屬法例或此類文書的擬稿，或同意根據《基本法》作出的資深司法人員任免的建議；~~及~~
- (ii) 不屬事務委員會職權範圍而備受公眾關注的事宜~~，或與立法會事務有關的任何其他事宜。~~；~~及~~
- (iii) 與立法會事務有關的任何其他事宜。

(ja) (j)(i)及(iii)段所指的每一小組委員會須由不少於 3 名委員及(除內務委員會另有決定外)不多於 15 名委員組成，其中包括主席在內，而(j)(ii)段所指的每一小組委員會則須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。

(k) 下列各段適用於內務委員會為(j)(ii)及(iii)段所述目的而委任的小組委員會——

- (i) 該等小組委員會的職權範圍由內務委員會決定，並應關乎特定事宜或特定項目；
- (ii) 委任該等小組委員會的建議應載有小組委員會的擬議職權範圍、工作時間表、工作計劃，以及研究有關特定事宜或項目涉及多少工作等各方面的充分資料，以便內務委員會考慮；
- (iii) 該等小組委員會可於其認為適當的任何時間，向內務委員會作出報告，但應在完成工作後盡快提交有關報告；及
- (iv) 該等小組委員會何時展開工作，按照守則第 26 條所載的機制決定。

(ka) 除非內務委員會另有決定，否則附錄 IIIB所載的委員會席位分配機制和附錄 IV所載的選舉委員會主席及副主席的程序須當作已獲內務委員會根據《議事規則》第 75(3A)條決定。

(l) 關於察悉根據《議事規則》第 49D 條提交內務委員會有關研究附屬法例及其他文書的報告的議案，如有成立小組委員會研究該議案中提述的任何附屬法例或文書，該小組委員會的主席如擬就有關附屬法例或文書發言，可在議案動議人動議議案及就議案發言後隨即發言；如辯論劃分環節，則可在關乎該附屬法例或文書的環節開始時發言。

21. 法案委員會

- (a) 法案委員會在同一時間運作的數目最多應只限 16 個。當成立的法案委員會數目超過 16 個，輪候制度便會自動實施。
- (b) 每一法案委員會須由不少於 3 名委員及(除內務委員會另有決定外)不多於 15 名委員組成，其中包括主席在內。
- (c) 當內務委員會在其會議席上將某法案交付法案委員會時，議員可於席上以舉手方式表示有意參加該法案委員會。若有不少於 3 名議員在內務委員會會議上如此示意，該法案委員會便會成立，而該等議員中排名最先者會負責召開該法案委員會的首次會議。議員亦可於該法案委員會的秘書所訂限期內，將回條交回秘書處，以示參加該法案委員會。除特別情況外，該限期通常為法案委員會首次會議日期的不少於兩一整天前。如示明加入法案委員會的議員人數超過上文(b)段指明的數目，委員會席位便須按照附錄 IIIB 所載的機制分配。法案委員會秘書須按照附錄 IV 所載的選舉主席及副主席的程序，發出法案委員會的委員名單，並邀請委員提名主席及副主席職位的人選。
- (d) 在某一會期開始後才加入立法會的議員，應可在宣布其當選為立法會議員之日起計的一個月內，表明擬加入哪些法案委員會，但前提是該等法案委員會的委員人數不超過上文(b)段指明的數目。
- (e) 法案委員會的主席須由該委員會的委員互選產生。委員會亦可選出一名副主席。正副主席的任期至法案委員會結束運作為止。選舉正副主席的程序載於附錄 IV。委員倘提名缺席的委員候選主席或副主席一職，必須表明已獲得該名缺席委員接受提名。
- (f) 輪候名單上的法案委員會按有關法案提交立法會的先後次序排列。在應政府當局的要求讓研究某政府法案的法案委員會優先展開工作時，研究議員法案的法案委員會次序不應因此而受影響。同一道理，若某議員法案須較其他法案優先處理，政府法案的次序亦不應改變。某法案的性質急切與否，須由內務委員會決定。
- (g) 法案委員會倘決定暫時擱置法案的研究工作(可藉傳閱文件方式要求委員作出此項決定，並以書面示明)，應通知內務

委員會，由內務委員會決定輪候中的下一個法案委員會應否展開工作。至於暫時擱置工作的法案委員會，通常須待另有名額騰空時，方可重新展開其研究工作。

- (h) 法案的研究工作應從速進行，並盡可能在展開工作後 3 個月內完成。若法案委員會需要在此期限過後繼續工作，應將延長期限一事通知內務委員會。
- (i) 處理法案的工作應按下述指引進行 ——
 - (i) 在可行情況下，委員會應經常舉行會議；
 - (ii) 委員會的委員應盡量出席所有會議，並避免提早退席；
 - (iii) 已充分商議的事項不應重新展開討論；
 - (iv) 主席應密切監察所負責的法案的研究進度。若需暫時擱置法案的研究工作，應向內務委員會提交報告；
 - (v) 當某法案的研究工作已達提交報告的階段，在法律顧問及有關委員會建議下，內務委員會可決定將名額騰空，以便展開輪候中下一條法案的研究工作。
- (j) 法案委員會在完成研究所獲交付的法案後，須盡快通知內務委員會及以書面知會該委員會法案委員會商議的結果，並在有需要時說明其多數委員及少數委員的意見，以及法案委員會是否支持該法案。法案委員會其後須再向立法會作出報告。
- (k) 除(n)段另有規定外，凡法案委員會主席或任何委員就法案委員會的工作向立法會作出報告，應在有關法案恢復二讀辯論時向立法會發言。
- (l) 倘法案委員會決定就其工作向立法會作出報告時，向立法會提交書面報告，該報告須在有關法案恢復二讀辯論的同一次會議上提交。
- (m) 除(n)段另有規定外，提交(l)段所述書面報告的法案委員會主席或任何委員獲立法會主席許可後，可在有關法案恢復二讀辯論開始之時，就該報告向立法會發言。

- (n) 凡法案恢復二讀辯論的目的是為了宣布撤回該法案，則在作出該項宣布的立法會會議上提交法案委員會報告的有關法案委員會主席或任何委員獲立法會主席許可後，可在該報告提交立法會省覽時向立法會發言。
- (o) 在法案恢復二讀辯論時(為宣布撤回法案而恢復二讀辯論的情況除外)，根據(k)或(m)段就法案委員會的工作向立法會作出報告的法案委員會主席或任何委員，在獲立法會主席許可後，可首先發言。
- (p) 根據(k)、(m)或(n)段所作的發言不受 15 分鐘的發言時限所規限。
- (q) 若無跡象顯示某法案將在有關的法案委員會完成工作後的一段合理時間內恢復二讀辯論，而法案委員會倘有此決定，法案委員會主席或代表法案委員會的任何委員須向立法會提交書面報告，並根據《議事規則》第 21(3)條請求立法會主席批准其就該報告向立法會發言。
- (r) 經法案委員會研究的法案一旦獲立法會通過，或內務委員會決定解散有關的法案委員會時，該法案委員會即告解散。

22. 事務委員會

- (a) 事務委員會的數目、名稱及職權範圍由內務委員會建議，再交立法會通過。
- (b) 每一事務委員會須由不少於 6 名委員及不多於 20 名委員組成，其中包括主席在內。
- (c) 議員可在緊隨新一屆任期首次立法會會議之後的星期五六正午或該限期前，將回條交回秘書處，以示加入某事務委員會，而就每屆任期第二個或其後各個會期而言，議員可在緊接有關會期首次立法會會議之前的星期五正午或該限期前，將回條交回秘書處，以示加入某事務委員會。如交回回條的限期適逢公眾假期，則該限期須提前至該日之前第一個並非公眾假期的日子。如示明加入事務委員會的議員人數超過 20 人，委員會席位便須按照附錄 IIIB 所載的機制分配。除非議員退出某事務委員會，否則其事務委員會委員的身份至整屆任期每一會期結束時終止。就應屆

~~任期餘下各個會期而言，議員如擬加入已參加的事務委員會以外的其他事務委員會，可在緊接有關會期首次立法會會議之前的星期六正午或該限期前，將回條交回秘書處，以示參加；將回條交回秘書處的限期，須視為有關議員作為上述其他事務委員會委員的身份開始生效的時間。~~

- (ca) 任何議員均不得同時出任多於 6 個事務委員會的委員。
- (cb) 若某事務委員會在某一會期結束前出現席位空缺，該空缺須按照附錄 IIIB 所載的機制填補。
- (d) 在某一會期開始後才加入立法會的議員可在宣布其當選為立法會議員之日起計的一個月內，將回條交回秘書處，以示加入某事務委員會，~~但前提是該事務委員會的委員人數不超過 20 人~~。有關議員的事務委員會委員身份由會在秘書處接獲其回條之時開始確認後生效。
- (e) 在立法會每屆任期的首個會期內，事務委員會的首次會議由已加入事務委員會的立法會議員中排名最先者負責召開，以便選出事務委員會的主席。其後所有會議均由在任的主席召開。
- (f) 事務委員會的正副主席須由該事務委員會的委員互選產生，任期直至事務委員會在他們獲選後的下一會期選出正副主席為止。選舉正副主席的程序載於附錄 IV。~~委員倘提名缺席的委員候選主席或副主席一職，必須表明已獲得該名缺席委員接受提名。~~
- (g) 一般而言，事務委員會正副主席的選舉應在會期內首次舉行的事務委員會會議上進行。
- (h) 凡出任事務委員會認為與其職權範圍直接相關的政府諮詢團體的主席或副主席的議員，不得成為該事務委員會的正副主席。
- (i) 每名議員不得同時兼任多於一個事務委員會的主席或副主席職務。
- (j) 如主席及副主席暫時缺席，事務委員會可在他們缺席期間另選一委員代行主席之職。

- (k) 當某事務委員會與任何其他事務委員會舉行聯席會議，以研究共同關注的事宜時，有關的事務委員會須決定該次會議應由當中哪一個事務委員會的主席主持。
- (l) 若兩個事務委員會的主席無法就如何處理同時涉及該兩個事務委員會工作範圍的事項取得一致意見，應諮詢內務委員會主席，或當主席缺席時，徵詢副主席的意見，以決定應否由其中一個事務委員會著手處理有關事項，或該兩個事務委員會應否舉行聯席會議。
- (m) 若有超過兩個事務委員會就一項共同關注的議題舉行聯席會議，如有需要可諮詢內務委員會主席，或當主席缺席時，徵詢副主席的意見，以決定應否由對該議題最感關注的事務委員會召開會議，並邀請其他關注該議題的事務委員會的委員出席，又或應否為所有關注該議題的議員舉行非正式簡報會。若採納後一種做法，出席簡報會的議員應互選召集人，而在簡報會開始時，議員應獲提醒，他們在該等簡報會上不受《立法會(權力及特權)條例》保障，與議員在事務委員會會議中受該條例保障的情況不同。
- (n) 就計算聯席會議的會議法定人數而言，在聯席會議上同時隸屬兩個事務委員會的議員，應算作聯席會議的一名委員。會議法定人數為聯席會議的委員人數的三分之一(整數後的分數不計)，包括主席在內。換言之，就委員人數及會議法定人數而言，每名議員只會被點算一次。
- (o) 所有須由事務委員會聯席會議決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定。各有關事務委員會的委員所表達的不同意見應記錄在案。
- (p) 委員如擬在事務委員會或由內務委員會或事務委員會委任負責研究政策事宜的小組委員會的會議上動議議案，以就特定事宜表達意見或立場，應在該次會議日期不少於兩整天前以書面作出預告。在事務委員會或小組委員會主席認為該議案與該次會議的議程項目直接相關而予以批准後，有關委員可提出該議案；若過半數參與表決的委員同意，即可處理該議案。委員擬提出的任何議案修正案應以書面形式提交事務委員會或小組委員會。

- (q) 凡屬重要及／或可能引起爭議的立法或財務建議，在提交立法會或財務委員會前，應先諮詢有關的事務委員會。倘未諮詢有關的事務委員會，內務委員會或財務委員會須決定是否把該建議交付有關的事務委員會研究。
- (qa) 有意根據《議事規則》第 51(1)條提交法案的議員，須事先就該法案擬稿諮詢有關的事務委員會，方可提交該法案。
- (r) 事務委員會通常不應處理立法會申訴制度之下的個別個案，但可研究該等個案所涉及的政策事宜。
- (s) 事務委員會可委任小組委員會，負責研究特定事宜。~~小組委員會的委員應來自該事務委員會。只有該事務委員會的委員可參加該等小組委員會。每一小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。~~
- (t) 兩個或多個事務委員會可委任聯合小組委員會，負責研究各有關事務委員會共同關注的任何事宜。只有各有關事務委員會的委員可參加該等小組委員會。~~每一小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。如示明加入小組委員會的委員人數超過 20 人，委員會席位便須按照附錄 IIIB 所載的機制分配。~~以此方式委任的小組委員會的會議法定人數為該小組委員會的委員人數的三分之一(整數後的分數不計)，包括主席在內。
- (u) 下列各段適用於為(s)段所述目的而委任的小組委員會或為(t)段所述目的而委任的聯合小組委員會 ——
- (i) 該等小組委員會的職權範圍由有關的事務委員會決定，並應關乎特定事宜或特定項目；
- (ii) 委任該等小組委員會的建議應載有小組委員會的擬議職權範圍、工作時間表、工作計劃，以及研究有關特定事宜或項目涉及多少工作等各方面的充分資料，以便有關的事務委員會考慮；
- (iii) 該等小組委員會可於其認為適當的任何時間，向事務委員會作出報告，但應在完成工作後盡快提交有關報告；及

- (iv) 該等小組委員會何時展開工作，按照守則第 26 條所載的機制決定。
- (v) 倘事務委員會認為需以立法會轄下事務委員會的名義在香港以外的地方進行任何活動，須按守則第 29A 條所載的程序先徵求內務委員會批准。
- (w) 事務委員會須在會期內向立法會最少提交一次工作報告。如事務委員會獲委以研究某項特定事宜，或獲授權傳召有關人士出席作證和提供證據，該事務委員會須在完成研究工作後向立法會提交報告。提交報告的方式載於守則第 2 條。如有需要，事務委員會亦可就特定事宜徵詢內務委員會的意見，或告知內務委員會其研究報告的內容。

23. 逾期參加委員會的申請

- (a) 逾期參加法案委員會、事務委員會、~~由內務委員會~~、法案委員會或事務委員會轄下委任的小組委員會—或由兩個或多個事務委員會成立的聯合小組委員會—~~或研究附屬法例的小組委員會~~(有關委員會)的申請，須在有關委員會選出主席及副主席(如有的話)之後，按照本條予以考慮，~~但前提是委員會委員人數不超過有關委員會的指明委員人數上限~~。凡在議員應示明加入委員會的期限過後，提出關於示明加入有關委員會的問題，須當作為逾期參加委員會的申請。
- ~~(b) 如逾期參加委員會的申請，是以議員在應示明加入委員會的期間身體不適或不在香港為理由，該項申請應否獲接納，由有關委員會的主席決定。~~
- ~~(c) 如逾期參加委員會的申請，是基於(b)段所述者以外的理由，該項申請應否獲接納，由有關委員會決定，而只有在具備充分理由的情況下，該項申請才可獲接納。~~
- ~~(d) 根據本條獲准加入有關委員會的議員，不得只因其獲准加入該委員會，而要求重選該委員會的主席或副主席。~~
- ~~(e) 任何議員如未能根據本條獲准加入上文(a)段提述的有關委員會，可要求內務委員會就此事作出決定。~~

26. 小組委員會展開工作及其運作

- (a) 除(b)及(e)段另有規定外，就內務委員會為守則第 20(j)(ii) **及(iii)**條所述目的而委任的小組委員會，以及事務委員會為守則第 22(s)或(t)條所述目的而委任的小組委員會而言，在同一時間運作的小組委員會數目最多為 10 個。
- (b) 若(a)段所指小組委員會的數目已達到(a)段所訂的數目上限，輪候制度便會自動實施，並設輪候名單。輪候名單上的小組委員會按其獲委任的先後次序排列。若運作中的法案委員會數目少於守則第 21(a)條所指的數目，內務委員會經考慮下列因素後，可讓輪候名單上的小組委員會展開工作——
 - (i) 法案委員會空額的數目；
 - (ii) 相當可能在未來 3 個月提交立法會的法案數目；
 - (iii) 內務委員會為守則第 20(j)(i)條所述目的而已經或相當可能委任的小組委員會數目，以及法案委員會已經或相當可能委任的小組委員會數目；及
 - (iv) 秘書處的可用資源。
- (c) (a)段所指的小組委員會應在展開工作起計 12 個月內完成工作，並向內務委員會或有關的事務委員會作出報告。若小組委員會認為有需要在該 12 個月過後繼續工作，該小組委員會應(在由事務委員會委任的情況下取得有關的事務委員會同意後)向內務委員會作出報告，並提出充分理由，以便把 12 個月的期限延長。除非內務委員會另有決定，否則小組委員會在 12 個月的工作期或經延長的工作期屆滿之後不應舉行任何會議。
- (d) 就內務委員會為守則第 20(j)(i)條所述目的而委任的小組委員會而言，在同一時間最多可運作的小組委員會數目並無限制。
- (e) 雖然(a)、(b)及(c)段已作出規定，但內務委員會可在其認為適當的情況下，就該等條款作出例外規定。

- (f) 在適當情況下，守則第 20 至 25 條所載的行事方式及程序，將適用於內務委員會、法案委員會或事務委員會轄下的小組委員會(包括由兩個或多個事務委員會委任的聯合小組委員會)。

註：

建議新增的文字以斜體標示。

建議刪除的文字以劃上刪除線標示。

委員會席位分配機制

該機制的詳細程序如下 ——

1. 就事務委員會而言 ——

- (a) 任何議員均不得同時出任多於 6 個事務委員會的委員。
- (b) 議員可在緊隨新一屆任期首次立法會會議之後的星期五正午或該限期前，將回條交回秘書處，以示加入某事務委員會。就每屆任期第二個或其後各個會期而言，議員可在緊接有關會期首次立法會會議之前的星期五正午或該限期前，將回條交回秘書處，以示加入某事務委員會。如交回回條的限期適逢公眾假期，則該限期須提前至該日之前第一個並非公眾假期的日子。除非議員退出某事務委員會，否則其事務委員會委員的身份至每一會期結束時終止。
- (c) 議員可互相協調以組成名單，以便分配委員會席位，惟任何議員的姓名均不應出現在多於一份名單上。議員組成的任何名單均應在提交該等名單的指定限期前送達秘書處。任何議員如不擬與其他議員組成任何名單，可以個別議員身份示明加入委員會。
- (d) 根據《議事規則》第 77(8)條，每一事務委員會的委員人數以 20 名委員為上限，其中包括主席在內。如示明加入事務委員會的議員總數超過上述的指明委員人數，事務委員會席位會按名單所列的議員人數加以分配。名單所列的議員人數與名單可獲分配的委員會席位數目(“指定配額”)之間的換算表載於附件 I。
- (e) 在示明加入委員會的限期前，有意示明加入委員會的議員應表明自己是使用第 1(d)段提述的指定配額示明加入，還是在沒有任何指定配額的情況下以個別議員身份示明加入。
- (f) 在第 1(b)段指明的示明加入委員會的限期過後，如示明加入委員會的議員總數不超過第 1(d)段所述的委員會席位

數目，每名該等議員均會獲分配一個委員會席位。否則，各份名單所列使用指定配額的議員會先獲分配委員會席位，而其他議員(包括各份名單上示明在超出指定配額的情況下加入委員會的議員，以及以個別議員身份示明加入委員會的議員)則會納入“超額名單”。

- (g) 在“超額名單”所列議員當中，先前獲分配最少事務委員會席位的議員將享有優先權。如享有同等分配優先權的議員人數超過某事務委員會可供分配的席位數目，將由內務委員會主席或(如主席未克處理)內務委員會副主席抽籤決定該事務委員會的席位分配。若內務委員會正副主席均未克處理此事，則由一名助理秘書長負責抽籤。
- (h) 各事務委員會須按附件 II 列明的次序分配席位。
- (i) 若某事務委員會在某一會期結束前出現席位空缺，由名單上的議員騰出的席位空缺會由同一名單上的另一議員優先填補，但前提是該名單所列的議員人數仍足以獲取指定配額。如：
 - (i) 沒有來自同一名單的其他議員填補該空缺；
 - (ii) 同一名單所列的議員人數不再足以獲取指定配額；或
 - (iii) 有關席位原先是透過指定配額以外的其他方式分配所得，

則秘書處會向所有非委員的議員發出通告，邀請他們以個別議員身份示明加入該事務委員會。如示明加入的議員人數超過由議員騰出的席位數目，有關的事務委員會將使用電子表決系統進行投票，以決定由哪名議員填補空缺。

- (j) 在某一會期開始後才加入立法會的議員可在宣布其當選為立法會議員之日起計的一個月內，將回條交回秘書處，以示加入某事務委員會，但前提是該事務委員會的委員人數不超過 20 人。有關議員的事務委員會委員身份會在秘書處確認後生效。若議員就加入某事務委員會所交回的回條數目超過該事務委員會可供分配的席位數目，將由內務委員會主席或(如主席未克處理)內務委員會副主席抽籤決定該事務委員會的席位分配。若內務委員會正副主席均未克處理此事，則由一名助理秘書長負責抽籤。

2. 就法案委員會及小組委員會而言 ——

- (a) 議員可在秘書處指明的日期或該日前將回條交回秘書處，以示加入某法案委員會或其根據《議事規則》第 76(4)條所委任的小組委員會，或是加入內務委員會為《內務守則》第 20(j)(i)至(iii)條所述目的而委任的小組委員會，又或是加入某事務委員會或兩個或多個事務委員會為《內務守則》第 22(s)或(t)條所述目的而委任的小組委員會。
- (b) 如示明加入委員會的議員總數超過第 2(c)及(d)段所述委員會或小組委員會的指明委員人數，則議員為某一會期的事務委員會席位分配而組成的名單，適用於第 2(a)段指明的委員會在同一會期的席位分配。名單所列的議員人數與指定配額之間的換算表載於附件 I。
- (c) 內務委員會為《內務守則》第 20(j)(ii)條所述目的而委任的每一小組委員會，或某事務委員會或兩個或多個事務委員會為《內務守則》第 22(s)或(t)條所述目的而委任的每一小組委員會，須由不多於 20 名委員組成，其中包括主席在內。
- (d) 除非內務委員會另有決定，否則每一法案委員會，或根據《議事規則》第 76(4)條委任或內務委員會為《內務守則》第 20(j)(i)或(iii)條所述目的而委任的每一小組委員會，須由不多於 15 名委員組成，其中包括主席在內。
- (e) 在示明加入委員會的限期前，有意示明加入委員會的議員應表明自己是使用指定配額示明加入，還是在沒有任何指定配額的情況下以個別議員身份示明加入。
- (f) 在示明加入委員會的指明限期過後，如示明加入委員會的議員總數不超過第 2(c)及(d)段所述委員會或小組委員會的指明委員人數，每名該等議員均會獲分配一個委員會席位。否則，各份名單所列使用指定配額的議員會先獲分配委員會席位，而其他議員(包括各份名單上示明在超出指定配額的情況下加入委員會的議員，以及以個別議員身份示明加入委員會的議員)則會納入“超額名單”。
- (g) 在“超額名單”所列議員當中，將由內務委員會主席或(如主席未克處理)內務委員會副主席抽籤決定該委員會的席位分配。若內務委員會正副主席均未克處理此事，則由委員會秘書負責抽籤。

- (h) 若某法案委員會或小組委員會在完成工作前出現席位空缺，有關空缺將不會填補。
- (i) 在某一會期開始後才加入立法會的議員可在宣布其當選為立法會議員之日起計的一個月內，將回條交回秘書處，以示加入某法案委員會或小組委員會，但前提是該委員會的委員人數不超過第 2(c)及(d)段所述委員會或小組委員會的指明委員人數。有關議員的委員會委員身份會在秘書處確認後生效。若議員就加入某委員會所交回的回條數目超過該委員會可供分配的席位數目，將由內務委員會主席或(如主席未克處理)內務委員會副主席抽籤決定該委員會的席位分配。若內務委員會正副主席均未克處理此事，則由委員會秘書負責抽籤。

將予分配的委員會席位數目與
名單所列議員人數之間的換算表

將予分配的委員會 席位數目	名單上須有多少名議員 才可獲分配指明數目的席位	
	<u>有 15 個席位可供 分配的委員會¹</u>	<u>有 20 個席位可供 分配的委員會²</u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16		72
17		77
18		81
19		86
20		90

¹ 分配每個席位的門檻是以 6 的倍數為基礎計算(即 6 名議員獲分配一個席位，12 名議員獲分配兩個席位，18 名議員獲分配 3 個席位，如此類推)。

² 分配每個席位的門檻是以 4.5 的倍數(上調至最接近的整數)為基礎計算(即 5 名議員獲分配一個席位，9 名議員獲分配兩個席位，14 名議員獲分配 3 個席位，如此類推)。

18 個事務委員會分配席位的次序¹

1. 政制事務委員會
2. 保安事務委員會
3. 發展事務委員會
4. 教育事務委員會
5. 交通事務委員會
6. 房屋事務委員會
7. 經濟發展事務委員會
8. 民政事務委員會
9. 食物安全及環境衛生事務委員會
10. 環境事務委員會
11. 司法及法律事務委員會
12. 財經事務委員會
13. 人力事務委員會
14. 衛生事務委員會
15. 資訊科技及廣播事務委員會
16. 福利事務委員會
17. 工商事務委員會
18. 公務員及資助機構員工事務委員會

¹ 18 個事務委員會分配席位的次序，按 18 個事務委員會在第四屆立法會、第五屆立法會及第六屆立法會(2020-2021 年度會期除外)的每年平均委員人數由多至少編排。

《議事規則》第 39 及 44 條的擬議修訂標明文本

39. 插言

(1) 議員不得打斷其他議員的發言 ——

- (a) 除非起立要求就規程問題發言；~~；遇此情況，正在發言的議員須坐下，而，並獲立法會主席或全體委員會主席叫喚；遇此情況，正在發言的議員須坐下，除第(2)款另有規定外，~~打斷其發言的議員須指出其認為應注意的問題，並將該問題交由立法會主席或全體委員會主席決定；或
- (b) 除非要求澄清正在發言的議員在其發言中提出的某項事宜，而正在發言的議員願意退讓並坐下，擬插言的議員又獲得立法會主席或全體委員會主席叫喚。

~~(2) 立法會主席或全體委員會主席如認為某議員根據第(1)(a)款打斷其他議員的發言之舉屬濫用程序，可指示該議員不得繼續發言。~~

44. 主席**決定為最終決定的決定**

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

~~(2) 立法會主席或全體委員會主席如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。~~

~~(3) 第(2)款授予立法會主席或全體委員會主席的權力，可由任何其他委員會的主席或副主席在處理規程問題時行使，但主持該委員會會議的任何其他委員則不得行使此權力。~~

註：

建議新增的文字以斜體標示。

建議刪除的文字以劃上刪除線標示。

《議事規則》第 42 及 43 條的擬議修訂標明文本

42. 議員在會議進行中的舉止

立法會會議進行中 ——

- (a) 議員 ~~進出立法會會場，在衣飾及舉止上須須穿着商務衣飾，並在舉止上~~保持莊重；
- (b) 如無必要，議員不得橫越立法會會場；
- (c) 議員不得閱讀報章、書籍、信件或其他文件，但如所載者與立法會事務有直接關連，則屬例外；及
- (d) 當一名議員發言時，其他議員須保持肅靜，且不得作不適當的插言。

43. 辯論規則對委員會的適用範圍

本議事規則第 42(a) 條(議員在會議進行中的舉止)所訂的衣飾規定只適用於立法會及全體委員會會議程序；除上述衣飾規定外，本部的規則適用於委員會的會議程序，但委員會主席另有命令者除外。

註：

建議新增的文字以斜體標示。

建議刪除的文字以劃上刪除線標示。

可能被視為不適合出席立法會會議穿着的議員衣飾的指引

根據《議事規則》第 42(a)條，立法會會議進行中，議員須穿着**商務衣飾**，並在舉止上保持莊重。^{*}雖然具有以下特徵或屬於以下類別的衣飾可能被視為不恰當，但**立法會主席可就議員的衣着標準行使酌情權**。

整體衣飾

- 展示標誌、口號或信息的衣物/配飾；
- 展示商業性質廣告的衣物(包括運動隊伍、聯賽、錦標賽等的宣傳和廣告)；
- 破損或有破洞的衣物；
- 任何種類的制服；
- 便裝和運動裝；及
- 泳裝。

上身類

- T 恤；
- 背心/無袖上衣；
- 運動上衣；
- 汗衫；
- 運動套裝；及
- 工人褲。

下身類

- 短褲；
- 牛仔褲；及
- 運動褲/緊身運動褲/瑜伽褲。

覆蓋頭部衣物

- 各類帽子；及
- 任何覆蓋頭部的衣物(因宗教或醫學理由而配戴者除外)。

鞋類

- 人字拖鞋、涼鞋/拖鞋、露跟鞋；
- 運動鞋；
- 工作靴、遠足靴或雨靴；及
- 任何種類的露趾鞋。

註：本指引可按立法會主席所作指示予以修改/更新。

^{*} 視乎商務衣飾是否獲採納為議員出席立法會會議(包括全體委員會會議但不包括其他委員會會議)的衣着標準而定。

《議事規則》第 42 條的擬議修訂及
《內務守則》擬議新訂第 19B 條
的標明文本

《議事規則》第 42 條

42. 議員在會議進行中的舉止

立法會會議進行中 ——

- (a) 議員進出立法會會場，在衣飾及舉止上須保持莊重；
- (b) 如無必要，議員不得橫越立法會會場；
- (c) 議員不得閱讀報章、書籍、信件或其他文件，但如所載者與立法會事務有直接關連，則屬例外；~~及~~
- (d) 當一名議員發言時，其他議員須保持肅靜，且不得作不適當的插言~~；及~~
- ~~(e) 議員只可在發言時為闡釋其發言論點而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、信息或任何其他資料均須符合本議事規則第 41 條(發言內容)的規定。~~

《內務守則》新訂條文

19B. 展示物件

~~根據《議事規則》第 42(e)條，議員在立法會會議期間發言時可為闡釋其發言論點而展示物件，惟須符合下列條件：~~

- ~~(a) 展示該物件與有關立法會議程所載的事項相關；~~
- ~~(b) 展示該物件沒有及不會干擾會議進行、妨礙其他議員或獲委派官員參與會議程序，或阻擋立法會主席朝向會議廳內人士的視線；~~

- (c) 展示該物件沒有及不會對會議廳內任何人士構成危險或滋擾；
- (d) 該物件只限在展示該物件的議員的座位範圍內展示；
及
- (e) 展示該物件沒有及不會令公眾對立法會產生負面觀感、損害立法會的尊嚴或令立法會的聲譽受損。

註：

建議新增的文字以斜體標示。

建議刪除的文字以劃上刪除線標示。

2021年6月25日內務委員會會議紀要的節錄

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VI. 議事規則委員會提交的文件

就《議事規則》及《內務守則》進行的檢討 - 第二批擬議修訂
(立法會CROP71/20-21號文件)

23. 應內務委員會主席之請，議事規則委員會主席謝偉俊議員表示，繼《議事規則》及《內務守則》的第一批修訂於2021年2月及3月實施後，議事規則委員會隨即開展第二階段檢討工作，並就第二批擬議修訂徵詢議員的意見。經諮詢後，議事規則委員會同意把獲得議員充分支持的建議和對《議事規則》及《內務守則》有關條文的相關擬議修訂("議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂")提交內務委員會通過。謝議員向委員簡述分為4組的建議，詳情載於文件的建議1至建議4，分別如下：建議1"委員會委員組合及委員會正副主席選舉"；建議2"處理點算法定人數要求及規程問題的程序"；建議3"議員出席立法會會議的衣飾"；及建議4"議員在立法會會議上展示物件"。

24. 謝偉俊議員進一步表示，如有關事項獲內務委員會通過，他會以議事規則委員會主席身份，在立法會會議上根據《基本法》第七十五條動議一項擬議決議案，以修訂《議事規則》的有關條文。該決議案如獲通過，將於政府憲報刊登，屆時當中所載對《議事規則》的各項修訂(與委員會的委員組合及主席選舉有關者除外)將開始實施。至於附錄III所載根據建議1(即"委員會委員組合及委員會正副主席選舉")修訂的《議事規則》及《內務守則》條文，則會自第七屆立法會開始當日起實施。

25. 陳克勤議員對議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂表示支持。依他之見，擬議修訂將會堵塞過往數年來被一些議員利用的漏洞，例如藉要求點算法定人數和濫用程序提出規程問題以達到拉布的目的。由於第七屆立法會的議席數目將會由70席增加至90席，擬議修訂亦會促進立法會及轄下委員會暢順運作。陳議員認為，擬議修訂關乎立法會的內部運作，並不會削減立法會監察政府的權力。陳議員籲請議員支持議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂。

26. 田北辰議員表示，他對訂明委員會委員人數上限及訂明每名議員可同時出任最多6個事務委員會的委員的建議有強烈保留，惟他對《議事規則》及《內務守則》的其他擬議修訂則沒有問題。他認為訂明委員會委員人數上限，並不能達致提高委員會運作效率的效果，反而會剝奪個別議員就屬委員會職權範圍的若干事宜作表決的權利。田議員認為應信任議員，讓他們自行決定加入委員會的數目。田議員表明他對支持議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂有所保留。

27. 謝偉銓議員表示，他基本上支持議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂，以期確保立法會能有效率地處理議會事務及監察政府。然而，關於在立法會會議因法定人數不足而休會待續的情況下對任何並無有效理由而缺席的議員施行財政處分的建議，他認為除了文件第9段所指明的有效理由外，事先以書面向立法會主席告假亦應被視為一個有效理由。他希望有關方面可以就此事作出澄清。

28. 廖長江議員表示支持訂明委員會委員人數上限的建議。他指出，根據議員和秘書處就海外立法機關所作資料研究的結果，立法機關訂明委員會委員人數上限的做法相當普遍，通常以10多名委員為限，當中有少數立法機關的委員會最多也只有30多名委員。因此，雖然各個委員會是開放予所有議員，讓他們示明有意加入，但議員不應期望有權加入所有委員會。廖議員亦認為，委員會委員應全程參與每一次委員會會議，而不是只出席數分鐘以表達自己的意見，他又認為訂明委員會委員人數上限將會利便委員會的運作。

29. 何君堯議員表示歡迎議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂。他憶述立法會在過往數年經歷多次混亂情況，特別是2019-2020年度會期內務委員會主席及副主席的選舉。此外，曾有一些情況是有為數眾多的議員加入某些委員會，藉以爭奪該等委員會的主席職位。何議員支持與委員會委員組合有關的擬議修訂，因為該等修訂已在所有相關因素之間取得適當平衡。他又補充，擬議修訂並非旨在阻止議員出席該等委員會的任何會議或在會議上表達意見。

30. 麥美娟議員對議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂表示支持，認為可改善立法會的規則及程序。麥議員又認為，訂明委員會委員人數上限的建議可確保委員會的運作及會議程序更具效率。

31. 張宇人議員表示，屬自由黨的議員支持議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂。張議員進一步表示，他理解部分議員(特別是沒有政治黨派的議員)對訂明委員會委員人數上限及每名議員可同時出任的事務委員會委員數目等建議所表達的關注，但有關建議並不會阻礙非委員會委員的議員列席該等委員會的會議及在會議上發表意見。考慮到第七屆立法會的議席數目將會增加，他認為有需要平衡所有相關因素，包括該等委員會的運作及效率。

32. 盧偉國議員表示，屬香港經濟民生聯盟的議員亦支持議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂。由於第七屆立法會的議員數目將會增至90人，他認為有需要訂明委員會委員人數上限，以便議員之間能更有效分工。盧議員又認為有需要訂定議員出席立法會會議的衣飾。依他之見，立法會發揮其功能固然重要，但議員在履行其職務時，保持與其立法會議員身份匹配的形象，亦同樣重要。

33. 謝偉俊議員認為，儘管不屬任何政黨的議員或許會認為，訂明委員會委員人數上限的建議剝奪了他們就委員會擬決定的事宜作表決的部分權利，但更重要的是要把這項建議理解為改善立法會整體運作的方法。他補充，綜觀海外的立法機關，訂明委員會委員人數上限的做法相當普遍，藉以在議員之間更平均地分工，而且從沒有出現個別議員可以加入所有委員會的情況。謝議員籲請議員以立法會的整體利益為重，支持議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂。

34. 內務委員會主席總結時表示，在提交議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂供內務委員會考慮之前，議員已就此獲諮詢。如有關事項獲內務委員會通過，議事規則委員會主席會在立法會會議上動議一項擬議決議案，以修訂《議事規則》的有關條文，屆時議員可再發表其意見。內務委員會主席請議員考慮內務委員會應否通過建議1至建議4和載於附錄III、IV、V及VII的《議事規則》及《內務守則》有關條文的相關擬議修訂，以及載於附錄VI的《可能被視為不適合出席立法會會議穿着的議員衣飾的指引》。內務委員會主席把有關議題付諸表決。內務委員會主席宣布，參與表決的議員中有過半數贊成該項議題，而內務委員會在無人反對及一人棄權的情況下，通過議事規則委員會的建議和《議事規則》及《內務守則》的擬議修訂。內務委員會主席進而表示，議事規則委員會主席最早可於2021年7月14日的立法會會議上，動議有關擬議決議案，以修訂《議事規則》的有關條文。

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立法會秘書處
議會事務部2
2021年6月30日

立法會
Legislative Council

(只透過電郵發放)

立法會 CB(3) 743/20-21 號文件

檔 號： CB(3)/M/MR
電 話： 3919 3300
日 期： 2021年7月5日
發文者： 立法會秘書
受文者： 立法會全體議員

2021年7月14日的立法會會議

**謝偉俊議員根據《基本法》第七十五條動議
修訂《議事規則》的擬議決議案**

立法會主席已批准謝偉俊議員於上述會議，根據《基本法》第七十五條動議隨附的擬議決議案。主席已指示把該擬議決議案按所交來的原有措辭印載在立法會議程上。

立法會秘書

(韓律科代行)

連附件

《中華人民共和國香港特別行政區基本法》

決議

(根據《中華人民共和國香港特別行政區基本法》第七十五條)

《香港特別行政區立法會議事規則》

議決——

- (a) 修訂《香港特別行政區立法會議事規則》，修訂方式列於附表；
 - (b) 除(c)段另有規定外，本決議自其於憲報刊登當日起實施；及
 - (c) 附表第 5、6 及 7 條自第七屆立法會的任期開始當日起實施。
-

附表

修訂《香港特別行政區立法會議事規則》

1. 修訂第 39 條(插言)

(1) 第 39 條——

將該條重編為第 39(1)條。

(2) 第 39(1)(a)條——

廢除

“；遇此情況，正在發言的議員須坐下，而”

代以

“，並獲立法會主席或全體委員會主席叫喚；遇此情況，正在發言的議員須坐下，除第(2)款另有規定外，”。

(3) 在第 39(1)條之後——

加入

“(2) 立法會主席或全體委員會主席如認為某議員根據第(1)(a)款打斷其他議員的發言之舉屬濫用程序，可指示該議員不得繼續發言。”。

2. 修訂第 42 條(議員在會議進行中的舉止)

(1) 第 42(a)條——

廢除

“進出立法會會場，在衣飾及舉止上須”

代以

“須穿着商務衣飾，並在舉止上”。

(2) 第 42(c)條——

廢除

“及”。

(3) 第 42(d)條——

廢除句號

代以
“；及”。

(4) 在第 42(d)條之後——

加入

“(e) 議員只可在發言時為闡釋其發言論點而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、信息或任何其他資料均須符合本議事規則第 41 條(發言內容)的規定。”。

3. 修訂第 43 條(辯論規則對委員會的適用範圍)

第 43 條，在“本部的規則”之前——

加入

“除本議事規則第 42(a)條(議員在會議進行中的舉止)所訂的衣飾規定只適用於立法會及全體委員會會議程序外，”。

4. 修訂第 44 條(主席決定為最終決定)

(1) 第 44 條，標題——

廢除

“決定為最終決定”

代以

“的決定”。

(2) 第 44 條——

將該條重編為第 44(1)條。

(3) 在第 44(1)條之後——

加入

“(2) 立法會主席或全體委員會主席如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。

- (3) 第(2)款授予立法會主席或全體委員會主席的權力，可由任何其他委員會的主席或副主席在處理規程問題時行使，但主持該委員會會議的任何其他委員則不得行使此權力。”。

5. 修訂第 75 條(內務委員會)

- (1) 在第 75(4)條之前——

加入

“(3A) 委員會須決定事務委員會、法案委員會及由委員會、某事務委員會、兩個或多個事務委員會或某法案委員會委任的小組委員會的席位分配機制，以及選舉該等委員會正副主席的程序。”。

- (2) 第 75(7)條——

廢除

在“交付法案委員會後，”之後的所有字句

代以

“已示明加入法案委員會並按照委員會根據第(3A)款決定的機制獲分配法案委員會席位的議員(立法會主席除外)，即屬該法案委員會的委員。”。

- (3) 第 75(11)條，在“研究”之後——

加入

“不屬事務委員會職權範圍而備受公眾關注的事宜或”。

- (4) 第 75 條——

將第(12)款重編為第(12)(a)款。

- (5) 在第 75(12)(a)條之後——

加入

“(b) 根據(a)段委任的小組委員會的委員為已示明加入小組委員會並按照委員會根據第(3A)款決定的機制獲分配小組委員會席位的議員(立法會主席除外)。

- (c) 除(d)段另有規定外，根據(a)段委任的每一小組委員會須由不少於 3 名委員及(除委員會另有決定外)不多於 15 名委員組成，其中包括主席在內。
- (d) 凡委任小組委員會的目的是協助委員會研究不屬事務委員會職權範圍而備受公眾關注的事宜，則該小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。”。

6. 修訂第 76 條(法案委員會)

- (1) 第 76(1A)條——

廢除

在“法案委員會的委員為”之後的所有字句

代以

“已示明加入法案委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配法案委員會席位的議員(立法會主席除外)。”。

- (2) 第 76(3)條，在“不少於 3 名委員”之後——

加入

“及(除內務委員會另有決定外)不多於 15 名委員”。

- (3) 第 76(4)條，在“其職能。”之後——

加入

“小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配小組委員會席位的法案委員會委員。每一小組委員會須由不少於 3 名委員及(除內務委員會另有決定外)不多於 15 名委員組成，其中包括主席在內。”。

7. 修訂第 77 條(事務委員會)

- (1) 第 77(4)條——

廢除

在“事務委員會的委員為”之後的所有字句

代以

“已示明加入事務委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配事務委員會席位的議員(立法會主席除外)。事務委員會委員的任期為一個會期。”。

- (2) 第 77(8)條，在“不少於 6 名委員”之後——

加入

“及不多於 20 名委員”。

- (3) 第 77(9)條，在“作出報告。”之後——

加入

“小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配小組委員會席位的事務委員會委員。每一小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。”。

- (4) 第 77(9A)條，在“作出報告。”之後——

加入

“聯合小組委員會的委員為已示明加入聯合小組委員會並按照內務委員會根據本議事規則第 75(3A)條(內務委員會)決定的機制獲分配聯合小組委員會席位的有關事務委員會委員。每一聯合小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。”。

2021 年 7 月 14 日立法會會議過程正式紀錄的節錄

X X X X X X

議員提出的其他議案

代理主席： 議員提出的其他議案。

根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

有意發言的議員請按"要求發言"按鈕。

我現在請謝偉俊議員發言及動議議案。

根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案

謝偉俊議員：代理主席，本人謹以議事規則委員會主席的身份，動議通過印載於議程內的擬議決議案，修訂《香港特別行政區立法會議事規則》("《議事規則》")的若干條文。

代理主席，內務委員會已於6月25日通過《議事規則》及《內務守則》的第二批擬議修訂， 4 組建議包括：

第一組是有關委員會委員組合及委員會正副主席選舉，包括3項建議：第一，訂明委員會委員人數上限，例如事務委員會及法案委員會的人數上限分別為20及15名委員；第二，訂立分配委員會席位的機制，每名議員可同時出任最多6個事務委員會的委員；第三，修訂委員會正副主席的選舉程序。

代理主席，第二組是有關處理點算法定人數要求及規程問題，建議引入3項新程序：第一，如果立法會會議因法定人數不足而流會，對無有效理由而缺席的議員逐次施加處分，金額劃一定為相當於非兼任行政會議成員的議員一天的酬金。立法會藉修訂相關法例後，會在《議事規則》加入有關條文。第二，修訂《議事規則》，訂明議員除非獲立法會、全委會或其他委員會的主席叫喚，否則不得就規程問題打斷其他議員的發言；若主席認為有關的插言屬濫用程序，可指示該插言議員不得繼續發言。第三，修訂《議事規則》，訂明若立法會主席、全委會主席或主持立法會及全委會會議的議員認為議員提出規程問題屬濫用程序，可決定何時及如何處理該規程問題。其他委員會主席或副主席，但不包括主持會議的任何其他委員，亦可行使有關權力。

代理主席，第三組建議規定議員須穿着商務衣飾出席立法會及全委會會議，但不包括其他委員會會議。

(主席恢復主持會議)

第四組建議，訂明在立法會、全委會或其他委員會會議上，議員只可在發言期間展示物件，但仍須符合《議事規則》第41條及《內務守則》新訂第19B條的規定。

主席，若決議案獲通過，除了有關委員會委員組合及正副主席選舉的建議將於第七屆立法會開始當日起實施外，其他對《議事規則》及《內務守則》的各項修訂將於決議案刊憲後開始實施。

主席，我很快地說說，今次的修訂，當然是我們本屆再一次比較實質性和多的修訂。但是，除了說撥亂反正後議會的運作已經相當正常之外，我亦想提及，好像今天早上，我們剛剛看到各司局長都能夠很順暢地提出一些新議案。這個做法對於我們立法會的操作、效率及成效均有一個立竿見影的效果。

今次，我們希望再一次修訂的原因，基本上是我們下一屆人數增多，需要在委員會的數字上作出一個比較合理的安排——相比其他國家的委員會數目、大小及參與委員會的數字，都是一個比較合理的安排；第二，亦希望例如在點算法定人數方面作出一些修訂，令大家進一步減少濫用所謂點算法定人數；第三，亦希望立法會的秩序可以在尊嚴或操作上更加獲得市民的支持，包括我們的服飾或在任何發言時間展示的一些物件都需要有所規定。

主席，我想藉此機會，再次多謝我們委員會的所有委員就這次修訂提出很多意見，亦多謝全體議員在諮詢期間提出很多有建設性的建議，而最重要的是多謝立法會的秘書和我們的法律顧問就有關修訂做了很多工作。多謝主席。

謝偉俊議員動議的議案如下：

"議決——

- (a) 修訂《香港特別行政區立法會議事規則》，修訂方式列於附表；

- (b) 除(c)段另有規定外，本決議自其於憲報刊登當日起實施；
及
- (c) 附表第5、6及7條自第七屆立法會的任期開始當日起實施。

附表

修訂《香港特別行政區立法會議事規則》

1. 修訂第39條(插言)

- (1) 第39條——
將該條重編為第39(1)條。
- (2) 第39(1)(a)條——
廢除
"；遇此情況，正在發言的議員須坐下，而"
代以
"，並獲立法會主席或全體委員會主席叫喚；遇此情況，正在發言的議員須坐下，除第(2)款另有規定外，"。
- (3) 在第39(1)條之後——
加入
"(2) 立法會主席或全體委員會主席如認為某議員根據第(1)(a)款打斷其他議員的發言之舉屬濫用程序，可指示該議員不得繼續發言。"。

2. 修訂第42條(議員在會議進行中的舉止)

- (1) 第42(a)條——
廢除
"進出立法會會場，在衣飾及舉止上須"
代以
"須穿着商務衣飾，並在舉止上"。
- (2) 第 42(c)條——
廢除
"及"。

- (3) 第42(d)條——
廢除句號
代以
"；及"。

- (4) 在第42(d)條之後——
加入
"(e) 議員只可在發言時為闡釋其發言論點而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、信息或任何其他資料均須符合本議事規則第41條(發言內容)的規定。"。

3. 修訂第43條(辯論規則對委員會的適用範圍)

第43條，在"本部的規則"之前——

加入

"除本議事規則第42(a)條(議員在會議進行中的舉止)所訂的衣飾規定只適用於立法會及全體委員會會議程序外，"。

4. 修訂第44條(主席決定為最終決定)

- (1) 第44條，標題——

廢除

"決定為最終決定"

代以

"的決定"。

- (2) 第44條——

將該條重編為第44(1)條。

- (3) 在第44(1)條之後——

加入

"(2) 立法會主席或全體委員會主席如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。

- (3) 第(2)款授予立法會主席或全體委員會主席的權力，可由任何其他委員會的主席或副主

席在處理規程問題時行使，但主持該委員會會議的任何其他委員則不得行使此權力。”。

5. 修訂第75條(內務委員會)

(1) 在第75(4)條之前——

加入

"(3A) 委員會須決定事務委員會、法案委員會及由委員會、某事務委員會、兩個或多個事務委員會或某法案委員會委任的小組委員會的席位分配機制，以及選舉該等委員會正副主席的程序。”。

(2) 第75(7)條——

廢除

在"交付法案委員會後，"之後的所有字句

代以

"已示明加入法案委員會並按照委員會根據第(3A)款決定的機制獲分配法案委員會席位的議員(立法會主席除外)，即屬該法案委員會的委員。”。

(3) 第75(11)條，在"研究"之後——

加入

"不屬事務委員會職權範圍而備受公眾關注的事宜或"。

(4) 第75條——

將第(12)款重編為第(12)(a)款。

(5) 在第75(12)(a)條之後——

加入

"(b) 根據(a)段委任的小組委員會的委員為已示明加入小組委員會並按照委員會根據第(3A)款決定的機制獲分配小組委員會席位的議員(立法會主席除外)。

(c) 除(d)段另有規定外，根據(a)段委任的每一小組委員會須由不少於3名委員及(除委員會另有決定外)不多於15名委員組成，其中包括主席在內。

- (d) 凡委任小組委員會的目的是協助委員會研究不屬事務委員會職權範圍而備受公眾關注的事宜，則該小組委員會須由不少於3名委員及不多於20名委員組成，其中包括主席在內。"

6. 修訂第76條(法案委員會)

- (1) 第76(1A)條——

廢除

在"法案委員會的委員為"之後的所有字句

代以

"已示明加入法案委員會並按照內務委員會根據本議事規則第75(3A)條(內務委員會)決定的機制獲分配法案委員會席位的議員(立法會主席除外)。"

- (2) 第76(3)條，在"不少於3名委員"之後——

加入

"及(除內務委員會另有決定外)不多於15名委員"。

- (3) 第76(4)條，在"其職能。"之後——

加入

"小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第75(3A)條(內務委員會)決定的機制獲分配小組委員會席位的法案委員會委員。每一小組委員會須由不少於3名委員及(除內務委員會另有決定外)不多於15名委員組成，其中包括主席在內。"

7. 修訂第77條(事務委員會)

- (1) 第77(4)條——

廢除

在"事務委員會的委員為"之後的所有字句

代以

"已示明加入事務委員會並按照內務委員會根據本議事規則第75(3A)條(內務委員會)決定的機制獲分配事務委員會席位的議員(立法會主席除外)。事務委員會委員的任期為一個會期。"

- (2) 第77(8)條，在"不少於6名委員"之後——

加入

"及不多於20名委員"。

- (3) 第77(9)條，在"作出報告。"之後——

加入

"小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第75(3A)條(內務委員會)決定的機制獲分配小組委員會席位的事務委員會委員。每一小組委員會須由不少於3名委員及不多於20名委員組成，其中包括主席在內。"。

- (4) 第77(9A)條，在"作出報告。"之後——

加入

"聯合小組委員會的委員為已示明加入聯合小組委員會並按照內務委員會根據本議事規則第75(3A)條(內務委員會)決定的機制獲分配聯合小組委員會席位的有關事務委員會委員。每一聯合小組委員會須由不少於3名委員及不多於20名委員組成，其中包括主席在內。"。

主席：我現在向各位提出的待議議題是：謝偉俊議員動議的議案，予以通過。

李慧琼議員：主席，為了讓議會事務得以有序、有效率及公平地處理，議事規則委員會應該不時檢討立法會的規則及行事方式，並就修訂《議事規則》及《內務守則》提交建議。早前我們通過第一批修正案，並於本年2月及3月實施，今天則審議第二批建議，一共有4類。我不重複細緻內容，由於時間關係，我集中討論對第一類和第二類建議的一些看法。

先說說委員會人數設定上限。過去本會的運作方面，除了個別委員會外，立法會各個委員會對人數基本上不設限制，大家也能看到當中的好處，便是讓議員有最大的空間去議政論政，但按過去運作的經驗，這個做法衍生很多問題，我們都必須正視。

大家也知道，其中一個是當新立法年度開始時，為了競逐事務委員會的主席，不同陣營的議員有一窩蜂報名的情況，而當選了主席後，又有一批委員需要退出。第二，特別是過去在政治爭拗激烈時，當一些富爭議性的法案委員會出現時，不時有很多議員加入，而由於參與人數眾多，作為議員出席會議，單是在每次法案委員會會議按"要求發言"按鈕輪候發言，或許也只可能發言一次，這樣其實大大削弱了我們審議法案的功能和效率，亦令議員無法專注於某些範疇和集中討論。

上述情況的出現其實對委員會的實際運作，包括進行商議、達致足夠法定人數、以至委員會議事的延續性也沒有好處，不利於立法會履行監督政府的憲制職能，尤其是考慮到下屆議會人數進一步增加至90位議員，這個問題更需要思考。我亦非常感謝議事規則委員會成員和秘書處的努力，我過去其實也有積極參與《議事規則》修改的討論，從制度上處理這個問題。

主席，針對上述現象，民主建港協進聯盟("民建聯")支持通過《議事規則》及《內務守則》的修訂，在下屆立法會開始時限制參加委員會的人數，並規定每位議員最多同時出任6個事務委員會委員。我留意到有部分議員在上次內務委員會("內會")會議討論時對這項建議有保留，認為無助改善議會效率，亦有部分議員批評限制議員加入委員會的權利。

對此，其實我也十分認真和仔細了解整件事，並想提出3點讓市民掌握這件事。第一是議事規則委員會在提出建議時是非常審慎的，亦參考了很多外國議會的做法，包括英國下議院、新西蘭國會、德國聯邦議院和法國國民議會。總體而言，這些地方的議會人數基本上也是有限制的，便是某個固定數目或議員整體數目的某個百分比等。由此可見，為了讓議會更有效發揮作用，為議會委員會設定人數上限，到處的議會都採取同樣的模式，這做法非常普遍。

第二是按照目前的安排，大家也知道，如果議員關心某項議題，完全可以出席會議發言，我看不到修改《議事規則》後，這做法有何改變。

第三是今次修改後，已加入彈性條款，對於為研究立法建議而成立的委員會，其實內會和政策事宜小組委員會如果認為有需要，並得到內會整體的同意，委員會的人數是可以調整的，所以對於以上委員

會的人數其實已預留彈性，我亦同意這項《議事規則》的修改，讓這彈性存在，因為法案可能有不同的內容，屆時內會整體決定則更能體現議會的整體決定。

主席，由於時間關係，我先說到此，民建聯支持是次修訂。

張宇人議員：主席，我發言是支持謝偉俊議員根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。今次修訂就立法會各委員組合、就過往選舉正副主席、濫用規程問題、插言、出席立法會會議的衣飾，以及議員在會議上展示物件作出相應修訂。

以往立法會時常有"攞炒派"議員提出所謂的規程問題，打斷其他議員發言。現在修訂為："除非起立要求就規程問題發言，並獲立法會主席或全體委員會主席叫喚；遇此情況，正在發言的議員須坐下"；立法會主席或全體委員會主席如認為某議員打斷其他議員的發言之舉屬濫用程序，可指示該議員不得繼續發言。我認為此舉能令會議更暢順。根據我過去的經歷，當議員說應引用《議事規則》，99%的情況卻並非如此。

至於規程問題，以往"攞炒派"時常藉規程問題"拉布"，拖慢會議進度，影響審議和討論民生議題，令人憤怒。現時修訂為："立法會主席或全體委員會主席如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題"。我認為是非常合適，可避免有人濫用程序，達致其政治目的。

另一項修訂是關於委員會人數和選舉正副主席的程序。今次修訂會訂出席位分配機制，事務委員會人數上限為20人，其他小組委員會則為15人，而正副主席的所有提名均須在指明限期前提交，確保委員會人數處於合理水平，並杜絕濫用選舉主席程序的荒謬情況再現。

此外，今次修訂包括議員在會議進行中的舉止："議員須穿着商務衣飾，並在舉止上保持莊重"；"議員只可在發言時為闡釋其發言論點而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、信息或任何其他資料均須符合本《議事規則》第41條(發言內容)的規定"。以上修訂是還議會莊嚴，因以往有議員出席立法會會議時穿上帶有口號的衣飾，甚至高舉大型標語橫額，毫不尊重。

修改《議事規則》的目的，是要提高議會工作效率，確保市民利益不會被某些人的政治目的騎劫。我和自由黨支持謝偉俊議員根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

(代理主席李慧琼議員代為主持會議)

代理主席，我最後想談談，我多年來參與議事規則委員會，每次看到秘書處要做研究，我也說真是太花時間、太花力氣，不如省掉，但主席謝偉俊議員很堅持。當然，到了今時今日，我們可以在這一年間作出這麼多修訂，我覺得都是秘書及法律顧問...當然，在整個環境下，我們可以作出這些修訂。其實，我們參與議會工作，真的不想看到浪費太多時間，亦不想看到任何一位議員可以濫用《議事規則》，現在真的是時候撥亂反正。所以，我很支持亦很樂意在過去一年多以來花大量時間研究今次修訂。今次修訂可說是不太完美，甚至有同事剛才代理主席也就人數的問題持有不同的意見，但始終是大家在互讓互諒、協調和compromise之下達到的目標。

郭偉強議員：代理主席，我本人也是議事規則委員會成員之一。當然要先回答一條問題，就是為何此刻議會內"攞炒派"的數目大減，仍然要修改《議事規則》。這其實正正是緊隨我們國家居安思危的精神，提高風險的防範意識。同時，這些新修訂的《議事規則》其實除了管"攞炒"之外，亦管我們建制派的同事，我們一樣要跟隨。就好像上一次"紅黃牌"的制度，以至如果流會要扣薪的安排，我們的建制派議員都受到一定約束。

代理主席，所謂"水能載舟，亦能覆舟"，《議事規則》原意是要保護議會暢順運作，以及保護其尊嚴和地位。但是，過去無論是"攞炒"、"拉布"，以至"黑暴"時期，都充分反映有立心不良的"攞炒分子"借《議事規則》用來武器化，然後攻擊議會。事實上，如果我們不修改《議事規則》的話，就會好像風濕一樣，到時到候就會復發。我們必須正本清源，根治有關的問題和情況。

代理主席，今次有一系列的修訂，我主要集中說第一，就是濫用《議事規則》點算法定人數和插言這安排，賦予主席能夠有更大的空間，對一些濫用規程的議員，可以終止他的發言。大家仍然歷歷在目，過去"攞炒派"不單無的放矢地濫用規程問題，同時借規程問題來發表

他自己的政見，以至打斷其他議員的發言。當其他議員的發言中正他們的死穴，或者中正他們所犯的謬誤時，他們就會用規程問題來打斷有關議員的發言，從而遮掩或者阻礙其他議員發表對他們有影響的言論。今次終於能夠處理，同時也能夠保證議會能夠暢順運作，以及令議會可以符合公眾的期望。

與此同時，有一項今次未能提交上來，我相信未知道會不會提交上來，就是當有人要求點算法定人數時，究竟是否可以禁止議員離開會議廳。原本在點算法定人數時，根據《議事規則》，應該盡力確保在點算時議會內有足夠的法定人數。但是，以往提出點算人數的人卻立即離開，這證明其原意並非想令議會恢復運作或者有足夠的法定人數，而是濫用規程，輕的話就是惡作劇，其實就是肆意搗亂。但是，由於有法律問題未能解決，所以今次未能處理。我覺得很可惜，因為其實有關程序也是數分鐘的事情，很容易便能處理。

另外，還有一點，就是關於限制所參加的小組委員會和事務委員會的數目，我在此很簡單地理解，就是要有合理的分工。當下一屆有90位議員時，大家也要分工擔當不同的事務委員會、法案委員會等的職務。有關安排並不阻礙議員發言，因為縱使議員不是該小組的委員，仍然可以列席發言，所以這並沒有任何阻撓，反而確保議會能夠更加暢順運作。

代理主席，《議事規則》過去曾經存在漏洞，希望藉着修改《議事規則》能夠堵塞有關的漏洞，以及防止再被"攪炒派"武器化，亦將我們的議會由死胡同中帶出來，爭取市民大眾的參與和支持。

多謝代理主席。

盧偉國議員：代理主席，我們今天要審議的，是謝偉俊議員以議事規則委員會主席的身份，根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

代理主席，過去數年，反對派議員肆意利用各種方式在議會"拉布"和搗亂，嚴重影響立法會對各項法案和撥款建議的審議。社會上一直有很強烈的聲音，要求檢討立法會的《議事規則》及《內務守則》(以下通稱"《議事規則》")，以便有秩序及有效率地處理議會事務。本會在2020-2021年度會期開始以來，議事規則委員會一直研究議員就修訂《議事規則》提出的多項建議。在3月24日的大會已審議通

過一項擬議決議案，主要涵蓋已獲內會通過的關於《議事規則》的第一批擬議修訂。今天要審議的，是已在6月25日獲內會通過的第二批擬議修訂，涵蓋4項建議。

首項建議，是關於委員會委員組合及委員會正副主席選舉。就事務委員會及負責研究政策事宜的小組委員會而言，訂明委員人數上限為20名；就法案委員會和負責研究附屬法例及其他文書的小組委員會，人數上限為15名委員，並訂明每名議員可同時出任最多6個事務委員會的委員；此外亦修訂委員會正副主席的選舉程序。經修訂條文如獲通過，將於第七屆立法會開始時生效。我作為議事規則委員會成員，以及香港經濟民生聯盟("經民聯")的議員同事也支持擬議修訂。由於第七屆立法會的議員數目將會由70席增至90席，確實有需要訂明委員會委員人數上限，以便議員之間能更有效分工。

第二項擬議修訂，是涉及處理點算法定人數要求及規程問題的程序。擬議修訂規定，當立法會會議因法定人數不足而休會待續時，對並無有效理由而缺席的議員施行財政處分，有效理由可包括病患、分娩、侍產、與議會事務相關的職務訪問等，處分金額則劃一定為相當於並非兼任行政會議成員的議員一天的酬金；亦訂明如果議員就法定人數提出規程問題屬濫用程序，立法會主席可不予處理。顯然，這是為了有效堵塞過去數年被一些反對派議員濫用議事程序的漏洞。

第三項和第四項擬議修訂，分別訂明議員必須穿着商務衣飾出席立法會會議，以及只可在發言時為闡釋其發言論點而展示物件。第二至四項擬議修訂將從刊登憲報當天起實施。我認為這些規定也是切合現實所需，因為確保立法會發揮其功能固然重要，但議員在履行職務時，保持與立法會議員身份匹配的形象，以維護議會的尊嚴，亦同樣重要。

代理主席，議事規則委員會在討論上述擬議修訂時，已致力尋求適當的平衡，既確保議員有效參與議會事務和監察政府的權利，又堵塞《議事規則》被濫用的漏洞，並促使委員會的運作及會議程序更具效率。

代理主席，我謹此陳辭，支持通過謝偉俊議員動議的擬議決議案。

田北辰議員：代理主席，我之前在內務委員會("內會")提出我對今次的修改是有保留的，主要是限制委員會人數及限制每位議員可加入

6個委員會這兩部分；至於其他修訂，我完全沒有問題，百分之一百支持。所以，我今天一定要多說一遍，以記錄在案。

任何議事規則均要在議員權利與議事效率之間取得平衡。我們多次修改《議事規則》，甚至選舉制度亦已修改，我對中央的改動很有信心，以往的亂象將會徹底消失。正如我在內會所說，在發言方面，現在如果議題具爭議性，非委員的議員也可發言；修改《議事規則》後仍是一樣，又不是說不讓非委員的議員發言。如果議題不具爭議性，現時即使委員眾多也不會有所拖延，全香港在看直播，都不會"為講而講"。這兩部分不單未能幫助委員會運作，反而客觀效果其實是限制議員投票；不但未能阻礙非委員的議員發言，限制投票更是唯一的結果。我認為議員有足夠的智慧衡量加入多少個委員會可以有貢獻，他們最後還是要向香港人交代自己的出席率和發言質素。所以，我才對此有所保留。

我在上次發表有關意見後，有議員提出相反的理據，主要是因應議員人數增加，或不想議員"打卡"後便離開。老實說，這些意見，我是不同意的。每位議員也要向選民交代，如果有人這樣做，我相信選民的雙眼也看得清楚。但是，無論如何，議會便是這樣，大家有不同的意見，agree to disagree，和平理性解決這些爭議。也有人認為發表意見不需要投票權——因為對我來說，其實分別在於有否權利投票而已——那麼按這個邏輯，代理主席，老實說，我們根本不需要有議會，市民自行發表意見便可，為何要選出數十人進入議會？其實也是透過投票表達意見而已。

我相信大家也知道，今次中央出手修改香港選舉制度以及我們修改《議事規則》有一個重要的原因，就是提升議事質素，去蕪存菁。但無論甚麼規則也好，最重要仍是要有肯付出時間參政的人。所以，只因那兩部分，我在此難以支持這項議員議案。我希望各位同事諒解。

陳克勤議員：代理主席，為了進一步完善《議事規則》和提升下一屆立法會的運作效率，一群很有心的建制派議員坐在一起研究對《議事規則》的第二批修訂，亦委託我在議事規則委員會裏提出。

議事規則委員會主席謝偉俊議員剛才說出了數個重點，例如今次的修訂包括服飾、罰款、選舉主席的程序，大家對這些也沒有很大的

反對意見，唯獨引起大家關注的，就是田北辰議員剛才所說的，即是委員會的委員人數上限和議員可參與的委員會數目。

我想特別藉此機會談談這方面。未來的議會將會有90位議員，以往一些委員會的委員人數較多，以我擔任主席的保安事務委員會為例，以往一直也有40人，每次開會之前，我也要等待10分鐘以上，等到至少三分之一的委員出席才可以開會，因而浪費了很多討論的時間。將來的議員人數增加至90人後，如果有60人、70人參加委員會的話，我相信等待開會的時間會更長，這亦不是大家想看到的。所以，大家便會想，不如採用一種更有效的方法讓大家開會。我們最初決定每個事務委員會的委員人數上限為15人，不過，我們聽到很多議員的意見是人數太少，所以最終的結果是，我們把委員人數上限提高到20人。你說把上限定為20人會否限制了議員發言？很多反對或有保留的議員自己也說了，即使不是委員也可以參加事務委員會的會議，說出他想說的意見。

剛才有議員說他會失去投票權。代理主席，事務委員會有多少事項需要投票呢？需要經常投票嗎？自今年以來，在我所參與的事務委員會當中，從來沒有一個需要投票。況且事務委員會就一些事項投票，其實亦沒有法律約束力，大多數是議員提出一些臨時議案，進行"姿態式"的表決。真正的投票權，其實更重要的就是在今天的大會，以及財務委員會或法案委員會等。所以，事務委員會的投票權是否真的那麼重要，或者是否有需要投票，這是值得大家認真深思的。

第二，我明白有些"單頭"或獨立的議員擔心主要的政黨或其他政黨會壟斷事務委員會，不讓"單頭"的議員參加，但絕對不是這樣的。代理主席，議事規則委員會及政府帳目委員會現時均設有一個恆常機制，不同黨派的議員會互相協調委員的比例，讓每個黨派甚至乎獨立的議員也有機會參加，這是非正式的機制。即使是正式的機制，立法會也是有的。例如我們要到外地進行訪問，需要派不同黨派的代表參與，立法會便有一個現成的機制，決定每個黨派選派甚麼人、有多少個席位。所以，不論是正式或非正式的途徑，其實我們都是有的，讓不同黨派甚至乎獨立的議員可以參加事務委員會，並不存在大家擔心的壟斷問題。

另一個問題是，這樣會否影響議員的工作呢？我剛才已經指出，議員要說的，可以繼續在委員會如常說出來，沒有人會阻止他。我不

是公務員及資助機構員工事務委員會的委員，但我兩天前也在會議上為入境事務處表達了一些意見，同樣沒有人阻撓我，這亦不會削弱議員監察政府的權力。所以，我覺得今次修改《議事規則》是完善了立法會的制度，讓議會更有效率。議員的憂慮，我是理解亦同意的，不過，其實已經有相應的機制處理，所以無須那麼擔心。

多謝代理主席。

張國鈞議員：代理主席，今次建議有四大類，我會主要集中論述有關委員會人數和組合這方面的意見。代理主席，今次建議其實並非議事規則委員會天馬行空想出來的，亦很多謝立法會秘書處做了大量工夫和很多研究工作。正如剛才有發言提到，我們這次也參考過很多外地立法機關，包括英國、新西蘭、德國和法國等地，然後才作出有關建議。雖然不同地方的設計可能有所不同，但我們參考的大部分國會的確把委員會的委員組合和委員會主席的任命，與議院的組成方式和議院中的政黨或團體的相對實力掛鉤。在國際上來說，這可說是基本的做法。在委員會席位分配完畢後，各個相關政黨或議會團體便會自行決定如何在其黨內或團體內挑選個別議員出任有關席位。所以，可以這樣說，今次有關建議有做參考，亦有實際的需要。

代理主席，根據我們立法會過去的運作經驗，坦白說，如果委員會的人數為15至20人，確實較容易運作。為何這樣說呢？如果回看最近有關完善選舉安排的法案委員會，我們可看到14位委員的確可以非常有效地處理事務，讓立法會能夠在如此緊迫的時間內完成審議如此複雜的條例草案。相反，回看"一地兩檢"的法案委員會有64人，《國歌條例》的法案委員會有62人。這些法案委員會，我也有參與其中。我很記得，這些法案委員會當時每次召開會議，進入會議室後第一時間要做甚麼？鬥快按掣。如果按不到掣，那便可以下班，因為當天不會有機會提問。會上有60多人，每人4至5分鐘；加上給議員4分鐘，他們永遠會說5分鐘；給他們5分鐘，他們又會說6分鐘。因此，如果進入會議室後按不到掣，根本上就沒有機會提問。這的確是我們過去在立法會每次都見到法案委員會出現的一大難題。所以，今次有關建議將事務委員會人數上限訂定為20人，而法案委員會訂定為15人，我認為是合適的。當然，我們特別看到當中加了"除內務委員會另有決定外"，這亦能保持相關彈性，讓議會處理時可以有特別安排，我認為這個做法可以保障議會處理一些我們想象不到的事項。除此之外，今次建議中的席位分配機制其實亦非常重要。除了兼

顧議會內各個黨派的實力作為分配基礎外，還保持靈活性，讓所有議員——包括不隸屬任何政黨的議員——都能夠公平參與。所以，我支持有關機制。

代理主席，除了我剛才提及有關委員會組合和人數的建議外，今次建議其實亦包括正副主席選舉的程序、處理點算法定人數要求及規程問題的程序、議員出席立法會會議的衣飾，以及議員在立法會會議上展示物件的規定。社會上可能有聲音，為何這次需要規管得如此細緻？代理主席，我其實想指出，這些建議正正針對香港特區立法機關過去經常出現、社會每天都看到的一些問題。如果議員自律的話，本應可以解決這些問題；但無可奈何，我們過去沒有解決到。這正是為何我們這次要提出有關規定以解決問題，讓立法會重回正軌，恢復應有的規範和秩序。所以，我支持今次有關建議。

我謹此陳辭。

鄭松泰議員：代理主席，就今次對《議事規則》所作的修訂，我不能同意。這是基於3點：第一，一個議會是否一個好的議會，並非單純講求議會是否有效率。如果要議會有效率，嚴格來說，議會與政府聯合便是最有效率的。不過，問題是除效率外，我們還要考慮甚麼呢？

當然，人數增加，空間減少，這是一個現實的考慮，但我們不能削足就履。我的意思是：確實，人數是增加了，但正因為我們政制的改變——我相信更理想的是——議會才更需要把少數民意更完善地反映。就現在這個限制人數的安排，尤其限制常設委員會或事務委員會的委員人數——更重要的當然是Bills Committee，即法案委員會——當中有一個很大的缺點，因這個安排會令議會的階級問題更為明晰。為甚麼？

代理主席，你可以想象一下，對於一個無黨無派又沒有政治聯盟的“單頭”議員——正如我這樣——我需要在議會內就不同範疇加入這些委員會，但現在上限是6個，就是我們正在討論的，又或委員會的人數上限是20人。假設我是一名草根“單頭”議員，那我可以加入哪些委員會呢？我可以加入交通、福利、房屋、教育、衛生及人力等事務委員會；但加入後，我便無法加入政制、發展、司法及法律和保安等事務委員會。這安排等同我作為議員代表草根的聲音，我沒有辦法在另外那些委員會直接成為一名委員來表達民意。當然，有人會指，即使並非有關委員會的委員，議員仍也有權提出意見，參與會議，但

最基本的問題在於我能否提出議案，以及是否有該委員會的投票權。歸根究底，大家可以說各委員會也只是一個政治上的表態，並無實質效果。從這角度來看，老實說，這些委員會的人數限制並沒有甚麼具體的政治影響，這點我是同意的。

然而，在法案委員會的部分，怎會把上限設為15人呢？具體而言，法案委員會在立法過程中具實際法律效力。簡單而言，以租金管制為例，有關租金管制的委員會如只限15人加入，那我便質疑委員會能否真正代表少數民意。很簡單，假設政府要實施租金管制時，一群功能界別議員——可能是代表工商界的議員——全部加入了相關委員會，這是否可能發生的呢？也不是不可能的。當然，一個理想的想法，就是即使是建制派，當中也可能有各自的利益代表——是可以這樣看的，但屆時是否有這種分別，我不知道。不過，在法案委員會方面，如果其他委員會——即我們理解的那些常設委員會之類——的上限是20人，為何具實際法律效力的法案委員會的人數上限是15人呢？這更凸顯整個削足就履的安排所帶來的缺陷，就是窒礙少數民意。

第三件事，就整項修正案而言，今次我認為...該怎麼說，我不會說是不可理喻，但我不理解背後的動機，而我又不想猜測，就是關於衣着的限制。為何一名議員的衣着是重要的呢？問題不單純在於我們是否尊重議會，本質上，議員的形象可以從選舉上反映，但現在選舉可能無法反映議員的形象，於是要從《議事規則》規定議員一定要打領帶或放袋巾在胸前，以示議員還有形象和專業的體面，是這樣嗎？不好意思也要說，在某程度上，那反而是自暴其短，對嗎？再者，我不明白為何這項修訂是由我們這一群人在此決定未來那90位議員，是否擔心未來那90位議員會包括一些如可能代表少數民族、代表婦女權益的，甚或其形象跟"大媽"一樣的人，大家是否認為他們不應出現在這個議事堂呢？怎會由我們來決定究竟他們該穿甚麼衣服呢？尊重不是如此簡單來釐定的。

謹此陳辭。

張華峰議員：代理主席，我整體上支持今次對《議事規則》的修訂建議。我認為有關的修訂進一步完善了現行《議事規則》的一些不足之處，亦是考慮到下一屆立法會議席的變動而作出相關修訂，的確是具有前瞻性。

首先，我支持對並無有效理由而缺席的議員施行財政處分的修訂，我認為這項修訂是十分合適的。雖然每位議員每天都日理萬機，很多時候會分身乏術，但我認為這不能作為缺席會議的藉口，因為出席會議是議員的職責所在，亦是對議員的最基本要求。這就如"打工仔"不能無故曠工一樣，立法會議員作為民意代表，亦不能享有無故缺席會議的特權，而是應準時出席會議，盡心盡力做好議員的工作，這才符合市民對議員的要求和期望。

代理主席，這項修訂在某程度上亦可以防止議員透過刻意製造流會來擾亂議會、阻礙政府施政。相信大家都知道，過去有部分議員為了發泄情緒、達到他們的一些目的，動輒要求點算法定人數，然後離開會議廳，故意製造流會，浪費大量議會時間。

雖然我相信經過完善選舉制度後，將來能夠進入議會的議員都是愛國愛港人士，應該不會出現故意製造流會的情況，但"凡事預則立，不預則廢"，今次修訂起碼能令我們有例可依，萬一將來再次出現這些情況時，我們也可以根據《議事規則》對有關議員施行財政處分，讓他為自己作出的這種行為付出金錢上的代價，這是十分有必要的。

其次，我想說說就委員會的委員人數設定上限，以及規定議員最多可加入6個委員會的修訂。我留意到有些議員同事對此有保留，擔心有關修訂會限制議員的權利，我對此表示理解。

不過，我的看法是，雖然有關修訂限制了委員會的委員人數，但並沒有限制非委員出席會議和參與討論的權利。我亦相信政府在回應委員與非委員的提問時，均會一視同仁，不會區分對待。而且鑒於第七屆立法會的議席將會由目前的70席增至90席，為了保障各事務委員會均能有效率地運作，我認為有關修訂是可以接受的。

此外，對於議員出席立法會會議的衣飾、在立法會會議上展示物件等的修訂，我認為都是有助維護立法會的尊嚴和形象，因此我給予支持。我希望隨着《議事規則》不斷完善，立法會將來的運作會更暢順，能夠發揮更大的作用。

我謹此陳辭。

陳振英議員：代理主席，《議事規則》及《內務守則》於今年3月通過第批修訂後，我會形容這次的第二批修訂很有歷史意義。下一屆

(第七屆)立法會議員人數將會由現時的70位增加至90位，為了讓未來的議會更有效運作，因此在委員會的委員數目和分配機制方面作出一些調整。作為議事規則委員會的委員，對於今次的修訂內容，我會全部予以支持。今次發言主要是集中表達兩個修訂方向的意見，包括懲罰無故缺席會議的議員及要求議員穿着商務服飾出席會議。

《基本法》第七十三條列明立法會行使的10項職權，雖然出席會議並不包括在這10項內，但正如剛才張華峰議員說，出席會議是議員的基本責任，我相信沒有人會有不同意見。而《基本法》第七十五條指明，舉行立法會會議的法定人數為不少於全體議員的半數。

過往，由於反對派議員瘋狂點算法定人數，令立法會會議經常處於虛耗的狀態。就以上屆(第五屆)立法會為例，在2012-2016年間，點算法定人數有1500次，因點算法定人數而耗用的時間是223小時，造成18次流會。

本屆首數年的情況也不遑多讓。去年反對派議員總辭後，瘋狂點算人數的場面沒有再出現，而3月通過的第三批《議事規則》修訂雖有助改善濫點人數的情況，但接下來我們仍要確保會議能夠暢順進行，以及設定一些機制來懲罰議員無故缺席而導致流會的行為。

根據新的修訂建議，如果因為法定人數不足而流會，沒有有效理由而不在席的議員將會受到財政處分，被扣除一天的議員薪酬。不過，若具備有效理由，包括出席與議會事務相關的職務訪問、患病、分娩及侍產等沒有爭議的理由則除外。所以，根據秘書處的資料，去年(2019-2020年度)立法會會議，每小時的平均成本為289,000港元，即每次流會後，即使最快1至2小時恢復會議，都會浪費公帑接近60萬港元。一天的議員薪酬罰款約3,000多港元，與流會的開支比較，根本微不足道，但罰款可以提醒議員開會的重要性，不能無故缺席會議。眼見立法會過往經常流會，相信公眾會對設立罰款機制投贊成票。

接着我想討論另一項修訂，就是要求立法會議員須穿着商務衣飾。商務衣飾並非如剛才鄭松泰議員所說必須結領帶和戴袋巾，而是要維護立法會的尊嚴和形象。

根據現時《議事規則》第42(a)條，議員出席立法會會議在衣飾及舉止上已要求保持莊重，但沒有具體條文闡釋甚麼是恰當衣飾。過往經常有議員因其個人考慮，穿着T恤或運動服開會，令莊嚴的議會慢慢變質。

今次修訂《議事規則》第42(a)及43條，明文規定議員須穿着商務衣飾出席立法會會議，並載有一個負面的裝扮清單，例如不能穿着T恤、背心、牛仔褲及人字拖等。

議員的裝扮規範其實在其他國家的議會均有類似要求，英國、加拿大、澳洲及新西蘭的議會，均有衣着守則的慣例及傳統。根據英國下議院發布的衣着指引，如果議員的衣着未能展現對議會的尊重，議員不可獲召喚發言，甚至可能被要求從會議廳退席。

訂出較具體的着裝指引，規範出席立法會會議的合適衣飾，可防止會議廳變為議員隨意界定的出入場所，有助維護立法會的尊嚴及形象。

代理主席，我希望通過這次《議事規則》的修訂，可令議會未來的工作更規範和具效率，以及重新建立立法會給予公眾的形象。

我謹此陳辭。

陳健波議員：代理主席，我支持今次修訂《議事規則》的議案。

多年來，反對派一直利用《議事規則》的漏洞，在立法會進行"拉布"活動，目的是阻礙政府施政、打擊建制派議員及獲得政治利益，這些漏洞成為了政治鬥爭工具。

有人問為何《議事規則》會有這麼多漏洞？很簡單，現時的《議事規則》是承襲港英年代的立法局，當年的議員大多數是守規矩的君子，事實上當年亦沒有人膽敢這樣地反港英政府。所以，《議事規則》只用來防君子，不是用來防小人，不需要訂得太具體，有問題才由主席作裁決。回歸多年，反對派不斷鑽《議事規則》的空子，甚至歪曲《議事規則》，做了很多荒謬的事情，而且越來越激進，甚至癱瘓立法會，最後連"臭彈"也擲出來。發展到今時今日，我們唯有修改《議事規則》，把這些漏洞堵塞。

代理主席，今天修改的各項規則，我也支持，包括議員出席會議時的衣着問題。全世界的議會開會的時候，官員和議員也會穿着莊重得體。這些是對場合的尊重，關乎議會的整體形象，其實不需要寫在

《議事規則》也是基本的禮貌，大家應該知道怎樣做。但是，近年，議員的衣着真的很隨意，有些人可能為了表達其反叛精神或表達自己的階級立場，或是要引人注目，但這些行為多多少少會破壞議會的莊嚴，對議會及其他出席會議的人是極度不尊重的行為。既然有人不懂得尊重自己，現時唯有好像訂立校規般，寫明穿着的要求。

另外，議會亦提出了具體的機制，限制日後事務委員會及法案委員會的人數及產生辦法。事實上，下一屆立法會將有90名議員，部分委員會要規限人數亦是無可奈何，而今次提出的建議有優點亦有缺點，但有關建議是大家商量出來的，所以值得支持。

不過，我個人認為，有關機制落實時應該有些彈性，議員之間應該有些默契，可以作出協調，因為有些個別的議員是需要加入與其界別或主要工作有關係的事務委員會，例如財經事務委員會起碼有3個重要的組成部分，包括銀行業、金融服務業及保險業。如果有關的議員不能加入委員會，我們可以想象一下，如果金融界的陳振英議員和金融服務界的張華峰議員不是財經事務委員會的委員，這未必是一個最好的安排。

此外，人力、工商、經濟發展、發展等事務委員會也有類似的情況。當然，每個事務委員會人數上限是20人，理論上應該有足夠的分配。可能有人認為我杞人憂天，但亦不可以完全排除會出現極端的情況。所以，我認為將來執行有關機制的時候，應該盡量協調相關的議員參加。

立法會原本有很寬鬆的議事空間，但因為反對派不斷搞破壞，現時被迫要收緊《議事規則》。正如沒有"黑暴"，沒有勾結外國勢力，就不會有《香港國安法》，這些都是被迫出來的。我希望大家能夠珍惜現有的空間。如果繼續有人鑽空子、搞破壞，恐怕我們的空間只會越收越窄。

多謝代理主席。

謝偉銓議員：代理主席，這次是立法會近年對《議事規則》作出的第四輪修訂。首3輪修訂主要針對過去"攞炒派"無理"拉布"的行為，今天審議的新一輪修訂，部分亦是為了打擊"拉布"，但亦有多項建議具有

前瞻性，更為主動積極，目的是配合已經完善的新選舉制度、重建立法會形象和尊嚴，以及進一步提升議會的議事質素和效率。對於上述原則，我是支持的，但不論《議事規則》如何改、寫得多麼完善，最重要的是議員真心誠意地遵守，懂得自律和自重，不要作出有損議員形象和議會尊嚴的行為。

首先，有關為各類委員會及小組委員會人數設定上限，隨着下屆立法會增至90席，現時容許議員全無限制地加入不同委員會的做法，明顯是行不通的。過往有些委員會有接近60名議員參加，每人的發言時間隨時只有一兩分鐘，很難做到高效、高質的審議。不過，即使限制委員會人數，以及每位議員可以加入委員會的數目，如果已報名的議員不積極開會，每次坐幾分鐘，點了名便走，沒有聽取官員的解說、回覆及其他議員的提問，又不看文件，那麼不論該委員會的人數是多或少，其實亦無助提升議政的質素。

對於議員的衣着規定，其實回歸前立法局是相當嚴謹的，連有領T恤都不准穿着。直至回歸後，因應不同因素而逐漸放寬，但慢慢放寬得似乎有點"亂籠"，短褲、印有標語的T恤都可以穿回來。至於在會議期間展示物品的規定，情況亦是一樣，道具的部分內容帶有侮辱性和涉嫌鼓吹違法行為，現在重新收緊有關規定，讓大家可以聚焦議員的發言內容和理據，而不是借標奇立異的衣着或道具博取曝光，我是絕對支持的。建議的議員衣飾規定僅適用於立法會大會及全體委員會，我認為其他正式和公開的委員會會議，亦應該對議員衣飾有一定的要求。

議事規則委員會亦建議，若立法會因法定人數不足而流會，在沒有有效理由下缺席的議員會被處以罰款，對於這項原則，我沒有異議，但何謂在"有效理由"下缺席呢？我認為應包括之前以書面方式向主席請假，罰款建議當然有待政府修例落實。

最後，我想說說這4輪修訂均沒有觸及的問題，就是法案委員會的審議程序。有關完善選擇制度的條例草案，相關法案委員會用了不足2個月便完成審議，這證明只要議員肯投入時間和精神，多麼複雜的條例草案也可以在合理時間內處理，但亦有個別立法建議，例如有關引入垃圾徵費和禁止銷售電子煙的條例草案，前後審議了兩三年也未能恢復二讀，明顯有欠效率。如果議員對某些法案有強烈意見，經過合理時間的質詢和審議，仍未能說服政府改變，議員大可自行提出

修正案，又或者在二讀或三讀時反對，而不應該無限期拖延下去。我希望議事規則委員會將來可以探討有關問題，為法案審議工作設定一個合理時限。

代理主席，我謹此陳辭。

梁美芬議員：代理主席，家家有本難唸的經，如果香港的立法會不是演變至今天沒有文明、混亂一片，我想我們的議事規則委員會亦無須一而再，再而三地提出修改《議事規則》。

事實上，今次的修改是否對症下藥呢？我認為我們下藥之後，要給予大家一些時間觀察，因為我認為應該已差不多了。我參加議事規則委員會已經13年，當年是因為黃毓民擲出第一隻香蕉，接着越來越多議員以粗言穢語議政，以致大家覺得有需要檢討議事的文化。

其實，所謂打開缺口，早自2004年，即"長毛"進入立法會穿T恤出席會議開始，當時的立法會主席容許議員穿T恤，自始情況一直變本加厲，我相信范太當年也沒有想過，今天會演變至有人帶臭蛋進入立法會。至於不出席會議是否需要罰款的問題，我記得我們一開始討論的時候，主要是針對那些行為不檢、一而再再而三受警告的議員，大家討論的時候也提出，可否扣減其工資呢？那時大家認為相當困難，但到了今天，我看到事在人為，其實是可以做到的。我個人認為，議員最重要的工作，是參與議事。議員的工作當然有很多，特別是地區直選的議員要經常落區，我相信將來立法會有90位議員的時候，大家在工作上的默契和互相理解方面，可以進一步有更好的協調。

當時我們曾經檢討，《基本法》第七十五條訂明開會必須有超過一半人數參與的規定，是否可以有點彈性，使會議不會因為有人經常要求點算法定人數而流會呢？我們亦研究過美國的議事規則，按美國的規定是in business(譯文：正在處理事項)，即投票時才需要有全體過半數議員在席，屆時議員一定要回來，無論怎樣也要找他們回來。但《基本法》第七十五條說得很清楚，訂明法定人數是舉行會議的人數，大家便問，何謂"舉行會議"呢？似乎不能十分確定，能否好像別人般，只是表決的時候才需要有過半數在席？如果要作出那麼大的動作，例如將來弄至要釋法，我便認為沒有必要這樣做。

因此，採用罰款的方式，即對議員施加罰款，我認為未嘗不可。我們以前也試過——當時代理主席也在席——就多至1000項修正案的"拉布"，我們也是這樣協調，兩分鐘表決一次，其實經過協調，流會的情況一定會減少。特別是日後新一屆會有90名議員，我有信心這種不文明的情況應該會大大減少，因為大家也是愛國者，即使有不同意見，也是為了事情好。

所以，我認為我們再審視《議事規則》的時候，應該留一點柔韌度，留一些空間，讓主席作出政治判斷。所謂衣飾的問題，本來《議事規則》第42條已經說得很清楚，我們本來就要衣裝端正和莊重，這句說話其實已說明一切，只是有人玩出火，其實那些衣裝打扮肯定不屬於莊重，但我們今天要"畫公仔畫出腸"。對於眾多修訂，我對這一項反而有點保留，因為我認為時代會轉變，衣飾也會轉變。因此，我希望日後的立法會主席能夠帶有空間審視議員衣飾的問題。

代理主席，我謹此陳辭。

代理主席： 是否有其他議員想發言？

(何君堯議員示意擬發言)

代理主席： 何君堯議員，請發言。

何君堯議員： 代理主席，我支持這項議案，修訂我們的《議事規則》。在2017年12月22日，我們做了一個很大的突破，當時我們面對的環境亦是十分嚴峻，在立法會內有一群人自命民意代表，但偏偏做的工作和舉止是反民意。老生常談，他們當時要求點算法定人數，在很多發言中插言，在立法會會議上的舉止非常令人噁心，正如同事較早前說，展示很多物品完全是有侮辱性多於有文化、有高水平、在民主意識下一種和平而又理性的表達方式，實際上是以侮辱他人為主，搞破壞為實的一種表現。

在2017年12月22日，正值聖誕的日子，我們還在這裏可以說是嚴陣以待，也害怕他們搞暴力的衝擊事件。幸好，2017年12月22日，我們通過了第一個關口，目前《基本法》規定開會的法定人

數不能夠少於全體議員的一半，當中要想些甚麼辦法呢？全體委員會的會議法定人數我們可以調整，但立法會會議法定人數，仍然按照《基本法》行事。

過了第一關後，到2021年3月26日，我們有鑒於郭榮鏗那些醜陋的行為，真的有辱家聲，是甚麼家聲呢？他作為法律界人士，也是法律界功能界別的代表，還是大律師的智慧和表現。實際上，當時我已經勸他很多次，但屢勸不爽。他每次都"左耳入"可能左耳也進不了，根本沒有"左耳入，右耳出"。起碼"左耳入，右耳出"都已經有思考的程序，但他連耳也進不了，於是一拖便弄得惡名遠播。我不知他現在去了加拿大還是潛逃到哪裏，但他把選舉內會主席的問題一拖超過半年。當時，拖了一兩個星期，我已經跟各位同事說，我們必須果斷"斬纜"，但當時我們的同事仍然認為不用擔心，再看他如何表演。話音未落，過了春節；話音未落，又過了復活節；復活節過了，我們還未"復活"。最後，我們在5月才解決這個問題。有關修訂便集中於"拉布"。

這次，2021年7月14日，我們討論反對濫用程序，"規程問題"、"規程問題"，這些聽到真的從內心震出來，那種震是甚麼呢？是怒震，不是其他膽怯的震，而是震怒。"規程問題"，尤其是聲音全部都從那邊傳來，令我右耳的聽覺也有少許問題。

另外，現在點算法定人數那種"噹噹噹"的催命鐘聲，這次未必完全可以解決，但有7項我完全認同，包括：不准胡亂插言；主席的決定是最終決定，不要再在這裏妨礙其他程序；衣着一定要得體；不能夠有任何舉止導致自己的聲望和形象受損等。至於內會、法案委員會及事務委員會席位的分配問題，因為大家曾經想"霸頭位"，"擔橈仔"，"排橈仔"，爭取主席的位置，現時這項議案是針對這個mischief，這個大問題去修訂，我認為是無可厚非，我完全支持這項議案。謹此陳辭。

代理主席： 是否有其他議員想發言？

(沒有其他議員表示想發言)

代理主席： 如果沒有，我現在請謝偉俊議員答辯。之後辯論即告結束。

謝偉俊議員：代理主席，多謝多位同事踴躍發言，已經說過和已經答過的論點，我不再重複，但有3點沒有人說過，或者我稍作補充。

第一，關於鄭松泰議員提到為何我們會為下一屆議會訂定規則，我相信這是普通常識。無論是行政方面的安排、薪酬或其他議事規則，基本上都有機會可能要為別人先行訂定。在下一屆，如果他們想改便改，我相信鄭松泰議員沒有想清楚這只是普通常識。

第二，關於田北辰議員提到由選民監察每位議員的表現和效率，說來也像是這樣的，不過我想補充，第一是選民每4年才有機會投票，往往也滯後多時；第二，人的記憶很短，4年內做了甚麼事，4年後也記不起，在選舉前數個月表現得好可能會令選民有好印象。現在可能沒有了某些組織，它們很喜歡監察議員參加了哪些委員會及其出席率，但這方面都出現很多不公平的現象，而且很多時候建基於可能是表面的紀錄，又或是立法會根本沒有記錄議員在席的時間，故這方面可能比較表面化。我亦留意到有部分同事以往很喜歡在單張介紹自己在當屆參加了多少個委員會，一系列地列出來，但原來很多都"水分"較多，他們只是報了名參加而沒有出席或工作，這都是過往的普遍現象。所以，如果以這個論點說我們不應該在效率上收緊一點，令大家有更好的效率，我覺得不太能夠接受。

特別的好處是，我想談談委員會的有效人數這問題。十五、二十其實也算頗多，我不是說猜枚，而是人數。如果太多，除了有同事提到發言時間不足外，我很多時留意到，印象中比較勤力的表表者是已經離開議會的劉慧卿議員，我記得很清楚，她每個委員會都會"坐齊"，意思是她多數由會議開始至結束都在席，好處是不單能真真正正參與委員會，準備工作做得充足，聽取了整個會議過程，作出適當的回應，甚至有實質的辯論，而不是說完便離開，而且官員的感覺亦較好，因為他們會覺得委員會認真聽取他們的意見及對話，而不是出席了和說了意見便算，甚至走了。

整體來說，這對於委員會的質素及監察政府的效能都較高。其中一個例子，我跟多位同事也說過，例如今次完善選舉條例，雖然是很複雜的修正案，很多事情要做，要花很長時間，要做的都是很重、很heavy的事情，但如果大家一同出席作出交流，的而且確效應會好得多。這種親身及比較近期的經驗，令我覺得如果要令委員會制度好好發揮，委員人數真的不能太多，亦不能太多人參加太多委員會。如果人人都能參加，有時如果不參加，又好像有點"甩漏"，但如果限定了，

大家安心做自己的本分，好像以往參加4至6個委員會，隨自己的選擇，這種效率其實是比較恰當及會做得較好。

代理主席，我想順帶一提的另一個問題是關於法案委員會，正如鄭松泰議員說，這是特別重要的，因為有可能影響投票。的而且確，法案委員會是較重要的，但我剛才提到的效率是其中一個答辯，而另一個更重要的、真真正正關鍵的是在"大會"，因為在"大會"上既可提出修訂，理論上亦可以提出作任何發言，亦可以投票，對取態或結果有真正影響，這才是重要。法案委員會只是一個task force，一個有效的專責小組，讓人認真去做和審議，而不是行使權力的地方，所以我請鄭松泰議員可以釋疑，這並非一個大問題。香港開"大會"的法定人數要求，可說是舉世無雙，全世界都沒有這麼高的要求。在這情況下，如果我們不修改《基本法》，唯一的辦法就只能希望盡可能減低任何有可能濫用點算法定人數的機制，我希望大家都能明白。多謝代理主席。

代理主席：我現在向各位提出的待決議題是：謝偉俊議員動議的議案，予以通過。贊成的請舉手。

(議員舉手)

代理主席：反對的請舉手。

(議員舉手)

鄭松泰議員起立要求點名表決。

代理主席：鄭松泰議員要求點名表決。表決鐘會響5分鐘。

(在表決鐘響起期間，主席恢復主持會議)

主席：現在開始表決。

主席：石禮謙議員，你是否要作出表決？

(石禮謙議員作出表決)

主席：請各位議員核對所作的表決。如果沒有問題，現在停止表決，顯示結果。

功能團體：

石禮謙議員、張宇人議員、林健鋒議員、黃定光議員、李慧琼議員、陳健波議員、何俊賢議員、易志明議員、姚思榮議員、馬逢國議員、張華峰議員、廖長江議員、潘兆平議員、盧偉國議員、鍾國斌議員、吳永嘉議員、周浩鼎議員、邵家輝議員、陳振英議員、陸頌雄議員、劉國勳議員、劉業強議員及謝偉銓議員贊成。

主席梁君彥議員沒有表決。

地方選區：

陳克勤議員、梁美芬議員、黃國健議員、葉劉淑儀議員、謝偉俊議員、陳恒鑾議員、梁志祥議員、麥美娟議員、郭偉强議員、葛珮帆議員、蔣麗芸議員、何君堯議員、柯創盛議員、容海恩議員、張國鈞議員及鄭泳舜議員贊成。

鄭松泰議員反對。

主席宣布經由功能團體選舉產生的議員，有24 人出席，23人贊成；而經由分區直接選舉產生的議員，有17人出席，16人贊成，1人反對。由於議題獲得兩部分在席議員分別以過半數贊成，他宣布議案獲得通過。

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2021 年第 125 號法律公告
B4678

2021 年第 125 號法律公告

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

立法會於 2021 年 7 月 14 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決——

- (a) 修訂《香港特別行政區立法會議事規則》，修訂方式列於附表；
 - (b) 除 (c) 段另有規定外，本決議自其於憲報刊登當日起實施；及
 - (c) 附表第 5、6 及 7 條自第七屆立法會的任期開始當日起實施。
-

附表

修訂《香港特別行政區立法會議事規則》

1. 修訂第 39 條 (插言)

(1) 第 39 條——

將該條重編為第 39(1) 條。

(2) 第 39(1)(a) 條——

廢除

“；遇此情況，正在發言的議員須坐下，而”

代以

“，並獲立法會主席或全體委員會主席叫喚；遇此情況，正在發言的議員須坐下，除第 (2) 款另有規定外，”。

(3) 在第 39(1) 條之後——

加入

“(2) 立法會主席或全體委員會主席如認為某議員根據第 (1)(a) 款打斷其他議員的發言之舉屬濫用程序，可指示該議員不得繼續發言。”。

2. 修訂第 42 條 (議員在會議進行中的舉止)

(1) 第 42(a) 條——

廢除

“進出立法會會場，在衣飾及舉止上須”

代以

“須穿着商務衣飾，並在舉止上”。

- (2) 第 42(c) 條——

廢除

“及”。

- (3) 第 42(d) 條——

廢除句號

代以

“；及”。

- (4) 在第 42(d) 條之後——

加入

“(e) 議員只可在發言時為闡釋其發言論點而展示物件，惟須受內務委員會不時建議的任何有關規定或限制所規限，前提是該物件所展示的任何標誌、圖像、信息或任何其他資料均須符合本議事規則第 41 條(發言內容)的規定。”。

3. 修訂第 43 條(辯論規則對委員會的適用範圍)

第 43 條，在“本部的規則”之前——

加入

“除本議事規則第 42(a) 條(議員在會議進行中的舉止)所訂的衣飾規定只適用於立法會及全體委員會會議程序外，”。

4. 修訂第 44 條(主席決定為最終決定)

- (1) 第 44 條，標題——

廢除

“決定為最終決定”

代以

“的決定”。

(2) 第 44 條——

將該條重編為第 44(1) 條。

(3) 在第 44(1) 條之後——

加入

“(2) 立法會主席或全體委員會主席如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。

(3) 第 (2) 款授予立法會主席或全體委員會主席的權力，可由任何其他委員會的主席或副主席在處理規程問題時行使，但主持該委員會會議的任何其他委員則不得行使此權力。”。

5. 修訂第 75 條 (內務委員會)

(1) 在第 75(4) 條之前——

加入

“(3A) 委員會須決定事務委員會、法案委員會及由委員會、某事務委員會、兩個或多個事務委員會或某法案委員會委任的小組委員會的席位分配機制，以及選舉該等委員會正副主席的程序。”。

(2) 第 75(7) 條——

廢除

在“交付法案委員會後，”之後的所有字句

代以

“已示明加入法案委員會並按照委員會根據第 (3A) 款決定的機制獲分配法案委員會席位的議員 (立法會主席除外)，即屬該法案委員會的委員。”。

- (3) 第 75(11) 條，在“研究”之後——

加入

“不屬事務委員會職權範圍而備受公眾關注的事宜或”。

- (4) 第 75 條——

將第 (12) 款重編為第 (12)(a) 款。

- (5) 在第 75(12)(a) 條之後——

加入

- “(b) 根據 (a) 段委任的小組委員會的委員為已示明加入小組委員會並按照委員會根據第 (3A) 款決定的機制獲分配小組委員會席位的議員 (立法會主席除外)。
- (c) 除 (d) 段另有規定外，根據 (a) 段委任的每一小組委員會須由不少於 3 名委員及 (除委員會另有決定外) 不多於 15 名委員組成，其中包括主席在內。
- (d) 凡委任小組委員會的目的是協助委員會研究不屬事務委員會職權範圍而備受公眾關注的事宜，則該小

組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。”。

6. 修訂第 76 條 (法案委員會)

(1) 第 76(1A) 條——

廢除

在“法案委員會的委員為”之後的所有字句

代以

“已示明加入法案委員會並按照內務委員會根據本議事規則第 75(3A) 條 (內務委員會) 決定的機制獲分配法案委員會席位的議員 (立法會主席除外) 。”。

(2) 第 76(3) 條，在“不少於 3 名委員”之後——

加入

“及 (除內務委員會另有決定外) 不多於 15 名委員”。

(3) 第 76(4) 條，在“其職能。”之後——

加入

“小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第 75(3A) 條 (內務委員會) 決定的機制獲分配小組委員會席位的法案委員會委員。每一小組委員會須由不少於 3 名委員及 (除內務委員會另有決定外) 不多於 15 名委員組成，其中包括主席在內。”。

7. 修訂第 77 條 (事務委員會)

(1) 第 77(4) 條——

廢除

在“事務委員會的委員為”之後的所有字句

代以

“已示明加入事務委員會並按照內務委員會根據本議事規則第 75(3A) 條 (內務委員會) 決定的機制獲分配事務委員會席位的議員 (立法會主席除外)。事務委員會委員的任期為一個會期。”。

- (2) 第 77(8) 條，在“不少於 6 名委員”之後——

加入

“及不多於 20 名委員”。

- (3) 第 77(9) 條，在“作出報告。”之後——

加入

“小組委員會的委員為已示明加入小組委員會並按照內務委員會根據本議事規則第 75(3A) 條 (內務委員會) 決定的機制獲分配小組委員會席位的事務委員會委員。每一小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。”。

- (4) 第 77(9A) 條，在“作出報告。”之後——

加入

“聯合小組委員會的委員為已示明加入聯合小組委員會並按照內務委員會根據本議事規則第 75(3A) 條 (內務委員會) 決定的機制獲分配聯合小組委員會席位的有關事務委員會委員。每一聯合小組委員會須由不少於 3 名委員及不多於 20 名委員組成，其中包括主席在內。”。

2021 年第 125 號法律公告
B4692

立法會秘書
陳維安

2021 年 7 月 14 日

**香港特別行政區立法會議事規則委員會
2020年10月至2021年10月的工作進度報告的節錄**

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第 2 章 立法會處理事務的方式

C. 處理規程問題的程序

2.8 自第六屆立法會開始以來，部分議員傾向濫用程序提出規程問題，以拖延處理事項或拖長辯論及討論。《議事規則》沒有任何條文處理屬濫用性質的規程問題，導致出現可予濫用的空間。為防止有議員濫用程序提出規程問題，以致會議程序一再受到干擾，陳克勤議員於2021年1月向議事規則委員會提交一套有關修訂《議事規則》的建議，以供考慮。

2.9 議事規則委員會於2021年5月11日的會議上考慮並同意着手邀請議員就陳議員對《議事規則》第39及44條提出的擬議修訂表達意見，該等修訂旨在訂定程序處理屬濫用性質的規程問題(包括要求點算法定人數的規程問題)。⁹根據就《議事規則》第39及44條的擬議修訂進行諮詢的結果，大多數議員均支持：

(a) 修訂《議事規則》第39條，藉以：

- (i) 述明議員不得打斷其他議員的發言，除非起立要求就規程問題發言，並獲立法會主席或全體委員會("全委會")主席叫喚發言；及
- (ii) 訂明立法會主席或全委會主席如認為某議員打斷其他議員的發言之舉屬濫用程序，可指示該議員不得繼續發言。

上述對《議事規則》第39條的擬議修訂將適用於委員會，讓委員會主席享有擬議的酌情權，以處理在委員會會議上提出的規程問題；及

⁹ 有關諮詢藉於2021年5月21日發出的通告(立法會 CROP65/20-21 號文件)(<https://www.legco.gov.hk/yr20-21/chinese/procedur/papers/cropcrop-65-c.pdf>)進行。

- (b) 修訂《議事規則》第44條，以述明立法會主席、全委會主席或任何委員會的主席或副主席(不包括主持該委員會的會議的任何委員)如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。此外，主持立法會及全委會會議的議員可行使擬議的酌情權，而主持任何其他委員會會議的委員則不得行使此酌情權。

2.10 按照議事規則委員會的建議，上述修訂已於2021年6月25日的內務委員會會議及2021年7月14日的立法會會議上獲得通過。經修訂的《議事規則》第39及44條已於2021年7月16日該決議案刊憲時開始實施。

2.11 除以上所述外，議事規則委員會亦於2021年2月對陳議員就他認為可能容易被濫用的《議事規則》條文提出的其他修訂建議進行諮詢。¹⁰該等建議包括：(a)修訂《議事規則》第16條，以訂明除非立法會主席延長辯論時間，否則根據《議事規則》第16(2)條進行的休會辯論不應超逾一個半小時；(b)修訂《議事規則》第18(1)條，以訂明根據《議事規則》第49E(2)條動議的議案(即察悉議案)應在不擬具立法效力的議員議案處理完畢後才處理；及(c)修訂《議事規則》第26(3)條，以明文規定提出議程所載口頭質詢的議員只應讀出載於立法會議程的質詢。該等修訂已於2021年2月26日的內務委員會會議及2021年3月24日的立法會會議上獲得通過，修訂詳情載於**附錄V**。

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¹⁰ 請參閱本章註腳 4，以了解有關諮詢的詳情。

議事規則委員會

在 2020 年 10 月至 2021 年 10 月期間研究的事項一覽表

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項目	事項/建議 [工作進度報告的相關段落]	《議事規則》/《內務守則》 相關條文
立法會處理事務的方式		
3.	處理規程問題的程序 [第2.8至2.11段]	《議事規則》第16、18、19、20、 21、26、29、39、44、49(6)、51、 54、56、63、91及93條 《內務守則》第2、9A、13、15、 18及22條

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就立法會會議程序及運作安排而對《議事規則》作出的修訂

項目	修訂概要
1.	《議事規則》第16條已予修訂，以規定： (a) 根據《議事規則》第16(2)條提出的休會辯論只可於《議事規則》第18(1)條所述的兩事項之間動議； (b) 須就處理根據《議事規則》第16(2)條動議的議案訂明時限(即90分鐘)；及 (c) 若有議案擬於某次立法會會議上根據《議事規則》第16(2)或(4)條動議，但在立法會休會待續前仍未輪到該議案，該議案不得延擱至下次立法會例行會議再行處理，而須視作已獲得處理。
2.	《議事規則》第19(1A)條已予修訂，以明確規定立法會主席可就審議任何議案或法案或其擬議修正案設定時限。
3.	《議事規則》第26(3)條已予修訂，以明確規定提出議程所載口頭質詢的議員在獲立法會主席叫喚提出該質詢時，只可讀出載於議程的質詢。
4.	《議事規則》第29條已予修訂，加入《議事規則》新訂第29(3A)條，以訂明在根據《議事規則》第29(3)條動議議案後，立法會主席須無經辯論而就該議案提出的待決議題付諸表決。
5.	《議事規則》第49(6)條已予修訂，以表明如有多於一項有關立法會議程所列附屬法例或《議事規則》第29(2)(b)或(3)條所提述的文書的議案，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例或文書提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。

項目	修訂概要
6.	《議事規則》第56條已予修訂，以表明全體委員會只可討論是否支持就法案提出的修正案，以及經修正或無經修正的法案條文應否納入該法案。
7.	《議事規則》第63條已予修訂，以表明議員在三讀辯論時就應否支持法案所作的發言必須扼要，且不得就該法案的整體優劣及原則，或就該法案的擬議修正案或個別條文發言，因該等事宜在二讀辯論時已作討論。
8.	《議事規則》第91條已予修訂，以訂明具有暫停執行某條議事規則的目的或效力的議案，除非獲內務委員會建議，否則不得動議。
9.	《議事規則》第18(1)條已予修訂，以表明《議事規則》第18(1)(m)條所提述根據《議事規則》第89條(就議員出席民事法律程序擔任證人一事取得許可的程序)及第90條(就立法會會議程序提供證據一事取得許可的程序)給予許可的要求，在立法會議程上須編排於議員法案(《議事規則》第18(1)(k)條所提述者)之前。
10.	《議事規則》第18(1)條已予修訂，以表明根據《議事規則》第49E(2)條動議的議案(即察悉議案)須在個別議員獲編配時段後方可提出的不擬具立法效力的議員議案處理完畢後才處理。
11.	《議事規則》第20(2)條已予修訂，以表明議員就其擬向立法會提交呈請書一事知會立法會主席的預告期，為不遲於其擬提交該呈請書的會議日期前3整天。
12.	《議事規則》第21(1)條已予修訂，以表明獲委派官員或議員如擬提交文件，須受兩整天的預告規定所規限，而立法會主席可免卻有關預告。
13.	因應法案委員會以外的委員會擬就交付其作研究的法案提交報告的情況，《議事規則》第21(4)及(4A)條已予修訂，以包括對根據《議事規則》第54(4)條獲交付某法案作研究的委員會的提述。因此，《議事規則》第54(7)條亦已作相應修訂，以包括對該委員會的提述，致使就該委員會研究法案的工作提交報告的議員在法案恢復二讀辯論時可優先發言。

項目	修訂概要
14.	《議事規則》第21(5)條已予修訂，以訂明議員或獲委派官員如擬向立法會發言，須在立法會會議開始前向立法會主席作出書面預告，並須獲立法會主席同意，方可向立法會發言。
15.	《議事規則》第51條已予修訂，以訂明有意根據《議事規則》第51(1)條提交法案的議員，須事先就該法案擬稿諮詢相關事務委員會，方可提交該法案。
16.	《議事規則》第93(b)條對"整天"所作的定義已予修訂，以訂明"整天"一詞作為一段期間，不包括作出預告當天、舉行有關會議當天及有關期間內的公眾假期，而結束時間為該段期間最後一天的下午5時。

2021 年 10 月 27 日立法會會議過程正式紀錄的節錄

X X X X X X

發言

主席：發言。謝偉俊議員就"議事規則委員會 2020 年 10 月至 2021 年 10 月的工作進度報告"向本會發言。

香港特別行政區立法會議事規則委員會 2020 年 10 月至 2021 年 10 月的工作進度報告

謝偉俊議員：主席，我謹以議事規則委員會主席身份，向本會提交議事規則委員會 2020 年 10 月至 2021 年 10 月的工作進度報告。

主席，鑒於立法會及委員會過往發生"拉布"事件，以致委員會主席的選舉程序被拖延；而且某些議員行為極不檢點，並濫用程序干擾會議過程，以及第七屆立法會議員人數將會增加至 90 人，議事規則委員會於本年 1 月就《議事規則》及《內務守則》展開檢討，以提升議事效能。

為盡快完成檢討，議事規則委員會於本年度一共舉行了 11 次會議，並進行了 6 次諮詢，以就個別修訂建議徵詢議員意見。經審議及諮詢後，議事規則委員會就《議事規則》及《內務守則》提出的全部 4 批修訂，合共 18 組建議均已獲內務委員會("內會")通過及立法會批准，當中若干修訂已於相關決議案刊憲當日起生效，其餘的修訂則將會由第七屆立法會開始當日起實施。整個檢討工作於 10 月正式完成。主席，這次檢討共修訂或新增 31 項《議事規則》的條文及 21 項《內務守則》的條文，涵蓋多個範疇，以下我只就重點修訂作簡單概述。

主席，在立法會會議程序和議員在會議上的行為舉止方面，《議事規則》及《內務守則》為立法會處理議案及議員在辯論中的發言設定時限，並訂定程序以處理主席認為屬濫用性質的規程問題。《議事規則》亦規定議員必須穿着商務衣飾出席立法會及全體委員會會議，在發言期間展示物件亦必須符合相關規定。

隨着《2021 年立法會(紀律制裁及遙距會議(雜項修訂)條例》於今年 9 月制定，立法會已有明確法定權限對下述議員施加罰款：(a)因行為極不檢點而被暫停立法會職務的議員在停職期間的酬金將會按比例扣減，以及(b)在無合理原因下缺席以致立法會流會的議員須支付罰款，金額為非兼任行政會議成員的議員一天的酬金。

由於來屆立法會議員人數會增加，為確保委員會的運作效率，委員會的委員組合及選舉正副主席的程序已作出修訂。事務委員會、法案委員會及小組委員會的委員人數上限為 20 或 15 名委員；財務委員會及內會須各由不少於 50 名委員組成，議員可自行選擇加入。此外，這次的檢討工作亦對《議事規則》及《內務守則》的其他部分作出修訂，例如取消負責法案的議員或官員就法案在立法會恢復二讀辯論與內會主席磋商的規定，以及不再容許議員在委員會會議上無經預告而動議議案以表達意見或立場等。

主席，這次檢討範圍非常廣泛，並涉及複雜的程序，能夠在本年度完結前完成工作，我謹代表議事規則委員會感謝各位議員的意見及支持。多謝主席。

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**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 I
RULES OF ORDER**

44. Decision of the Chair
(L.N. 125 of 2021)

- (1) The President in Council, the Chairman in a committee of the whole Council or the chairman of any committee shall be responsible for the observance of the rules of order in the Council and committee respectively. His decision on a point of order shall be final.
(L.N. 87 of 2011; L.N. 125 of 2021)
- (2) Where the President in Council or the Chairman in a committee of the whole Council is of the opinion that the raising of a point of order is an abuse of procedure, he may decide when and how he would deal with the point of order so raised.
(L.N. 125 of 2021)
- (3) The power conferred on the President in Council or the Chairman in a committee of the whole Council by subrule (2) may be exercised by the chairman or deputy chairman of any other committee, but not by any other member presiding at that committee, in dealing with a point of order.
(L.N. 125 of 2021)

PART I RULES OF ORDER

Rule 44

Decision of the Chair

Rule	Committee		House Committee		Legislative Council		Gazette
	Meeting date	Encl.	Meeting date	Encl.	Meeting date	Encl.	Encl.
44					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			2003.06.27	6, 7			
			2004.04.23	8, 9			
					2004.07.07	10, 11	
			2011.04.15	12, 13			17
			2011.05.06	14			
					2011.07.13	18, 19	
	2021.05.21 [#]	20	2021.06.25	21, 22	2021.07.14	23, 24	25
					2021.10.27	26, 27	
44(1)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			2003.06.27	6, 7			
			2004.04.23	8, 9			
					2004.07.07	10, 11	
			2011.04.15	12, 13			17
			2011.05.06	14			
					2011.07.13	18, 19	
	2021.05.21 [#]	20	2021.06.25	21, 22	2021.07.14	23, 24	25
					2021.10.27	26, 27	

[#] Issue date

Rule	Committee		House Committee		Legislative Council		Gazette
	Meeting date	Encl.	Meeting date	Encl.	Meeting date	Encl.	Encl.
44(2)	2021.05.21 [#]	20	2021.06.25	21, 22	2021.07.14	23, 24	25
					2021.10.27	26, 27	
44(3)	2021.05.21 [#]	20	2021.06.25	21, 22	2021.07.14	23, 24	25
					2021.10.27	26, 27	

[#] Issue date

PART I RULES OF ORDER

Rule 44

Decision of the Chair

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 44				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
6	HC	CB(2)2651/02-03	Paper on Rules on Order in Council and Committees	2003.06.27
7	HC	CB(2)2979/02-03	Extract of the minutes of the House Committee meeting	2003.06.27
8	HC	CROP31/03-04	Paper on extension of Rules of Order to Committees	2004.04.23
9	HC	CB(2)2156/03-04	Extract of the minutes of the House Committee meeting	2004.04.23
10	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period July 2003 to June 2004	2004.07.07
11	CM		Extract of the Official Record of Proceedings of the Legislative Council	2004.07.07
12	HC	CROP22/10-11	Paper on proposed amendments to Rules 44 and 45 of the Rules of Procedure	2011.04.15
13	HC	CB(2)1649/10-11	Extract of the minutes of the House Committee meeting	2011.04.15
14	HC	CB(2)1713/10-11	Extract of the minutes of the House Committee meeting	2011.05.06
15	CM	CB(3)689/10-11	Proposed resolutions under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China	2011.05.11
16	CM		Extract of the Official Record of Proceedings of the Legislative Council	2011.05.11
17			Legal Notice 87 of 2011	2011.05.13*

* Gazette date; # Issue date

CM = Council Meeting; HC = House Committee; CRoP = Committee on Rules of Procedure

PART I RULES OF ORDER

Rule 44

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Rule 44				
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19	CM		Extract of the Official Record of Proceedings of the Legislative Council	2011.07.13
20	CRoP	CROP65/20-21	Paper on consultation on proposals to amend the Rules of Procedure and House Rules – Second batch of proposed amendments	2021.05.21 [#]
21	HC	CROP71/20-21	Review of the Rules of Procedure and House Rules – Second batch of proposed amendments	2021.06.25
22	HC	CB(2)1238/20-21	Extract of the minutes of the House Committee meeting	2021.06.25
23	CM	CB(3)743/20-21	Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure	2021.07.14
24	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.07.14
25			Legal Notice 125 of 2021	2021.07.16 [*]
26	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2020 to October 2021	2021.10.27
27	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.10.27

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PART I RULES OF ORDER
Rule 44
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4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
6	HC	CB(2)2651/02-03	Paper on Rules on Order in Council and Committees	2003.06.27
7	HC	CB(2)2979/02-03	Extract of the minutes of the House Committee meeting	2003.06.27
8	HC	CROP31/03-04	Paper on extension of Rules of Order to Committees	2004.04.23
9	HC	CB(2)2156/03-04	Extract of the minutes of the House Committee meeting	2004.04.23
10	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period July 2003 to June 2004	2004.07.07
11	CM		Extract of the Official Record of Proceedings of the Legislative Council	2004.07.07
12	HC	CROP22/10-11	Paper on proposed amendments to Rules 44 and 45 of the Rules of Procedure	2011.04.15
13	HC	CB(2)1649/10-11	Extract of the minutes of the House Committee meeting	2011.04.15
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15	CM	CB(3)689/10-11	Proposed resolutions under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China	2011.05.11
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17			Legal Notice 87 of 2011	2011.05.13*

* Gazette date; # Issue date

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PART I RULES OF ORDER

Rule 44

Decision of the Chair

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 44(1)				
18	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period November 2010 to June 2011	2011.07.13
19	CM		Extract of the Official Record of Proceedings of the Legislative Council	2011.07.13
20	CRoP	CROP65/20-21	Paper on consultation on proposals to amend the Rules of Procedure and House Rules – Second batch of proposed amendments	2021.05.21 [#]
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25			Legal Notice 125 of 2021	2021.07.16 [*]
26	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2020 to October 2021	2021.10.27
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PART I RULES OF ORDER

Rule 44

Decision of the Chair

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 44(2)				
20	CRoP	CROP65/20-21	Paper on consultation on proposals to amend the Rules of Procedure and House Rules – Second batch of proposed amendments	2021.05.21 [#]
21	HC	CROP71/20-21	Review of the Rules of Procedure and House Rules – Second batch of proposed amendments	2021.06.25
22	HC	CB(2)1238/20-21	Extract of the minutes of the House Committee meeting	2021.06.25
23	CM	CB(3)743/20-21	Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure	2021.07.14
24	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.07.14
25			Legal Notice 125 of 2021	2021.07.16*
26	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2020 to October 2021	2021.10.27
27	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.10.27

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PART I RULES OF ORDER

Rule 44

Decision of the Chair

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 44(3)				
20	CRoP	CROP65/20-21	Paper on consultation on proposals to amend the Rules of Procedure and House Rules – Second batch of proposed amendments	2021.05.21 [#]
21	HC	CROP71/20-21	Review of the Rules of Procedure and House Rules – Second batch of proposed amendments	2021.06.25
22	HC	CB(2)1238/20-21	Extract of the minutes of the House Committee meeting	2021.06.25
23	CM	CB(3)743/20-21	Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure	2021.07.14
24	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.07.14
25			Legal Notice 125 of 2021	2021.07.16*
26	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2020 to October 2021	2021.10.27
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* Gazette date; # Issue date

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Ref: CB1/R/1/1

**Report of the Committee on Rules of Procedure
of the Provisional Legislative Council**

Purpose

This Report gives an account of the work of the Committee on Rules of Procedure (the Committee) since its establishment on 19 September 1997, and outlines its deliberations on issues considered.

The Committee

2. The Committee was established by resolution of the Council on 10 September 1997 through amendment to the Rules of Procedure of the Council. The functions of the Committee are to review the Rules of Procedure of the Council and to propose to the Council such amendments or changes as are considered necessary.

3. Twelve Members of the Council, including the Chairman, Hon Mrs Selina CHOW, and the Deputy Chairman, Hon CHENG Kai-nam, were appointed to the Committee on 17 October 1997 by the President of the Provisional Legislative Council in accordance with Rule 74(2). A membership list is in **Appendix I**.

The work of the Committee

4. Since its formation in October 1997, the Committee has held a total of nine meetings. At its first meeting on 17 November 1997, the Committee reviewed matters which required consideration during the term of the Council and decided to undertake the following:

- (a) update the House Rules in the light of the amendments made to the Rules of Procedure on 10 September 1997 and to reflect current practices of the Council and its committees;

- (b) ensure that essential steps pertaining to the effective processing and enactment of legislation are properly incorporated in the present legislative procedures; and
- (c) refine the Rules of Procedure and other procedural arrangements to ensure conformity with provisions in the Basic Law and other statutory requirements.

Updating of the House Rules

5. During the course of the detailed study in updating the House Rules, the Committee also took the opportunity to review some of the administrative and procedural arrangements with a view to removing ambiguities and improving efficiency in the conduct of Council business. Before the Committee embarked on its study of the House Rules, it invited views from Members of the Council and received a number of suggestions. These suggestions were taken into account in the Committee's deliberations.

6. Apart from recommending amendments to the House Rules to reflect the changes to the Rules of Procedure endorsed by the Council on 10 September 1997, the Committee also made the following recommendations to the House Committee:

- (a) that the administrative procedures for the application for and allocation of slots for debates on Members' motions be set out in detail (Rule 14);
- (b) that the arrangements for dealing with Members' motions withdrawn before or after the deadline for giving notice be clearly spelt out (Rule 14);
- (c) that the principle that only the mover of a motion should have the right of reply be upheld and reflected in the allocation of speaking time (Rule 17); and
- (d) that panels' activities outside Hong Kong be endorsed by the House Committee (Rule 22).

7. The House Committee accepted the recommendations of the Committee and revised its House Rules on 20 February 1998. A summary of major revisions to the House Rules is in **Appendix II**.

Notice of Motions and Amendments

8. The Committee is aware that no specific provision has been made in the Rules of Procedure for moving motions relating to the scrutiny of a statutory instrument such as technical memorandum or code of practice, which is not subsidiary legislation but is subject to legislative scrutiny mechanism similar to that for subsidiary legislation. As a result, 12 clear days notice is required in respect of motions for amending or extending the period of scrutiny. This leaves Members very little time to consider the instrument, and the leave of the President to waive the required notice is sought each time when an amendment has to be moved. The Committee considers it appropriate to bring the notice requirements in line with those for subsidiary legislation.

9. In response to the Committee's enquiry, the Administration has raised no objection to the Committee's view that the same notice requirements should apply to subsidiary legislation and other statutory instruments which are subject to similar legislative scrutiny mechanism. However, as motions relating to statutory instruments are very few, the Committee has concluded that there is no urgency in amending the Rules of Procedure of the Provisional Legislative Council (PLC), and that the Secretariat should draw to the attention of the first Legislative Council the need to make such changes in its future Rules of Procedure.

Adaptation of legislative procedures

10. The Committee has reviewed the present position in the adaptation of provisions on legislative procedures as contained in the former Royal Instructions, and consulted the Administration on the need to make suitable adaptation of Clause XXV (Rules and regulations under which Ordinances are to be enacted) and Clause XXVI (Description of Bills not to be assented to and Proviso in cases of emergency for immediate operation of an Ordinance) of the Royal Instructions. While the Committee has no strong views on the Administration's conclusion that no replacement is required for the provision in Clause XXVI on the types of bills not to be assented to on the grounds that Article 17 of the Basic Law has served the purpose, the Committee has requested the Administration to consider localizing the provisions in Clause XXV which served to regulate the form of legislation in Hong Kong, and to provide ample time for the legislature to scrutinise the relevant bill.

Compliance with the Basic Law and other statutory requirements

11. In addition to the above, the PLC Secretariat has also sought the views of the Committee on proposed revisions to the Rules of Procedure in order to comply with the provisions in the Basic Law. These include the following two major issues:

- (a) the new voting procedures for Members' business as stipulated in Annex II of the Basic Law; and
- (b) the procedure for processing bills passed by the Legislative Council but returned by the Chief Executive to the Council for reconsideration.

Voting procedures

12. Annex II of the Basic Law specifies that the passage of Members' bills, motions and amendments to bills shall require a simple majority vote of each of the two groups of Members present: Members returned by functional constituencies, and those returned by geographical constituencies through direct elections and by the Election Committee. Having regard to the need for compliance with the Basic Law on the one hand and ensuring efficient conduct of Council business on the other, the Committee has considered the pros and cons of conducting the voting either by the collection of voice or by electronic voting, or both. The Committee has also reviewed a number of related issues such as the casting vote of the President and Chairman, and made reference to the practices of other legislatures. As the Committee considers it more appropriate for the first Legislative Council to determine its own procedure, it has given its views on the various options for the Secretariat to consolidate them into a proposal for the first Legislative Council.

Procedure for bills returned by the Chief Executive for reconsideration

13. Under Article 49 of the Basic Law, if the Chief Executive considers that a bill passed by the Legislative Council is not compatible with the overall interests of the Region, he may return it to the Legislative Council within three months for reconsideration. As neither the Rules of Procedure of the PLC nor the Standing Orders of the former Legislative Council have provided for any procedure to cater for such a situation, the PLC Secretariat has sought the Committee's views on the procedural steps to be followed.

14. Given that the reconsideration of a passed bill returned by the Chief Executive is an important matter to be dealt with by the Council, the Committee is of the view that specific procedure should be provided in the Rules of Procedure on how the returned bill shall be proceeded with. In this respect, the Committee has made reference to the procedures in other legislatures and come up with the following views:

- (a) The returned bill and the Chief Executive's reasons for the return of the bill should be carefully examined by a committee, e.g. a select committee, unless the majority of Members decide otherwise;

- (b) The procedure should allow the returned bill to be amended after taking into account the views from all parties concerned, including the Government, the Member in charge of the bill, and other interested parties;
- (c) Members should be allowed to debate on the bill in the Council and amend the bill in a committee of the whole Council if considered necessary;
- (d) The bill, irrespective of its being amended or not, should be voted on upon a motion "That the bill do pass after reconsideration". If the bill is passed in its original form by two-thirds of the Members of the Council, Article 50 of the Basic Law shall be triggered off.

15. The Committee considers that the Secretariat should reflect the views of the Committee to the first Legislative Council when the latter draws up its Rules of Procedure.

Acknowledgement

16. Members of the Committee wish to record their appreciation of the valuable views from fellow Members of the Council and their support for the work of the Committee.

Provisional Legislative Council Secretariat
1 April 1998

Appendix I

Provisional Legislative Council

Membership list of Committee on Rules of Procedure

Hon Mrs Selina CHOW, JP (Chairman)
Hon CHENG Kai-nam (Deputy Chairman)
Dr Hon Raymond HO Chung-tai, JP
Hon Mrs Elsie TU, GBM
Hon CHAN Choi-hi
Hon CHAN Yuen-han
Hon Andrew WONG Wang-fat, JP
Hon Kennedy WONG Ying-ho
Hon Bruce LIU Sing-lee
Hon Mrs Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, JP
Hon CHOY So-yuk

Total : 12 Members

Appendix II

Summary of major revisions to the House Rules recommended by the Committee on Rules of Procedure

- (a) that the procedure for the election of the President, formerly included as an appendix in the House Rules, has already been provided in the Schedule to the Rules of Procedure (House Rule 1(d));
- (b) that the Chief Executive may at his discretion attend meetings of the Council to answer questions from Members (House Rule 4(a));
- (c) that the time allowed for six oral questions at Council meetings is limited to one to one-and-a-half hours, and for 10 oral questions to be not more than two-and-a-half hours (House Rule 7(a));
- (d) that the deadline for the application for the allocation of debate slot is specified as 24 days in advance of the Council meeting (House Rule 14);
- (e) that the procedure for allocating slots for debates on motions which have no legislative effect, as well as the arrangements for determining the priority of Members to sponsor such debates after they have withdrawn their original notice, should be clearly spelt out (House Rule 14);
- (f) that the stipulation in the Rules of Procedure that a mover of an amendment to a motion does not have the right of reply should be reflected in the House Rules, and that the time limit for the speech of a mover of an amendment to a motion with no legislative effect should be extended to 10 minutes, and that he will no longer have the 5 minutes to respond to other Members' speeches on his amendment (House Rule 17(c));
- (g) that the deadline for enrollment in a Bills Committee or subcommittee of the House Committee to study legislative proposals should normally be one clear day before the date of the first meeting of the Bills Committee/subcommittee (House Rule 21(b));
- (h) that reports of Panels and Bills Committees are to be tabled in the Council (House Rules 21(i) and 22(u));
- (i) that the activities of Panels to be undertaken outside Hong Kong should require the endorsement of the House Committee (House Rule 22(t)); and
- (j) that the Parliamentary Liaison Subcommittee set up under the House Committee is responsible for co-ordinating parliamentary liaison activities (House Rule 34).

**Extract of the Official Record of Proceedings
of the Provisional Legislative Council meeting held on 7 April 1998**

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ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mrs Selina CHOW will address the Council on the Report of the Committee on Rules of Procedure 1997/98. Mrs Selina CHOW.

Report of the Committee on Rules of Procedure 1997/98

MRS SELINA CHOW (in Cantonese): Madam President, on behalf of the Committee on Rules of Procedure of the Provisional Legislative Council, I submit the Report as set out in the PLC Paper No. CB(1) 1236 circularized to Members days ago.

The Committee on Rules of Procedure was formally established in October 1997 to take over the duties of the Working Group on Rules of Procedure. Members of the Committee are basically members of the former Working Group. During the 14 months from the Working Group to the Committee on Rules of Procedure, we have held 23 formal meetings and nine informal meetings for exchange of views, among which many were held in marathon sessions.

The work of the Committee can be divided into two major parts. The first part is the formulation of the Rules of Procedure, the House Rules and the Procedure of the Finance Committee of the Provisional Legislative Council, in the hope that the business of the Provisional Legislative Council can be conducted in a smooth manner. The Committee is also committed to ensuring that essential steps pertaining to the effective processing and enactment of legislation are properly incorporated into the present legislative procedures.

The second part is the tendering of advice on the Rules of Procedure pertaining to the first Legislative Council of the Hong Kong Special Administrative Region (SAR), particularly on the incorporation of certain procedures into the Rules of Procedure in accordance with the stipulations of the Basic Law in order to tie in with the existing mechanism. Some examples are the matters related to the voting procedures and the procedure for reconsideration of bills returned by the Chief Executive. The Committee hopes that it can provide advice to the Provisional Legislative Council Secretariat in regard to policies and principles on some significant and controversial issues and that it can be taken as reference when the Secretariat prepares the draft Rules of Procedure for the first Legislative Council of the SAR.

I am delighted to inform Members that the Committee has already attained the above goals. Here, I would like to thank members of the Committee for their time and efforts. On behalf of the Committee members, I would also like to thank all other Members of this Council for their precious advice and support for the Committee. Besides, I have to thank the staff of the Secretariat for their hard work. This I hope to put on record.

Thank you, Madam President.

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Ref. : CB(3)/M/MR

Tel : 2869 9205

Date : 26 June 1998

From : Assistant Secretary General 3

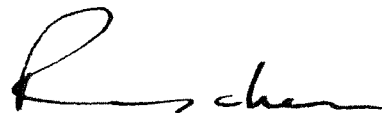
To : All Members-elect of the Legislative Council

First Legislative Council meeting on 2 July 1998

**Resolutions on
Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region
and
Timing of the first meetings
of the Finance Committee, the House Committee and Panels**

I forward for Members-elect's consideration two resolutions which will be moved at the Council meeting on 2 July 1998 by Dr LEONG Che-hung after he has taken the Legislative Council Oath and the President has been elected. The resolution on the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region is attached in **Appendix I** and the second resolution is in **Appendix II**.

2. The President's permission to waive the notice will be sought to enable Dr LEONG to move these resolutions without notice.



(Ray CHAN)
Assistant Secretary General 3

Encl.

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
OF THE PEOPLE'S REPUBLIC OF CHINA

RESOLUTION

(Made under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

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

RESOLVED that the Rules of Procedure set out in the Annex to this resolution
be made under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China.

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 2 July 1998**

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MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' Motions. First Motion. Dr LEONG Che-hung, you have my consent to move the resolution on the Rules of Procedure.

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

DR LEONG CHE-HUNG (in Cantonese): Madam President, today is a big day for the Legislative Council and an important milestone for the legislature of Hong Kong as we are the first Legislative Council returned by open, impartial and fair election after the detachment of Hong Kong from colonial rule and we have become masters of our own house. For a legislature to operate properly and to ensure that matters we wish to see passed stand a decent chance of approval, we need to have an applicable set of rules of procedure. As it has been only a month or so since the election, we cannot possibly work out an impeccable set of rules of procedure. Besides, the rules of procedure have to be revised as time passes. Therefore, Madam President, I hope that Honourable colleagues will find the Rules of Procedure of the Legislative Council I shall propose later suitable for adoption for the time being, so that we can complete our tasks as soon as possible.

Madam President, I move that the motion standing in my name that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China be approved. The Annex has been circularized to Members for reference.

We have the first meeting of the first Legislative Council of the Hong Kong Special Administrative Region today. As I have just said, the proper operation of a legislature requires a sound set of rules of procedure. Therefore, we must expeditiously formulate and adopt a set of rules that could immediately allow us to operate in a highly efficient and effective manner.

To achieve this aim, the Legislative Council Secretariat has earlier worked out a draft set of Rules of Procedure of the Legislative Council, arranged a series of seminars in early June and invited Members elect to attend these seminars so that they can understand the contents of the draft and certain material matters as soon as possible. A total of 30 Members elect attended these seminars, and Miss Margaret NG and I were greatly honoured to be elected the Deputy Convenor and Convenor. Now I would like to brief Members on some of the points we discussed.

The draft Rules of Procedure of the Legislative Council was worked out on the basis of the rules and practices adopted by the former legislature of Hong Kong with some procedures having been formulated in accordance with the relevant provisions of the Basic Law, for instance, the voting procedure specified in Annex II of the Basic Law and the procedure for dealing with bills already passed by the Legislative Council but returned by the Chief Executive for reconsideration in accordance with Article 49 of the Basic Law. Members have discussed these procedures, policies and principles in detail.

As regards the voting procedure, after studying the provisions in Annex II of the Basic Law and drawing reference from the voting practices of the former legislature of Hong Kong, we agreed to the following:

1. Motions, bills and amendments to bills, whether voted upon by the whole Council or in groups, shall be supported by a majority of Members present before being approved.
2. To allow the President to determine whether a majority of Members support a motion, the former voice vote shall be changed into calling upon Members to raise their hands to indicate whether they are in favour of or against the motion.
3. As a motion is deemed as not approved when the number of Members in favour of the motion is merely equal to half of the number of Members present, we think that it is not necessary for the President to have a casting vote.

As to how to deal with the bills returned by the Chief Executive in accordance with Article 49 of the Basic Law, we think that this has to be discussed in greater depth. However, as it is considered very unlikely that bills will be returned for reconsideration in accordance with Article 49 of the Basic Law in the near future, Members agreed that we need only make provisions for the essential procedures and steps for dealing with such bills.

Under the existing arrangement, unless otherwise instructed by the whole Council that the relevant bills shall be immediately reconsidered, the bills will be referred to the House Committee. Upon the completion of scrutiny and approval by more than two thirds of all Members, that is, 40 Members or more, the reconsidered bills may be dealt with in accordance with Article 50 of the Basic Law. When the Committee on Rules of Procedure is established in future, it will make an in-depth study into issues such as whether Members can propose amendments to bills returned.

We also considered the restrictions of Article 74 of the Basic Law on the introduction of bills by Members. As the views of Members on the scope covered by this Article differ, especially as far as fiscal revenues and expenditures are concerned, we considered it necessary to conduct further deliberations. Before our further deliberations offer any conclusion, we think that it is necessary to incorporate the relevant restrictions of the former legislature into the Rules of Procedure. For example, Members must have the consent of the Chief Executive before they can propose any motion or amendment with the effect or purpose of causing the use of any government revenue or other public moneys or imposing a charge on the revenue or other public moneys.

During the discussions, Members thought that various other matters should also be discussed, and they include the mechanism for convening urgent meetings after the dissolution of the Legislative Council and whether the session of select committees should come to an end at the end of a Session or at the end of the term of office of Members. As these matters do not require urgent handling now, Members agreed to set them out in a schedule for follow-up by the Committee on Rules of Procedure to be established later.

Here, I would also like to point out that the Legal Advisor of the Secretariat received on 30 June a letter from the Solicitor General concerning the views of the Department of Justice on the draft Rules of Procedure of the Legislative Council. The Solicitor General holds different views on the draft Rules of Procedure of the Legislative Council, namely, the rules in respect of Article 74 of the Basic Law and the voting procedure for bills introduced by the Government. In fact, Members discussed these matters at the three seminars and agreed that they would further study Article 74 of the Basic Law and the relevant provisions immediately after the Committee on Rules of Procedure has been established, and that the views of the Solicitor General would be referred to the Committee for follow-up.

The Rules of Procedure of the Legislative Council that I have proposed for approval today is aimed at allowing the first Legislative Council to start working as soon as possible and enabling us to establish various committees to conduct business in accordance with the provisions of the Rules. As the President of the Legislative Council can make a ruling on the relevant matters if necessary, I suggest that Members should first adopt the Rules of Procedure of the Legislative Council that I have proposed for approval today and refer the outstanding matters to the future Committee on Rules of Procedure for follow-up expeditiously.

Madam President, I would like to thank the staff of the Legislative Council Secretariat for the efforts they made in drafting the Rules of Procedure and Honourable Members for the invaluable views they expressed in the course of our study. I urge Honourable colleagues to support my motion and adopt the Rules of Procedure.

With these remarks, I beg to move.

Dr LEONG Che-hung moved the following resolution:

"That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. Does any Member wish to speak? Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): We in the Democratic Party very much support Dr the Honourable LEONG Che-hung's proposal that we should pass the Rules of Procedure of the Legislative Council as quickly as possible today. Any amendments, if they are ever required, should be moved at future meetings, and it is imperative that the Legislative Council should get down to business immediately. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung.

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, a large part of the Rules of Procedure of the Legislative Council is modelled on the Standing Orders of the Legislative Council. While I agree to and support many of the provisions in the Rules of Procedure, I must however point out that the Rules of Procedure does contain many unfair and unreasonable provisions which have been incorporated in accordance with the Basic Law. As a result, when we discuss the Rules of Procedure today, I feel compelled to state my position very clearly.

First, let me refer to Article 74 of the Basic Law. Although Dr LEONG Che-hung has stated that we may need to conduct further discussions, I must still point out that this particular Article has certainly restricted the power of Members to introduce Members' Bills. In the days of the former Legislative Council, the absence of any charging effect and the consent of the Governor were the only restrictions on the introduction of Members' Bills. A Member may introduce a Member's Bill as long as it is in line with the two principles. Now, however, many more restrictions have been incorporated in accordance with the Basic Law, making it difficult for Members to introduce Members' Bills. This is obviously a move to thwart Members' attempts to introduce bills which are in the interests of the public; this is obviously an attempt to "disable" Members, to bar them from introducing their own bills for discussion in the

legislature. What is more, I have to point out that the restrictions on the presentation of bills stipulated in Rule 51 of the Rules of Procedure have precisely been drawn up in accordance with Article 74 of the Basic Law. For that reason, I am firmly opposed to these provisions.

The second restriction imposed by the Rules of Procedure on Members' powers is the method of voting by groups applicable to the voting on all motions. Despite Dr LEONG's saying that we may need more detailed discussions in this particular respect, I do not think that any such discussions are going to change this broad, underlying principle. The reason is that this voting procedure, which departs entirely from the practices of the former Legislative Council, has in fact been incorporated in accordance with the Basic Law. This voting procedure will limit and constrain Members in their attempts to push through their motions. We may still recall that this particular voting procedure was not found in the consultative version of the Basic Law and the draft Basic Law. It was not until after the June 4 incident of 1989 when the group led by Mr LO Tak-shing put forward the proposal of "a bicameral legislature" that the Central Government decided to incorporate the procedure of voting by groups into the Basic Law. This is indeed a hybrid rarely found in other parliamentary assemblies. Under this procedure, the passage of motions shall require a majority vote of each of the two groups of Members present: Members returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee. Such a procedure is in effect an enlargement of the constraints imposed on Members, who are already hindered by one obstacle after another. That is why I am firmly opposed to this procedure, despite Dr LEONG's saying that there may be further detailed discussions in the future.

I appreciate the point that these constraints have all been incorporated in accordance with the Basic Law, and we cannot possibly conduct an overhaul unless we can amend the Basic Law. Unfortunately, the amendment of the Basic Law, as I understand it, is not a matter which can be done today or tomorrow. It is a protracted effort. Therefore, I hope that Honourable colleagues in this Council will join me in the struggle for the amendment of the Basic Law in the time ahead. If not, it will be extremely difficult for us to introduce any motions which serve the interests of the public, and it will be equally difficult for us to ensure their passage. For all these reasons, when it comes to the vote, I will vote against the motion. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr James TO.

MR JAMES TO (in Cantonese): Madam President, as pointed out by Dr the Honourable YEUNG Sum, we in the Democratic Party actually regard this set of rules as serving an interim purpose only. We think that if we do not pass this set of rules, we will not have any rules of procedure to follow in the remaining time of this meeting or even the next meeting.

I will not respond in detail to the points raised by the Honourable LEUNG Yiu-chung just now. However, I do want to say a few words on another matter. I am very surprised that the Government has not sent any representatives to attend this meeting. No doubt, in response to the Rules of Procedure of the Legislative Council pending passage today, the Solicitor General has written a five-page commentary on what he thinks will breach the Basic Law. However, at the beginning, I still thought that even if the Chief Secretary for Administration did not come, we would still have the Secretary for Justice; if even the Secretary for Justice failed to show up, there was still the Secretary for Constitutional Affairs; and, if even the Secretary for Constitutional Affairs did not come, at least the Solicitor General would. Please do not take it for granted that we would certainly pass this motion today, though many people do expect us to do so. I think the Government should really take this matter seriously and send representatives to listen to our views at the meeting, for at least Mr LEUNG Yiu-chung has chosen to explain his principles to this Council. I am very surprised, and I also find it a bit regrettable, that no government official has sit in in attendance today. In making these criticisms, Madam President, I hope I have not aggrieved the Government unfairly, because we do not have any government representatives here in this Chamber and I do not know if the Government has actually given the Secretariat any notification concerning the attendance or otherwise of its officials. That said, I still find this very regrettable.

As for our specific views, we will not dwell on them in detail now. We simply want to reiterate that we only regard this set of rules as serving an interim purpose only, and we think that we will need to conduct further discussions on many aspects relating to these rules. We will explain our specific arguments in detail at a later time. Thank you.

PRESIDENT (in Cantonese): Miss Margaret NG.

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

Thank you, Madam President.

PRESIDENT (in Cantonese): Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): As I explained a moment ago, the Democratic Party will support the passage of the Rules of Procedure today because it wants to enable the Legislative Council to commence its operation.

However, on behalf of the Democratic Party, I would like to express our opposition to the procedure of voting by groups based on the concept of "a bicameral legislature". I wish to put this clearly on record. Second, I want to stress that the strict conditions imposed on the introduction of Members' Bills will make it very difficult for Legislative Council Members to introduce any bills. I want to put this on record too.

PRESIDENT (in Cantonese): Mr Ronald ARCULLI.

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

Thank you.

PRESIDENT (in Cantonese): Dr LEONG Che-hung, do you wish to reply?

DR LEONG CHE-HUNG (in Cantonese): First of all, let me thank Honourable colleagues for the comments they have made. However, I would also like to stress one point. The first Legislative Council will be required to handle an enormous amount of business in the future, and if we are to take care of all these matters, we must have in place a set of applicable rules of procedure, or a provisional set at least, to enable the various panels and bills committees to be formed under the Council to conduct their work. Therefore, I earnestly urge Honourable colleagues to endorse the adoption of the Rules of Procedure before us for the time being.

Secondly, I must stress that I am not in any way trying to defend the Government. Why are government officials absent from the meeting today? I also find it somewhat regrettable. Nevertheless, as the Honourable Miss Margaret NG has said just now, the Solicitor General had offered to discuss with our Legal Adviser the issues concerned. I think that it would be a better arrangement for the Solicitor General to present his points to all Members after the Committee on Rules of Procedure has been set up, and to explain in that forum any questions the Solicitor General sees fit to raise, before we conduct any further discussions.

In regard to the remarks made by Mr LEUNG Yiu-chung, I am sure they would be put on record and then considered in detail by the Committee on Rules of Procedure.

I hereby urge Members to endorse the motion I have moved today as expeditiously as possible, otherwise the Council will not be able to commence working promptly. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): Madam President, just now when we have yet to adopt a set of rules of procedure, you have permitted Dr YEUNG Sum to speak twice. As such, I still wish to speak albeit you have already called upon Dr LEONG Che-hung to make his reply.

I should like to point out one thing and that is the wording used by some Honourable colleagues just now might not be correct. The motion that we have been debating is: "That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China." So, the Rules of Procedure should be of a permanent nature; they could be amended at any time, but that does not make them in any way provisional.

I know that there are disputes over certain points and further reviews will therefore have to be conducted, and that new rules might have to be made to supplement the existing ones should the need arises. However, the Rules of Procedure should by no means be of a provisional nature. I just want to clarify this point. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the resolution moved by Dr LEONG Che-hung be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively from each of the two groups of Members, as listed in the Basic Law, who are present. I declare the resolution passed.

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

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

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

PART A

MEMBERS AND OFFICERS OF THE COUNCIL

1. Oath or Affirmation

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

2. Language

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

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

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

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

(a) the President's deputy; or

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

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

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

4. Election of President

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

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

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

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

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5. President's Deputy

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

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

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

6. Duties of the Clerk

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

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

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

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

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

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

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

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

7. Counsel to the Legislature

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

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

8. Attendance of the Chief Executive

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

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

9. Attendance of Public Officers

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

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

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

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

10. Participation of Public Officers in Proceedings

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

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

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

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

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PART B

SESSIONS, MEETINGS AND ADJOURNMENTS OF THE COUNCIL

11. Ordinary Sessions

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

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

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

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

12. First Meeting of Term

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

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

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

13. The Chief Executive's Policy Address

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

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

"That this Council thanks the Chief Executive for his address."

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

14. Days and Hours of Meetings

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

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

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

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

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

15. Meetings for Urgent Business

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

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

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

16. Motions for the Adjournment of the Council

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

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

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

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

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

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

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

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

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17. Quorum

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

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

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

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

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

PART C

ARRANGEMENT OF BUSINESS

18. Order of Business at a Meeting

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

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

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

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

19. The Agenda of the Council

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

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

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

PART D

PETITIONS AND PAPERS

20. Presentation of Petitions

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

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

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

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

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

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

21. Presentation of Papers

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

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

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

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

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

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

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PART E

QUESTIONS TO THE GOVERNMENT

22. Nature of Questions

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

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

23. Question Time

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

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

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

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

24. Notice of Questions

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

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

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

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

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

25. Contents of Questions

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

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

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

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

26. Asking and Answering of Questions

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

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

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

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

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

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

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

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

27. Meeting under Rule 8

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

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PART F

STATEMENTS

28. Statements by Designated Public Officers

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

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

PART G

MOTIONS

29. Notice of Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

30. Manner of Giving Notice of Motions and Amendments

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

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

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

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

31. Restriction on Motions and Amendments

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

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

32. Motions on Previous Decisions of Council

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

33. Manner of Debating Motions

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

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

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

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

34. Manner of Debating Amendments to Motions

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

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

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

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

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

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

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

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

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

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35. Withdrawal of Motions and Amendments

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

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

PART H

RULES OF SPEAKING

36. Time and Manner of Speaking

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

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

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

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

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

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

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37. Recommendations of House Committee as to Time of Speaking

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

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

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

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

38. Occasions when a Member may Speak more than once

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

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

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

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

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

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

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

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

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

39. Interruptions

A Member shall not interrupt another Member, except –

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

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

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

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

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

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

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

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

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

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

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

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

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41. Contents of Speeches

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

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

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

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

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

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

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

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

42. Behaviour of Members during Meeting

During a meeting of the Council –

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

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

43. Application of Rules to Committees

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

PART I

RULES OF ORDER

44. Decision of Chair Final

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

45. Order in Council and Committee

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

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

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PART J

VOTING

46. Decision on Motions

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

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

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

47. Decision of Council and Committee of the Whole Council

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

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

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

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

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

48. Use of Electronic Voting System

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

49. Divisions

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

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

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

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

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

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

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

PART K

PROCEDURE ON BILLS

50. Form of Bills

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

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

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

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

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

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

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

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

51. Notice of Presentation of Bills

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

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

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

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

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

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

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

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

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

52. Presentation and Publication of Bills

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

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

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

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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 -

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

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

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

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

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

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55. Committal of Bills

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

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

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

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

56. Functions of Committees on Bills

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

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

57. Amendments to Bills

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60. Procedure in Select Committee on a Bill

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

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

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

61. Procedure on Reporting of Bill from a Select Committee

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

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

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

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

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

62. Procedure on Recommittal of Bill Reported from Select Committee

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

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

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

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

(4) When the bill has been so reported after recommitment, the Council shall forthwith proceed to the third reading of the bill, unless the Member in charge states that he wishes the third reading to be postponed; and in the latter event the provisions of 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.

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

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

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

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

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

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PART L

FINANCIAL PROCEDURE

67. Presentation and Second Reading of Appropriation Bill

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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70. Third Reading of Appropriation Bill

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

PART M

COMMITTEES

71. Finance Committee

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

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

(3) The clerk to the Finance Committee shall be responsible for calling the first meeting of a term of the Finance Committee, and shall preside at the beginning of that meeting for the purpose of electing the presiding Member for the election of the chairman of the Finance Committee.

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

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

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

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

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

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

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

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

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

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

72. Public Accounts Committee

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

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

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

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

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

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

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

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

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

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

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

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

73. Committee on Members' Interests

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

- (a) to examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (b) to consider any proposals made by Members or others as to the form and contents of the Register;
- (c) to consider and investigate any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so;
- (d) to consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters;

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- (e) to report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 (Sanctions relating to Interests).

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

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

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

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

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

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

74. Committee on Rules of Procedure

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

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

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

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

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

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

75. House Committee

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

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

(3) The clerk to the House Committee shall be responsible for calling the first meeting of a term of the House Committee, and shall preside at the beginning of that meeting for the purpose of electing the presiding Member for the election of the chairman of the House Committee.

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

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

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

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

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

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

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

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

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

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

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

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

(16) 20 members, including the chairman, shall form a quorum. All matters for the decision of the committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall not vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(17) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

(18) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

76. Bills Committees

(1) There shall be such number of committees, to be called Bills Committees, as the House Committee considers appropriate.

(2) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman, the committee may elect a chairman to act during such absence.

(3) A Bills Committee shall consist of not less than 3 members including the chairman. The quorum of a Bills Committee shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(4) A Bills Committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions.

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(5) A Bills Committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(6) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(7) A Bills Committee shall consider the general merits and principles, and the detailed provisions, of the bill allocated to it; and may also consider any amendments relevant to the bill.

(8) All matters for the decision of a Bills Committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(9) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of its deliberations and then report further to the Council.

(10) The deliberations of a Bills Committee on a bill may be discussed by the House Committee for the purposes of informing Members in preparation for resumption of the second reading debate on the bill in Council. Such deliberations shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(11) Subject to these Rules of Procedure, the practice and procedure of a Bills Committee and its subcommittees shall be determined by that Bills Committee. In any such determination, a Bills Committee shall take into account any guidelines provided under Rule 75(8) (House Committee).

77. Panels

(1) There shall be such number of committees, to be called Panels, as the House Committee considers appropriate and as the Council may approve.

(2) The terms of reference of a Panel shall be recommended by the House Committee and approved by the Council.

(3) A Panel shall monitor and examine, to the extent it considers necessary, policy matters referred to it by a member of the Panel or by the House Committee.

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(4) The members of a Panel shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee.

(5) The chairman of a Panel shall be elected by the Panel from among its members. The Panel may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman the Panel may elect a chairman to act during such absence. The chairman and deputy chairman of a Panel shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected.

(6) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.

(7) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.

(8) A Panel shall consist of not less than 6 members including the chairman. The quorum of a Panel shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(9) A Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel.

(10) A Panel or its subcommittee may, if it considers appropriate, meet jointly with any other Panel or its subcommittee for the purpose of considering any matter of common interest to the Panels. The quorum of a joint meeting shall be one third of the members of all the relevant panels or subcommittees including the chairman (a fraction of the whole number being disregarded). All matters for decision at a joint meeting shall be decided by a majority of the members voting. The chairman shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(11) A Panel shall meet at the time and the place determined by the chairman of the Panel. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(12) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the Panel.

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(13) All matters for the decision of a Panel shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote. Such voting shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(14) A Panel may make such reports as it considers appropriate to the Council provided that there shall be at least one report during a session and where requested by the House Committee or on its own motion, make a report in writing to the House Committee on a particular matter.

(15) Subject to these Rules of Procedure, the practice and procedure of a Panel or its subcommittee shall be determined by that Panel. In any such determination, a Panel shall take into account any guidelines provided under Rule 75(8) (House Committee).

78. Select Committees

(1) The Council may in each session appoint one or more select committees to consider matters or bills which the Council may refer to the committee.

(2) The President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee.

(3) The quorum of a select committee shall be one third of the members excluding the chairman, a fraction of a whole number being disregarded.

(4) A select committee shall, as soon as it has completed consideration of the matter or bill referred to it, report to the Council thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the matter or bill before the end of the session, it shall so report to the Council.

(5) At the end of the session every select committee of the Council shall be dissolved.

79. Procedure of Select Committees

(1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Council, and in the case of a select committee on a bill shall be confined to the bill committed to it and relevant amendments.

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(2) A select committee shall meet at the time determined by the chairman. The meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(3) In the event of the temporary absence of the chairman and deputy chairman the committee may elect a chairman to act during such absence.

(4) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee.

(5) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(6) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(7) (a) A member of a select committee may bring a report for their consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr.'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(b) The committee shall then go through the report paragraph by paragraph and the provisions of Rule 58 (Procedure in Committee of the Whole Council on a Bill) shall apply as if the report were a bill and the paragraphs were the clauses of the bill.

(c) When consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered the chairman shall put the question that this report be the report of the committee to the Council.

(8) A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Council.

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(9) The minutes of proceedings of the committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(10) A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Council by the chairman of the committee.

80. Attendance of Witness

- (a) Any standing committee may summon, as required when exercising its powers and functions, persons concerned to testify or give evidence;
- (b) the House Committee or a Bills Committee, Panel or select committee(s), where so authorised by the Legislative Council, may summon, as required when exercising the committee's powers and functions, persons concerned to testify or give evidence,

but the Chief Executive may decide, in the light of security and vital public interests, whether Government officials or other personnel in charge of Government affairs should testify or give evidence before the Legislative Council or its committees.

81. Premature Publication of Evidence

(1) The evidence taken before a select committee and documents presented to the committee shall not, except in the case of meetings of the committee held in public, be published by a member of the committee or by any other person before the committee has presented its report to the Council.

(2) Any member of the committee who fails to comply with subrule (1) may be admonished or reprimanded by the Council on a motion to that effect.

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PART N

MISCELLANEOUS MATTERS

82. Employment of Members in Professional Capacity

No Member shall appear before the Council or any committee or subcommittee in a professional capacity for or on behalf of a party or in a capacity for which he is to receive a fee or award.

83. Registration of Interests

(1) Except for the purpose of making registration of interests under subrule (2), every Member shall, not later than the date specified by resolution made and passed by the Legislative Council, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(2) Every new Member of the Legislative Council shall, within 14 days from the date of his becoming a new Member to fill a vacant seat, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(3) Every Member shall furnish to the Clerk, in such form as may be approved by the President, particulars of any change in such registrable interests, within 14 days of any such change.

(4) The Clerk shall cause those particulars to be entered in a Register of Members' Interests and that register shall be available for inspection by any person during office hours.

(5) In this Rule, "registrable interests" means –

- (a) remunerated directorships of companies, public or private;
- (b) remunerated employments, offices, trades, professions or vocations;
- (c) the names of clients when the interests referred to above include personal services by Members which arise out of or are related in any manner to his membership of the Council;

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- (d) financial sponsorships, as a Member of the Council, by any person or organization, stating whether any such sponsorships include any payment or any material benefit or advantage to the Member or his spouse, whether direct or indirect;
- (e) overseas visits made by the Member or his spouse relating to or arising out of membership of the Council where the cost of any such visit has not been wholly borne by the Member or public funds;
- (f) any payments or any material benefits or advantages received by the Member or his spouse arising out of his membership of the Council from or on behalf of:
 - (i) any government or organization of a place outside Hong Kong; or
 - (ii) any person who is not a Hong Kong permanent resident;
- (g) land and property;
- (h) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital.

84. Personal Pecuniary Interest to be Disclosed

(1) A Member shall not vote upon any question, whether in the Council or in any committee or subcommittee, in which he has a direct pecuniary interest.

(2) A Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, whether in the Council or in any committee or subcommittee, without disclosing the nature of that interest.

(3) In any debate or proceedings of the Council or any committee or subcommittee at which a Member is present he shall declare any direct pecuniary interests which he has in the matter.

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(4) A motion to disallow a Member's vote on the ground of his direct pecuniary interest under subrule (1) may be moved without notice by any Member immediately upon the statement of the numbers voting in the division by the President, Chairman of a committee of the whole Council or chairman, but not otherwise.

(5) The President, Chairman of a committee of the whole Council or chairman shall have discretion whether or not to propose the question upon such a motion; and in exercising such discretion he shall have regard to the nature of the question upon which the vote was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the inhabitants of Hong Kong and whether his vote was given on a matter of state policy.

(6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council, a committee of the whole Council, a committee or subcommittee for the duration of the debate and any vote on the question.

(7) If a motion for the disallowance of a Member's vote is agreed to, the President, Chairman of a committee of the whole Council or chairman shall direct the Clerk to the Legislative Council or the clerk to alter the numbers voting in the original division accordingly.

85. Sanctions relating to Interests

Any Member who fails to comply with Rule 83 (Registration of Interests) or 84(1), (2) or (3) (Personal Pecuniary Interest to be Disclosed) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

86. Admission of Press and Public

Subject to such rules as may from time to time be made by the President, members of the press and of the public shall be admitted as spectators of meetings of the Council. The Clerk shall ensure that such rules are complied with.

87. Disorderly Conduct

The President, Chairman of a committee of the whole Council or chairman of a committee or subcommittee may order the removal from a meeting of any member of the press or of the public who behaves, or who appears likely to behave, in a disorderly manner.

88. Withdrawal of Members of the Press and of the Public

(1) At a meeting of the Council, a committee of the whole Council, a committee or a subcommittee a Member may without notice at any time rise and move that members of the press and of the public do withdraw, specifying whether the withdrawal is to be for the remainder of that day's meeting or during the consideration of certain business. The President, Chairman or chairman shall forthwith propose the question thereon and the Council, committee of the whole Council, committee or subcommittee shall dispose of it before proceeding further with the business which was before it when the motion was moved.

(2) The President or Chairman may at any time order members of the press and of the public to withdraw and the doors of the Council Chamber to be closed.

(3) When an order has been made by the Council, committee of the whole Council, committee or subcommittee, or by the President or Chairman under subrule (1) or (2), members of the press and of the public shall forthwith withdraw from the Council Chamber or the committee room in which the committee or subcommittee is meeting, and the Clerk or clerk shall ensure that the order is complied with.

89. Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings

(1) For the purpose of obtaining the leave of the Council under section 6(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that a Member may be required to attend as a witness in any civil proceedings on a day when the Council is meeting, the party to the proceedings requiring the Member so to attend on that day shall not later than 21 days before that day submit to the Clerk a written statement of the request and of the reasons why the attendance of the Member is required on that day.

(2) The request for leave shall be placed on the Agenda for the meeting next following the receipt thereof by the Clerk and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the party by whom the request for leave is made and also to the Member concerned.

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90. Procedure for Obtaining Leave to Give Evidence of Council Proceedings

(1) For the purpose of obtaining the leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that evidence may be given elsewhere in respect of the contents of minutes, records of evidence or any document laid before the Council or a committee or subcommittee, or in respect of any proceedings or examination held before the Council or a committee or subcommittee, the person seeking such leave shall submit to the Clerk a written statement of the request and the reasons therefor and such further information as the Clerk, on the direction of the President, may require in any particular case.

(2) The request for leave shall be placed on the Agenda for such meeting as the President may appoint and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the person by whom the request for leave is made.

(4) Where the leave of the Council referred to in subrule (1) is sought during any recess or adjournment or dissolution of the Council such leave may be given by the President or, if the President is unable to act, by the Member presiding.

91. Suspension of Rules

A motion which has the object or effect of suspending a Rule shall not be moved except after notice or with the consent of the President.

92. Procedure if Rules of Procedure do not Provide

In any matter not provided for in these Rules of Procedure, the practice and procedure to be followed in the Council shall be such as may be decided by the President who may, if he thinks fit, be guided by the practice and procedure of other legislatures.

93. Interpretation

In these Rules of Procedure, unless the context otherwise requires—

- (a) "Basic Law" means the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China;
- (b) the expression "clear days" excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays;
- (c) "designated public officer" means a public officer designated by the Government of the Hong Kong Special Administrative Region under Article 62(6) of the Basic Law;
- (d) "Clerk to the Legislative Council" means the Secretary General of the Legislative Council Secretariat appointed under section 15(1) of the Legislative Council Commission Ordinance (Cap. 443) and includes the Deputy Secretary General and any Assistant Secretary General of the Legislative Council Secretariat ;
- (e) "committee" means a standing or select committee or any other committee of the Council, or a subcommittee of such committees; and
- (f) references to printing include references to all mechanical, electrical, electronic and photographic methods of reproducing words in visible form.

Schedule**Procedure for the
Election of the President of the Legislative Council**

The election of the President of the Council shall be conducted at a meeting of the Council.

Nominations

2. Not less than 7 clear days before the day of the election, the Clerk to the Council shall invite Members to make nominations for the office of President and distribute the nomination forms as provided in **Annex I**.

3. A nomination form for the office of President shall be signed by a Member making the nomination and by at least three other Members seconding the nomination. The Member being nominated shall sign on the form to indicate acceptance of the nomination. The completed nomination form shall reach the Clerk's office at least 4 clear days before the day of the election.

4. The name of a Member shall not appear on more than one nomination form, whether in the capacity as a Member being nominated, or as a Member making the nomination, or as a Member seconding the nomination. In the event that a Member's name appears on more than one nomination form (whether in the capacity as a Member being nominated or as a Member making the nomination, or as a Member seconding the nomination), only the first such nomination form received by the Clerk's office shall be valid and the Clerk shall immediately return any invalid form to the Member who made the nomination.

5. Upon the close of the nomination period, the Clerk shall prepare a list of all the nominations in the order of receipt by his office and shall distribute the list to all the Members of the Council at least 2 clear days before the day of the election.

Election of Presiding Member

6. At the meeting for the election of the President, the Council shall first proceed with the election of a Member to preside over the election of the President, and the process shall be presided over by the Clerk.

7. The Clerk calls for nominations for the presiding Member. A valid nomination shall be made orally by a Member, seconded by at least one other Member who should not be the Member being nominated, and accepted by the Member being nominated.

8. If there is only one nomination to be the presiding Member, the Clerk shall announce this and declare the Member elected as presiding Member.
9. If there are two or more nominations, the Clerk shall announce a vote by secret ballot and shall arrange for a ballot paper which shall be in accordance with the form in **Annex II** to be distributed to each of the Members present.
10. A Member present who wishes to vote shall put down in legible form the name of the nominee of his choice on the ballot paper, and place the ballot paper into the ballot box.
11. After all the Members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the Members present. Any Member may request to check the result for confirmation.
12. The Clerk shall then announce the result and declare elected as the presiding Member the nominee who receives the highest number of valid votes among all the nominees.
13. If two or more nominees receive the same highest number of valid votes, the Clerk shall announce that lots will be drawn by him to determine which nominee should be elected.
14. The Clerk shall then draw lots accordingly and shall forthwith declare the nominee whose name is drawn, elected as the presiding Member.

Election of President

15. The presiding Member shall then assume the chair and the election of the President commences. The presiding Member shall announce all the valid nominations that the Clerk's office has received.
16. If there is only one valid nomination for the office of President, the presiding Member shall announce this and declare the candidate elected.
17. If there are two or more valid nominations, the presiding Member shall order a vote by secret ballot and shall direct the Clerk to distribute to each of the Members present a ballot paper which shall be in accordance with the form in **Annex III**. The names of all the candidates shall be listed in the ballot paper according to the order of receipt of their nominations by the Clerk's office.
18. A Member present who wishes to vote shall mark a "√" only in the box opposite the name of the candidate of his choice on the ballot paper, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with more than a "√" shall be discarded.

19. After all the Members present who wish to vote have cast their votes, the Clerk shall count the ballot papers in front of all the Members present and report the result to the presiding Member who shall check the result for confirmation.

20. The presiding Member shall declare elected as the President the candidate who receives the highest number of votes among all the candidates.

21. If two or more candidates receive the same highest number of votes, the presiding Member shall order a second round of voting at the same meeting in respect of these candidates, to be conducted in the same manner as provided in paragraphs 17 to 20 above.

22. If no one candidate obtains more votes than any other candidate in the second round of voting, the presiding Member shall announce that lots will be drawn by him to decide which of the candidates should be the President.

23. The presiding Member shall then draw lots and, in accordance with the result of the drawing of the lots, forthwith declare that candidate elected as the President.

24. The presiding Member shall then step down to make way for the President, who may address the Council and shall then proceed with the business of the meeting or adjourn the Council or suspend the meeting, as the case may be.

Annex I

To : Clerk to the Legislative Council

Election of the President of the Legislative Council

Nomination Form

1. In accordance with the election procedure prescribed under the Schedule to the Rules of Procedure, I nominate the Honourable _____
_____ for the office of President of the Legislative Council commencing
_____ (date).

	<u>Name</u>	<u>Signature</u>
Member making the nomination	_____	_____
Members seconding the nomination (at least three)	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

Date : _____

2. I accept the nomination.

	<u>Name</u>	<u>Signature</u>
Member being nominated	_____	_____
Date: _____		

Annex II

立法會

Legislative Council

選舉主持立法會主席選舉的議員
Election of Member to preside at the election of
President of the Legislative Council

選票
BALLOT PAPER

請在下方空位清楚寫上你屬意的候選人姓名
Please put down in legible form the name of the
nominee of your choice in the space below.

Annex III**Election of the President of the Legislative Council****Ballot Paper**

Date of election: _____

VOTE FOR ONE CANDIDATE ONLYMARK “✓” 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.

L.N. 265 of 1998

**BASIC LAW OF THE HONG KONG SPECIAL
ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA**

RESOLUTION OF THE LEGISLATIVE COUNCIL

**RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 2 July 1998.

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

Ricky FUNG Choi-cheung
Clerk to the Legislative Council

2 July 1998

(3) Except as otherwise provided in Rule 66 (Bills Returned for Reconsideration), it shall be out of order to attempt to reconsider a specific question on which the Council has taken a decision during the session, except in debate on a motion to rescind that decision moved with the permission of the President.

(4) It shall be out of order to use offensive and insulting language about Members of the Council.

(5) A Member shall not impute improper motives to another Member.

(6) The name of the Chief Executive shall not be used to influence the Council.

(7) The conduct of the Chief Executive or Members of the Executive Council or Members of the Legislative Council otherwise than in the performance of their official duties shall not be raised.

(8) The conduct of Judges or other persons performing judicial functions shall not be raised.

42. Behaviour of Members during Meeting

During a meeting of the Council—

- (a) all Members shall enter or leave the Council properly attired and with decorum;
- (b) no Member shall cross the floor of the Council unnecessarily;
- (c) Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business of the Council; and
- (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.

立法會

Legislative Council

LC Paper No. CB(2) 2651/02-03

Ref: CB2/H/1

Paper for House Committee Meeting on 27 June 2003

Rules on Order in Council and Committees

Purpose of paper

Hon Michael MAK wrote to the Chairman of the House Committee on 18 June 2003 complaining about the abuse of power by Hon LAU Kong-wah, Chairman of the Panel on Security, at the joint meeting of the Panel on Administration of Justice and Legal Services and Panel on Security on 17 June 2003.

2. As Mr MAK's letter raises the issue of order of Members at meetings of the Council and committees, this paper details the relevant rules for Members' reference.

Joint meeting of Panel on Administration of Justice and Legal Services and Panel on Security on 17 June 2003

3. The joint meeting of the Panel on Administration of Justice and Legal Services and Panel on Security referred to in Mr MAK's letter was held to discuss the categorization of views of organizations and individuals on specific proposals to implement Article 23 of the Basic Law. Hon LAU Kong-wah was elected to chair the meeting. Representatives of the Administration, including the Secretary for Security, also attended the meeting.

4. The verbatim record of the relevant part of the joint meeting is in Appendix I.

Relevant rules

Order of Members at Panel meetings

5. Rule 41(4) and (5) of the Rules of Procedure provides that -

"41. Contents of Speeches

- (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. Members are invited to note that -

- (a) under Rule 43 of the Rules of Procedure, Rules 36 to 42 in Part H of the Rules of Procedure "shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise"; and
- (b) Rule 10(2) of the Rules of Procedure provides that "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". In practice, this provision has been the basis for the application of the Rules of Procedure to public officers attending meetings of the Council and its committees.

7. Rule 77(15) of the Rules of Procedure provides that -

"77. Panels

- (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)."

8. It is noted, however, that since there are no specific rules on the issues before the joint Panel meeting at the material time, it should be for the chair to decide on the point of order raised, subject to any contrary views of the majority of the members of the two Panels.

Order of Members at meetings of the Council, standing committees and select committees

9. As regards the order of Members at meetings of the Council, standing committees and select committees, Rules 44 and 45 of the Rules of Procedure are relevant. They provide that -

"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."

10. Standing committees of the Council refer to -

- (a) the Finance Committee (Rule 71(1) of the Rules of Procedure);
- (b) the Public Accounts Committee (Rule 72(1) of the Rules of Procedure); and
- (c) the Committee on Members' Interests (Rule 73(1) of the Rules of Procedure).

Details of Rules 71(1), 72(1) and 73(1) of the Rules of Procedure are in Appendix II for Members' easy reference.

Consideration by Committee on Rules of Procedure to extend Rules 44 and 45 to other committees

11. Members may wish to note that the Committee on Rules of Procedure (CRoP) had previously, at its meeting on 27 April 1999, considered whether Rules 44 and 45 should be extended to other committees of the Council, such as the House Committee, Panels, Bills Committees and the subcommittees of these committees, as it might be necessary for the chairmen of these other committees to give effect to the rules of order of the Council and to maintain order at meetings of these committees.

12. Having regard to the practices in overseas legislatures and the fact that the existing arrangement had been working well, CRoP decided that it was not necessary to extend Rules 44 and 45 to other committees of the Council and their subcommittees.

13. CRoP's decision was detailed in paragraphs 4.2 to 4.5 of its progress report for the period from May 1999 to June 2000, which was tabled in Council on 21 June 2000. The relevant extract from the progress report is in Appendix III.

Members' advice

14. Members are invited to note this paper.

Legislative Council Secretariat

25 June 2003

M-let-revised-paper-a.doc

(逐字紀錄本由立法會秘書處擬備，只供議員參考用)
(The verbatim record is prepared by
the Legislative Council Secretariat for Members' reference only)

2003 年 6 月 17 日
司法及法律事務委員會和保安事務委員會聯席會議有關部分逐字紀錄本
Verbatim record of the relevant part of
the joint meeting of the Panel on Administration of
Justice and Legal Services and Panel on Security on 17 June 2003

劉江華議員： 麥國風議員。

麥國風議員： 今日就是 2003 年國王的新衣的最新版。局長做了兩個角色，做裁縫公司，又做騙子。偷天換日，完完全全將有些理據來蒙閉市民。數人頭又不夠人多，上街又不夠人多，我不知政府怎樣可以說相信市民大眾是支持立法，立法會裏面

陳鑑林議員： 主席，我想你應該要請局長先回應，因為他說局長是騙子。

保安局局長： 他這樣說，有冒犯性。他是不對的，主席。已經有議員「爆粗」，我已覺得很難聽，現在又要聽這樣的說話。

麥國風議員： 不是，是寓言，寓言而已。

劉江華議員： 你舉了手，我以為你是想回應。

保安局局長： 我想問主席你的裁決，有人說局長是騙子，算不算冒犯性。

麥國風議員： 只是寓言，我說是寓言，一個寓言。

劉江華議員： 好了，麥國風議員你讓我講，好嗎？

我相信大多數或全部議員都不希望在議會裏有任何冒犯性的字眼，這是議會裏不容許的。如果是形容任何人，不只是局長，任何人出席會議用騙子這兩個字，都是不適當的。麥國風議員請你收回這兩個字。

麥國風議員： 我所說的是個寓言

劉江華議員： 麥國風議員請你收回這兩個字。

麥國風議員： 如果不收回又怎樣？

劉江華議員： 那麼你不可以出席這個會議，對不起。

(麥國風議員離席)

Extract from the Rules of Procedure

X X X X X X X X

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.

X X X X X X X X

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.

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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).

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**Extract from the Progress Report of the Committee on Rules
of Procedure for the period from May 1999 to June 2000**

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Extension of rules of order to committees

4.2 The Committee notes that rules relating to the observance of rules of order and the maintenance of order during Council and committee proceedings are provided in Part I (Rules of Order) of the Rules of Procedure, i.e., Rules 44 (Decision of Chair Final) and 45 (Order in Council and Committee). These rules provide for the President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee to:

- (a) be responsible for the observance of the rules of order, and his decision on a point of order shall be final (Rule 44);
- (b) 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, direct him to discontinue his speech (Rule 45(1)); and
- (c) order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting (Rule 45(2)).

4.3 The above rules are applicable to meetings of the Council, committee of the whole Council, standing committees and select committees, but not to other committees of the Council, such as the House Committee, the Committee on Rules of Procedure, bills committees, panels, and subcommittees of these committees. As it may be necessary for the chairmen of these other committees and subcommittees to give effect to the rules of order of the Council and to maintain order at meetings of these committees, the Committee studied whether the current Rules of Order should be extended to these committees and subcommittees.

4.4 The Committee notes that in legislatures in UK, Australia, Canada and the United States of America, the chairman of a committee normally has the power to maintain order and decorum, but his decision is subject to appeal to the committee or the House. The decision for the withdrawal of a Member, however, rests invariably with the House.

4.5 Having regard to the practices in overseas legislatures and the fact that the existing arrangement has been working well, the Committee does not see the need to extend the Rules of Order to other committees of the Council and their subcommittees.

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**Extract of the minutes of the House Committee meeting
on 27 June 2003**

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VIII. Letter dated 18 June 2003 from Hon Michael MAK to the Chairman of the House Committee complaining about the abuse of power by Hon LAU Kong-wah, Chairman of the Panel on Security, at the joint meeting of the Panel on Administration of Justice and Legal Services and Panel on Security held on 17 June 2003

(Hon Michael MAK's letter dated 18 June 2003 to the Chairman of the House Committee (Chinese version only) issued vide LC Paper No. CB(2) 2572/02-03 dated 19 June 2003 also attached) (LC Paper No. CB(2) 2651/02-03)

103. Referring to his letter dated 18 June 2003 to the Chairman of the House Committee, Mr Michael MAK said that he was aggrieved by the decision of Mr LAU Kong-wah, Chairman of the joint meeting of the AJLS Panel and the Panel on Security on 17 June 2003, who asked him to withdraw from the meeting. Mr MAK considered that he had been treated rudely by Mr LAU, and hoped that other Members would do justice to him regarding Mr LAU's handling of the incident.

104. Mr MAK pointed out that according to the paper prepared by the LegCo Secretariat, there were no specific rules in the Rules of Procedure on the issues before the joint Panel meeting at the material time. Mr MAK said that he would like to listen to the views of other Members on whether Mr LAU Kong-wah, who chaired the joint Panel meeting, had the power to order him to withdraw from the meeting, and if so, what the basis of such power was. Mr MAK further said that it was necessary to clarify the powers and discretion which could be exercised by a Panel chairman, given that more and more controversial issues were discussed at Panel meetings.

105. Mr LAU Kong-wah said that while Members' views on an issue might differ, it had been the convention in LegCo that Members would not use offensive and insulting language about other Members and public officers when expressing their views. Mr LAU informed Members that at the joint Panel meeting on 17 June 2003, when Mr MAK called the Secretary for Security (S for S) a "crook", a point of order was raised by S for S on whether Mr MAK had used offensive language about her. As he considered calling a person a "crook" a very serious accusation, he had tried to persuade Mr MAK to withdraw his remarks. Mr MAK then asked what the consequence would be if he did not withdraw his remarks. Mr LAU said that he responded that Mr MAK could not attend the meeting, and Mr MAK

left the meeting immediately. Mr LAU pointed out that the events happened in a natural sequence, and other members present at the meeting had not raised any dissenting views.

106. Mr LAU Kong-wah said that the chairman of a committee meeting had the duty to maintain order of the meeting, to rule on points of order, and to uphold the dignity of the Council. Mr LAU considered that the chairman performed a role similar to that of a referee of a football match, and he should have the power to use a "yellow card" or a "red card" where necessary to maintain order. Mr LAU added that he had not abused his power, and he had not treated Mr MAK rudely. He would be happy to listen to the views of other Members.

107. The Chairman said that the House Committee should not take on the role of an arbitrator over the incident. Members should focus their discussion on what course of action should be taken by a Panel chairman when a point of order regarding the use of insulting or offensive language was raised at a meeting.

108. The Chairman invited the Legal Adviser to explain the relevant rules to Members. The Legal Adviser said that to facilitate discussion, the LegCo Secretariat had prepared a paper detailing the relevant rules in the Rules of Procedure on order in Council and committees. The Legal Adviser further said that Rule 41 of the Rules of Procedure provided that "it shall be out of order to use offensive and insulting language about Members of the Council". It was his understanding that it was the convention of committees to accord courtesy to all persons who attended their meetings. Should a chairman have ruled that certain remarks made about a member were insulting or offensive, it was an accepted practice that the chairman would invite the member in question to withdraw those remarks. However, in the context of the Rules of Procedure, he confirmed that there were no express rules on the procedure that should follow in a situation where a Member refused to withdraw insulting or offensive remarks upon the invitation of a chairman to do so. The Legal Adviser pointed out that Rule 45 of the Rules of Procedure, which provided that "the chairman of any standing or select committee shall order a Member whose conduct was grossly disorderly to withdraw immediately from the committee for the remainder of the meeting", did not apply to Panels as they were not standing committees.

109. The Legal Adviser explained that while there were no specific rules dealing with order at a Panel meeting in this respect, the spirit of the Rules of Procedure was to allow Panels and other committees flexibility to ensure the orderly conduct of their business. In this connection, Rule 77 of the Rules of Procedure provided that "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)". The Legal Adviser said that it was not always practicable for a Panel to take decisions on all matters by voting at

its meetings. In such circumstances, it would be for the chairman to take the decision which would be subject to any dissenting views raised by members of the Panel if the issue concerned was not covered by the Rules of Procedure.

110. Mr TAM Yiu-chung said that he was not present at the joint Panel meeting on 17 June 2003. However, according to the verbatim record of the meeting, he did not find that Mr Michael MAK had been treated rudely. Mr TAM further said that it seemed that other members present at the meeting generally felt that the use of the term "crook" about S for S was inappropriate. As S for S had raised a point of order at the meeting, the chairman had to rule whether Mr MAK had used offensive or insulting language about her. Mr TAM added that if he were Mr LAU, he would have made a similar decision.

111. Mr TAM pointed out that Mr LAU had only advised Mr MAK to withdraw his remarks, and then suggested that he could not attend the meeting if he refused to do so. Mr LAU had not abused his power as Mr MAK himself had not disputed Mr LAU's suggestion, and other members also had not raised dissenting views on Mr LAU's suggestion.

112. Mr TAM further said that the House Committee should not take on an "arbitrating" role over the matter. He had expressed concern at the last meeting that the House Committee should not become an "appeals committee" for Panels and other committees. He considered it difficult for those Members who had not attended the joint meeting to comment on the incident. Mr TAM pointed out that the Rules of Procedures stipulated that the practice and procedure of a Panel should be determined by that Panel. Mr TAM added that if Members considered that there should be specific provisions in the Rules of Procedure to deal with conduct of members at Panel meetings, the Committee on Rules of Procedure (CRoP) should be invited to study the matter.

113. Miss CHOY So-yuk said that Mr LAU Kong-wah, as the chairman of the meeting, had the power to decide on a point of order at that meeting. Miss CHOY pointed out that Mr LAU had not actually ordered Mr MAK to withdraw from the meeting, and that Mr MAK had left the meeting on his own accord. Miss CHOY further said that the chairman of a meeting had to maintain order and to ensure the smooth conduct of business at the meeting. She considered that Members should not use offensive and insulting language at meetings of the Council and committees. However, as there were no rules on how to deal with a situation where a Member who had used offensive and insulting language at a meeting and had refused to withdraw his remarks or withdraw from the meeting, the matter required further study.

114. Mr David CHU said that meetings of LegCo committees were held in public. There was a practical need for a Panel chairman to have the power to order a Member, who had used offensive and insulting language at a

meeting, to withdraw from the meeting if he refused to withdraw his remarks, in order to uphold the image of LegCo.

115. Mr SIN Chung-kai said that in the light of the Legal Adviser's advice, it appeared that the Rules of Procedure did not provide Mr LAU Kong-wah with adequate power to ask Mr Michael MAK to withdraw from the meeting on 17 June 2003. Mr SIN further said that while he agreed that Members should respect other Members and participants of a meeting, it was necessary to examine whether a Panel chairman should have the power to order a Member or deputation to withdraw from a Panel meeting for using offensive or insulting language.

116. Mr LEE Cheuk-yan said that the image of LegCo would be adversely affected only if Members failed to scrutinize bills carefully and thoroughly. Mr LEE further said that Members should have the right to choose the language they wanted to use, and it would be for their constituents to judge whether or not the language used was appropriate. Mr LEE added that it was necessary to define "offensive and insulting language" in Rule 41 of the Rules of Procedure. He opined that if describing a person as "crook" was a fair comment, the expression should not be regarded as offensive or insulting.

117. Mr LEE pointed out that there were no specific rules on how a Panel chairman should act in the situation faced by the joint meeting on 17 June 2003. Mr LEE further pointed out that the members present at the joint meeting had not been asked to consider whether the chairman should use the "red card". As such, he considered that Mr LAU did not have the power to ask Mr MAK to withdraw from the meeting. Mr LEE added that Mr MAK was rightly aggrieved because Mr LAU Kong-wah had abused his power.

118. Mr LEE said that he personally considered that under no circumstances should the chairman of a meeting order a Member to withdraw from a meeting, as such power could easily be abused to stifle discussion at committee meetings.

119. Mr TSANG Yok-sing sought clarification from the Legal Adviser on the power and responsibility of the chairman in the situation where a Member or public officer raised a point of order at a Panel meeting that offensive or insulting language about him had been used.

120. The Legal Adviser said that it would be for the Panel chairman to determine whether offensive or insulting language had been used about a Member or public officer, if such a point of order was raised at a Panel meeting. The Legal Adviser explained that there were no specific rules in the Rules of Procedure stipulating the course of action that the chairman should take. However, it was the practice for the chairman to ask the Member to withdraw his remarks which had been ruled to be offensive or insulting.

121. The Legal Adviser further said that a Panel chairman had the responsibility to ensure that business on the agenda of a meeting was being dealt with in an orderly and efficient manner. If discussion of the meeting was interrupted, the Panel chairman had the responsibility to deal with the situation. If there were no specific rules on the course of action to take, the chairman should normally seek the consent of the members present at the meeting before taking action. Where it was necessary for the chairman to take immediate action, the chairman could seek the endorsement of the meeting as soon as practicable after taking action.

122. Mr TSANG Yok-sing asked whether a Panel chairman had the responsibility to ensure that order was observed by members at a meeting. Mr TSANG added that it seemed that a Panel chairman only had responsibility, and no power.

123. The Legal Adviser responded that while there were no specific rules on the responsibility of a Panel chairman, Rules 43 of the Rules of Procedure stipulated that Rules 36 to 42 in Part H "shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise". The Legal Adviser advised that in 1999, CRoP had considered whether Rules 44 and 45 concerning order of Members at meetings of the Council, standing committees and select committees should be extended to other committees of the Council, such as the House Committee, Panels, Bills Committees and the subcommittees of these committees. CRoP had decided at that time that it was not necessary to extend Rules 44 and 45 to other committees.

124. The Chairman said that it was the responsibility of a Panel chairman to maintain order at meetings. Although there were no specific rules in the Rules of Procedure about the power of Panel chairmen, it did not mean that a Panel chairman could not take certain actions, if such actions were agreed to by the Panel.

125. Mr CHAN Kam-lam said that there was no question of Mr LAU abusing his power or being rude or unfair to Mr MAK. Mr CHAN pointed out that other members present at the meeting also considered the use of the expression "crook" to describe S for S inappropriate.

126. Mr CHAN further said that Members should be careful in their choice of words when speaking at Council and committee meetings. Mr CHAN added that CRoP should be invited to consider whether specific rules on order at Panel meetings should be laid down in the Rules of Procedure.

127. Mr Andrew WONG said that it was inappropriate to use expressions such as "crook" or "liar" or "idiot" about Members or public officers at Council or committee meetings. Mr WONG further said that when he was the LegCo President in 1996, he had made a very bold interpretation of the Standing Orders of the previous Legislative Council which were

substantially the same as Rules 41 and 45 of the Rules of Procedures when he ordered a Member to withdraw immediately from a Council meeting for the remainder of that meeting, on the ground that the Member's refusal to withdraw his offensive and insulting remarks despite being repeatedly asked to do so by the President amounted to grossly disorderly conduct.

128. Mr WONG said that it was a very serious matter for the chairman of a committee to order a Member to withdraw from a meeting. He pointed out that the Speaker of the House of Commons of the British Parliament did not have such power. Mr WONG further said that Panels and other committees should be allowed flexibility in its operation; hence there should not be too many rules. Mr WONG was of the view that if it was considered necessary to include in the Rules of Procedure provisions relating to the ordering of a Member to withdraw from a Panel meeting, such power should be exercised only on a motion passed by the Panel, and not by the chairman acting alone. Mr WONG added that if a glossary on offensive or insulting language was to be compiled, CROp should invite the President to give her view.

129. Mr CHEUNG Man-kwong said that he was present at the joint Panel meeting, and was amongst those members who considered that Mr MAK's expression "crook" about S for S was inappropriate and that Mr MAK should withdraw his remarks. Mr CHEUNG further said that Mr LAU had not been rude to Mr MAK. He pointed out that the ruling made by Mr LAU Kong wah comprised two parts, i.e. Mr MAK was asked to withdraw his remarks, and to withdraw from the meeting if he refused to withdraw the remarks. Mr CHEUNG added that at that time, he was not aware that the rules on order of Council meetings were not applicable to Panels, and therefore did not find any problems with Mr LAU's ruling. However, with the benefit of hindsight, it now appeared that Mr LAU might not have the power to ask Mr MAK to withdraw from the meeting, even though other members had not expressed any dissenting views on Mr LAU's ruling at that time.

130. Mr CHEUNG said that while Members should be allowed to speak freely at committee meetings, Members should avoid using offensive or insulting language. He agreed that Members might need to consider how to deal with similar situations in the future.

131. Mr YEUNG Yiu-chung said that it was inappropriate for Mr MAK to call S for S a "crook" at the joint Panel meeting. Although there were no specific rules on order of Panel meetings, he believed that it was the spirit of the Rules of Procedure that a Panel chairman should have the power to ask a Member to withdraw from a meeting to ensure the smooth conduct of business of that meeting. Mr YEUNG further said that he disagreed with Mr LEE Cheuk-yan's earlier remarks that it would be a matter for the constituents to determine whether a Member had use offensive language about another Member or a public officer. Mr YEUNG pointed out that if a point of order was raised at a meeting, the chairman would have to rule on the matter immediately, although it was often a difficult decision to make.

132. Mr James TIEN said that he was not a member of the two Panels and was not present at the joint meeting on 17 June 2003. He was surprised to learn that Panel chairmen did not have the power to ask a Member to withdraw from a meeting to enforce his decision on a point of order. Mr TIEN further said that Panel chairmen should have certain powers to ensure the smooth conduct of meetings. He did not think that Panel chairmen would abuse their powers as they were elected by members of the Panel. Mr TIEN said that Members belonging to the Liberal Party considered that the matter should be further studied by CROP. He was inclined to support extending Rules 44 and 45 to all LegCo committees.

133. Mr IP Kwok-him said that more and more issues concerning order of committee meetings had been raised recently. Mr IP further said that there were no specific provisions in the Rules of Procedures that the chairman of a Panel could not ask a Member to leave a meeting on the ground that the Member had refused to withdraw his offensive or insulting remarks. Mr IP pointed out that Rule 77(15) provided Panels with autonomy and flexibility, and it was the existing practice for a Panel chairman to decide on a point of order, subject to any dissenting views of the majority of the members of the Panel. Mr IP expressed agreement that CROP should be invited to consider whether rules concerning order at Panel meetings should be expressly provided in the Rules of Procedure.

134. Mr LEUNG Fu-wah remarked that some Members might enjoy being asked to withdraw from a meeting because of the ensuing media coverage, and some Members deliberately walked out of a meeting because they wanted to leave the meeting anyway. Mr LEUNG further said that Mr Michael MAK could choose not to withdraw from the meeting if he believed that he had the right to stay. Mr LEUNG considered that since Mr MAK had not disputed Mr LAU's decision at that time, Mr MAK had no cause to complain afterwards.

135. Mr SZETO Wah disagreed with Mr IP Kwok-him that a Panel chairman had the power to order a Member to withdraw from a meeting on the ground that there were no specific rules in the Rules of Procedure prohibiting such a course of action. Mr SZETO pointed out that only the chairmen of select committees and standing committees, and not Panels, were given such power under the Rules of Procedure. Mr SZETO further said that only Mr MAK had the right to say how he felt, and it was Mr MAK's feeling that he had been treated rudely by Mr LAU. Referring to the ruling made by Mr Andrew WONG in 1996, Mr SZETO said that personally, he did not agree that the Member concerned had used offensive or insulting language in that incident.

136. Ms LI Fung-ying said that according to paragraphs 7 and 8 of the Secretariat's paper, a Panel chairman had the responsibility and power to decide on points of order raised in relation to Rule 41(4) and (5) of the Rules of Procedure, but the Rule was not clear about the extent of the power of the

chairman to enforce the Rule. Ms LI pointed out that some members of the Panel on Public Service had, at a recent meeting, expressed dissatisfaction with a decision of the Panel Chairman concerning the types of issues that could be discussed under the item of "Any Other Business". Ms LI considered that there should be specific rules to facilitate Panel chairmen to conduct meetings in a smooth and efficient manner. She agreed that the matter should be referred to CRoP for discussion.

137. Ms Audrey EU asked the Legal Adviser to clarify whether grossly disorderly conduct referred to in Rule 45(2) of the Rules of Procedure included using offensive or insulting language and imputing improper motives which were covered respectively in subrules (4) and (5) to Rule 41. Ms EU also asked whether the two subrules were applicable to public officers attending a meeting of a LegCo committee.

138. The Legal Adviser explained that there was no definition in the Rules of Procedure of what constituted grossly disorderly conduct. A contravention of Rule 41(4) or (5) would not necessarily by itself constitute grossly disorderly conduct within the meaning of Rule 45(2). Referring to Mr Andrew WONG's explanation of the ruling he made in 1996 when he was the LegCo President, the Legal Adviser said that Mr WONG ruled, at that time, that the behaviour of the Member concerned amounted to grossly disorderly conduct because the Member refused to withdraw his remarks which had been ruled to be offensive and insulting, despite being repeatedly asked by the President to do so.

139. The Legal Adviser further said that as explained in paragraph 6(a) of the paper, Rule 10(2) had been the basis for application of the Rules of Procedure to public officers attending meetings of the Council and its committees.

140. Miss CHOY So-yuk said that Mr CHEUNG Man-kwong's remarks were very fair. She, however, disagreed with Mr LEE Cheuk-yan that a Member could use offensive or insulting language if he believed that he was making a fair comment. Miss CHOY further said that some Members might have the habit of using offensive or insulting language about other people. She considered that these Members should not be lenient to themselves, and strict on others.

141. Mr LEE Chuek-yan reiterated that to call a person a "crook" would not be offensive or insulting, if it was a fair comment. He clarified that he was not suggesting that there should be no rules on the use of offensive or insulting language which had already been provided for in the Rules of Procedure.

142. In concluding the discussion, the Chairman said that the chairman of a meeting had the responsibility to ensure the smooth conduct of the meeting, and the question was whether a Panel chairman had the power to order a Member to withdraw from a meeting. The Chairman pointed out that a chairman's decision to order a Member to withdraw from a meeting carried very serious consequence. However, what happened at the joint meeting was that Mr MAK had not challenged Mr LAU's advice to ask him to withdraw from the meeting, and members present at the meeting also had not raised objection.

143. The Chairman stressed that the House Committee should not take on an "arbitrating" role in the affairs of Panels or other committees. The discussion by the House Committee aimed to enable Members to exchange views on how similar situations in the future should be dealt with. The Chairman said that although CRoP decided that it was not necessary to extend Rules 44 and 45 to other committees in 1999, these rules would have to be reviewed in the light of experience, and Mr MAK's case provided a useful example for CRoP to take into account when reviewing the rules. The Chairman quoted another example in which she had raised a point of order at a Council meeting that Ms Emily LAU had used offensive and insulting language about other Members. Although the President had ordered Ms LAU to withdraw her remarks, Ms LAU had refused to do so. On that occasion, the President had not ordered Ms LAU to withdraw from the meeting but informed the Council that she had formally reprimanded Ms LAU for her impropriety.

144. The Chairman suggested that CRoP should be invited to study whether it was necessary to provide express authority for a Panel chairman to deal with a Member using offensive or insulting language at a Panel meeting, and whether Rules 44 and 45 of the Rules of Procedure concerning order at meetings of the Council, standing committees and select committees should be extended to Panels. Members agreed.

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Legislative Council

LC Paper No. CROP 31/03-04

Ref: CB(3)/CROP/3/21

Paper for the House Committee meeting on 23 April 2004

Committee on Rules of Procedure

Extension of Rules of Order to Committees

Purpose

This paper informs the House Committee (HC) of the view of the Committee on Rules of Procedure (CROP) as regards whether Part I (Rules of Order) of the Rules of Procedure (RoP) should be extended to apply to all committees of the Council.

Background

2. At its meeting on 27 June 2003, HC considered a Member's complaint about the handling by the chairman of the Panel on Security of a point of order raised at the joint meeting of the Panel on Administration of Justice and Legal Services and Panel on Security held on 17 June 2003. At that joint Panel meeting, the Secretary for Security raised a point of order as to whether that Member had used offensive language about her by calling her a "crook".

3. HC decided to invite CROP to study whether it is necessary to provide express authority for a panel chairman to deal with the situation where a Member is alleged to have used offensive or insulting language at a panel meeting, and whether Part I of RoP concerning order at Council meetings, standing committees and select committees should be extended to panels.

Relevant rules

4. Rules 41(4) and (5) in Part H (Rules of Speaking) of RoP provide that:

“41. Contents of Speeches

(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.”

5. Rule 43 provides that Rules 36 to 42 “shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise”. By virtue of Rule 10(2), these rules apply to public officers attending meetings of the Council and its committees as they apply to Members.

6. Rules relating to the observance of rules of order and the maintenance of order during proceedings of the Council, a committee of the whole Council, standing or select committees are in Part I (Rules of Order) of RoP, i.e. Rules 44 (Decision of Chair Final) and 45 (Order in Council and Committee). These rules provide for the President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee to:

- (a) be responsible for the observance of the rules of order, and his decision on a point of order shall be final (Rule 44);
- (b) 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, direct him to discontinue his speech (Rule 45(1)); and
- (c) order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting (Rule 45(2)).

7. Rules 44 and 45 do not cover other committees of the Council, such as HC, CRoP, bills committees, panels, and subcommittees of these committees. RoP provide that the practice and procedure of these committees are to be determined by the respective committees.

Previous consideration by CRoP to extend Rules 44 and 45 to other committees

8. In April 1999, CRoP considered whether Rules 44 and 45 should be extended to apply to other committees of the Council, such as HC, CRoP, bills committees, panels, and subcommittees of these committees, as it might be necessary for the chairmen of these other committees to give effect to the rules of order of the Council and to maintain order at meetings of these committees.

9. At that time, CRoP noted that in the legislatures in the United Kingdom, Australia, Canada and the United States of America, the chairman of a committee normally had the power to maintain order and decorum, but his decision was subject to appeal to the relevant committee or the House. The decision for the withdrawal of a Member, however, rested invariably with the House.

10. Having regard to the practices in overseas legislatures and as it appeared to CROP that the then arrangements for meetings of committees had been working well, CRoP decided that it was not necessary to extend Rules 44 and 45 to cover other committees of the Council and their subcommittees.

CRoP's current view

11. As invited by HC, CRoP revisited the issue in March 2004. After discussion, CRoP takes the view that unlike proceedings of the Council, a committee of the whole Council, standing or select committees to which Rules 44 and 45 apply, meetings of the other committees of the Council are working meetings in nature. The existing power given to chairmen of these committees is adequate for them to deal with disputes at meetings. For instance, to deal with the situation in which the use of offensive or insulting language is alleged, the committee chairman concerned may suspend the meeting to let the controversy die down, or the chairman may remind the Member that his/her remarks are inappropriate. It is therefore not necessary to extend these Rules to cover other committees of the Council and their subcommittees.

12. CRoP notes that, to assist committee chairmen in presiding at meetings, the Secretariat will be preparing a Chair's Guide which will include, inter alia, guidelines for them in dealing with controversies about Members' speeches or conduct during meetings.

Advice sought

13. Members are invited to take note of CRoP's view that it is not necessary to extend Part I (Rules of Order) of RoP to apply to all committees of the Council.

Legislative Council Secretariat
20 April 2004

Extract of the minutes of the House Committee meeting on 23 April 2004

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VIII. Papers of the Committee on Rules of Procedure (CRoP)

(b) Extension of Rules of Order to Committees
(LC Paper No. CROP31/03-04)

32. Mr Jasper TSANG, Chairman of CRoP, said that as requested by the House Committee, CRoP had studied whether it was necessary to provide express authority for a panel chairman to deal with the situation where a Member was alleged to have used offensive or insulting language at a panel meeting, and whether Part I of the Rules of Procedure (RoP) concerning order at Council meetings, standing committees and select committees should be extended to other committees.

33. Mr TSANG informed Members that after consideration, CRoP took the view that meetings of the other committees of the Council were working meetings in nature. The existing power given to chairmen of these committees was adequate for them to deal with disputes at meetings. It was therefore not necessary to extend Rules 44 and 45 of RoP to cover other committees of the Council and their subcommittees.

34. Mr TSANG said that the LegCo Secretariat would be preparing a Chair's Guide to assist committee chairmen in presiding at meetings, including dealing with controversies about Members' speeches or conduct during meetings.

35. Members noted CRoP's view in paragraph 11 of the paper.

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**Extract of the Committee on Rules of Procedure of
the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period July 2003 to June 2004**

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3. Review of the procedures and working mechanism of committees of the Council

Extension of Rules of Order to committees

3.15 CROp has studied whether it is necessary to provide express authority for a Panel chairman to deal with the situation where a Member is alleged to have used offensive or insulting language at a Panel meeting, and whether Part I of RoP concerning order at Council meetings, standing committees and select committees should be extended to Panels.

Previous consideration by CROp to extend Rules 44 and 45 of RoP to other committees

3.16 In April 1999, CROp considered whether Rules 44 (Decision of Chair Final) and 45 (Order in Council and Committee) should be extended to apply to other committees of the Council, such as HC, CROp, BCs, Panels, and subcommittees of these committees, as it might be necessary for the chairmen of these other committees to give effect to the rules of order of the Council and to maintain order at meetings of these committees.

3.17 At that time, CROp noted that in the legislatures in UK, Australia, Canada and the United States of America, the chairman of a committee normally had the power to maintain order and decorum, but his decision was subject to appeal to the relevant committee or the House. The decision for the withdrawal of a Member, however, rested invariably with the House.

3.18 Having regard to the practices in overseas legislatures and as it appeared to CROp that the then arrangements for meetings of committees had been working well, CROp decided that it was not necessary to extend Rules 44 and 45 to cover other committees of the Council and their subcommittees.

CROp's current view

3.19 As invited by HC, CROp revisited the issue in March 2004. CROp takes the view that unlike proceedings of the Council, a committee of the whole Council, standing or select committees to which Rules 44 and 45 apply, meetings of the other committees of the Council are working meetings in nature. The existing power given to chairmen of these committees is adequate for them to deal with disputes at meetings.

For instance, to deal with the situation in which the use of offensive or insulting language is alleged, the committee chairman concerned may suspend the meeting to let the controversy die down, or the chairman may remind the Member that his/her remarks are inappropriate. It is therefore not necessary to extend these Rules to cover other committees of the Council and their subcommittees.

3.20 CRoP also notes that, to assist committee chairmen in presiding at meetings, the Secretariat will be preparing a Chair's Guide which will include, inter alia, guidelines for them in dealing with controversies arising from Members' speeches or conduct during meetings.

3.21 CRoP's view that it is not necessary to extend Part I (Rules of Order) of RoP to apply to all committees of the Council was noted by HC at its meeting on 23 April 2004.

X	X	X	X	X	X

Appendix II

Committee on Rules of Procedure

List of issues studied during the 2003-2004 Legislative Council Session

(as at 30 June 2004)

X X X X X X

Item	Issue	Reference	Progress/Remarks
7	Extension of Rules of Order to committees	Part I (Rules of Order) of RoP	CRoP's view that it is not necessary to extend Part I (Rules of Order) of RoP to apply to all committees of the Council was noted by HC at its meeting on 23 April 2004.

X X X X X X

Legislative Council Secretariat
30 June 2004

**Extract of the Official Record of Proceedings
of the Legislative Council meeting on 7 July 2004**

X X X X X X

TABLING OF PAPERS

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period July 2003 to June 2004

X X X X X X

立法會 *Legislative Council*

LC Paper No. CROP 22/10-11

Ref: CB(3)/CROP/3/66

Paper for the House Committee meeting on 15 April 2011

Committee on Rules of Procedure

Proposed amendments to Rules 44 and 45 of the Rules of Procedure

Purpose

This paper seeks the views of the House Committee (“HC”) on the proposed amendments to Rules 44 and 45 of the Rules of Procedure (“RoP”) to extend the application of these two rules to all committees of the Council.

Background

2. Rules 44 and 45 refer to the finality of decisions made by the President or the chairman of any standing committee¹ or select committee on a point of order, and their power to order Members who persist in irrelevance or tedious repetition to stop speaking and to order immediate withdrawal of Members whose conduct is grossly disorderly. The texts of the two rules are in **Appendix I**.

3. Under the current RoP, the chairmen of other committees of the Council, e.g. Panels, bills committees and subcommittees, do not have the power conferred under Rules 44 and 45 of RoP to order a Member who acts in a disorderly manner to withdraw from the meeting. However, in dealing with a Member's conduct or a point of order at a committee, the chairman concerned may adopt one or more of the following approaches

¹ There are three standing committees. They are the Finance Committee, Committee on Members' Interests and Public Accounts Committee.

which have been included in the respective Handbook for Chairmen of Panels, Bills Committees and Subcommittees on Subsidiary Legislation/Other Instrument:

- (a) remind the Member that his conduct is inappropriate;
- (b) persuade the Member not to continue to behave in the manner which is the subject of the controversy;
- (c) suspend the meeting to let the controversy die down, if necessary; and/or
- (d) seek the view of the committee on how the controversy should be dealt with.

4. The issue of whether Rules 44 and 45 of RoP should be extended to cover other committees of the Council was explored by CROp in 1999 and 2004. Both of the reviews concluded that it was not necessary to extend the rules to other committees, as the power given to the chairmen of these committees was adequate for them to deal with disputes at meetings. Subsequently in 2009, in response to a suggestion to extend these rules to other committees, consultation with Members was conducted by CROp. The outcome of the consultation showed that Members had divergent views on the proposed extension of rules. CROp agreed that the matter should not be dealt with for the time being.

Recent developments

5. Following recent incidents involving some Members behaving in a disorderly manner at committee meetings and upon the President's request, members discussed the issue of order at committee meetings at the CROp meeting on 29 March 2011. The majority of CROp members considered that the present approach of handling disorderly conduct of Members at committees could no longer ensure the smooth operation of the committee, due to increasing frequency of disorderly conduct of Members at committee meetings.

6. Dr Hon Margaret NG, Deputy Chairman of CROp, was however of the view that to empower the chairmen of those committees not covered at present by Rules 44 and 45 of RoP to order withdrawal of a Member from a meeting on the ground of disorderly conduct might lead to more conflict or confrontation, which would not be conducive to the

smooth operation of these committees.

7. CROp considered that although the chairman concerned might suspend a meeting if a Member continued to act in a disorderly manner despite the chairman's warnings, such suspension was highly disruptive to the work of the committee. If, upon resumption of the meeting, the Member continued to act in a disorderly manner, the chairman might have no alternative but to suspend the meeting again to let the Member calm down. CROp agreed that Rules 44 and 45 of RoP should be extended to cover other committees of the Council.

Proposed amendments to Rules 44 and 45 of RoP

8. The proposed amendments to the Chinese and English text of Rules 44 and 45 of RoP are in **Appendix II**.

Advice sought

9. The views of HC members are sought on the proposed amendments in paragraph 8 above.

10. Subject to any views which HC members may have, Hon TAM Yiu-chung, Chairman of CROp, will move a motion at the Council meeting of 11 May 2011 to amend the Rules of Procedure as proposed.

Council Business Division 3
Legislative Council Secretariat
13 April 2011

立法會議事規則第 I 部
會議規程

Part I of the Rules of Procedure of the Legislative Council
Rules of Order

44. 主席決定為最終決定

立法會主席、全體委員會主席或任何常設或專責委員會主席分別就立法會及委員會會議遵照會議規程行事負責。主席在會議規程問題上所作決定為最終決定。

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. 立法會及委員會會議中的秩序

- (1) 立法會主席、全體委員會主席或任何常設或專責委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。
- (2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何常設或專責委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議；立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

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.

立法會議事規則第 I 部
會議規程
Part I of the Rules of Procedure of the Legislative Council
Rules of Order

44. 主席決定為最終決定

立法會主席、全體委員會主席或任何常設或專責委員會主席分別就立法會及委員會會議遵照會議規程行事負責。主席在會議規程問題上所作決定為最終決定。

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. 立法會及委員會會議中的秩序

- (1) 立法會主席、全體委員會主席或任何常設或專責委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。
- (2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何常設或專責委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議；立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

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.

Extract of the minutes of the House Committee meeting on 15 April 2011

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VIII. Paper of the Committee on Rules of Procedure ("CRoP")

Proposed amendments to Rules 44 and 45 of the Rules of Procedure
(LC Paper No. CROP22/10-11)

52. Mr TAM Yiu-chung, Chairman of CRoP, said that the paper invited Members' views on the proposed amendments to Rules 44 and 45 of the Rules of Procedure ("RoP") to extend the application of the two rules to all committees of the Council. He explained that under the current RoP, only the President or the chairman of any standing committee or select committee could exercise the power conferred under RoP 44 and 45. He referred Members to the paper for details of the proposed amendments, and added that subject to Members' views, he would move a motion in his capacity as Chairman of CRoP at the Council meeting of 11 May 2011 to amend RoP as proposed.

53. The Chairman invited Members' views on CRoP's proposal.

54. Mr LEE Cheuk-yan recalled that the discussion by CRoP had focused mainly on whether the application of RoP 45(2) regarding disorderly conduct should be extended to other committees. There had been little discussion on RoP 45(1) regarding the power of committee chairmen to order Members who persisted in irrelevance or tedious repetition to stop speaking. He pointed out that as it had been the practice of many committees to set a speaking time limit of five minutes for each member, he did not consider it necessary to extend the application of RoP 45(1) to other committees. He sought information on whether the proposed amendments to RoP 45(1) could be dealt with separately.

55. Dr Margaret NG said that during the discussion at the CRoP meeting, she had expressed objection to the proposed amendments for various reasons. She pointed out that in other common law jurisdictions such as the United Kingdom ("UK"), the powers of the Speaker of the Parliament to order immediate withdrawal of a Member and to name and suspend a Member were not extended to committee chairmen. She elaborated that in the UK Parliament, there were two types of committees, namely, committees (including committees of the whole House and standing committees) which proceeded by debate and broadly followed

the procedures of the House of Commons, and committees (such as select committees which were similar to LegCo Panels) which proceeded by the taking of evidence, deliberation and the making of reports to the House on their findings. Only chairmen of the former type of committees had the power to order immediate withdrawal of a Member. She objected to the proposed amendments which sought to remove the distinction between these two types of committees. She also considered it inappropriate to extend the power to order withdrawal of a Member to chairmen of other committees having regard to the principle that authority should not be exercised on equals. Apart from matters of principles, she also envisaged that there would be practical difficulties for Panel chairmen in exercising the power to order the withdrawal of a Member. In her view, the proposed amendments could not achieve the purpose of stopping disorderly conduct on the part of Members, but would only lead to more conflict and confrontation among Members. Having regard to the above considerations, she objected to the proposed amendments to RoP.

56. Mr LEUNG Kwok-hung pointed out that, unlike the President, Panel chairmen were not neutral. He was concerned that the powers under RoP 44 and 45 might be used by Panel chairmen to order the withdrawal of a Member who had expressed views with which they disagreed. He considered it inappropriate to extend the powers under RoP 44 and 45 to all committees of the Council.

57. Mr Albert HO said that the proposal sought to extend the application of RoP 44 and 45 to other committees of the Council such that they were conferred with the same powers as those of the Finance Committee and select committees. He opined that the proposed extension of RoP 45(2) to other committees was narrow in scope as it sought to empower chairmen of other committees to order withdrawal of a Member from a meeting only on the ground of disorderly conduct, and such power would only be exercised as a last resort. From an institutional point of view, he saw no reason to object to the proposed amendments to RoP 45(2), having regard to the important roles and functions performed by other committees, such as discussing and receiving public views on issues of wide public concern. He concurred with Mr LEE Cheuk-yan that there had been little discussion by CRoP on RoP 45(1), and considered it not necessary to extend the rule to other committees.

58. Mr Paul TSE sought clarification on whether procedure-wise the endorsement of the House Committee was required before the proposed amendments could be considered by the Council. Should this not be the case, he did not consider it necessary to discuss the merits of the proposed amendments at the House Committee meeting.

59. The Chairman said that the purpose of the CROp's paper was to seek Members' views on the proposed amendments to RoP 44 and 45.

60. Mr IP Kwok-him said that Members could express their views at the debate on the proposed amendments at the Council meeting.

61. Mr TAM Yiu-chung said that the issue of whether RoP 44 and 45 should be extended to other committees of the Council had been explored by CROp in 1999 and 2004. Following recent developments, CROp discussed the issue again at its meeting on 29 March 2011. In deciding to recommend the extension of RoP 44 and 45 to other committees, CROp had taken into account the diverse views expressed by members including those of Dr Margaret NG. He added that Members could express their views on the merits of the proposed amendments and vote on them at the Council meeting of 11 May 2011.

62. Concluding the discussions, the Chairman said that the views expressed by Members would be taken into account in the consideration of the moving of the motion to amend RoP as proposed.

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Extract of the minutes of the House Committee meeting on 6 May 2011

X X X X X X

IV. Business for the Council meeting of 11 May 2011

(e) Members' motions

(ii) Two proposed resolutions to be moved by Hon TAM Yiu-chung under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

(Wording of the proposed resolutions issued vide LC Paper No. CB(3)689/10-11 dated 26 April 2011.)

23. The Chairman said that at the last House Committee meeting, Members noted the proposal of the Committee on Rules of Procedure ("CRoP") to amend Rules 44 and 45 of the Rules of Procedure ("RoP") to extend the application of these two rules to all committees of the Council. Mr TAM Yiu-chung, Chairman of CRoP, would move two proposed resolutions at the Council meeting to amend RoP as proposed.

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立法會
Legislative Council

LC Paper No. CB(3) 689/10-11

Ref. : CB(3)/M/MR

Tel : 2869 9205

Date : 26 April 2011

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 May 2011

**Proposed resolutions under Article 75 of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China**

Hon TAM Yiu-chung has given notices of his intention to move, at the Council meeting of 11 May 2011, two proposed resolutions (**Appendices I and II**) under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China to amend the Rules of Procedure. The President has directed that they be printed in the terms in which they were handed in on the Agenda of the Council.

2. As directed by the President, there will be a **joint debate** on the two proposed resolutions. After Members have spoken on the two proposed resolutions, the President will first put to vote the resolution in **Appendix I**. After this resolution has been voted upon, the President will then put to vote the resolution in **Appendix II**, irrespective of whether the resolution in Appendix I is passed or not.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

**Basic Law of the Hong Kong Special Administrative Region of the
People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

Resolved that the Rules of Procedure of the Legislative Council of the Hong
Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 44 amended (Decision of Chair Final)

Rule 44 –

Repeal

“standing or select”.

2. Rule 45 amended (Order in Council and Committee)

Rule 45(2) –

(a) **Repeal**

“standing or select”;

(b) English text –

Repeal

“clerks of any committees”

Substitute

“clerk of any committee”.

**Basic Law of the Hong Kong Special Administrative Region of the
People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

Resolved that the Rules of Procedure of the Legislative Council of the Hong
Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

Amendment to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 45 amended (Order in Council and Committee)

Rule 45(1) –

Repeal

“standing or select”.

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 11 May 2011**

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**PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC LAW
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA**

MR TAM YIU-CHUNG (in Cantonese): Deputy President, in my capacity as Chairman of the Committee on Rules of Procedure (CRoP), I move that the first proposed resolution to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be passed.

Rule 44 specifies that the decision made by the President in Council or the chairman of any standing or select committee on a point of order shall be final. Rule 45 further specifies that the President or the chairman of any standing or select committee may direct a Member who persists in irrelevance or tedious repetition to discontinue his speech and order a Member whose conduct is grossly disorderly to immediate withdraw from the meeting.

The majority of CRoP members considered that, due to increasing frequency of disorderly conduct of Members at committee meetings, the present approach adopted by the chairmen of other committees of the Council (such as panels, bills committees and subcommittees) in handling disorderly conduct of Members, which include persuading the Member not to continue to behave in the manner which is the subject of the controversy and suspending the meeting to let the controversy die down, could no longer ensure the smooth operation of the committee. Most CRoP members considered that, although the chairman concerned might suspend a meeting, such suspension was highly disruptive to the work of the committee. If, upon resumption of the meeting, the Member continued to act in a disorderly manner, the chairman might have no alternative but to suspend the meeting again to let the Member calm down. CRoP agreed that Rules 44 and 45 should be extended to cover other committees of the Council. Dr Margaret NG, Deputy Chairman of CRoP, was however of the view that this approach might lead to more conflict or confrontation, which would not be conducive to the smooth operation of these committees.

CRoP proposed that Rules 44 and 45 should be amended and extended to cover other committees of the Council. When the House Committee discussed the issue at its meeting on 15 April 2011, Members expressed differing views on whether Rule 45(1) and Rule 45(2) should be amended. Rule 45(1) specifies that the President in Council or the chairman of any standing committee or select committee may order a Member who persists in irrelevance or tedious repetition to discontinue his speech. Rule 45(2) specifies that the President in Council or the chairman of any standing committee or select committee may order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting.

This proposed resolution seeks to amend Rules 44 and 45(2), extending their application to all committees of the Council. The second proposed resolution seeks to amend Rule 45(1), extending its application all committees of the Council.

My views on the proposed resolutions are as follows:

Deputy President, there have been 28 incidents where Members acted in a disorderly manner during this term of the Legislative Council, and their acts included hurling bananas, sweeping things off the table, hurling various objects, upsetting order in this Council, or using offensive or insulting language to attack public officials, and so on. Within the first three months of this year, there were four incidents where objects were being hurled. The public image of this Council has been tarnished by these incidents and the normal business of this Council has also been disrupted. This also affects the relationship between the executive authorities and the legislature. Whenever a Member attempted to assault government officials in this Council, the Chief Secretary for Administration will write to the President of this Council, hoping that he will take action and the President will forward the letter to me. As Chairman of the CRoP, I have been asked to follow up seven to eight such letters.

Facing such changes, the public generally think that the Rules of Procedure (RoP) of this Council should be tightened up. In the past few years, the CRoP had conducted four rounds of discussions and held many meetings to consult Members. Yet, the results were obvious. Though quite a few Members have requested for the tightening up of the RoP, some other Members are impervious. During the adjournment debate of this Council on 2 March on acts of violence

against the Chief Executive and public officers, we clearly learnt that some major parties and groupings considered that there were no problems with the RoP and amendments were unnecessary. They also said that the provisions in the RoP were adequate. Some Members considered that acts of violence just caused disruption for a few minutes, so we should just be tolerant for a short while. Some other Members even said wittingly that these acts might have refreshing effects, and they were no big deal.

The CRoP has studied the practices of many other legislatures to find out the approaches they adopt and how they regulate the repeated and continuous disorderly conduct of their members. According to our observation, the legislatures in Australia, the United Kingdom or our neighbour Taiwan may suspend Members who repeatedly violate the rules. The Australian Parliament may impose a suspension ranging from 24 hours to three meetings or up to seven meetings. As regards the British Parliament, if a member violates the rules for the first and second time, he may be suspended for five meeting days or 20 meeting days, as for subsequent violations, the suspension period is determined by the Parliament, and it may even be for the remainder of the session. In Taiwan, legislators can be suspended from their duties for four to eight meetings or three to six months. In the United Kingdom and Taiwan, suspended members have their pay withheld during the suspension period.

As regards restricting members to carrying dangerous objects or props or signs obstructing other people into the Chamber, the Legislative Yuan in Taiwan expressly prohibits legislators carrying dangerous objects into the Chamber. In the United Kingdom, Australia, New Zealand and Canada, restrictions are imposed according to the practices established by the Speaker's rulings. These legislatures do not allow the use of objects that will create inconvenience to other members or impede the conduct of meetings.

Nevertheless, compared with the relevant provisions of the legislatures of these countries and regions, the Legislative Council in Hong Kong does not have direct restrictions in this connection. Even if Members do not follow the directions of the President and are ordered to leave the Chamber due to their grossly disorderly conduct, they will not be subject to further sanction.

As I have just mentioned, the resolution I moved today will be in two parts because some Members have reservations about extending Rule 45(1) to cover all

committees of the Council. In fact, this amendment just empowers the chairmen of other committees of the Council to order a Member who persists in irrelevance or tedious repetition to withdraw immediately from the meeting. Members worried that the chairmen may have excessive power which will affect the freedom of Members to express their views. Yet, I think that they are over worried. Whether a Member's arguments are irrelevant to the subject under discussion or repetitive is purely an objective judgment, and everyone who has common sense will draw the same conclusion. Hence, there will not be difficulties in enforcement. Furthermore, the rulings made by the President in Council throughout the years have provided ample examples. So long as a Member whose arguments are repetitive or irrelevant returns to the subject under discussion, he can go on speaking. Therefore, as compared with Rule 45(2) that orders a Member to withdraw immediately from meeting, I think that the provision of Rule 45(1) is basically reasonable.

For this reason, if most Members support amending RoP 45(2), I also hope that they would also support amending RoP 45(1).

With these remarks, I hope that Members would support these two resolutions.

Thank you, Deputy President.

Mr TAM Yiu-chung moved the following motion:

"RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region

1. Rule 44 amended (Decision of Chair Final)
Rule 44 —
Repeal
"standing or select".

2. Rule 45 amended (Order in Council and Committee)
Rule 45(2) —
 - (a) Repeal
"standing or select";
 - (b) English text —
Repeal
"clerks of any committees"
Substitute
"clerk of any committee".

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the first motion moved by Mr TAM Yiu-chung be passed.

DR MARGARET NG: Deputy President, the amendments proposed in this Resolution and the next may appear to be small, but are in fact fundamental. They go to the root of the principles which underlie the Rules of Procedure and the way this Council functions.

Let me state from the start that I consider our ability to maintain order and decorum in all our proceedings to be essential to our proper functioning, and to our credibility in the community as the Legislature of the Hong Kong SAR.

Like other Honourable Members and members of the community, I am concerned about the repeated challenges to the rules of orderly conduct. I am even more deeply disturbed by the occasions on which the orders of the President were met with defiance and resistance and had to be effected by unseemly force. It is not that I am worried about setting a bad example for the children. More seriously, it is a matter of logic and obligation. For if the President cannot guarantee safe passage within our own house, how can we reasonably require any official or member of the public to appear before this Council?

Likewise, I am also aware that in the circumstances of repeated breach of conduct with apparent immunity, public pressure has increased for Members to "tighten up" the rules to deter such conduct.

The problem is certainly clear. However, are these amendments of the Rules the right answer? I do not think so. First of all, we should distinguish the rules from their enforcement. The most notorious occasions of disorderly conduct took place within Council sittings. The amendments proposed today do not concern Council sittings; the President already has the powers under the present Rules. The question is how the Rules may be applied and enforced more effectively and expeditiously. This is being dealt with vigorously in The Legislative Council Commission. The amendments proposed extend the same powers to the chairman of any committee, and it is not clear to me that doing so in any way addresses the concern of the public.

Some members of the public have suggested that new rules should be made to punish a disorderly Member by banning him from the Council for a period of weeks, with salary reduced or withheld. Our research shows that the House of Commons indeed has such powers, but they are not exercised at the order of the Speaker, but upon a motion moved by another member and passed by the House.

The apparently quaint procedure of the House of Commons illustrates a fundamental principle: authority is not used on an equal. Rules to give one member power over another member are justified only on the basis of necessity to facilitate debate. We must ask ourselves, before we cast our vote today, whether this requirement is satisfied by the proposed amendments.

As I have said earlier, the proposed amendments appear to be small: a few words are deleted from Rules 44, 45(1) and 45(2), three words in English and five words in Chinese. But the effect is to remove the difference between the powers of the President in Council, the Chairman in a committee of the whole Council or the chairman of any standing or select committee on one hand, and on the other hand, the powers of the chairman of any other committee such as a panel, a subcommittee and a bills committee. Under existing rules, the power to order a Member whose conduct is disorderly to withdraw immediately is exercised by the former, but not by the latter.

I may add that the three amendments are inter-related. Reading backwards, Rule 45(2) allows the chairman to order a Member whose conduct is grossly disorderly to withdraw; Rule 45(1) makes a Member who persists in irrelevant and tedious repetition and who refuses to stop speaking upon the direction of the chairman guilty of grossly disorderly conduct; and Rule 44 makes

the decision of the chairman on whether a Member is in breach of Rule 45(1) or (2) final and unchallengeable. These are draconian powers. It is right and fitting that they should be restricted.

So why are they given to one group of committees and not to another group? I submit that this is not arbitrary but a matter both of principle and good sense.

The Rules of Procedure of the Legislative Council originated from the Standing Orders of the House of Commons, which make a similar distinction between the two groups of committees. Powers under Standing Order No. 42 (which is similar to our Rule 45(1)) and Standing Order No. 43 (which is similar to our Rule 45(2)) are exercised only by the Speaker and the Chairman of a committee of the whole House or a standing committee but by no other chairman. The distinction is stated at the head of Chapter 27 of Erskine May: committees are divided into those which proceed by debate, and those which proceed by taking evidence, deliberation and report. These powers only apply in committees which proceed by debate. Or put it another way, committees which deal with formal questions (motions or bills), debate upon them and then resolve them, by voting if necessary, as opposed to committees which hear proposals, deliberate on them by discussion, and where appropriate report to the House Committee but make no binding decision. The report, if appropriate, can then be debated in a sitting of the Council.

According to the research reported to us, no Parliament in the world empowers a chairman of a deliberative committee with the powers which we are now considering under these proposed amendments.

It is clear to me that the draconian powers under Rules 44 and 45 are exercised by a chairman of a decision-making committee in enforcing the rules of debate and are necessary and appropriate for that purpose. The Speaker or the President, in maintaining order and decorum in a formal sitting of the House, is additionally upholding the dignity of the Court of Parliament. Such considerations do not apply to deliberative committees and subcommittees.

Deputy President, the differentiation is not just in name; nor is it just slavish borrowing from a jurisdiction now foreign. It underlines the two complementary halves of our function and the way we discharge them: we debate in opposition, vote on party lines, but we investigate and deliberate in

co-operation and across party lines, accommodating the line of exploration of each other. In making our reports we are conscious of power in unity, and that has been illustrated time and again in such reports as on West Kowloon Cultural Development and most of our select committees of inquiry. While the debates attract more attention, the real work, in my opinion, is more often achieved in the committee room. By the way, the House of Commons uses "Select Committee" to refer to what we would call a "policy panel", and in the House of Commons, part of the legislative procedure is carried out in standing committees, that is why they follow the process of debate.

In short, we take evidence and deliberate, and then we debate and decide. To disregard the distinction, as these amendments do almost more by thoughtlessness, is to confess our failure to co-operate and to commit this house to total debate. There is already an increasing impatience not to give time to a genuine exchange of views in order to forge maximum consensus, and to go immediately to debate from entrenched positions, and the ultimate vote count. I cannot tell you how remote this is from the true spirit of democracy.

I am reminded of the trial in *Alice in Wonderland*. As soon as the accusation was read out, the King said to the jury, "Consider your verdict." "Not yet, not yet," the Rabbit hastily interrupted. "There is a great deal to come before that!" Deputy President, is there, as far as this Council is concerned?

Let us, for a moment, leave principle and constitutional function and duty aside. Even on considering the practicalities alone these amendments should be opposed. They are neither necessary nor efficacious. Not necessary, because adjourning a committee meeting for a few minutes would be ample to deal with any problem of disorderly conduct. Not efficacious, because I see little likelihood of the order of the chairman for the Member to withdraw being meekly obeyed, and the commotion of getting staff assistance to forcibly evict the Member from a committee room will be more conducive to farce than to dignity.

Indeed, I believe that the threat of such an order from the chair will be most likely to be provocative, and contribute to lasting ill feelings between Members. It is not in such an environment that we can expect to foster the habit and norm of co-operation and consensus.

Since such additional powers are neither efficacious nor necessary, I do not see any justification for their adoption. Rules do not make good conduct. Only

respect for the rules and the institution can do so.

Finally, I would like to make this point: our Rules of Procedure will fall apart, not just when a few Members choose persistently to throw things at officials, but when unbridled contempt is permitted to be expressed by Members towards one another, and when Members are permitted to resort constantly to verbal abuse and personal attack.

I do not see how rational debate can take place in such a linguistic environment. And we do need rational debate if we are to discharge our duty, which includes ensuring the development of principled and reasoned long-term public policies for the good of Hong Kong. As a Member who has long served this Council, I am greatly saddened to see this happening.

Although rationality may not be any longer relevant, let it be recorded that these are the reasons why I oppose the motion. I may add that I do so with full exemption from the Civic Party, because rules of procedure are above politics.

Thank you.

MR ALBERT HO (in Cantonese): Deputy President, as I have just said, in making a decision today, we do not base upon political considerations or the interests of parties and groupings, so I hope Dr Margaret NG would not be mistaken. We also talk about principles

(Mr WONG Yuk-man came to Mr Albert HO and criticized him)

DEPUTY PRESIDENT (in Cantonese): Mr WONG Yuk-man, please sit down.

MR ALBERT HO (in Cantonese): Deputy President

MR WONG YUK-MAN (in Cantonese): What principles are you talking about? What kind of democratic camp do you belong to? You have taken the lead to tighten up the Rules of Procedure, are you not a member of the democratic camp?

DEPUTY PRESIDENT (in Cantonese): Mr WONG, please sit down. It is now time for Mr Albert HO to speak. Mr HO, please continue.

MR ALBERT HO (in Cantonese): Deputy President, at the meetings of the Committee on Rules of Procedure, many members have expressed the views that, apart from extending the powers to the chairman of other committees, the powers of the President in Council should also be expanded; and Mr TAM Yiu-chung has just given the examples of practices in various foreign legislatures. However, we have clearly expressed our views at each meeting that we cannot accept such powers under our political environment and the present political structure. We all know the reasons for that.

If an elected Mr TAM Yiu-chung just said that many legislatures are elected; but I need not say anything more about the structure of this legislature. We believe that not only this Council, the community as well does not feel relieved in giving the President in Council similar powers as those enjoyed by the Speaker of the British or Australian parliament.

Furthermore, concerning the two amendments moved today, as Honourable colleagues have just mentioned, in respect of additional powers, firstly, the amendments are minor in nature and only limited powers are conferred; secondly, the chairmen of other committees will have the same power as that of the chairmen of standing or select committees. Deputy President, we have considered that, even though these powers have been criticized as very limited, they are still essential for meetings to proceed normally.

As Honourable colleagues should have noticed, only the part of Rule 45(2) about grossly disorderly conduct will be amended. We all know that, even when the President in Council exercised this power in the past, he would first persuade and even warn a Member before making a final decision to ask him to withdraw from the meeting.

(THE PRESIDENT resumed the Chair)

I am sorry to see such a situation arises, but I understand that some Members have intentionally expressed themselves in this way. They would rather take the risk or subject to the pressure of being evicted from the meeting. They have their political considerations and they also understand that they have to be accountable and responsible to the community for their behaviours. The voters will express, through their votes, their evaluation of those actions.

In any case, the exercise of this power is restricted to the case where a Member has grossly disorderly conduct and the President finds it impossible for the meeting to operate normally. Although this power is limited, it is essential to ensure that the meeting can proceed. Since the President in Council, as well as the chairmen of standing and select committees can exercise such limited powers to ensure the smooth progress of meetings, I do not understand why the chairmen of other committee of the Council, including the chairmen of panels, should not have the same powers.

Of course, I understand that different committees have different powers; for example, panels can only deliberate, they do not have decision-making powers. Nevertheless, whether open meetings can be conducted orderly and smoothly, especially those meetings that are directly broadcasted through the mass media, are related to the dignity of the meetings, public expectations and the right to know of the community. Therefore, it is equally important for these meetings to proceed normally, even though decisions with legal effects cannot be made at such meetings. People who attend the meetings should be respected and people's expectations should be considered. Based on the above arguments, I think we should similarly give the chairmen of other committees the powers to ensure that the meetings can proceed normally, and I also consider this proposal acceptable.

Nonetheless, President, the case of Rule 45(1) is different. It requires the President to rule if a Member has persisted in irrelevance or tedious repetition of his own or other Members' arguments in the debate. President, this is a very subjective judgment.

Members have their ways of expression; some of them like to express their viewpoints with reference to philosophy, history or personal feelings. So long as their conduct is not extremely disorderly according to our general understanding, and that they will not impede the progress of the meeting, or that

they are not extremely offensive, why can we not give Members maximum freedom to express their views in the ways they have chosen? After all, the speaking time at meetings is often limited to three to five minutes. Even if a Member wants to speak once more, he is subject to restrictions. In that case, why should we completely hand over to the President a difficult task, asking him to decide whether Members' arguments are tedious? After careful consideration, we think that the amendment to Rule 45(1) is totally unnecessary and unacceptable.

Based on the abovementioned two factors for consideration, the Democratic Party will accept one of the amendments to Rule 45(1) today, so that the chairman of any standing or select committee or other panels can exercise his powers in managing the meetings under limited and specific circumstances, and they can ask Members who have disorderly conduct to leave the meetings as the last resort. We will vote against the remaining amendments.

DR PRISCILLA LEUNG (in Cantonese): President, the Professionals Forum interviewed 606 people from 4 to 6 March this year about whether the Rules of Procedure (RoP) should be tightened up. The results of three questions asked represented our views on the issue.

About 70.8% of the interviewees considered the chaotic situation of this Council as seen from television very offensive. Among the 606 interviewees, 508 (approximately 83.9%) strongly disagreed or disagreed with the behaviours of Members in this Council, including throwing bananas, bottles or joss money.

Regarding whether the Legislative Council has to enhance the RoP to further regulate these radical behaviours when this Council is discussing political issues, 74.7% of respondents agreed or strongly agreed. Why did we conduct this opinion poll? It is because this issue has been discussed for almost two years but we (especially the Professionals Forum) have not expressed our views on whether or not it is necessary to do so. However, many people we represented and many residents we met when we visited the local communities hoped that we could make some efforts in this connection. For this reason, we would like to find out objectively the views of the general public on this issue.

The results of this opinion poll showed that most Hong Kong people disagreed that Members should act violently and harassingly when expressing

their views in the Legislative Council. They also do not want to see the frequent adjournment of Council meetings during discussion as they regard that very annoying.

We think the results of this opinion poll have revealed some problems. In my view, while some people might feel annoyed when Members acted radically during the early days of this term; some people might find such acts novel. This is not surprising, but as time passes, people no longer tolerate such behaviours, and novel acts have become annoying. I fully understand that we would like to have freedom of expression in our society. Of course, nobody would object to such mainstream values and everybody would like to enjoy the greatest freedom in expressing their views. As Members, we enjoy certain privileges under the law, and our speeches and actions are not subject to legal sanction. Yet, as Members are public figures, what they say or do in this Council or in front of cameras will actually have an impact on society, in particular, they will have far-reaching impacts on the younger generation.

Concerning the RoP, I think the discussions of the Committee on Rules of Procedure are certainly important, but more important still, the RoP are laid down by Members and no Member can force another Member to act in a certain way. The RoP affects the parliamentary culture of the Legislative Council, which not only have a bearing on how Members discuss political issues, but also on the culture of our society. I personally do not agree that radical behaviours should be rationalized on the grounds that we have different views on the political system and that the current political system is unsatisfactory. I think parliamentary culture and electoral system are not necessarily related.

On this issue, I have expressed my personal views at meetings of the Committee on Rules of Procedure. One of my views is that we can follow the practices of other countries by adopting a mechanism with different levels of sanction, like red cards and yellow cards. In fact, Members will not be deprived of their freedom of speech, they can still express their views but there are different levels of sanctions.

Personally, I prefer the practice in Australia. For Members who violate the rules for the first time, they will be suspended from duty for 24 hours, that is, one day; for the second violation, Members will be suspended from duty for three

meetings, which is a very heavy punishment because the most important task of Members is to discuss political issues. For the third violation, Members may be suspended from participation in seven consecutive meetings. Having studied the rules of procedure of various countries and their ways of handling offences, I think that the mechanism of Australia (that is red and yellow cards) is better than the sanction of salary deduction.

This proposal simply represents our stance in the light of the present parliamentary culture of the Legislative Council, that is, we would like the RoP be amended. Certainly, we hope that the Legislative Council in Hong Kong is a solemn and civilized council that Hong Kong people are proud of, hence I have to reiterate again that I disagree with certain people rationalizing these behaviours on the grounds that their political system cannot be realized. We should definitely not rationalize these behaviours for the sake of attaining an ideal political system.

In the past half year, the public have raised stronger outcry against this situation. If Members listen to public opinion, I believe this is the voices of the general public or the silent majority. I so submit.

MR ALBERT CHAN (in Cantonese): President, we are discussing today about tightening up the Rules of Procedure (RoP) and the passage of the relevant motions. Apart from the day on which the "bogus constitutional reform package" was passed, today can be described as one of the darkest days in this Council after the reunification. The motion today about tightening up the RoP is, following the crossing over to the Chinese Communist Party (CCP) by the Democratic Party, another act to further restrict Members' freedom of expression and actions, as well as a means to restrict or control the resistance.

President, the incidents of hurling bananas and sweeping things off the table happened two years ago and almost a year ago respectively. After these two incidents, the League of Social Democrats (LSD) and the Civic Party initiated the "five-district referendum" campaign. In May last year when I stood for election, I stated from the start that I would engage in resistance inside and outside this Council, and I would continue to adopt the means of resistance as what I did in the past. The commitment and explication were supported by

100 000 electors, which brought me back to this Council. Engaging in resistance inside and outside this Council has gained the recognition and authorization of voters.

Today, in this Chamber, not only Members from functional constituencies overwhelmingly support strengthening restrictions, even the Democratic Party shamelessly renders support. Imposing these restrictions slapped the 100 000 electors who voted for me. These electors voted to authorize me to engage in resistance inside and outside this Council. Therefore, if this Council endorses the amendments, it can be said that the democratic development in Hong Kong will be brought into the dark.

President, as regards hurling bananas, sweeping things off the table or hurling joss money I should have given some joss money to Dr Priscilla LEUNG as souvenirs; she is probably unhappy because I have not given her any. Concerning resistance inside and outside this Council, many Members have quoted the practices of some overseas countries, including the United Kingdom, the United States, Canada, Australia and New Zealand. However, the legislatures in these countries are democratically elected rather than controlled by some "lackeys" appointed by the Central Authorities and Members returned by small-circle elections. As we all know, on many occasions in the past, before voting took place in this Council, especially at some important moments, some Members would stay in the Ante-Chamber and keep calling the Liaison Office of the Central People's Government in the SAR to get the instruction. Such cases happened before 1997 and also after 1997. Thus, quite a number of Members in this Council voted not on the basis of people's interests but as instructed by their masters.

That was why Yuk-man and I repeatedly emphasized, through elections, that we ought to engage in resistance inside and outside this Council. The objective is to fight against injustice in this Council. This Council lacks public empowerment and representativeness, many policies have thus been distorted. In adopting resistance as a means, we want to highlight the injustice in this Council and voice out our anger on behalf of the public.

President, I hope Members would explain clearly why there is presently no channel for the general public and ordinary people to express their anger. When facing the Government and some political parties, in particular those parties

which reneged on their promises made during the election and acted against the party platform, people have no channels to express their anger.

Yesterday, I conducted a questionnaire survey on railway development at Belvedere Garden in Tsuen Wan. A middle-aged man came to me and said, "Big Guy, previously I detested your acts of hurling bananas and sweeping things off the table. Many of my friends are middle-class professionals and they oppose and dislike such acts. However, seeing how the Government performs recently, we think your acts are justifiable". People have noticed the incompetent and shameless performance of the Government, as well as the looks of many shameless politicians. Member of the public have become increasingly furious. In hurling bananas and sweeping things off the table, we want to reflect people's anger through actions. Certain social effects would be attained.

Many people criticize us, saying that we take such actions to gain exposure and votes. Nevertheless, if we can gain votes through such actions, why do major political parties not follow suit? Evidently, they think that these actions will be spurned by voters, so they are unwilling to follow suit lest they should lose their votes. For this reason, they just let us do the abominable things. In order to expose the injustice in this Council, we have taken some actions which are disdained by Members who claim themselves to be "gentlemen" and "ladies". Through these actions, we have exposed certain political phenomena, beliefs and improper government measures. These actions help to vent people's grievances and reduce the confrontational pressures. Any acts of resistance expressing dissatisfaction with the Government can, if accepted by the public, help to vent their anger to a certain extent.

If you want to plug these channels for venting anger, I have to warn you, you will create more opportunities for intensifying people's anger and grievances, because people have no channel or opportunity to vent their anger and grievances. When the pressure keeps increasing, the political and social resistance will intensify. For instance, in the 1960s, Martin Luther KING staged a peaceful protest movement in the United States, but the movement was met with the violence of the Black Panthers who assassinated federal police detectives, set fire to warehouses and blew up offices. If Honourable colleagues suppress legitimate acts of resistance or acts that you oppose and consider to be a nuisance, the public would have no avenues to vent their anger, and eventually they will resort to more violent acts of resistance.

President, for more than 10 years since the reunification in 1997, the political "golden hoop" has been tightened constantly: the Provisional Legislative Council; the interpretation of the Basic Law by the National People's Congress; the re-introduction of the District Council appointment system; the proposed enactment of legislation to implement Article 23 of the Basic Law; forcing through the Interception Bill; selective prosecution of the so-called illegal broadcasting; Secretary TSANG Tak-sing's intervention in voluntary agencies, resulting in the dismissal of a social worker; confiscation of the Goddess of Democracy statutes by the police; clamping down on the freedom of expression; as well as stricter police control in recent processions. In fact, the "golden hoop" has been tightened constantly in the past 10 years or so.

The Democratic Party passed the "bogus constitutional reform package" after crossing over to the CCP, and shortly after that, it supported the restriction on the scope of resistance in this Council by tightening up the relevant procedures and powers of this Council. This actually impedes the process of resistance inside and outside this Council. At present, the Democratic Party allies with the royalists to further suppress the means and process of resistance, like what it did during the passage of the "bogus constitutional reform package". This is in fact a successful united front tactic since 1997. The Democratic Party has readily become the political henchmen of the CCP, and it has accepted the rules for tightening the control of this Council. This well illustrates that it has crossed over to the CCP and has willingly become a "lackey".

President, I would like to discuss the issue of extending the power to evict Members to panel chairmen. As many Members have said, since the President in Council has such a power, there are no reasons why the chairmen of other panels should not have the same power. Actually, extending the power of political control implies further tightening of the control. By extending the power of the President in Council to order withdrawal of Members to the chairmen of all panels and subcommittees, it conveys an obvious and strong political message, that is, political control will be further tightened.

Of course, the proposal of extending the power of the President in Council to the chairmen of all other committees will certainly be endorsed by most Members of this Council, as in the case of the "bogus constitutional reform package". Even if this is duly authorized by this Council through voting, this is

actually a very violent act. Yet, the passage of this motion does not mean that the acts of resistance will not continue to develop and sustain. Honourable colleagues can drive me out today, and they can drive me out once or 10 times, and they can even terminate my status as a Member; but resistance will definitely continue. It is because this Council is characterized by injustice and the lack of public acceptance. So long as there is injustice in this Council, resistance will definitely continue.

For this reason, I wish to make it clear to Honourable colleagues that they may as well drive me out of this Council but the road to resistance is bound to continue until the time when justice is done and democracy is fulfilled. Jesus cleared the temple years ago because some "lackeys" turned the temple into a market. SUN Yat-sen broke off the arm of an idol because he wanted to lash at the feudal system. We are not afraid of your enhanced manipulation and control, and we are not afraid of the increasing powers of the chairmen of committees.

Lastly, President, I would like to make one point. Many Honourable colleagues have said that our assault and hurling of objects in the past have caused nuisance and inconvenience to Members and government officials. I feel deeply offended upon hearing that we have caused inconvenience to government officials. I am not sure how many dirty acts various government departments and head of departments had done in the past and how many mistakes they had made, which have created inconvenience to the public. Members do not criticize such acts, and when we have caused slight inconvenience to government officials, we are being condemned as if we have offended the king. The "lackeys" are most willing to clear the obstacles for their masters.

Have we created inconvenience? Processions and demonstrations frequently created inconvenience, right? Some Members had also lain on the road blocking traffic, and some political parties frequently held processions and demonstrations, which led to the closure of roads. These acts also created inconvenience. If Members' conduct in this Council are regulated today, all activities causing inconvenience to the public can similarly be prohibited in the future. Let us prohibit them all! This will happen one day because the work of the CCP on maintaining stability will become more and more extensive. AI Weiwei has not been released so far, right? The treatment received by AI

Weiwei indicated how Hong Kong people would be treated sooner or later. This kind of control on speech and political acts will continue to tighten. Therefore, I call upon Hong Kong people to wake up and stay awake. If they are not awake and allow these "lackeys" to continue to strengthen the suppression of political behaviours in this Council, their rights to free political expression and their acts will ultimately be affected. The causal relationship is clear enough.

Hence, we will reiterate that the means of resistance — no matter what motion is passed today — will certainly continue.

MR WONG YUK-MAN (in Cantonese): President, first of all, I would like to thank Dr Margaret NG for her elaboration on the spirit of this Council just now. I do not know how many legislators in this Council have really listened to her words.

Dr Margaret NG definitely dislikes the behaviours of WONG Yuk-man, right? I believe that Dr Margaret NG will certainly disapprove of the row we made or the so-called body movements in this Council. Despite the disapproval, she still considered that the amendments proposed today were inappropriate. I do not want to repeat the reasons she has just given. However, the problem is, those Members of this Council who claim that they belong to the democratic camp, which include Mr Albert HO and Ms Emily LAU, the Chairman and Vice-chairperson of the Democratic Party; Mr Ronny TONG from the Civic Party, and Mr LEE Cheuk-yan, Chairman of the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China, supported the tightening up of the Rules of Procedure (RoP) at meetings of the Committee on Rules of Procedure, and extending the power to evict Members with disorderly conduct to the chairmen of various panels. President, you are the only one who should have such power. You are elected by all Members while the chairmen of various panels are just the products of political negotiation.

On that day, when I learnt that the Committee on Rules of Procedure passed the said amendment, I approached Mr LEE Cheuk-yan, and how did the Chairman of the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China answer me, he said, "Yuk-man, since you are also the Chairman of a panel, you can also drive members out."

President, these are our great Members from the democratic camp. What way of thinking is this? I will definitely not drive members out, alright? If some members have disorderly conduct when I chair a meeting of the Panel on Information Technology and Broadcasting, and they even abuse me using foul language, I may not necessarily have to drive them out. All I have to do is to adjourn the meeting and resume it 10 minutes later. For sure, I will definitely not drive members out. Nevertheless, I can assure Honourable colleagues that, after this amendment has been passed, I will certainly attend meetings of all panels, it does not matter if I am a member of that panel, and I will defy the law to test if the chairman will drive me out. I will continue to do so until I have been driven out.

What kind of Council is this? What is the spirit of this Council? Why is there the Legislative Council (Powers and Privileges) Ordinance? Why do Members have the privilege to be exempted from responsibilities in expressing their views? Why does a Member want to have the freedom of speech so that he can speak his mind freely? What are the reasons? All legislatures in the world make the best efforts to facilitate the President in chairing the meetings in accordance with the rules of procedure, and will certainly not restrict the freedom of speech of Members. Moreover, those are elected legislatures while this Council has only 50% of Members returned by universal and equitable one-person, one-vote election.

Many a times, the majority in this Council turns out to be the minority. Under the system of voting by division, the majority becomes the minority, which is a perverse and ridiculous situation; yet, it happens in this Council day after day. After WONG Yuk-man has joined this Council, there have really been some changes in this Council. WONG Yuk-man does not have any extraordinary abilities, he is just the child in the fairy tale "The Emperor's New Clothes". The struggle that WONG Yuk-man engaged in within this Council only revealed that those politicians who have led the democratic movements in Hong Kong for 20 years are unworthy; they were fuming with rage. The dignified Chairman of the Democratic Party was fuming with rage when I condemned him to his face. Mr CHEUNG Man-kwong soon came forward as if he wanted to push me away, and he said, "He is the Chairman of our party, why do you condemn him?" He was fuming with rage — I just said a few words and he was fuming with rage. After they rendered support for the constitutional reform package, they did not say a word when the two Bills were read for the Second and Third time. Eight

Legislative Council Members from the democratic camp did not say anything during the debate on these important Bills.

Honestly speaking, President, even you detest such deeds, and hope to hear some interesting debates, right? Unexpectedly, the remarks they made were exactly the same as those made by your esteemed party, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), that is, Hong Kong people were striving for one person, two votes, there was small progress in democratic movement and we were moving forward. They did not say so in 2005. Late Mr SZETO said that staying put was the same as not going backwards. Now, we are not going backwards and not compromising. Back then, LAU Chin-shek was really wise in saying that we ought to work on a grand conciliation. He had foresight but you people said that he was Judas, and almost drove him out of the political arena. Ah Shek is now the only one who looks dejected.

President, when WONG Yuk-man engaged in resistance after he has become a Member of this Council, many people certainly feel unhappy. It is because the myth of this Council has been broken and its painted skin has been torn off, right? All other Members have lost face, right?

In view of the development of the incident so far, we have already been psychologically prepared. We joined this Council in 2008; I hurled bananas in October; the pro-establishment camp jointly condemned us afterwards, right? In 2009 when John TSANG announced the Budget, I stepped forward and tore up the Budget to his face. The Democratic Party and the Civic Party later convened a joint press conference and condemned us. The pro-establishment camp vigorously initiated a signature drive, all Members — except you, as you are the President — had signed. Honestly speaking, if the pro-establishment camp and the democratic camp joined hands to condemn us at that time, the three of us should have left this Council according to the Basic Law. However, I would like to tell Chairman TAM Yiu-chung, I would definitely be elected again. So, I now challenge you, Mr Albert HO, Ms Emily LAU, Mr Ronny TONG and Mr LEE Cheuk-yan, I will certainly continue to behave disorderly, and I hope they will join hands with the pro-establishment camp to dismiss us. If they dare not do so, they are cowards.

Today, the Member who proposed an amendment to the RoP stated that he was directing against the people but not the facts, that he would pin us down by

all means, even at the expense of causing overall harm. What kind of democratic camp is this, buddy? Will they feel ashamed to come forward? Will Albert HO feel ashamed? How is he qualified to call himself a member of the democratic camp? How are they qualified to express support for LIU Xiaobo and AI Weiwei; that is a mere pretence. Ms Cyd HO and Ms Emily LAU like to give the example of "boiling a frog in lukewarm water", are they doing that right now?

They have opened a gap, which has no great impacts on me, "Big Guy" and even "Long Hair". To be honest, we will still stick to our way. However, there are impacts on other people as the scope of freedom of speech of other Members will be contracted.

After taking this step, they will certainly take the second step. Mr Ronny TONG has comforted me, saying that this would be the ultimate step and we would not be dismissed. At present, eight Members from the Democratic Party regarded me as an enemy, as if I had killed their father. Now that there is a gap, will they not take this chance to catch us off guard? It would be odd if they do not do so.

Nonetheless, President, I am not afraid and I will absolutely stand for election again. When they have driven me out, do you think I will not stand for election again? Why can't I stand for election again after they have driven me out? I should be able to do so. If I resign and join the by-election, you propose amending the legislation. Yet, should the legislation be amended if I stand for election again after I have been driven out? Is there really such a thing in the world? After attempts have been made to drive us out, Dr Priscilla LEUNG may as well propose an amendment to the legislation, specifying that Members who have been driven out cannot stand for election again. Can this be done?

It will certainly be very interesting if such actions are taken. I can tell you people, I will be delighted to play the game with you. This is my character and I can call upon people to support me, hence I will definitely play the game with you. In fact, I made a comment on 25 June last year, saying that the Democratic Party no longer belonged to the democratic camp. Yet, they still brazenly claimed that they belonged to the democratic camp and they wanted to lead the democratic movements in Hong Kong, in terms of quantitative and qualitative. They had also written a 10 000-word article, published in *Ming Pao* for three

days. Only *Ming Pao*, the Democratic Party newspaper, would allow them to do so; *the Apple Daily* might not be willing to do so, it would rather reserve the limited space for advertisement. Do they think that they can win with the support of the mainstream media? What have they won? They will win nothing even if we have been driven out. How can they be accountable to the younger generation? Years ago, they led us to fight for dual universal suffrage through processions and demonstrations. As it turned out, dual universal suffrage in 2007, 2008 or 2012 were all lies. Today, they propose an amendment to the RoP to tighten up our freedom of speech, are they heartless?

It is a well accepted fact that the pro-establishment camp will act like that, how can they allow the rise of the opposition camp? The democratic camp stated openly that the conducts were detrimental; yet covertly, it claimed that we had crossed over to the Chinese Communist Party (CCP). They claimed that the CCP was most happy when we launched the "five-district referendum". Some also said that my son was arrested, and I was coerced into submission, hence I have crossed over to the CCP. These are the remarks made by those dammed thieves.

President, when human nature has deteriorated to such a point, we will not feel sorry to sell family properties to relieve the distress of people. But, as they are so mean and detestable, how dare they say that they will fight for democracy in Hong Kong? Obviously, they are directing against people but not facts in opening such a gap. Similarly, late Mr SZETO gave me a kick in the kidney in his deathbed when he said, "This person is not reliable, thus I do not support "five-district referendum". He did not support "five-district referendum" because of me. That was really strange as he had been engaged in democratic movement for decades.

We certainly oppose this amendment but our efforts will be futile. For this reason, I have especially stressed at the outset that I am thankful to Dr Margaret NG. She did not deal with the issue from our point of view; but from the perspective of upholding the spirit of the Council and based on her professional understanding of parliamentary politics. Yet, they will not understand that. Some people, including other Members of her party, intentionally do not want to understand that.

Mr Ronny TONG asked me why I did so. Well, explain to me why the

power to evict Members should be extended to the chairmen of panels. I would like to know the reasons. He may say that it is because WONG Yuk-man's appearance is not appealing. If so, I will stay in the Council for a year or so, and I will not stand for election in the next term. I hope that Mr Ronny TONG can tell me the actual reasons. Once the resolution is passed, the rule will last forever and all Members, including Mr Paul TSE, will be subject to the same criteria of conduct. We do not know when Paul will go mad. He may go mad one day and he may find that it is inappropriate for him to act that way. So, he may as well throw things like what we have been doing. President, every Member has a chance to do so. I think 15 minutes' speaking time is not enough. I can say a lot about the parliamentary history, political development and history of resistance in various countries, but I do not want to do so.

Since I want a historical record, I have to speak today and I have to specifically point out: Mr Albert HO, Chairman of the Democratic Party; Ms Emily LAU, the Vice-chairperson; Mr LEE Cheuk-yan, Chairman of Hong Kong Alliance in Support of the Patriotic Democratic Movement in China; and Mr Ronny TONG from the Civic Party, these four Members from the democratic camp supported tightening up the RoP at meetings of the Committee on Rules of Procedure, to deal with Members like us who engage in resistance in this Council and struggle for justice. History will remember that. Children in the public gallery, please listen carefully, you have to bear in mind that these people are cheaters. What democrats are they?

After they supported the passage of the constitutional reform package, I have expected that this would happen one day. It does not matter after all. As MAO Zedong said, "If heaven wishes it to rain or your mother to remarry, there is no way to stop either of them (*in Putonghua*)". Yet, I must say that, I can speak on this motion for 15 minutes and I must condemn the so-called members of the democratic camp. I must tear off their printed skin so that they will not step forward in the future and loudly express support for AI Weiwei and LIU Xiaobo or propose a motion on the June 4 Incident.

Mr LEE Cheuk-yan submitted a written statement of repentance on the Mainland years ago and I still have a bone to pick with him; however, he can still be the Chairman of the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China. I am most disappointed with him. Let me tell you people, I have anticipated what Mr Albert HO and Ms Emily LAU would do; we have personal grudges. As for Mr TAM Yiu-chung, I have also

anticipated his act as he is Chairman of the Committee on Rules of Procedure, a member of the DAB and the pro-establishment camp. I have anticipated what all of them would do. Nonetheless, I really failed to anticipate that he would pick on me and in turn pick on everyone. He has made the worst demonstration for democratic politics in Hong Kong.

I can assure Honourable colleagues that, in the remaining days of my life or in future elections, I will definitely expose the real face of these damned thieves from the so-called democratic camp in the elections. I will do so through my writings, appeal to people who support me, and on my online platform. I will not give up declaring the idea of resistance in this Council, and I will personally call for participation by more young people. In future, whenever there are activities participated by these buddies from the democratic camp, we would voice out our different views.

President, I will not say that today is really a very dark day, and I will just say that Members who support this amendment in this Chamber today will eventually be punished by history.

MR FREDERICK FUNG (in Cantonese): President, as an elected Member, to express my views in this Council is not only a freedom, but also a right. The very reason people elect us is to speak in this Council. While we are vested with no decision-making powers constitutionally, our right of expression must not be deprived of.

President, I am going to cite two examples; and if I am wrong, please correct me. Under the present system, we have immunity, that is, we shall assume no responsibility for statements made in this Council even if people outside this Council are affected or rebuked by any content of such statements so long as we consider them to be correct or true. Under the second scenario, as I understand, if a Member is on his way to a meeting of the Legislative Council and is stopped by the police because of any offences such as jumping the red light or speeding, the police must let the Member go to the meeting first and deal with the offence later, as long as the Member indicates that he is on his way to an official meeting of the Council. The ultimate objective is to safeguard the Member's right to return to the Chamber and express his views. By these two examples, we can see that Members' right of expression in the Council must never be

deprived of.

The second point I would like to make is that the Council is a political platform for Members. Of course, we are not that naive or impractical as to think that this is a placid and peaceful platform for us to say whatever we want. Nonetheless, before we can gain access to this Council, to this political platform, we must first "fight a dying battle" outside (that is, in the geographical constituencies and functional constituencies) and win in the election. In other words, before gaining the right to speak in this political platform, we must compete or struggle in politics, or worse still, use trickery to access the political platform of the Legislative Council. Nonetheless, as Members' right to speak is safeguarded under the law, I think we should be as open and tolerable as possible.

Obviously, the political spectrum of the Legislative Council has changed after the election in 2008. While a number of Members such as Yuk-man have surely given a new meaning to the "radical" end of the spectrum, Members who are gentle have remained more or less unchanged. Given the spectrum has already been widened, do we allow or disallow it to widen further? Can we tolerate and accept the spectrum during the widening process? This is a question we need to discuss further. However, in the process of political development, I think the spectrum must surely become wider, not narrower. As the political spectrum becomes wider and wider, is it appropriate for us, Members of the current term of the Legislative Council, to impose restrictions, obstacles or thresholds to halt the process? Or should we allow the spectrum to widen as long as the situation remains under control under the current system or the Rules of Procedure (RoP)? Regarding the widening of the spectrum, in areas concerning the contents of discussions at the Council, the political actions taken, as well as the methods or means to fight for political or livelihood issues, should we be more tolerant with the widening of the spectrum? Of course, in saying such words, I think this is the right approach to take. We should allow the spectrum to widen unless we think the situation is getting out of hand. Next, I am going to talk about whether the situation is getting out of hand.

Is the current system incapable of handling certain parliamentary behaviour of Members after the spectrum and the scope of expression have become widened? I broadly group them under two categories. The first category is illegal acts. Of course, I mean *bona fide* illegal acts. If an illegal act is committed, the situation will be dealt with under the law. Even though no arrest

shall be made during a meeting, the Member concerned can be arrested after the meeting. Hence, I do not see any cases of illegal acts being left unhandled, such as when a Member throws an object and hits somebody (which is obviously a criminal offence). I think if such a case arises, it will be dealt with immediately after the meeting. Even though the police cannot arrest a Member during a meeting — as in the example I just quoted, the police cannot arrest a Member who is on his way to a meeting; and it follows that the police also cannot arrest a Member during a meeting — they can make an arrest right after the meeting.

The second category involves acts which do not constitute a breach of the laws of Hong Kong. The question thus remains as to whether such acts are permissible under the RoP. Basically, if the laws of Hong Kong have not been violated, the matter should then be dealt with under the RoP. Let us look at Rules 44 and 45 of the RoP. The power to evict Members is only conferred to the chairmen of several committees, that is, the President in Council, the Chairman of a committee of the whole Council, and the chairmen of standing and select committees. The chairmen of these committees or the President are all conferred with certain statutory, legal or decision-making powers. As for other committees, the meetings are held purely for the sake of discussion or deliberation. Even if a motion is passed at a meeting, it is absolutely not binding or imposing on the Government. But does it mean that if problems arise at these committees, they cannot be handled? As a matter of fact, there were such cases that we had handled previously.

Regarding Rules 44 and 45 that I just mentioned, we can deal with the situation where the name of the Member concerned has been mentioned. Regarding the situation where the name of the Member concerned has not been mentioned, there was one such incident during a meeting of the Panel on Manpower. "Long hair" Mr LEUNG threw plastic bottles at the Secretary. Of course, all of throws were missed. If the Secretary was actually hit, the case might be handled differently. However, his throws were all missed. Given that the throws had missed President, for example, I am very angry now and I throw this book; but what if I am throwing a plastic bottle Of course, it can make a difference, say how far I throw this book or at what direction I am throwing it. If I throw this book forward, say one foot, three feet or 10 feet, how can one say that it is alright if I throw the book forward for one inch or one foot, but not two feet or 10 feet? This is very difficult to quantify. Hence, I think it is very difficult to handle the situation.

In fact, the Panel chairman already has the right to adjourn or suspend the meeting, say for five or 10 minutes. Past experiences showed that when the meeting resumed, Members whose behaviour were more radical would either not return to the meeting or behave themselves if they did return. I think the situation can be handled in such a way. So far, things have not reached a stage where it is getting out of control. Of course, if we allow such behaviour, are we actually giving other people a platform to "show" their radical acts? For myself, I do not agree with such political behaviour. That is why throughout the years, nobody has ever seen me throwing things or using foul language when handling the work of the Council. If Yuk-man can still recall, after he threw bananas for the first time, I said to him outside the Chamber, "Yuk-man, the matter is not so serious that you have to throw bananas. You have crossed the line." As I recall, he said in reply then, "It is none of your business. I am responsible for what I have done. If I have done something wrong, my voters will tell me." I think he has a point. His voters have elected him to the Legislative Council. If the voters do not agree with his actions, naturally they will not vote for him again. As a Member elected from the same geographical constituency as Yuk-man, how can I say for certain whether he should be re-elected or not? He must and will bear political responsibility for his political behaviour. I think he will bear the consequences of his actions in future. Although I do not agree with Yuk-man's actions, and I have already told him specifically, I accept his reply. As you all know, Yuk-man has changed his stance and he will not send his members to attack me. Although we have different political stands and views, I still think we must uphold the attitude and stance I just mentioned so as to allow Members to express themselves in their own ways. However, we must keep the situation under control.

Members should not think that I oppose these amendments because I am afraid of Yuk-man's intention to attack me. It is not the case. If Members go through my previous speeches and votes, they will see that I have been very consistent. During the previous two or three occasions when amendments were proposed to the RoP to tighten the requirements on Members' behaviour, I have all voted in opposition. If Members still recall, I said that the Council was a venue for political struggles, especially when the spectrum was getting wider and wider, with the most radical at one end and the most gentle at the other, fighting against each other. These struggles about different political stands and values can be handled through rules and regulations. However, these rules and

regulations can easily become a tool used by one side to oppress the other party. I think every effort must be made to avoid turning these rules and regulations into a tool.

If Members still recall, back then when the incident involving KAM Nai-wai created an uproar in the community, some people had suggested that Mr KAM should be "condemned". I opposed to the suggestion because it was a moral issue rather than a matter about political deliberation in the Council. Why should the Council get involved in determining the morality of a person? Many people also have moral problems which others may or may not know. However, even if the problem is made known, do we have to discuss it as an issue? Smoking has now become an issue not only about morality but legality. This is an issue difficult to make any judgment.

Second, regarding disorderly conduct, it is yet another very general concept. What actually constitutes disorderly conduct? For example, Rule 45(2) specifies the actions required to be taken against disorderly conduct, but what constitutes disorderly conduct? Our moral values may be very different. Amongst Members of the Legislative Council, Ms Emily LAU is the staunchest critic against the use of foul language in public speeches, and I can count as the second one. I have said openly that I do not allow people using foul language, not even for messages on Facebook. If someone leaves a message containing any foul language on my Facebook, I will delete it immediately. This is my house rule.

Nonetheless, the current situation is not getting out of hand. We can still rely on the provisions in the RoP to handle such behaviour. However, I want to tell Members, I think we should avoid at all cost the use of rules and regulations to restrict Members' behaviour in Council, so long as these behaviour can still be regulated and are permissible within the bounds of the existing rules and regulations. I think the scope should remain as wide as possible, rather than getting tighter and tighter. This echoes the first point I made that the right of Members to speak in the Council is not just a freedom, but a right. Hence, I do not agree to the two amendments presently proposed. Thank you, President.

MS CYD HO (in Cantonese): President, I speak to oppose the proposed amendments to the Rules of Procedure (RoP), and my reasons are as follows.

The Council today is very different from that of the colonial era, and it is not the first time amendments were made to the RoP. Subsequent to the end of the Legislative and Executive Councils in 1992 or 1993, major amendments were made to the RoP. As an increasing number of Members from the grassroots have been elected after 1997, the dress code of Members has been relaxed time and again in varying degrees. However, amendments made to these internal organizational rules must be premised on an important condition, that is, Members should be allowed the widest scope of political deliberation. In this connection, the examples just quoted by Mr Frederick FUNG are correct. As several standing committees must work according to the Legislative Council (Powers and Privileges) Ordinance, the chairmen of these committees have the freedom to evict Members from the Chamber. There is a very clear distinction here. However, when amendments were proposed to the RoP on several occasions, nothing had been mentioned about conferring the power to evict Members from the Chamber to the chairmen of all panels. This is a proposal we have never discussed before.

From the speech just made by Mr TAM Yiu-chung, I note that he has put forth two major reasons. First, the overall image of the Legislative Council has been damaged. But in fact, the overall image of the Legislative Council was damaged for a number of reasons. One of the reasons may be the challenges made by individual Members or political parties or groupings against the RoP. This will of course create bad feelings among some members of the public. However, the overall image of the Legislative Council may also be damaged due to the lack of power on our part to monitor the executive authorities, the many restrictions imposed on our powers, and the wavering stands of Members belonging to certain political parties and groupings who initially condemned the Government but later voted in its support. What then can we do to deal with these problems?

The other reason given is that challenges made by some Members against the RoP have prevented the smooth conduct of meetings. However, I do not consider that meetings will be conducted more smoothly under the amended RoP. If Members choose to challenge the established rules and regulations intentionally, they will continue to do so regardless of whether restrictions have been imposed. As just mentioned by some Members who have challenged these rules and regulations, their objective is to strip the Council off its "painted skin";

they will challenge the RoP regardless of whether restrictions have been imposed. If restrictions are imposed, they are more prone to do so because another "skin" is added to the existing rules and regulations.

President, I think the power conferred to the chairmen of panels to suspend the meeting is already sufficient for the purpose. Regarding the proposal to amend Rule 45(1) of the RoP, there are some views that I must get off my chest. I have great reservation about the rule of order which empowers the chairman to sanction or deal with a Member who persists in repetitive arguments or tedious remarks. Theoretically, Members should have completed a careful and detailed deliberation of a bill at the relevant bills committee. Hence, when the bill is presented to the Council for discussion, the speaker, that is, the President, your goodself, should of course have the power to restrict such actions. That is something we must accept as the lesser of two evils. However, it will be highly undesirable if such power is extended to the deliberation of panels or bills committees.

Regarding tedious remarks, why do Members persistently ask the same question? That is because government officials have refused to give us an answer. I still recall that during the scrutiny of the proposal on Article 23 legislation, a lot of questions were asked by Members. Mrs Regina IP, the then Secretary for Security, had evaded all these questions. With no better recourse, Members could only repeat our questions again and again tediously. We also felt extremely tedious ourselves because no matter what questions we asked, no answers were provided. Hence, if such power also applies to other panels, Members' work in political deliberation will be hampered. The situation is highly unsatisfactory.

Separately, I left the Council between 2004 and 2008. When I returned in 2008, I noticed a new unwritten rule which was also very damaging. According to the relevant rule, the speaking time of Members at panel meetings was limited to five minutes or seven minutes at most. Sometimes, each Member could only speak for three minutes. As it took quite some time for Members to give background information and explain their rationale, not much time was left for government officials to respond. With the application of this time limit, the officials also knew how to play the game with us. They knew that they could avoid giving answers so long as Members were led round in circles on the relevant subjects for a full five minutes. This also led to another vicious cycle

because Members might prefer to lash out on the officials in those five minutes, rather than being led round in circles by the officials. By doing so, they could vent their anger for themselves and on behalf of the people. Therefore, this practice of imposing a time limit on political deliberation cannot help facilitate rational discussion by Members.

In the past, the same situation had also been observed in panel meetings. As officials knew that the meeting time of each meeting was limited to two hours at most, they could get away as long as they played their tricks for a full two hours. Therefore, they tried to get by through talking nonsense. As the work of select committee only involves a single subject, Members can concentrate on how to follow up on the matter and hence, the executive authorities are forced to face and resolve the problems. If the deliberation at panel meetings does not follow this principle and Members are restricted to speak for only five minutes, it will be detrimental rather than beneficial to the quality of deliberation. Hence, I must bring up this particular point on this occasion. Although this is an unwritten rule, I hope the chairmen of panels can apply the same taking into account the relevant circumstances so that while ensuring equal opportunities of Members in speaking, adequate time is also allowed for Members to discuss their views, especially the more fundamental and critical views.

President, regarding the provision on disorderly conduct under Rule 45(2) of the RoP, some Members have already quoted a number of examples from overseas countries as illustration. Let us put aside for the time being the fact that overseas legislatures are elected by "one-person-one-vote" elections. Even if we merely consider the facts, we can see that in overseas legislatures, actions to evict or sanction any member must be taken by the Speaker and not the panels. Overseas legislatures may even refer these matters to a special committee. For example, the Committee on Standards and Privileges in the United Kingdom will appoint an independent commissioner to investigate into the matter and prepare a report. The report will then be submitted to the Committee and then the Parliament for a decision by vote. Stringent requirements have been laid down and the power will not be vested with the panels so easily.

In fact, the power to suspend the meeting is more than enough. It is unfortunate that we have to deal with this matter here today. While it is important to ensure adequate scope of political deliberation, I hope Members who challenge the RoP can do so in a measured manner so that they will not step out

of bounds. As mentioned by some Honourable colleagues just now, in addition to the RoP, there are also the laws of Hong Kong. Every Member is equal before the law. If cases involving bodily attacks happen, the Member concerned must be sanctioned, even though they may get a temporary respite while the meeting is in progress.

I wish Members can be free from the restrictions imposed by rules and regulations on the one hand, and exercise more self-restraint on the other. Thank you, President.

MR RONNY TONG (in Cantonese): President, my assistants and friends said to me yesterday, "Ronny, you had better not speak on this subject tomorrow so as to avoid getting into a dispute you will regret later on." Just now, Mr WONG Yuk-man asked me if I felt shameful. The crux is I indeed know what shame is. It is exactly because I know what shame is that I think today may be a day when "my enemies gladden and my relatives sadden". If I have different views, I should stay not in silence but make them clear in public.

President, more importantly, I absolutely believe or I am convinced that the pro-democracy camp is embraced by the people of Hong Kong because of the universal core values we uphold. The essence of democracy lies with acceptance. The pro-democracy camp should "call a spade a spade" both inside and outside of this Chamber. The pro-democracy camp should neither stay silent nor refuse to speak out simply because of some embarrassing remarks or accusations made by certain relatively radical fellow members.

President, today I am in an extremely unfortunate position because my views differ from those held by Dr Margaret NG and Mr WONG Yuk-man. Hence, I am obliged to explain myself clearly. It does not matter how others perceive me or what views they hold about me, I am obliged to explain myself clearly.

President, I differ from Dr Margaret NG and Mr WONG Yuk-man on three points. Our first difference is that I do not accept that the Legislative Council is perceived as the most supreme and sacred place. On the contrary, I think the Legislative Council belongs not to Members of the Legislative Council, but the people of Hong Kong. The Legislative Council is the highest institution

representing public opinion; it is not an institution representing personal views.

President, more importantly, the Legislative Council is not made up solely by Members from the pro-democracy camp. There are also Members belonging to other factions and groupings. My stand will remain the same until the day I truly witness a Legislative Council formed by universal suffrage elections. It is exactly because the Legislative Council does not belong to Members that we must maintain its dignity and ensure its smooth operation. In turn, the dignity and smooth operation of the Legislative Council lay the foundation of credibility in the minds of the people. Hence, if there are people who think that what they say is absolutely correct If there are people who hold firmly the belief that the Rules of Procedure (RoP) of this Council and its operational procedures are sacred, this is something which I cannot accept.

President, our second difference — this point is perhaps the most important one — is that I personally do not consider that there are things which are absolutely correct, or conversely, absolutely incorrect in this world. President, although I am not a believer of the golden mean, I think every belief and ideal must be subject to an appropriate level of restriction and adjustment. For that reason, I do not accept that religious beliefs shall cause brutal killings, social unrest or turmoil. I cannot accept anything like that.

In that case, can I accept violent revolutions initiated by the people against political suppression? President, I still find this idea difficult to accept right up to this very moment. Of course, if the situation in China or Hong Kong shall become unacceptable, I might change my view. However, luckily, we have yet to hold any discussion in this respect in this Council.

President, Mr WONG Yuk-man just said that if the pro-democracy camp supported the relevant amendments, the freedom of expression would be suppressed. President, this is exactly the crux of the problem. No human right or core value is absolute in this world. Although I am a defender of free speech, I think this freedom should also be subject to control. Otherwise, the offence of libel will not be enacted in different countries of the world. Every freedom shall be subject to appropriate control and the question lies with how to draw the line. I can accept the control imposed by this line today. What I cannot accept is the claim that free speeches will be wiped out by the extension of this line.

President, the third point I must raise relates to the statement just made by Mr WONG Yuk-man. He criticized that Members of the pro-democracy camp were using the amendments to the RoP to suppress the freedom of speech and expression so that all Members are barred from enjoying such rights permanently.

President, I do not agree with his statement because we can always amend the RoP. That is exactly what we are doing today: To amend those provisions which we previously considered appropriate and adequate. Amendments can also be made by Members of the next term of Legislative Council. For the 60 Members of the next term — sorry, not 60 — for the 70 Members of the next term of the Legislative Council, including Mr WONG Yuk-man and Dr Margaret NG if they get re-elected, they can of course introduce amendments to revert all the amendments passed today. There is absolutely no problem with that. However, the supreme power of the Council At this moment, we have the responsibility of facing the people of Hong Kong and exercising self-restraint. Therefore, I do not consider today's amendments will result in the permanent suppression against free speech.

President, another more crucial point is perhaps about what are these controls actually? Would these controls, as depicted by certain Members such as Ms Cyd HO and Mr WONG Yuk-man, or even Mr Frederick FUNG, result in utmost restrictions on the freedom of expression? President, I do not think so. Why do I say so? Today's amendments are merely intended to bring the power of the chairmen of other committees on a par with that of the President of the Legislative Council. If some Members say that these amendments will suppress the freedom of speech and expression, it is tantamount to saying that they no longer have the freedom of speech and expression at meetings of the Legislative Council because this power is already vested with the President of the Legislative Council.

What is the difference now? The only difference is that colleagues from both the last term and previous terms of Legislative Council seemingly consider that work of the Council can be undertaken by committees of different levels. As the powers of the President of the Legislative Council and chairmen of standing committees are different from those of chairmen of other committees, chairmen of other committees need not be vested with those powers.

President, this is the core question we need to discuss. Is this view correct or not? If Dr Margaret NG, Mr WONG Yuk-man, Mr Frederick FUNG and Ms Cyd HO are correct, what we should really do is to amend the powers of the President of the Legislative Council by deleting Rules 44 and 45. This may be the logical stance to take.

However, President, I do not accept the notion of hierarchies in respect of the work of the Legislative Council. As I have made clear just now, the most important idea is that the Legislative Council does not belong to Members. We are just representatives, and the Legislative Council belongs to the people of Hong Kong. That is my fundamental belief. From the point of view of the people of Hong Kong, there is no difference between various meetings of the Legislative Council. With advanced technologies and massive information exchanges, members of the public can listen to or watch the proceedings of all meetings of the Council on radio or television. They can even come to observe the meetings personally in the Legislative Council Building and gain first-hand experience of our work, just like the students sitting in the public gallery now. At present, our Panel meetings are often attended by individual members of the public and deputations.

In that case, the hierarchies should never exist. President, given that there is no hierarchy in respect of the work of the Council, and if we accept from the point of view of maintaining the smooth conduct of the Legislative Council that the President of the Legislative Council can to a certain extent restrict the actions and speeches of Members in order to uphold the dignity of the Council, I think this power should most certainly be extended to the chairmen of other committees.

It is exactly for this reason that I have indicated acceptance for the relevant amendments at the meeting of the Committee on Rules of Procedure. I have never thought that by accepting the relevant amendments, I will attract vicious condemnation or attack by Members such as Mr WONG Yuk-man, Mr Albert CHAN, "Long hair" and others. I have never thought about this. Of course, the fact that I have never thought about this does not mean the issue is non-existent. Likewise, the fact that the issue exists does not mean I should avoid it.

President, before our discussion today, some colleagues from the

pro-democracy camp, particularly those belonging to the Democratic Party, told me that they could not accept any extension of the existing level of restriction as imposed under Rule 45(1) (that is, the rule about "a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate").

President, I think if we examine this question from a macro point of view As I have just said, this power is already vested with the President of the Legislative Council. During my brief — yet seemingly quite protracted — political career, it seems that this power has never been exercised by the President at meetings of the Legislative Council. Many a times, I considered that Members were making some repetitive, tedious or irrelevant remarks. But even though this situation has happened time and again by my reckoning, I do not recall the President ever exercising this power. Of course, if Dr Margaret NG considers that the President has indeed exercised the relevant power, she can correct me later on when she speaks. I will gladly oblige.

However, the crux of the problem is not the frequency of such occurrences. Parliamentary culture is the culmination of constitutional rules and practices. It is only under extreme circumstances that the President of the Legislative Council will exercise this power with his wisdom. Of course, whether the President of the Legislative Council will come under criticisms when exercising such power Both the President and the Legislative Council are subject to monitoring and criticism by the public. As I see it, this is an integral part of the checks and balances mechanism.

Given that Rule 45(1) has been around for a long time, and its operation has never attracted criticisms about democracy or parliamentary spirit being hampered during previous implementation, I think it is appropriate to extend this power to the chairmen of other committees so as to eliminate the notion of hierarchy. Moreover, I do not think such a change will result in any unacceptable political consequences.

Of course, what I said just now may well become my "famous last words" if something did happen tomorrow. Then, I may have to eat my humble pie right away. However, we must make a decision at this point of time. Should this amendment be endorsed by a majority of Members? I have absolute confidence that this amendment will be supported by a majority of Honourable

colleagues.

President, I honestly do not know whether the Civic Party will vote in the same line as the Democratic Party to oppose the amendment to Rule 45(1). Nonetheless, I will vote in support of the amendment.

MR LEUNG KWOK-HUNG (in Cantonese): President, having heard Mr TONG's speech, I feel puzzled as to why he did not understand that when the power was extended downwards, and if

PRESIDENT (in Cantonese): Mr LEUNG, please put on your microphone first.

MR LEUNG KWOK-HUNG (in Cantonese): I think he has made a fundamental error about absolute power, such as that vested to you President..... You do enjoy absolute power and I must leave the Chamber if you say so; I have to repeat myself if you ask me to do so; I must have made the wrong analogy if you say so; I must have digressed from the topic if you say so. Mrs FAN used to treat me like that, and you are somewhat better than her. In the past, I might have just spoken a couple of sentences and Mrs FAN would say, "Sorry, please leave the Chamber." Back then, Dr Margaret NG had, out of righteousness, written a letter to Mrs FAN, saying that her practice had serious implication because if the President invariably ordered a Member not to come back for the meeting whenever she considered the Member's speech unacceptable, the Member concerned would not be able to vote, right? Thereafter, Mrs FAN had slightly changed her ways.

In fact, how come the President can now exercise absolute power? One can say it is a "necessary evil", or a rule which facilitates the smooth conduct of meetings. However, if the said power is devolved, such that the chairmen of other subcommittees and committees of the Legislative Council may also be like the President, who can decide on everything, and even matters relating to free speech In fact, when it comes to whether a Member is speaking in an extended — or "冗長"¹ as the Chief Executive would say — or repetitive

¹ At a previous Council meeting, the Chief Executive said "冗長" when he meant to say "冗長" (meaning in an extended manner).

manner, honestly, is the President necessarily wise enough to make a judgment? President, even you may not have such wisdom, what qualifications do you have to judge me then?

Once I was putting up a self-defense in court and WOO Kwok-hing said to me, "Mr LEUNG, I understand what you said. Say no more, please. You are wasting the time of the Court which is very precious." I then told him, "Please get a piece of paper and write down the next sentence I am going to say. If you guess correctly, I will say nothing more." Finally, Mr Justice WOO Kwok-hing could do nothing but let me continue. However, I cannot do the same thing here. I only retorted with one sentence, and the President already told me to leave and asked me to behave properly. It seems that Mr TONG still does not get it. Is this fairness? This is even more unfair; this is "equitable unfairness". Of course, different standards of fair treatment would apply for different matters. This is the latest concept in terms of human rights.

Let us go back to the incident of throwing objects. That relates to me specifically, right? It is about that incident where I threw four bottles at Matthew CHEUNG, right? I threw four kettles four bottles, not four kettles — things have yet to develop to such a stage. I threw four bottles at him, what harm had been inflicted? Of course, his pride was hurt and so was our image because such a scene should not have happened in the Legislative Council. That is it. In fact, Mr LEE Cheuk-yan also asked me on that day whether I could promise not to throw any objects again, but I said I would not make such a promise. Finally, he decided to adjourn the meeting and I did not return to the meeting afterwards.

Of course, you may say another Member can follow suit when the committee meeting resumes. But the same thing can also happen at a Council meeting. If 23 Members throw objects at a Council meeting and each scuffle lasts for 10 minutes, that will take up 230 minutes — that is, if Members from the pan-democratic camp do something like that. Of course, I do not encourage them to do so. They are unwilling to do so, and we will not force ourselves on others. Actually, this is just a means to highlight the existence of injustice in this Council through struggles in the parliament. I can tell you all that I have no regrets until I die. Is this legislature worthy of any respect? What kind of legislature do we have? It is formed by small circle elections. How can I give it any respect? President, it does not help even if you have my respect because I

do not respect the system. That is why I have created trouble in the public gallery in the past and in this Chamber now. I will never stop. This is the first point.

Second, I must uphold all my rights to struggle in the parliament. But I have already said that I would not hit him. Under the circumstances, our kind-hearted Members notice that the problem is spreading and they try to come up with suggestions to resolve the problem. Why not follow the feat depicted in the *Journey to the West*, just blow towards a handful of hairs and there come 19 or 39 Mr Jasper TSANGs? In other words, President, you are made to become an evil spirit attached to other people, "I am Jasper TSANG. I now exercise this power on behalf of other people." This is of course totally wrong because you are, after all, a Member returned from direct election. I had once asked you if you were a member of the Communist Party, but you gave no reply. Notwithstanding, people still vote for you and I admire you for that. Now, you are vested with an autocratic power, an absolute power. Will it corrupt absolutely? I am not sure.

In fact, this power only serves to facilitate the smooth conduct of meetings. President, you also make mistakes sometimes. If you say that the meeting is adjourned, I will leave this Chamber. Why is it necessary to evict me, right? However, this is not what you said. Buddy, how much time of the people of Hong Kong I have taken up for throwing things? Please be more practical. However, our legislature is formed under a system of small circle elections. How much damage has it done? People study because they want to be more sensible, right? As the saying goes, "Penny wise, pound foolish". If you want to uphold the dignity of the Legislative Council, why do you not demand for universal suffrage? You should do so if you wish for respect.

We will have the greatest respect if the Legislative Council is allowed to exercise its legislative functions freely without the restriction imposed by Article 74 of the Basic Law — or is it Article 79? I cannot recall correctly, it should be Article 74 — and when making laws, the Government should not say, "Students, please go and consult the President whether public expenditure or government policies is involved". This has in effect taken away our functions; we can only sit here like idiots and play with the Government. Sometimes when an amendment is proposed by Dr Margaret NG, I want to tell her to forget it because it will be in vain. Our proposal is useless because the Government already has secured enough votes. The situation is like eating leftovers.

Everything has been prepared and you must eat it even if it stinks. After eating and shitting, some people would say they were in fact being forced to do so. The vivid examples that we can still recall include the railway merger legislation, The Link, the West Kowloon development and the so-called constitutional reform package last year. The situation is the same every time.

The Council has no dignity because the system is rotten. I do these things and I change my ways after I became a Member because I must fight for justice on behalf of the people of Hong Kong. I have to remind them constantly. You may say I need not throw four plastic bottles, but I know the reasons for my action. That is my way of expression. It is alright as long as no violence is involved.

Today, do you people want to act like the Monkey King by plucking one hair out and change it to one dozen persons, right? Do they have any basis for such power? Can a *coup d'etat* be allowed? Is it alright to set a bad example for the children due to some misguided pre-conceptions? If you are so worried about setting a bad example for the children, then stop airing the footages about the Libyan civil war because people were killed in the civil war. You should not show the pictures of Osama bin LADEN either. Who are you? Do you think you can block some people off just because you think their actions have a bad influence on others? AI Weiwei is such a person. He is an independent character, right?

My rationale is simple. My point is that I do not mind if someone is doing a bad thing out of good intention. But I have already cautioned you that this is something you cannot do. At present, criminal laws are available to sanction us. If we throw things or if we act disorderly, the matter can be settled by adjourning the meeting. Why is it necessary to propose an irrevocable power such that Members are evicted and denied the right to vote? Why is it necessary to expand this power? This is unexplainable. If you really want to punish us, deduct our salary by all means. The *Wen Wei Po* said we were greedy for money, and we should be afraid if our salary is deducted. Why is this course of action not taken? Our most important right is to take part in political deliberation and voting in the Legislative Council. It is impossible to deprive us of our rights.

In fact, half of the Members in this Chamber are not returned by "one-person-one-vote" election, but they also have the right to participate in

decision making in this Council. This is indeed the greatest insult. If it is not violence, what is it? What else can I do if not throwing bottles? Thirty Members are not returned by "one-person-one-vote" election, yet they enjoy the same right as we do. Isn't that the worst kind of inequality? I throw bottles because I have to oppose to such inequality. I do not throw bottles at Members; I just threw them at officials. What is wrong about this? I want to tell students that it is a sin if you remain silent in face of injustice because other people are made to suffer together.

When Socrates was arrested, he was alleged to have corrupted the young people of Athens for disbelieving in God. He said, "The hour of departure has arrived, and we go our ways — I to die and you to live. Which is the better, only God knows." These are words eloquently spoken, yet the preceding words are even more interesting: "Still I have a favour to ask of them. When my sons are grown up, I would ask you, O my friends, to punish them; and I would have you trouble them, as I have troubled you, if they seem to care about riches, or anything, more than about virtue; or if they pretend to be something when they are really nothing, then reprove them, as I have reproved you, for not caring about that for which they ought to care, and thinking that they are something when they are really nothing. And if you do this, I and my sons will have received justice at your hands." Those were the words spoken by Socrates to the people who sentenced him to death. He told them to do good deeds, rather than things even they themselves did not understand; he told them to be practical. If the intention is to do good deeds for this Council, they should join the "five-district referendum" campaign. The Democratic Party should be reproved. They have been told to do good deeds so that this Council can actually perform its functions of political deliberation and monitoring the Government. Yet they do not listen, and only engage in some senseless things.

President, you have been a Member for quite some time. Starting from 1977 when I opposed to the repealing of laws by TUNG Chee-hwa at the public gallery, how much time have I taken up? Please do some calculation. Does it add up to 30 minutes? It may add up to less than 30 minutes even under your chairmanship. As Mr Ronny TONG said, meetings of the Council were broadcasted live. Hence, I use this platform to reveal the extreme injustice of this Council. Why do you feel that the dignity of the Council has been undermined?

Men of totally different principles can never act together. But the

problem lies with the utterly wrong interpretation you have about powers, the vesting of powers, as well as the use of powers to suppress freedom. Our powers are vested by whom? They are vested by the electors. President, you have the authority. Let me read you another quotation, "Authority that exists not for freedom is no authority, but brutality." That is talking about you. This is neither a place with justice nor freedom. Those words come not from me, but from Lord ACTON who had been frequently quoted. Those words sum up what happens here today. The amendments have nothing to do about freedom, but authority — the authority to stifle free speech. Thank you, President.

MR ALAN LEONG (in Cantonese): President, there are five Members belonging to the Civic Party in this Council, and four of us will respectively vote for and against the two resolutions proposed by Mr TAM Yiu-chung. Four of us will vote against the resolution in relation to Rule 45(1) of the Rules of Procedure, and Mr TONG will vote for it. Separately, four of us will vote for the resolution in relation to Rule 45(2) and Dr Margaret NG will vote against it.

President, it is an objective fact that individual members hold different stance from the Party's. You may well understand how hard and agonizing the Civic Party has struggled mentally when it comes to the subject under discussion today.

Honestly, the Civic Party is disheartened by the need to discuss this subject today. President, why are we disheartened? We must really ask ourselves why some Members consider it necessary to resort to drastic actions in order to uphold their rights to free speech. More importantly, many Members who resort to this means of expression have the support of the people; they come from the people. These Members consider that this means of expression and this kind of behaviour are the most effective way to exercise the freedom of expression, and their views indeed have the support of the people. I often say that those who come from the people must ultimately face the people, even although they may not have to do so every day. President, they must face the people at the election held once every four years.

We are disheartened by the emergence of this way of expression in the Council because it means certain members of the public must find it helpful in venting their grievances. Is that not an issue our community must reflect on as a whole? The Civic Party of course considers that we must do so. This also

explains why we feel disheartened by the discussion today on this amendment. The people of Hong Kong have always advocated for peaceful and rational debate, they hold that problems can be addressed within the system and truth can be ascertained through debate. However, why do some people no longer consider such a belief worth embracing?

I recall that during my visit to the district, an "uncle" said to me, "Alan, you are way too gentleman. Just like in a game of chess, other people are already moving their kings and queens haphazardly, yet you still play by the rules. You are really stupid. In fact, I do not see what good it will bring." President, of course I went on to explain to him sincerely that it was just a matter of different means of expression. I said that we were used to a rational and peaceful means of debate and called for his understanding. However, President, I cannot say that the view held by this "uncle" is ridiculous and utterly senseless. That is the first reason why we feel disheartened.

President, secondly, the Civic Party feels disheartened that we need to hold this debate today because many issues discussed in this Council have been dragging on for years, say, even eight or 10 years; yet the officials are completely indifferent. Hence, we may be approaching a tipping point as we repeatedly have this sense of being excluded and disrespected. Does our discussion today mean that we are approaching a tipping point? For this, the Civic Party feels disheartened.

President, some Members pointed out that various measures such as salary deduction and suspension of duties have been adopted in overseas legislatures. Just now, Dr Margaret NG of the Civic Party has already made it clear that these powers are not exercised by the Speaker. Such sanctions are only imposed after thorough debate by the legislature upon a motion moved by a member and a vote taken. Basically, we are not discussing these issues today. Dr NG has also pointed out clearly — as I could not have explained it better, I will just reiterate her point — Dr NG has clearly explained that there are two types of committees: those which deliberate on political issues and those which make decisions. For those decision-making committees, as stipulated clearly in Rules 44 and 45 of the Rules of Procedure, the President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee are vested with greater powers to facilitate control of order and voting in meetings. Those

powers exist for a reason. Hence, as we discuss the amendments to Rules 44 and 45(1) and (2), we would never say that the issue is insignificant when compared to overseas legislatures and hence can be treated lightly or casually. That is absolutely not the stance taken by the Civic Party. We consider the amendments very important. As these amendments are so important, the Civic Party well understand the profound implications involved. That is why we have thoroughly discussed and debated the issues involved before coming to our voting decision today.

President, we stand together with the general public in our hope of maintaining order in Council, or at least, of assuring that government officials and members of the public who attend meetings of the Council will not feel intimidated or their personal safety threatened. Hence, for these reasons, we have kept thinking whether the amendments today have struck the right balance.

Of course, there is another consideration which Dr Margaret NG has presented just now in a most definitive and forcefully manner. In order to strike a right balance, the mainstream view of the Civic Party is that in upholding the principle of rational discussion, we also have to take into account the people's sentiments because when members of the public come to attend meetings of the Legislative Council, they would not want to receive any unseemly treatment. Some people may feel indignant about the treatment received by government officials. Hence, on balance, we finally decide on the mainstream view that in relation to the amendment to Rule 45(1) about a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate, the chairmen of panels should not be vested with the same power as the President of the Legislative Council.

However, in respect of grossly disorderly conduct, we consider it appropriate to vest the power to the chairmen of panels for the purpose of handling the situation. All in all, we hope that the need to exercise such power will never arise in future. Even more so, we hope that Rules 44 and 45(1) and (2) can be reverted to their original form in the not too distant future when Members no longer see the need to adopt non-peaceful and non-rational means of debate in order to express their views and give effect to the right of free speech. It is also our earnest hope that we will soon achieve *bona fide* universality and equality in respect of our constitutional development so that all citizens can make

their views known to the rulers through rational and peaceful means of expression. We hope that in the decision-making process, Members will be respected so that they no longer hold the view that they will be supported for adopting non-peaceful and non-rational means of debate. We hope that the need for invoking the powers in relation to the amendments will never arise.

Hence, President, on behalf of the Civic Party, I have stated our voting preferences in relation to the two motions and explained our stance. I so submit.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR IP KWOK-HIM (in Cantonese): President, in the past few years, the solemn parliamentary culture in Hong Kong has obviously been changed. In open meetings of the Legislative Council, Finance Committee and the Chief Executive's Question and Answer Sessions, individual Members have hurled bananas, insulted public officers and jostled with security officers, having no regard of the Rules of Order. They openly disrupted the order of meetings, setting a very bad example to the next generation of society. The Legislative Council must face this problem squarely and restore order to this Council.

I believe it is no surprise that Mr WONG Yuk-man, Mr Albert CHAN and Mr LEUNG Kwok-hung will oppose the proposed amendments to Rules 44 and 45 of the Rules of Procedure. It will be surprising if they do not raise any opposition because they are the ones who initiated parliamentary violence. If they glorify their acts of violence in this Council as "fights for democracy", may I ask how is democracy in any way related to the ploys of hurling bottles, slippers and gingko seeds and calling public officers as "dog officials" and "eunuch"? This kind of "violent politics" is in fact an "anti-democratic" hooliganism.

It has been said that the parliamentary culture in Hong Kong is increasingly "Taiwanized". The incident of JU Gan-jeng, a Legislative Yuan member of the Democratic Progressive Party, who jumped onto the President's platform and punched the then Legislative Yuan President LIU Kuo-tsai in 1988 was generally regarded as the budding of the violent culture in Taiwan parliament. Talking about Taiwan politics, I believe Mr WONG Yuk-man is the expert. He

definitely knows better than I do. Taiwan in the 1980s was still under the reign of Kuomintang. Minority parties in the Legislative Yuan often had no formal channels to put forth their policies or political propositions and their news were seldom covered by the media. It is thus understandable why they were forced to adopt violent means.

However, Hong Kong is a pluralistic society. Any political aspiration or proposition can find its way to the light. Political parties, be they large or small, and individual Members can have opportunities to appear in the media and Members have many formal channels to express their views to the Government. It is thus unnecessary for individual Members to resort to extreme recalcitrance to express their aspirations in this Council. The only reason for their untiring and intensifying insistence is that they want to use radical acts as a selling point to reciprocate for their voters' support.

Earlier in a House Committee meeting, Mr LEUNG Kwok-hung has already voiced his opposition to the amendments, saying that the President in Council is neutral in meetings but panel chairmen is not, thus claiming that it is groundless to give panel chairmen the power to evict Members from a meeting and that Members should "consider their status in every act". Originally, it is not imperative for panel chairmen to have the power to evict Members. It is precisely because Mr LEUNG Kwok-hung who have disregarded his status and hurled plastic bottles at Secretary Matthew CHEUNG in a meeting of the Panel on Manpower that has prompted a majority of Members at the meeting to think that it is necessary to give panel chairmen this power. Dr Margaret NG just asked why standing committees should be given this power but not other committees. In fact, we agree with Mr Ronny TONG's certain logics. He said that if we think that this is wrong and has deprived Members of the right to speak, then, by this logic, the power given to the President in Council and chairmen of other standing committees should also be annulled. However, the function of panels is to maintain the operation of the Legislative Council. I do not see why chairmen should have different grading, while some chairmen who can exercise this power, other second-grade or lower-grade chairmen cannot. Hence, in this regard, I truly cannot agree with these logics.

The proposed amendments, apart from empowering panel chairmen to evict Members whose conduct is grossly disorderly, also empower panel chairmen to

order Members who persist in irrelevance or tedious repetition to stop speaking. Those who oppose the proposed amendments, however, are of the view that Members speaking in panel meetings are subject to a time limit and it is thus unnecessary to give panel chairmen this power. In fact, Members speaking in meetings of standing committees are also subject to a time limit and chairmen of standing committees have long been vested with the power to stop Members who persist in tedious repetition or irrelevance from speaking. Thus, I do not see why the power to stop Members from speaking, which has been vested to chairmen of standing committees, is not granted to panel chairmen in the amendment to enhance their power to conduct the meeting? Why does this power have to be singled out? Why do we not agree to include this power? I just listened to Mr Albert HO's speech. He thinks that it is unnecessary to give chairmen the power to stop Members from speaking. In fact, it is clearly provided in the Rules of Procedure that only when a Member has persisted in irrelevance or tedious repetition may a chairman direct the Member to discontinue his speech, so as to ensure that the proceeding of the meeting is effective, orderly and under control.

The proposed amendments are the first step to restore Council order. I heard Mr Albert CHAN say that many people in the community are outraged at the amendment to the Rules of Procedure. However, I also wish to tell Mr CHAN that I have heard many members of the public who have expressed extreme dissatisfaction towards the present violent parliamentary culture. I believe this is the most important reason why a majority of Members feel the need to use this opportunity to propose these amendments. Frankly, even if the proposed amendments are passed, it does not necessarily mean that the acts of physical and verbal violence in this Council, which I am very much concerned about, will be rooted out. It is because being "driven out from the meeting" may not be a punishment to individual Members; it may even be a prize because they can "call it a day" and at the same time "steal the limelight". The Democratic Alliance for the Betterment and Progress of Hong Kong is thus of the view that it is necessary to further examine the rules of procedure in parliaments overseas, so as to formulate a set of Rules of Order that are suitable for the continued development of the political system in Hong Kong.

With these remarks, President, I support the motion.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR WONG KWOK-KIN (in Cantonese): President, on behalf of the Hong Kong Federation of Trade Unions (FTU) I speak in support of the two resolutions. Actually, I think it is good to have this discussion today because there is a general dissatisfaction in the community about the Legislative Council. People are unable to tell what has exactly happened in the Legislative Council and may thus have extended their dissatisfaction at the conduct of certain Members to the entire Legislative Council. I remember that an opinion poll conducted earlier revealed that the popularity of the Legislative Council was even lower than that of certain government departments, the Chief Executive and senior public officers. We are frequently criticized by the newspaper that we are strict on others but lenient on ourselves. I thus hold that this discussion can show the public that we, the Legislative Council, do have the spirit of self-discipline.

In fact, I think it is appropriate to propose the two resolutions which seek to uphold the order of meetings in its normal, smooth and fair manner. It is easy to understand why meetings should be conducted smoothly. By fairness, I mean Members should not act in a disorderly manner to the effect that other Members at the meeting or the proceeding of the meeting is jeopardized. When the proceeding of the meeting is jeopardized, the interests of the public are also jeopardized.

I thus think that it is good to have the problems raised for discussion. Even if the resolutions are not passed in the end, they can show that we are answerable to the public and the public will be able to see which political parties or Members are harbouring these conducts and which Members are shielding these conducts. It is good to have this discussion, such that the problem can be revealed and the public will be able to see that the Legislative Council has started to discuss these problems and that many Members are dissatisfied about such conduct and will "say no" to them.

In fact, when we were at the district or conducting surveys in the community, many residents or members of the public complained to us, upbraiding us for not putting a stop to such conduct. I remember recently when I took the bus, a man, who suddenly and deliberately walked up to me and sat by my side, talked to me about this subject. He asked me why we had done nothing

to stop such conduct. I think that even if the discussion today does not come to any conclusion, it can indicate that we are answerable to the public and they will then know that we have done something. We thus support the resolutions.

I heard just now many Members explain that Members are elected by the people and thus they act in such a way to be answerable to their voters. In fact, I have a question. Has a Member been authorized by his voters when he was elected to act in such a way in the Legislative Council? How many people truly want to elect a Member into the Legislative Council who will act disorderly, for the purpose of impeding the proceeding of meetings? Frankly, democracy and freedom of speech are not the grounds for shielding the inappropriate conducts.

I believe the resolutions have not hindered the freedom of speech of any Member. I mean, there is simply no one who can stop a Member from saying what he wishes to say. The point is, whatever a Member does at a meeting, he should not hinder the proceeding of the meeting, nor should he hinder other Members from discussing a policy or expressing their views. Hence, on this premise, the FTU will support the resolutions. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR PAUL TSE (in Cantonese): President, first, I wish to specifically point out two distinctions. First, the difference between inside and outside the Council; and second, the difference between words and actions. Precisely because of these two distinctions, later I incline to vote in the same way as certain colleagues; that is, I will vote for the amendment to Rule 45(2) of the Rules of Procedure (RoP) on regulating Members' conduct, but at this stage I will not vote for the amendment to Rule 45(1) of the RoP on regulating tedious speeches.

The Legislative Council, like any other institutions in the establishment, must have rules. The discussion on the amendments to the RoP today is self-evident that we have to lay down rules. I will not repeat but I cannot agree more with the points raised by Mr Ronny TONG just now that the Legislative Council is not as supreme and sacred as it is deemed. However, generally speaking, I cannot say that I am the type of person who always abide by the rule. Mr WONG Yuk-man also questioned me, saying that Mr Paul TSE could behave

shockingly once he got mad. Nevertheless, I will choose the occasion or the circumstance to behave in such a way. Although I had said or done something publicly and in front of the media camera which might have been regarded as unorthodox or had been openly criticized by members of my profession, and I had even been severely denounced or punished for that, there is a line I will never cross, that is the important line that draws the distinction between inside and outside the Court. By the same token, if the dignity of the establishment (including that of the Legislative Council) has to be preserved, the distinction between inside and outside the Council should also be drawn.

I very much agree as well as understand and support that under certain circumstances, you must fight at any cost in order to express your views or take to the streets to vent your dissatisfaction, and you may even resort to take actions which are considered impulsive. Nevertheless, I still maintain that such conduct should not appear within this Chamber; otherwise, we are not qualified to talk about democracy because the Chamber is a place for rational discussion.

I always emphasize that "politics and law come from the same door". Politics and law are the same. Even if people, or Members, have regarded themselves to be unfairly prosecuted, I have never heard of any barristers, lawyers or street fighters who dare to openly challenge the authority of the judge in court, or to hold the Court with contempt

MR LEUNG KWOK-HUNG (in Cantonese): President, I have to point out that I had done so. I had chided MACKINTOSH.

PRESIDENT (in Cantonese): Mr LEUNG, what is your question?

MR LEUNG KWOK-HUNG (in Cantonese): He said that he did not believe someone would dare to do that, but I had chided MACKINTOSH who had passed away.

PRESIDENT (in Cantonese): Mr LEUNG, please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): If he does not know, he had better say nothing.

MR PAUL TSE (in Cantonese): President, if my memory does not fail me, no Member has been held contempt of court. Even if there have been occasional use of inappropriate expressions, or as Mr LEUNG Kwok-hung just said, he had a row with Mr Justice WOO Kwok-hing, the Court is, to a certain extent, usually more tolerant and more sympathetic to people with no legal representation. This, however, does not mean that the conduct in this Chamber, I repeat, it is not about what one says but what one does, can be accepted by any court.

President, everything is actually about a matter of balance. Mr Ronny TONG has just repeatedly used the word "balance". Apart from striking a balance, I think it is also necessary to maintain a stance that is reasonable, proportionate and within the yardstick. All these are common sense. Then, where should we place the point of balance when we discuss this topic? Some colleagues mentioned the dignity and smooth operation of the Council, which I agree and no further elaboration is needed. However, I wish to raise the point of fairness. Fairness is multi-faceted, one of which concerns time allocation. Some colleagues pointed out that the disorderly conduct will not take up too much time. The meeting can be resumed once the Member is asked to leave the Chamber. However, more often than not, at important meetings, such as when the Chief Executive or the Chief Secretary for Administration will attend the meeting to answer questions, which draw the attention of the media and the time schedule is tight, some colleagues will purposely behave disorderly, thinking that their conduct can draw people's attention. However, let us not forget that such meetings have a very tight schedule, every minute spent on the hubbub will deprive other Members of their right and time to speak. The disorderly conduct of some colleagues will deprive other colleagues of a fair allocation of time to speak. This is the first point.

The second point is the disruption caused. This point is also self-explanatory. Whenever the atmosphere of the meeting is affected, it will take some time to go back to normal. The third point is about pressure. Not only fellow colleagues feel the pressure, public officers or members of the public who attend the meetings also feel the same. As a colleague has just mentioned, the pressure can be tangible and intangible. Sometimes, violence is not

restricted to hitting others with an object. Any conduct which threatens a person and causes the person to think that he is likely to be subject to physical harm has theoretically constituted a criminal offence, except in borderline cases where the rules are ambiguous and the police will not or do not wish to take liberties with law enforcement. As a matter of fact, strictly speaking, certain conducts of Members in the past might have logically and theoretically constituted a criminal act, even although no one has been hit by the object hurled. Hence, Members had better not be over assertive about their accurate vision or think that they can be off the hook like the past. The truth is that their conduct has not reached the tipping point. As for the tipping point, while Members' conduct has not reached the point of prosecution, other Members of this Council have been very tolerant to their conduct. From the occurrence of incidents of violence, to written condemnation issued by certain Members, joined by an increasing number of Members, and to this discussion on the amendments to the RoP, it is in fact a process from action to reaction. When one side chooses to act on impulse, the other side will naturally consider whether they should react.

With due respect to the analysis made by Dr Margaret NG just now, I cannot accept two points made therein. First, she used the British Parliament as a comparison, but such incidents have not happened in the British Parliament, at least, not up till now. As we cannot imagine Premier League games to be like those played in certain African countries where players are often dismissed from the field or hit each other. Speaking of the British Parliament, at least I cannot recall any incidents of fighting among the members, there are, instead a lot of verbal sarcasm and verbal attack. However, if Dr Margaret NG thinks that such incidents have also happened in the British Parliament, I hope she can furnish us with her views as I also want to get hold of evidence in this regard.

Besides, I cannot fully agree with Dr Margaret NG's analysis because in her grand speech she has only expressed her concern about the situation, but she has not provided any relief to address the situation, as if she can only put up with it. However, I am afraid that in the context of today's parliamentary culture and public opinion, this situation can no longer be tolerated.

President, some colleagues, particularly those who oppose introducing the amendments, have emphatically pointed out that this Council is not a fair playing ground, thus Members should be allowed to do what they want; or the Members concerned only intend to reflect certain opinions in the community; or this

Council as a venue to vent their emotions, and if these Members are deprived of this opportunity to vent their emotions, more violent incidents may happen in society. We can take these views as reference, but I wish to point out that however unfair Members find the election mechanism of the Legislative Council is (to a certain extent I agree with this remark), this is a progressive process which has been duly discussed and considered, and the process is progressively changing. Precisely because the establishment has adopted the system of proportional representation, it allows Members who claim that they have an electorate base to act wilfully.

In fact, if we assess Members' political views by the level of acceptance in society, I believe that colleagues who have only secured 10% to 15% voters' support will not say so emphatically that they are the ones who have an electorate base. Take the recent radical views or the so-called "locust theory" concerning the new immigrants as an example. Should we allow people to express such radical views, even if they are supported by 15% of the public, should we allow them to raise such irrational, insulting and even racist views? Can anyone who feels discontented do whatever he wishes without restraint, as long as he has the support of 15% of the public? I am afraid this is not accepted by mainstream opinion.

As to the remark regarding the channel for venting discontents, I also have great reservation. In fact, some Members have just cried aloud to call on people to follow their practice. This is no longer a matter of venting ones' discontents, but a matter of calling on or appealing to young people to join their actions. This is incitement, abetment and provocation. I have great reservation about this conduct.

Some colleagues attempted to draw a distinction between the President in Council and other chairmen as the ground for not supporting the amendments. I agree with Mr Ronny TONG in saying that this is more than a matter of grading. Whoever takes up the post of the President in Council is not acting on an individual basis, instead he is acting on behalf of the whole Council and the whole establishment. This post can be taken up at any time by any other Member who has not gone through the election process, and he will exercise the power vested to the post. For example, the Deputy President often has to execute the duties on behalf of the President, but he does not need to go through the process of President election. Certainly, we can introduce specific

amendment to lay down an election process in this regard.

Thus, by the same token, theoretically, the Chairman of House Committee or standing committees only temporarily exercise the power of the President in Council on behalf of the whole establishment. In this regard, I do not agree that only the President in Council can exercise the relevant power while other Members, in their capacity as Deputy President, cannot. Members have pointed out that chairmen of other committees are also elected among the members after negotiation. In fact, the President in Council is often elected through negotiation among major political parties. Can individual Members like us say a word? Hence, I do not think the distinction is a big issue, but rather, let me reiterate that the most important distinction lies in whether it concerns with what one says or what one does.

Some colleagues are worried that this is the first step to restriction and it will be the day of darkness because this practice will jeopardize Members' freedom of speech and narrow down their room of expression. The amendments can also evict Members from the Legislative Council as long as two thirds of the Members of this Council agree to exercise the power vested under Article 79 of the Basic Law. Theoretically, there is indeed such a possibility, but in reality it is not so easy to exercise this power and it has never happened before. Members are under the scrutiny of society. If they abuse their power wilfully, they shall be appropriately sanctioned. Hence, the colleagues who have this idea may have over worried.

All in all, there is an incremental process to every measure and amendment. This time, with much regret, we have to deal with this issue because some practices and incidents happened in this Council are different from the past and Members are left with no choice but to amend the RoP with an incremental process. The present amendments seek to deal with grossly disorderly conduct without prejudice to the overall freedom of speech and vest chairmen of other committees with the relative power that has been conferred to the President in Council or chairmen of standing committees. I think this is acceptable. However, as for the sanctioning power in respect of speaking in meetings, I hold that at the present stage it is unnecessary to resort to this step. Hence, I will vote in accordance with my aforesaid stance. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon Mr TAM Yiu-chung to reply. This debate will come to a close after Mr TAM Yiu-chung has replied.

MR TAM YIU-CHUNG (in Cantonese): President, Mr Paul TSE's speech just now is already a very good concluding speech. He has responded to various points raised by Members during the discussion and I very much agree with his remark. I think Mr Paul TSE has given a proper analysis on the distinction between inside and outside the Council. He is in fact speaking from his experience. Before he joined the Legislative Council, he actually had been quite unruly. I think he is not inferior in any way to "Long Hair". Nevertheless, since he became a Member of this Council, he has acted in accordance with the Rules of Procedure (RoP).

Hence, as far as this issue is concerned, Members have indeed been very tolerant in this Council. Let us not forget that we only have one year or so left before our term ends. As I have said just now, there have been 28 incidents of Members acting in grossly disorderly manner in the current Legislative Council term and four incidents of Members hurling objects in the first three months of the year. Having witnessed these incidents, we hope that the Members concerned might have only done so out of a moment of anger. We hope that they will gradually restrain their conduct and come to comply with the RoP. However, our hope has fallen through time and again. In the end, the whole Legislative Council is subject to a lot of negative public opinion. Hence, to me, the minor amendments to Rule 44 and Rule 45 of the RoP proposed today are only a very small step forward. Rather than feeling happy, my heart aches to find that Members have so strongly criticized each others in their response to the amendments.

Some Members said that today was a day of darkness. I think this is an exaggeration. How can such a minor amendment lead to a day of darkness? What are the areas of darkness? They seem to say that no one will be allowed to speak in future. In fact, this is not the case. Mr Albert CHAN mentioned that a man approached him yesterday at the Belvedere Garden in Tsuen Wan, commending him and showing support to his violent conduct in the Council. It

so happened that yesterday, I had also heard the views of three members of the public at different places and at different time from noon to evening.

The first encounter was at noon when I was having lunch. A housewife with her teenage son and daughter were having lunch among with a group of people. Knowing that I am a Member of the Legislative Council — I have not seen her for a few years — she started the conversation, "Why do Members of the Legislative Council behave like that? You Members do not follow the rules and hurl objects at each other." She further asked, "Is such conduct brought over from Taiwan? This is not good. Members should not act like that." This is her comment. The whole conversation was not brought up by me and I did not say anything further. Housewives like her may not pay attention to every business handled in the Council, but they have also reacted strongly to such conduct. This is the view that I heard at noon when I was having lunch.

In the evening at the wedding banquet of my friend's daughter, I was approached by a man of the financial sector. The man frequently comments on the financial market, stock prices and other related aspects and can be regarded as a famous critic. He initiated a conversation with me about the conduct of Members in the Council. He was resentful about Members hurling objects and behaving violently.

After the wedding banquet, I took a taxi home. The taxi driver recognized that I am TAM Yiu-chung, and started talking to me. He mentioned Mr WONG Yuk-man. He first clarified that he was not a supporter of any political party or grouping and then he said, "However, I think that Legislative Council Members such as Mr WONG Yuk-man who is well educated and civilized, why did he act like that? His conduct is wrong. A meeting is a meeting. He should not act like that." He was cautious of not speaking too much while he was driving and when I reached my destination, which was only a short distance, he said to me, "Can I take up a little more of your time? There is something more I wish say." The taxi driver expressed similar views. Within one day, I do not know why, the people whom I came into contact with had said the same thing. They did not ask me whether we had to vote on the motion to amend the RoP today; they might not even know about this debate. However, people of different background and different walks of life are concerned about this issue.

Mr Albert CHAN would certainly say that many people support his actions.

I am not sure about this, but from the people I met and as mentioned by Members who just spoke, the people whom we meet every day considered that Members should not behave like that in this Council. I thus very much hope that fellow Members, fellow colleagues can seriously and thoroughly think about this issue. You claim that your conduct is an act of resistance, but there is a limit to every act of resistance. If you go beyond the limit, things will turn out wrong. Your conduct will not bring better outcome and more commendations, nor will it be conducive to attaining your goals and aspirations, unless you have a hidden agenda that I do not know.

Some Members who have just spoken are against this minor amendment to the RoP. They claim that half of the Members are returned from functional constituencies (FCs), which is a coterie election, and that these Members are not genuine representatives of the people. When they made such remarks, they should think about one point. If they claim that they are the only representatives of the people because they are directly elected, will their unpopular conduct and opinions ultimately affect other Members also returned by direct elections? People will be more cautious about direct elections, thinking that it is lucky that for the time being only a few Members among the 30 Members act like this. What will happen if more seats of direct elections are added and more Members of similar conduct join this Council in future? Will this be conducive to the image of Members returned by direct elections of geographical constituencies? Will more people prefer to have Members returned from FCs? I think this point merits our consideration.

President, some Members think that we need not amend the RoP as long as we know what to do. However, we have been waiting for this for a long time. Some Members said that amending the RoP does not mean that such incidents will not happen. Dr Margaret NG emphatically asked if the amendment could stop such incidents from happening. According to her logic, many amendments may be uncalled for. We frequently introduce legislative amendments to stop irregularities, but it is unnecessary to do so as irregularities cannot be totally eradicated. For example, the legislative amendment to increase the penalty of littering from \$500 to the present level of \$1,500 will be meaningless because even if the penalty is now increased to \$1,500, people will still litter

MR PAUL TSE (in Cantonese): Drink driving.

MR TAM YIU-CHUNG (in Cantonese): Yes. Mr Paul TSE reminded me that another example is drink driving. I do not have a driving licence. This will not happen on me. I thus have not thought of this example. You can say that we need not increase the penalty because there is no way to stop drink driving. Related accidents will still happen. You may say that the penalty is harsh for you have only drunk a glass of wine, but there are people who will, intentionally or unintentionally, break the law.

All in all, if a certain regulation or ordinance is flawed, it is logical that we amend or enhance it, or lay down more restrictions on certain scenarios. We only know too well that the amendment cannot totally solve the irregularities. If we can do so, things will be much easier, right? Yet, if we do not even take this step, I think we are falling short of public expectation. We hope that after taking this step, the Members concerned can give a good thought to this issue and see whether they will continue to behave like that. Given the majority views of this Council and the overwhelming opinions in society, should they insist on taking this approach?

Moreover, you can well proceed with your act of resistance, but during a meeting, Members should act in accordance with the RoP. No one will stop you from doing whatever you wish to do outside this Council. Hong Kong is a society under the rule of law. You are allowed to do many things as long as you have not violated the law.

Members suggested that the two amendments should be voted on separately later. Some said that they would support one of them, while others said that they would support both. Everyone can make his own choice. However, I do not think that with the passage of the two proposed amendments, Members would be forbidden to speak under Rule 45(1). I believe all Members are aware that the President in Council and chairmen of panels or committees, once they take their seat, will be fair and impartial in discharging their role. I totally disagree that the President or chairmen will abuse their powers or be dominant once they take up that role. I believe Members will not do so. Members take turns to be chairman and everyone has a chance. Having worked

together for years, we have an understanding that we will not deliberately stop others from speaking because of these two amendments, nor will we undermine others' freedom of speech. I believe this will not happen because we are not greenhorns in handling Council businesses.

As to Members' query of whether this will happen in future, I do not think so either. Our meetings are all open. Members can see for themselves that we will not abuse the RoP. On the contrary, when incidents happen, we would often question whether there is any ambiguity or laxity in the RoP that had made it difficult for the President to make a ruling. It is the RoP that we question.

After I finish my speech we will proceed to vote. I earnestly hope that Members can reconsider and vote in support of both amendments which will be voted on separately. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, may I ask him to clarify a point in his speech just now where he called on Members to act in accordance with the Rules of Procedures (RoP). His speech seemed to be misleading, or he may have made a mistake. Can he clarify whether he now seeks to amend the RoP, rather than asking us to act in accordance with the RoP? His speech seemed to be misleading and distorting the truth.

PRESIDENT (in Cantonese): Mr CHAN, this debate has come to a close after Mr TAM Yiu-chung has replied. I now put the question to you and that is: That the first motion moved by Mr TAM Yiu-chung to amend Rule 45(2) of the Rules of Procedure be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for three minutes.

(During the ringing of the division bell, Mr Albert HO stood up)

PRESIDENT (in Cantonese): Mr Albert HO, what is your question?

MR ALBERT HO (in Cantonese): Are we now voting on Rule 45(1) or Rule 45(2)?

PRESIDENT (in Cantonese): We are now voting on the first motion, that is, the motion to amend Rule 45(2) of the Rules of Procedure.

(During the ringing of the division bell, Mr WONG Yuk-man stood up and yelled)

MR WONG YUK-MAN (in Cantonese): Suppressing freedom of speech, shameless!

PRESIDENT (in Cantonese): Mr WONG Yuk-man

MR WONG YUK-MAN (in Cantonese): The Democratic Party digging its own grave, shameless!

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please sit down immediately.

MR WONG YUK-MAN (in Cantonese): The bogus democratic camp attacking freedom of speech, shameless!

PRESIDENT (in Cantonese): Mr WONG Yuk-man

MR WONG YUK-MAN (in Cantonese): President, we leave this Chamber in protest.

(Mr Albert CHAN also stood up)

MR ALBERT CHAN (in Cantonese): President, you do not have to drive us out. We will not acknowledge this voting result.

PRESIDENT (in Cantonese): Mr Albert CHAN, please sit down immediately.

MR ALBERT CHAN (in Cantonese): The Democratic Party is kowtowing to the Communist Party. Shameless! The Democratic Party, shameless! Betrayal to their voters, shameless!

PRESIDENT (in Cantonese): Mr Albert CHAN, please leave this Chamber immediately.

(Mr WONG Yuk-man and Mr Albert CHAN left the Chamber)

(The ringing of the division bell ended)

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr

Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted for the motion.

Dr Margaret NG voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Ms Audrey EU, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr CHEUNG Hok-ming, Mr Ronny TONG, Mr KAM Nai-wai, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mrs Regina IP, Mr Alan LEONG and Miss Tanya CHAN voted for the motion.

Mr Frederick FUNG, Ms Cyd HO and Mr LEUNG Kwok-hung voted against the motion.

Mr Andrew CHENG abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 23 were in favour of the motion and one against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 21 were in favour of the motion, three against it and one abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was passed.

PRESIDENT (in Cantonese): Mr TAM Yiu-chung. You may now move the second motion.

MR TAM YIU-CHUNG (in Cantonese): President, I move that the second motion under my name be passed.

Mr TAM Yiu-chung moved the following motion:

"RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

Amendment to Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region

1. Rule 45 amended (Order in Council and Committee)
Rule 45(1) —
Repeal
"standing or select".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the second motion moved by Mr TAM Yiu-chung be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr LEUNG Kwok-hung rose to claim a division.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted for the motion.

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LEUNG Ka-lau and Mr Paul TSE voted against the motion.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr Ronny TONG, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted for the motion.

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung and Miss Tanya CHAN voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 19 were in favour of the motion and five against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 11 were in favour of the motion and 14 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

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L.N. 87 of 2011

**Basic Law of the Hong Kong Special Administrative
Region of the People's Republic of China**

Resolution of the Legislative Council

**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 11 May 2011.

Resolved that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 44 amended (Decision of Chair Final)

Rule 44—

Repeal

“standing or select”.

2. Rule 45 amended (Order in Council and Committee)

Rule 45(2)—

(a) Repeal

“standing or select”;

(b) English text—

Repeal

“clerks of any committees”

Substitute

“clerk of any committee”.

Pauline NG Man-wah
Clerk to the Legislative Council

11 May 2011

**Extract of the Committee on Rules of Procedure of
the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period November 2010 to June 2011**

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2. Review of the procedural arrangements relating to Council meetings

Sanctions against Members for repeated or persistent disorderly conduct at Council meetings

2.17 Under the Rules of Procedure, Members:

- (a) should speak on the subject under discussion and should not introduce irrelevant matter (Rule 41(1));
- (b) should not use offensive and insulting language about other Members (Rule 41(4));
- (c) should not impute improper motives to another Member (Rule 41(5));
- (d) should attend a Council meeting in proper attire and with decorum (Rule 42(a));
- (e) should not cross the floor of the Council unnecessarily during a Council meeting (Rule 42(b)); other instruments tabled in Council to which no amendment has been proposed and a procedure for holding such debates should be provided in the Rules of Procedure.
- (f) should not read newspapers and other documents during a Council meeting which are not related to the business of the Council (Rule 42(c));
- (g) should be silent and should not make unseemly interruptions while another Member is speaking (Rule 42(d)); and
- (h) should not persist in irrelevance or tedious repetition of their own or other Members' arguments in a debate (Rule 45(1)).

2.18 The Rules of Procedure do not provide any specific sanctions against Members who have breached the rules cited in paragraph 2.17 above. Suspension, as provided under Rule 85¹, is a sanction relating to interests, operating expenses or operating funds, and not disorderly conduct. Nevertheless, Rule 45(2) of the Rules of Procedure empowers the President to order a Member whose conduct is grossly disorderly to withdraw immediately from the Council for the remainder of that meeting.

2.19 In past cases, it was the President to determine whether any breach of the above rules (or any other conduct of a Member) constitutes grossly disorderly conduct and, as the President deems fit, to order the Member concerned to withdraw from the Council. Listed below are the types of disorderly conduct in question:

- (a) refusal to stop displaying signs and messages;
- (b) throwing objects at meetings;
- (c) crossing the floor of the Council and attempting to grab the speech of a public officer;
- (d) crossing the floor of the Council unnecessarily and refusal to return to seat;
- (e) speaking aloud when it was not the Member's turn to speak and refusal to sit down and stop speaking;
- (f) refusal to withdraw offensive and insulting language;
- (g) refusal to withdraw accusations against the President;
- (h) refusal to stop speaking on irrelevant matter;
- (i) not observing the rules of asking supplementary questions to oral questions; and
- (j) refusal to stop making comments on a ruling made by the Chairman of the Finance Committee.

¹ Under Rule 85 of RoP, any Member who fails to comply with Rule 83 (Registration of Interests), 83A (Personal Pecuniary Interest to be Disclosed), 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) or 84(1) or (1A) (Voting or Withdrawal in case of Direct Pecuniary Interest) may be admonished, reprimanded or suspended by the Council

2.20 In response to the concern that there was a lack of sanction under the Rules of Procedure to deter repeated or persistent disorderly conduct of Members at Council meetings, the Committee conducted a number of studies on issues relating to order in Council in the last two legislative sessions. After deliberations, the Committee noted that there was no consensus view among members on whether there was a need to amend the Rules of Procedure or introduce any new arrangements to deal with Members' repeated disorderly conduct in Council. Generally speaking, members considered that the power given to the President under Rule 45(2) of the Rules of Procedure to order a Member whose conduct is grossly disorderly to withdraw immediately from the Council was adequate to deal with the situation. Any further sanctions against Members would have to be considered carefully to ensure no contravention with the Basic Law.

2.21 In response to the request of some members, the Committee requested the Secretariat to conduct a further study on the rules and practices of overseas legislatures which give their President/Speaker the authority to suspend the service of a Member for repeated or persistent grossly disorderly conduct at sittings, without the need of moving a motion to that effect, as practised in a number of Parliaments.

2.22 This further study covered the Parliaments of Germany, India and South Africa, where the President/Speaker has the authority to order a Member to leave the chamber for serious breach of order(s) for the remainder of the sitting and to suspend the service of a Member for repeated breaches of order(s) at sittings up to a certain period, without the need for a motion to be passed before the suspension can take effect. It was noted that although the President/Speaker may order suspension of service for a certain period, such suspension is subject to some form of an appeal mechanism, such as an objection lodged by the Member concerned to be placed on the agenda of the next sitting for a decision by the House without debate, or a motion to be moved at any time that the suspension of a Member be terminated. In the case of South Africa, the Member who has been suspended may submit a written expression of regret to the Speaker. If the Speaker approves such an expression of regret, he may discharge the suspension and inform the National Assembly accordingly. An expression of regret approved by the Speaker is recorded in the minutes of proceedings.

2.23 After further deliberations, members remained generally of the view that it would not be necessary to amend the Rules of Procedure to impose sanctions to deal with Members' disorderly conduct in Council.

2.24 Nevertheless, following a number of incidents occurring in May and June 2011 which involved some Members behaving in a disorderly manner at Council and committee meetings, the President requested the Committee to further consider the subject. The Committee will study the relevant rules and practices of selected overseas legislatures dealing with violent acts, in particular the throwing of objects, committed by Members during sittings of the Parliament or committee meetings, at its meeting in July 2011.

3. Review of the procedures of committees of the Council

3.1 The Committee also studied the following issues relating to the procedures of committees of the Council in the 2010-2011 session:

- (a) order at committee meetings; and
- (b) other procedures for committees.

Order at committee meetings

3.2 The issue of whether Rules 44 and 45 of the Rules of Procedure should be extended to cover other committees of the Council was last studied by the Committee in 2004. Rule 44 referred to the finality of decisions made by the President or the chairman of any standing committee or select committee on a point of order, while Rule 45(1) empowered the President or such chairman to order Members who persist in irrelevance or tedious repetition to stop speaking. Rule 45(2) empowered the President or the chairman of any standing committee or select committee to order immediate withdrawal of Members whose conduct is grossly disorderly. The review concluded that it was not necessary to extend the rules to other committees, as the power given to the chairmen of these committees was adequate for them to deal with disputes at meetings. Subsequently in 2009, in response to a suggestion to extend these rules to other committees, consultation with Members was conducted by the Committee. The outcome of the consultation indicated that Members had divergent views on the proposed extension of rules. The Committee agreed that the matter should not be dealt with for the time being.

3.3 Following recent incidents involving some Members behaving in a disorderly manner at committee meetings and upon the President's request referred to in paragraph 2.12 above, the Committee discussed ways of ensuring the smooth operation of committees. The majority of the members considered that the present approach of handling disorderly conduct of Members at committee meetings could no longer ensure the smooth operation of the

committees, due to increasing frequency of disorderly conduct of Members at committee meetings. Some members pointed out that although the chairman concerned might suspend a meeting if a Member continued to act in a disorderly manner despite the chairman's warnings, such suspension was highly disruptive to the work of the committee. If, upon resumption of the meeting, the Member continued to act in a disorderly manner, the chairman might have no alternative but to suspend the meeting again to let the Member calm down. Most members of the Committee supported that Rules 44 and 45 of the Rules of Procedure should be extended to cover all committees of the Council.

3.4 Dr Hon Margaret NG, Deputy Chairman of the Committee, was however of the view that to empower the chairmen of other committees to order withdrawal of a Member from a meeting on the ground of disorderly conduct might lead to more conflicts and confrontations, which would not be conducive to the smooth operation of these committees. Dr NG's view was noted.

3.5 The Committee's recommendation to extend Rules 44 and 45 was discussed at the House Committee meeting on 15 April 2011. In response to objection expressed by some Members about extending Rules 45(1) to the chairmen of all committees, two separate motions, the first to amend Rules 44 and 45(2), and the second one to amend Rule 45(1), were moved at the Council meeting of 11 May 2011. The first motion was approved by the Council, while the second motion was negatived by the Council.

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Appendix II

Committee on Rules of Procedure

List of issues studied during the period from November 2010 to June 2011

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Item	Issue	Relevant rule(s)	Progress/remarks
2	Sanctions against Members for repeated or persistent disorderly conduct at Council meetings	Rules 44 and 45 of the Rules of Procedure	The Committee is of the view that it is not necessary to amend the Rules of Procedure to impose sanctions to deal with Members' disorderly conduct at Council meetings. The Committee will further study at its meeting in July 2011 the relevant rules and practices of selected overseas legislatures dealing with violent acts, in particular the throwing of objects, committed by Members during sittings of the Parliament or committee meetings.
5	Order at committee meetings	Rules 44 and 45 of the Rules of Procedure	The recommendations by the Committee on the amendments to Rules 44 and 45 of the Rules of Procedure were considered by the House Committee on 15 April 2011. The Council approved the amendments to Rules 44 and 45(2) at the meeting of 11 May 2011 and the relevant provisions were amended accordingly.

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**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 13 July 2011**

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ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr TAM Yiu-chung will address the Council on the Progress Report of the Committee on Rules of Procedure for the period November 2010 to June 2011.

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period November 2010 to June 2011

MR TAM YIU-CHUNG (in Cantonese): President, in my capacity as Chairman of the Committee on Rules of Procedure (CRoP), I table before this Council the Progress Report of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region for the period November 2010 to June 2011. I will briefly highlight here two major items of work of the CRoP.

First of all, the CRoP has reviewed the arrangements for discussing proposed amendments at the Committee stage of a Council meeting. The CRoP noted that the Committee of the whole Council would usually conduct a single discussion on a series of interdependent amendments related to a clause, a proposed new clause, a schedule or a proposed new schedule of a bill in order to save time and avoid repetition of arguments, but Rules 58(5) and (7) of the Rules of Procedure dictated the order in which clauses and schedules should be disposed of, resulting in Members or officials needing to move a motion to suspend the two rules of procedure. However, the motion to suspend a rule of procedure could be moved only after the Council had resumed and the President had given consent, then the Council again resolved itself into the Committee to debate the amendments.

After review, the CRoP consulted the House Committee and suggested at the Council meeting on 30 March 2011 that Rule 58(2) be revised to clearly

stipulate that where there is a series of interdependent amendments to a bill, the Chairman may allow a single discussion in relation to those interdependent amendments and, if necessary, change the existing order of disposal of new clauses, schedules and new schedules as provided in Rules 58(5) and (7). The aforesaid amendment was passed by the Council.

Another major item of work of the CRoP was to review how to deal with repeated disorderly conduct of Members at Council and committee meetings. Starting from the current term of the Legislative Council, the CRoP has drawn reference from the practices of other countries in relation to repeated disorderly conduct of legislators at meetings.

Given the occurrence of several incidents early this year involving some Members throwing objects at public officers during Council and committee meetings, the CRoP conducted a review again at the President's request to study the regulation of display of objects by Members during Council meetings, repeated and persistent disorderly conduct of Members, and the scope of authority of the President or the chairman of a committee in executing Rules 44 and 45 of the Rules of Procedure.

The CRoP consulted all the Members in August 2010 on display of objects by Members during Council meetings. The consultation result revealed that most of the Members did not support changing the existing regulatory standards. Therefore, the CRoP decided not to follow up this matter. However, given that the situation subsequently aroused concern again, the CRoP drew reference from the relevant rules and practices of the Parliaments of the United Kingdom, Australia, New Zealand and Canada as well as the Legislative Yuan of Taiwan. The CRoP generally considered that the relevant rules and practices of the New Zealand Parliament were most valuable as reference. In the House of Representatives of the New Zealand Parliament, its Standing Order 108 stipulates that Members are permitted the use of appropriate visual aids to illustrate points made in their speeches, provided that the aids do not cause inconvenience to other Members or obstruct the proceedings of the House.

On behalf of the CRoP, I wrote to the President and suggested that he should draw reference from the principle reflected in the New Zealand standing order in the event that he needs to rule on the use of any object which may cause inconvenience to other Members or obstruct the proceedings of the Council.

As regards Members' repeated or persistent disorderly conduct at Council meetings, the CRoP has also drawn reference from the parliamentary practices in many places, and noted that the Parliaments of Germany, India and South Africa have specific mechanisms that empower the President/Speaker to immediately suspend the service of a Member for repeated breaches of order(s) at sittings up to a certain period, without the need for a motion to be passed before the suspension can take effect. However, these Parliaments also provide an appeal mechanism under which the sanction concerned can be repealed by means of a motion. After deliberations, CRoP members understood that there was no consensus view among Members on whether there was a need to change the existing practice, because the power given to the President under Rule 45(2) of the Rules of Procedure to order immediate withdrawal of a Member whose conduct is grossly disorderly was adequate to deal with the situation.

In the course of its review, the CRoP noted that the chairmen of some committees, such as panels, bills committees and subcommittees, do not have the power conferred under Rules 44 and 45 of the Rules of Procedure to make the final decision on a point of order and the power to order a Member who acts in a disorderly manner to withdraw from the meeting. In other words, these chairmen can only persuade the Member not to continue to behave in the manner which is the subject of the controversy, and suspend the meeting to let the controversy die down, if necessary. However, the present approach can no longer ensure the smooth operation of the committees.

Therefore, the CRoP considered that, as Rules 44, 45(1) and (2) of the Rules of Procedure also apply to the chairman of any standing committee or select committee, it is indeed necessary to extend the application of these two rules to all committees of the Council. After consultation with the House Committee, the CRoP proposed to amend the relevant rules. The Legislative Council passed an amendment to Rules 44 and 45(2) of the Rules of Procedure on 11 May 2011, extending their application to all committees and subcommittees.

Following a number of incidents occurring in May and June 2011 which involved some Members behaving in a disorderly manner at Council and committee meetings, and at the President's request, the CRoP requested the Secretariat to conduct a study on the relevant rules and practices of other legislatures dealing with violent acts, in particular the throwing of objects,

committed by legislators during parliament sittings or committee meetings.

In addition, the CRoP also discussed other procedures for committees, as well as the procedure for the election of the President of the Legislative Council. Regarding the procedural arrangements for the impeachment of the Chief Executive, the CRoP will continue its deliberations upon receipt of the Administration's response.

Finally, I would like to take this opportunity to thank Members for their support for the work of the CRoP and their valuable views.

Thank you, President.

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立法會
Legislative Council

LC Paper No. CROP 65/20-21

Ref : CB(2)/CROP/3/90
Tel : 3919 3204
Date : 21 May 2021
From : Clerk to Committee on Rules of Procedure
To : All Members of the Legislative Council

Committee on Rules of Procedure

**Consultation on proposals to amend the Rules of Procedure and House Rules
Second batch of proposed amendments**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on the proposals to amend the Rules of Procedure ("RoP") and House Rules ("HR") in the following areas:

- (a) Committee membership and election of the chairman and deputy chairman of a committee¹ (*paragraphs 3 to 6 refer*);
- (b) Procedures for dealing with quorum calls and points of order (*paragraphs 7 to 14 refer*);
- (c) Attire for Members attending Council meetings (*paragraph 15 refers*); and
- (d) Display of objects by Members at Council meetings (*paragraph 16 refers*).

Background

2. Since the commencement of the 2020-2021 session, CRoP has been reviewing the rules and practices of the Legislative Council ("LegCo") and examining proposals submitted by Members to amend RoP and HR with a view to achieving the orderly, efficient and fair disposition of Council

¹ In the context of item (a), "committee" refers to a Panel, a Bills Committee ("BC") and a subcommittee ("SC") appointed by the House Committee, a Panel(s) or BC.

business. Following the implementation of the first batch of amendments to RoP and HR in February and March 2021, CRoP proceeded to the second phase of the review. At its meetings on 11 and 20 May, CRoP agreed to take forward the proposals which may be divided into four groups according to the areas specified in paragraph 1 (hereafter referred to as "Proposals 1 to 4") and to invite Members' views on the proposals. The objectives and details of the proposals are set out in the ensuing paragraphs.

Proposal 1: Committee membership and election of the chairman and deputy chairman of a committee (*Items 1 to 3 of Appendix VI*)

3. CRoP considered and discussed the following proposals relating to committee membership and election of the chairman and deputy chairman of a committee which were drawn up by making reference to the relevant proposals of Hon CHAN Hak-kan (**Appendix I** refers) and the practice adopted by selected overseas legislatures (**Appendix II** refers) while giving regard to the composition of the Seventh LegCo under Annex II to the Basic Law ("BL") as amended by the Standing Committee of the National People's Congress on 30 March 2021: (i) setting a cap on the membership size of committees; (ii) a proposed mechanism for allocation of committee seats; and (iii) a proposed procedure for election of the chairman and deputy chairman of a committee.

(i) Setting a cap on the membership size of committees (*Item 1 of Appendix VI*)

4. To facilitate the effective and efficient operation of committees of LegCo after the increase in the number of seats from 70 to 90 in the Seventh LegCo, it is proposed to set a cap on the membership size for committees currently with no specified membership size in RoP:

- (a) for committees which monitor and examine policy matters (namely, **Panels and subcommittees ("SCs") appointed by the House Committee ("HC") or Panels to study policy issues**), their membership size be **capped at 20 members;**² and

² The annual average membership size of the 18 Panels in the Fourth Legislative Council ("LegCo"), the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session) ranged from 17 to 19, 22 to 24, and 25 to 30 members respectively. For a two-hour meeting with two discussion items, a committee comprising more than 20 members can only allow each member less than three minutes' speaking time for each discussion item.

- (b) for committees which are formed to consider legislative proposals (namely, **Bills Committees ("BCs") (and its SCs) and SCs appointed by HC to study subsidiary legislation and other instruments)** as well as **SCs appointed by HC to consider other matters relating to Council business**, their membership size be **capped at 15 members**,³ **unless otherwise decided by HC.**

(ii) Proposed mechanism for allocation of committee seats (Item 2 of Appendix VI)

5. If a cap is set on the membership size of committees mentioned above, a new mechanism should be put in place to allocate committee seats among Members, as detailed in **Appendix III**. Given that a considerable number of Members do not belong to any political parties, to ensure that committee membership reflects the relative strengths of the political groupings in LegCo and to allow flexibility, it is proposed that in each session, Members will be invited to coordinate among themselves to form lists for the purpose of allocation of committee seats for that session.⁴ The allocation of committee seats for that session will be based on the number of Members on a list (**Annex I to Appendix III refers**). Any Member not intending to form any list with other Member(s) may signify membership as an individual Member. It is also proposed to specify that the maximum number of Panels that each Member can serve on at the same time is six (i.e. one third of all Panels), with a view to achieving a more balanced allocation of work among Members.

(iii) Proposed procedure for election of the chairman and deputy chairman of a committee (Item 3 of Appendix VI)

6. To ensure that election of the chairman and deputy chairman of a committee can be conducted smoothly and be completed within a reasonable time, it is proposed to amend the existing nomination and election procedure to the effect that all nominations for chairmanship and deputy chairmanship are required to be submitted through electronic means before a specified

³ In the Fourth LegCo, the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session), the annual average number of BCs formed was 18, 19 and 16 respectively, and that of SCs on subsidiary legislation was 23, 30 and 26 respectively. In view of the availability of Members in joining such committees and the limit of Members' time in coping with the relevant scrutiny work, which is expected to be completed within a relatively tight timeframe, it is proposed that the membership size of such committees be capped at 15 members.

⁴ If the proposed amendment is endorsed, amendments will be made to the relevant provisions in the House Rules to specify that a Member's membership of a Panel shall last for one session unless the Member resigns from that Panel.

deadline, and that the list of valid nominations will be issued to members before the meeting at which the election of chairman and deputy chairman is scheduled to take place. If there is no valid nomination for chairmanship, the member who has the highest precedence shall be deemed to be elected as chairman.⁵ It is also proposed that the election shall be completed within a specified time limit and that when presiding at the election concerned, the presiding member is required to proceed straight to balloting in accordance with the procedures prescribed in paragraphs 7 to 12 of Appendix IV to HR, and should not hear points of order or entertain any motion including a motion to establish the manner in which the committee wishes to proceed with the election. Details of the proposed amendments to the procedures for election of chairman and deputy chairman of a committee are set out in **Appendix IV**.

Proposal 2: Procedures for dealing with quorum calls and points of order (*Items 4 to 7 of Appendix VI*)

Quorum of the Council

7. Following the implementation of the amendments to RoP in 2017,⁶ the problem of incessant quorum calls leading to disrupted Council proceedings and business not being dealt with by the Council in time persists. Having regard to the past deliberations of CRoP, external legal advice on quorum issues and Hon CHAN Hak-kan's relevant proposal submitted to CRoP in January 2021, the following procedures are proposed to deal with incessant quorum calls at meetings of the Council and a committee of the whole Council ("CoWC"):

⁵ In the case of Panels, this proposed amendment will be subject to the conditions set out in Rule 77(6) of the Rules of Procedure ("RoP") (i.e. 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) and RoP 77(7) (i.e. a Member shall not be chairman or deputy chairman of more than one Panel at the same time).

⁶ In December 2017, the Council approved a number of amendments proposed by Members which included, among others, amendments to RoP 17 for the purposes of (a) specifying the quorum of a committee of the whole Council to be 20 members including the Chairman of that committee; and (b) empowering the President to convene a Council meeting to complete the unfinished business on the Council Agenda before the next scheduled Council meeting.

(i) ***Imposing financial penalties on Members absent without valid reasons when a Council meeting is adjourned due to a lack of quorum (Item 4 of Appendix VI)***

8. It is proposed that a Member would be subject to a **financial penalty** if he/she is absent without valid reasons⁷ from a Council meeting adjourned due to a lack of quorum under RoP 17(2) or (3), regardless of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and may be resumed for continuation of any unfinished business under RoP 17(6) and 14(4).⁸ The President would have the discretion to decide whether the absence of a Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances, experience of overseas legislatures, etc. The financial penalty to be imposed each and every time that a Member is absent without valid reasons when the Council is adjourned due to a lack of quorum is proposed to be set at **an amount equivalent to one day's remuneration currently payable to a Member who does not serve on the Executive Council ("ExCo")**.⁹ In other words, the amount of the financial penalty is subject to adjustment based on changes in the prevailing monthly remuneration of a Member not serving on ExCo.¹⁰

(ii) ***President not dealing with a point of quorum taken abusively (Items 6 and 7 of Appendix VI)***

9. Amendments to RoP are proposed to be made to provide that the President in Council or the Chairman in CoWC may, for the purpose of ensuring orderly, efficient and fair disposition of LegCo business, exercise his power under BL 72 to decide when and how to deal with a point of quorum if he is of the opinion that the raising of such quorum point is an abuse of procedure. Details of the proposed arrangements are set out in **paragraphs 12 and 13** below.

⁷ With reference to the relevant practices of some overseas legislatures, valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.

⁸ Express statutory authority will be sought through making new legislation or amending relevant existing legislation for imposing such financial penalties on Members.

⁹ The formula for calculating the amount of the financial penalty (on a 30-calendar-day basis):

Amount of financial penalty[#] = Prevailing monthly remuneration of a Member* ÷ 30

(i.e. 1-day remuneration of a Member*)

[#] Number rounded to the nearest hundred

*Member not serving on the Executive Council

¹⁰ With effect from 1 October 2020, the monthly remuneration payable to a Member who does not serve on the Executive Council is \$102,820. Accordingly, as of now, the amount of the financial penalty shall be \$3,400.

(iii) Prohibiting Members from leaving the Chamber during quorum calls (Item 5 of Appendix VI)

10. Amendments are proposed to be made to RoP 17 to provide that after a quorum call has been made, **no Member may leave the Chamber** until a quorum is present or the Council is adjourned.

Points of order

11. Since the commencement of the Sixth LegCo, there has been a tendency for some Members to abuse the raising of a point of order for the purpose of filibustering. To prevent an abuse of the procedure, Hon CHAN Hak-kan has proposed the following amendments to RoP 39 and 44 to provide the President in Council or the Chairman in CoWC with a discretion in dealing with points of order (including quorum calls) that are abusive in nature:

(iv) Proposed amendments to Rule 39 of the Rules of Procedure (Item 6 of Appendix VI)

12. RoP 39 is proposed to be amended to the effect that: (a) a Member shall not interrupt another Member except by rising to a point of order and **if called** by the President in Council or the Chairman in CoWC to speak; and (b) the Member interrupting may be directed to **discontinue speaking** if the President in Council or the Chairman in CoWC is of the opinion that the interruption is an abuse of procedure. Members are invited to consider whether the proposed amendments should also apply to a committee such that a **committee chairman would be given the same discretion** in dealing with points of order raised at a committee meeting.

(v) Proposed amendments to Rule 44 of the Rules of Procedure (Item 7 of Appendix VI)

13. Amendments to RoP 44 are proposed to be made to the effect that the President, the Chairman in CoWC or the chairman of any committee (**excluding** any Member presiding over a meeting) may decide **when and how to deal with a point of order** if he is of the opinion that the raising of such a point of order is **an abuse of procedure**.

14. According to RoP 3(3),¹¹ the Member presiding in Council and in CoWC, when the President or the President's deputy is absent or in his opinion unable to act, shall enjoy all those powers conferred by RoP on the President or the Chairman in CoWC that are exercisable in respect of that meeting or that part of meeting. Members are invited to consider whether the **Member presiding in Council and in CoWC should have the same discretion** as the President or the Chairman in CoWC to decide **when and how to deal with a point of order** if he is of the opinion that the raising of such a point of order is **an abuse of procedure**. In other words, the Member presiding in Council and in CoWC would **continue to enjoy all the powers** of the President or the Chairman in CoWC at a meeting or part of a meeting.

Proposal 3: Attire for Members attending Council meetings (*Items 8 to 10 of Appendix VI*)

15. RoP 42(a) provides that during a meeting of the Council, all Members shall enter or leave the Council properly attired and with decorum. However, there are neither explicit provisions in RoP nor separate guidelines to prescribe the proper dress code for Members attending Council meetings, making it difficult for Members, particularly new Members, to be aware of the appropriate attire for attending Council meetings. To safeguard the dignity and uphold the image of the Council, the opportunity is taken to: (a) **amend RoP 42(a)** to expressly provide that Members attending Council meetings shall dress in **business attire**; and (b) **provide attire guidance** (**Appendix V** refers).

Proposal 4: Display of objects by Members at Council meetings (*Items 11 to 13 of Appendix VI*)

16. At present, there is no provision in RoP regulating the display of objects by Members at Council meetings. Considering that the display of objects by Members at Council meetings has become more frequent since the commencement of the Fifth LegCo, it is proposed to: (a) **amend RoP 42** to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object for illustrating the point(s) in his/her speech only while he/she is

¹¹ RoP 3(3) provides that "[t]he 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".

speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41; and (b) **add a new provision to HR** to set out the relevant conditions.

Questionnaire

17. Members are invited to give their views on the four groups of proposals above by completing and returning the questionnaire in **Appendix VI by Friday, 28 May 2021**. Subject to the concurrence of Hon Paul TSE, Chairman of CRoP, necessary and suitable modifications may be made to help finetune the proposed amendments having regard to Members' views received and operational needs. Subject to CRoP's agreement, those proposed amendments that receive sufficient support will be submitted to HC for endorsement thereafter.

(Lilian MOK)
Clerk to
Committee on Rules of Procedure

Encls.

c.c. Hon Andrew LEUNG Kwan-yuen, GBM, GBS, JP (President of the Legislative Council)

Hon Paul TSE Wai-chun, JP (Chairman)

SG, LA, DSG(CCS), DSG(DRM), ASG1, ASG3, ASG4, SALA1, SALA3, H(PI), ALA2, CCS(2)5

A flowchart summarizing Hon CHAN Hak-kan's proposals for determining the committee membership and election of the chairman and deputy chairman of a committee¹

Appointment of committee membership

- ♦ Membership size of committees (namely, Panels, Bills Committees ("BCs") and subcommittees appointed by the House Committee, Panels and BCs) shall be capped at 15.
- ♦ For the purpose of allocating committee seats, Members are divided into certain number of groups (say five groups). The 15 committee seats shall be allocated among Members in these groups (i.e. a cap of three Members in each group).
- ♦ A Member interested in joining a committee or subcommittee shall indicate the group that he/she chooses. If the number of Members in any group exceeds the cap, they shall be selected for allocation of committee seats by drawing lots. If there are vacancies remained in any group, those Members who are not selected in the earlier round of drawing lots shall be selected (also by drawing lots) to fill the vacancies.

Nominations for chairmanship and deputy chairmanship

- ♦ Invitation for nominations shall be issued within 3 clear days after the announcement of membership.
- ♦ Nomination period shall not be less than 3 clear days.
- ♦ A valid nomination shall be proposed by a member, seconded by another member and accepted by the member being nominated.

Closing of the nomination period

- ♦ Committee clerk shall issue a list of the valid candidates and provide details of the voting periods for electing the chairman and deputy chairman.
- ♦ If there is only one nomination for any one position, the Committee Clerk shall make a written announcement.

Election of chairman and deputy chairman

- ♦ During the respective voting periods for electing the chairman and deputy chairman, members of the relevant committee may enter the voting room and collect ballot papers and cast their votes into the ballot box.
- ♦ The candidate who has received the highest votes shall be elected.
- ♦ If there is a tied vote, lots shall be drawn to determine which of the candidates shall be elected.
- ♦ The voting session for electing the chairman shall last for not more than 30 minutes. Committee members shall be notified of the voting period for electing the deputy chairman immediately after the outcome of the election of the chairman is announced.

¹ The flowchart is prepared with reference to the relevant proposals of Hon CHAN Hak-kan which are set out in his letter to the Committee on Rules of Procedure dated 18 January 2021.

Committee membership and appointment of committee chairs and deputy chairs in selected overseas legislatures

The findings of the study on the committee membership and the appointment of committee chairs in selected overseas legislatures, (namely, the House of Commons of the United Kingdom Parliament ("UKHC"), the House of Representatives of New Zealand ("NZ Parliament"), the Bundestag of Germany ("Bundestag") and the National Assembly of France ("the French National Assembly")) are briefly summarized below:

2. Most of the selected Parliaments tie the committee membership and the appointment of committee chairs with the composition of the House or the relative strengths of the political parties or parliamentary groups represented in the House. **Generally speaking, the membership size of committees in the selected Parliaments is capped at a fixed number or subject to a ceiling in the form of a fixed number or a percentage/fraction of the overall size of the House.**

3. **All the selected Parliaments adopt the practice of allocating committee seats based on the relative strengths of political parties or parliamentary groups¹ represented in the House.** In UKHC, committee seats of the Select Committees are divided among political parties by negotiation, taking into account the party balance in the House. In the NZ Parliament, the membership of the Select Committees must be proportional to party strengths. In the Bundestag and the French National Assembly, the parliamentary groups agree among themselves to divide committee seats based on their numerical strengths in the House. **After allocation of committee seats, the political parties or the parliamentary groups concerned may then decide on their own how to select individual Members from their parties or groups to fill the committee seats.**

4. Most of the committee chairs in **UKHC** are elected by **secret ballot by the House**. Members may nominate candidates by a specified time on the day before the ballot and file the nomination in writing with the Clerk of the House.² In **the NZ Parliament and the French National Assembly**, the chairs are elected by **secret ballot by committees**. In the **Bundestag**, committee chairs are allocated to and **appointed by the parliamentary groups**.

¹ In the Bundestag and the French National Assembly, a parliamentary group usually refers to the alliance of Members sharing similar political objectives and organizing their parliamentary activities as a group in the Parliament.

² Parties negotiate the allocation of each committee chair post among themselves on the basis of advice from the Speaker on the composition of the House. Only Members from the party allocated with the post of a particular committee chair are eligible to be candidates for the chairmanship of that particular committee.

The proposed procedures for allocating committee seats

The following procedures are proposed to be adopted for allocating committee seats:

- (a) **in each session, Members will be invited to coordinate among themselves to form lists for the purpose of allocation of committee seats for that session.**¹ A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list ("designated quota") is in **Annex I**. Members who intend to form lists should submit those lists by electronic means to the Secretariat. **Any Member not intending to form any list with other Member(s) may signify membership as an individual Member for that session;**
- (b) before the deadline for signification of membership², **Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota;**
- (c) after the deadline for signification of membership, if **the total number of Members signifying membership does not exceed the number of committee seats available for allocation, each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the "oversubscription list";**
- (d) **among Members on the "oversubscription list", in the case of the 18 Panels, priority will be given to those Members who**

¹ Members may form lists among themselves at the time the Panels invite Members to signify membership in each session.

² A Member who joins the Council after the start of the first session of a new term may signify membership for the committees of his choice, provided that the number of members of those committees has not reached the specified cap, within one month of the date on which he is declared elected as Member of the Council.

have been allocated the fewest number of Panel seats.³ If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the Chairman of the House Committee ("HC") or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of the seat(s) in that Panel. In the event that both the Chairman and Deputy Chairman of HC are not available, an Assistant Secretary General will draw the lots. **In the case of Bills Committees ("BCs") and subcommittees ("SCs") appointed by HC, Panels or BCs, lots will be drawn by the Chairman of HC or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of committee seats among Members on the "oversubscription list", irrespective of how many other committees these Members have already joined.** In the event that both the Chairman and Deputy Chairman of HC are not available, the committee clerk will draw the lots;

- (e) as long as the number of members of a committee has not reached the specified cap, any Member may submit an application for late membership, and it is for the relevant committee to decide whether such application should be accepted;
- (f) **In the event that a vacancy in a Panel arises before the end of the session,** (e.g. a Member resigns from the Panel or a member of the Panel ceases to hold office as a member of the Legislative Council ("LegCo")), priority for filling the vacancy will be given to another Member on the same list. If the number of Members on the list is no longer sufficient for obtaining the designated quota⁴ or the resigning Member was originally on the "oversubscription list", then a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members who signify membership exceeds the number of vacancy that is required to be filled, a poll will be conducted by the Panel concerned by using the Electronic Voting

³ The order for the 18 Panels to allocate committee seats shall be determined according to the descending order of the annual average membership size of 18 Panels in the Fourth LegCo, the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session), as set out in **Annex II**.

⁴ For instance, if a member of the Panel ceases to hold office as a member of LegCo, the number of Members on the list which this Member originally formed with other Members may no longer be sufficient for obtaining the designated quota.

System to determine which Member is to fill the vacancy.⁵ However, **in the case of BCs and SCs appointed by HC, Panels or BCs**, vacancies are not required to be filled; and

- (g) it is proposed to specify that **the maximum number of Panels that each Member can serve on at the same time is six** (i.e. one third of all Panels), with a view to achieving a more balanced allocation of work among Members.

⁵ Similar procedures have been used by HC in election of Members to fill vacancies in the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure.

Annex I to Appendix III

Conversion table between the number of committee seats to be allocated and the numeric strength of a Members' list

The number of committee seats to be allocated	The number of Members on a list required for allocating the specified number of seats	
	<u>Committees with 15 seats available for allocation¹</u>	<u>Committees with 20 seats available for allocation²</u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16		72
17		77
18		81
19		86
20		90

¹ The threshold for allocating each seat is calculated on the basis of a multiple of six (i.e. six Members be allocated one seat, 12 Members be allocated two seats, 18 Members be allocated three seats, so on and so forth).

² The threshold for allocating each seat is calculated on the basis of a multiple of 4.5 (rounding up to the nearest integer) (i.e. five Members be allocated one seat, nine Members be allocated two seats, 14 Members be allocated three seats, so on and so forth).

Annex II to Appendix III

The order for the 18 Panels to allocate committee seats¹

1. Panel on Constitutional Affairs
2. Panel on Security
3. Panel on Development
4. Panel on Education
5. Panel on Transport
6. Panel on Housing
7. Panel on Economic Development
8. Panel on Home Affairs
9. Panel on Food Safety and Environment Hygiene
10. Panel on Environmental Affairs
11. Panel on Administration of Justice and Legal Services
12. Panel on Financial Affairs
13. Panel on Manpower
14. Panel on Health Services
15. Panel on Information Technology and Broadcasting
16. Panel on Welfare Services
17. Panel on Commerce and Industry
18. Panel on Public Service

¹ The order for the 18 Panels to allocate committee seats shall be determined according to the descending order of the annual average membership size of 18 Panels in the Fourth Legislative Council ("LegCo"), the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session).

Proposed amendments to the Election of chairman and deputy chairman of a committee

To ensure that election of the chairman and deputy chairman of a committee can be conducted smoothly and be completed within a reasonable time, consideration may be given to amending the existing nomination and election procedure to the effect that:

- (a) **all nominations** for chairmanship and deputy chairmanship are required to be **submitted** through electronic means **before a specified deadline**, say, one clear day before the meeting at which the election is scheduled to be held. **The list of valid nominations will be issued to members before the meeting. If there is no valid nomination for chairmanship, the member who has the highest precedence shall be deemed to be elected as chairman;**¹
- (b) when presiding at the election concerned, the presiding member² is required to **proceed straight to balloting** in accordance with the procedures prescribed in paragraphs 7 to 12 of Appendix IV to the House Rules, and should not hear points of order or entertain any motion including a motion to establish the manner in which the committee wishes to proceed with the election. **Candidates will not be allowed to present their platforms or answer questions from members;** and
- (c) **if the election cannot be completed** at the meeting within a specified time limit, say 30 minutes, **a member of the committee concerned to be specified by the Chairman of the House Committee ("HC") will call another meeting** to conduct the election and preside at the remaining proceedings of the election. In such cases, the HC Chairman will have the discretion to decide whether to set a time limit for the election having regard to the actual circumstances of each case.

¹ In the case of Panels, this proposed amendment will be subject to the conditions set out in Rule 77(6) of the Rules of Procedure ("RoP") (i.e. 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) and RoP 77(7) (i.e. a Member shall not be chairman or deputy chairman of more than one Panel at the same time).

² Please refer to paragraphs 2 and 3 of Appendix IV to the House Rules for the meaning of the term "presiding member".

Guidance on Members' attire which might be deemed inappropriate for attending Council meetings

In accordance with Rule 42(a) of the Rules of Procedure, all Members shall enter or leave the Council in **business attire** and with decorum during a meeting of the Council.* While attire with/of the following features/types might be deemed inappropriate, **the President may exercise his discretion over Members' standard of dress.**

Overall attire

- Clothing/accessories displaying signs, slogans or messages;
- Clothing displaying advertising of commercial cause (including the promotion and advertising of sports teams, leagues, tournaments, etc.);
- Clothing that is torn or with holes;
- Uniforms of any kind;
- Casual and sports wears; and
- Swimwear.

Tops

- T-shirts;
- Singlets/sleeveless tops;
- Sport tops;
- Sweatshirts;
- Tracksuits; and
- Overalls.

Bottoms

- Shorts;
- Jeans/denim; and
- Sweatpants/sportswear leggings/yoga pants.

Headwear

- Hats and caps; and
- Headwear of any kind (except for religious or medical reasons).

Footwear

- Flip-flops, sandals/slides, mules;
- Trainers and sports shoes;
- Work boots, hiking boots or rain boots; and
- Any kind of shoes showing toes.

Note: This Guidance will be revised/updated as directed by the President of the Legislative Council.

* *Subject to whether business attire is to be adopted as the standard of dress for Members attending Council meetings (including meetings of the committee of whole Council but not other committee meetings).*

Questionnaire
(to be returned *by Friday, 28 May 2021*)

Email : rp_c@legco.gov.hk

To : Miss Lilian MOK
Clerk to Committee on Rules of Procedure
Legislative Council

Committee on Rules of Procedure

Consultation with all Members

My views on the proposals to amend the Rules of Procedure ("RoP") and House Rules ("HR") as set out in LC Paper No. CROP 65/20-21 are as follows:

*(*Please **circle** as appropriate. If necessary, please provide your comments in separate sheets.)*

Proposal 1: Committee membership and election of the chairman and deputy chairman of a committee¹ (paragraphs 3 to 6 of LC Paper No. CROP 65/20-21)

Item	Proposed amendments/arrangements	*My views
1.	<u>Setting a cap on the membership size of committees</u>	Support / Not support / No comment
	(a) for committees which monitor and examine policy matters (namely, Panels and subcommittees ("SCs") appointed by the House Committee ("HC") or Panels to study policy issues), their membership size be capped at 20 members ; and	<i>Other views/proposals, if any:</i>
	(b) for committees which are formed to consider legislative proposals (namely, Bills Committees ("BCs") (and its SCs) and SCs appointed by HC to study subsidiary legislation and other instruments) as well as SCs appointed by HC to consider other matters relating to Council business, their membership size be capped at 15 members, unless otherwise decided by HC.	Support / Not support / No comment
		<i>Other views/proposals, if any:</i>

¹ In the context of Proposal 1, "committee" refers to a Panel, a Bills Committee ("BC") and a subcommittee appointed by the House Committee, a Panel(s) or BC.

Item	Proposed amendments/arrangements	*My views
2.	<u>Proposed mechanism for allocation of committee seats</u>	Support / Not support / No comment
		<i>Other views/proposals, if any:</i>
	(a) If a cap is set on the membership size of committees, a new mechanism should be put in place to allocate committee seats among Members, as detailed in paragraph 1(a) to (f) of Appendix III to LC Paper No. CROP 65/20-21.	Support / Not support / No comment
		<i>Other views/proposals, if any:</i>
3.	<u>Proposed procedure for election of the chairman and deputy chairman of a committee</u>	Support / Not support / No comment
	It is proposed to amend the existing nomination and election procedure to ensure that election of the chairman and deputy chairman of a committee can be conducted smoothly and be completed within a reasonable time, as detailed in Appendix IV to LC Paper No. CROP 65/20-21.	<i>Other views/proposals, if any:</i>

Proposal 2: Procedures for dealing with quorum calls and points of order
(paragraphs 7 to 14 of LC Paper No. CROP 65/20-21)

Item	Proposed amendments/arrangements	*My views
4(a).	A financial penalty be imposed on a Member if he/she is absent without valid reasons from a Council meeting adjourned due to a lack of quorum under Rule 17(2) or (3) of the Rules of Procedure ("RoP"), regardless of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and may be resumed for continuation of any unfinished business under RoP 17(6) and 14(4). <i>(Valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc. The President would have the discretion to decide whether the absence of a Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances, experience of overseas legislatures, etc.)</i>	Support / Not support / No comment <i>Other views/proposals, if any:</i>
4(b).	The financial penalty to be imposed each and every time a Member absent without valid reasons from a Council meeting adjourned due to a lack of quorum be set at an amount equivalent to one day's remuneration currently payable to a Member who does not serve on the Executive Council in accordance with the formula below:² <i>Formula for calculating the amount of financial penalty (on a 30-calendar-day basis)</i> $\begin{array}{lcl} \text{Amount of financial} & & \text{Prevailing monthly} \\ \text{penalty}^{\#} & = & \text{remuneration of} \\ \text{(i.e. 1-day remuneration} & & \text{a Member}^* \div 30 \\ \text{of a Member}^*) & & \end{array}$ [#] Number rounded to the nearest hundred *Member not serving on the Executive Council	Support / Not support / No comment <i>Other views/proposals, if any:</i>
5.	Amendments be made to RoP 17 to provide that after a quorum call has been made, no Member may leave the Chamber until a quorum is present or the Council is adjourned.	Support / Not support / No comment <i>Other views/proposals, if any:</i>

² The amount of the financial penalty to be imposed is subject to adjustment based on changes in the prevailing monthly remuneration of a Member not serving on the Executive Council. With effect from 1 October 2020, the monthly remuneration payable to such Member is \$102,820. Accordingly, as of now, the amount of the financial penalty shall be \$3,400.

Item	Proposed amendments/arrangements	*My views
6.	Amendments be made to RoP 39 to the effect that: ➤ a Member shall not interrupt another Member except by rising to a point of order, and if called by the President in Council or the Chairman in a committee of the whole Council ("CoWC") to speak; and ➤ the Member interrupting may be directed to discontinue speaking if the President in Council or the Chairman in CoWC is of the opinion that the interruption is an abuse of procedure. <u>Further views to be sought:</u> The above proposed arrangements to apply to a committee such that a committee chairman would be given the same discretion in dealing with points of order raised at a committee meeting.	Support / Not support / No comment
		<i>Other views/proposals, if any:</i>
		Support / Not support / No comment
		<i>Other views/proposals, if any:</i>
7.	Amendments be made to RoP 44 to the effect that the President, the Chairman in CoWC or the chairman of any committee (excluding any Member presiding over a meeting) may decide when and how to deal with a point of order if he is of the opinion that the raising of such point of order is an abuse of procedure. <u>Further views to be sought:</u> Member presiding in Council and in CoWC³ to have the same discretion as the President or the Chairman in CoWC in dealing with points of order as proposed above.	Support / Not support / No comment
		<i>Other views/proposals, if any:</i>
		Support / Not support / No comment
		<i>Other views/proposals, if any:</i>

³ RoP 3(3) provides that "[t]he 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".

Proposal 3: Attire for Members attending Council meetings (*paragraph 15 of LC Paper No. CROP 65/20-21*)

Item	Proposed amendments/arrangements	*My views
8.	Amendments be made to RoP 42(a) to expressly provide that Members attending Council meetings shall dress in business attire .	Support / Not support / No comment <i>Other views/proposals, if any:</i>
9.	"Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in Appendix V be adopted.	Support / Not support / No comment <i>Other views/proposals, if any:</i>
10.	Business attire only be adopted as the standard of dress for Members attending Council meetings (including meetings of CoWC) but <u>not</u> other committee meetings.	Support / Not support / No comment <i>Other views/proposals, if any:</i>

Proposal 4: Display of objects by Members at Council meetings (*paragraph 16 of LC Paper No. CROP 65/20-21*)

Item	Proposed amendments/arrangements	*My views
11.	Amendments be made to RoP 42 to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object for illustrating the point(s) in his/her speech only while he/she is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41.	Support / Not support / No comment <i>Other views/proposals, if any:</i>

Item	Proposed amendments/arrangements	*My views
12.	A new provision 19B be added to HR to set out the following conditions under which a Member may display an object while he/she is speaking during a Council meeting: (a) the display of the object is related to the item(s) of business set out in the relevant Agenda of the Council; (b) the display of the object does not and will not disturb the proceedings of the meeting or cause obstruction to other Members or designated public officers in their participation in the proceedings, or block the President's view of those present in the Chamber; (c) the display of the object does not and will not pose danger or nuisance to any person attending the meeting; (d) the display of the object is confined to the seating area of the Member displaying the object; and (e) the display of the object does not and will not have a negative impact on the public's perception of the Council, tarnish the dignity of the Council, or bring discredit upon the Council.	Support / Not support / No comment
		<i>Other views/proposals, if any:</i>
13.	The proposed arrangements set out in items 11 and 12 to apply to the proceedings in a committee unless the chairman of the committee orders otherwise.	Support / Not support / No comment
		<i>Other views/proposals, if any:</i>

Signature : _____

Name of Member : _____

Date : _____

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Legislative Council

LC Paper No. CROP 71/20-21

Ref: CB(2)/CROP/3/90

Paper for the House Committee meeting on 25 June 2021

Review of the Rules of Procedure and House Rules – Second batch of proposed amendments

Purpose

This paper seeks endorsement of the House Committee ("HC") on the second batch of proposed amendments to the Rules of Procedure ("RoP") and House Rules ("HR") as agreed by the Committee on Rules of Procedure ("CRoP").

Background

2. Since the commencement of the 2020-2021 session, CRoP has been reviewing the rules and practices of the Legislative Council ("LegCo") and examining proposals submitted by Members to amend RoP and HR with a view to achieving the orderly, efficient and fair disposition of Council business. Following the implementation of the first batch of amendments to RoP and HR in February and March 2021, CRoP proceeded to the second phase of the review.

3. At its meetings on 11 and 20 May 2021, CRoP agreed to take forward the proposals to amend RoP and HR in the following areas and invite Members' views on these proposals:

- (a) Committee membership and election of the chairman and deputy chairman of a committee¹ (*paragraphs 5 to 7 refer*);

¹ In the context of item (a), "committee" refers to a Panel, a Bills Committee ("BC") and a subcommittee appointed by the House Committee, a Panel, two or more Panels or a BC.

- (b) Procedures for dealing with quorum calls and points of order (*paragraphs 8 to 13 refer*);
- (c) Attire for Members attending Council meetings (*paragraph 14 refers*); and
- (d) Display of objects by Members at Council meetings (*paragraphs 15 to 16 refer*).

4. CROp at its meeting on 8 June 2021 considered the consultation outcome² and agreed to submit to HC for endorsement the proposals and the related proposed amendments to the relevant provisions of RoP and HR that received sufficient support from Members. Summaries of the proposals which may be divided into four groups according to the areas specified in paragraph 3 (hereafter referred to as "Proposals 1 to 4") are set out in the ensuing paragraphs.

Proposal 1: Committee membership and election of the chairman and deputy chairman of a committee

5. CROp has studied the proposals of Hon CHAN Hak-kan relating to committee membership and election of the chairman and deputy chairman of a committee as well as information on relevant practices in selected overseas legislatures.³ After deliberations, CROp has agreed that a cap should be set on the membership size for committees currently with no specified membership size, and that a new mechanism should be put in place to allocate committee seats among Members. Given that a considerable number of Members may not belong to any political parties, CROp has considered that the new mechanism should ensure that committee membership reflects the relative strengths of the political groupings in LegCo while allowing flexibility. CROp has also agreed that the existing nomination and election procedures be amended to ensure that election of the chairman and deputy chairman of a committee could be conducted smoothly and be completed within a reasonable time.

² The consultation exercise was conducted vide a circular (LC Paper No. CROP 65/20-21) issued on 21 May 2021.

³ The selected overseas legislatures are the House of Commons of the United Kingdom Parliament, the House of Representatives of New Zealand, the Bundestag of Germany and the National Assembly of France.

6. The consultation outcome showed that a majority of Members supported each of the following proposed amendments:

- (a) setting a cap on the membership size of Panels and subcommittees ("SCs") appointed by HC or Panels to study policy issues at 20 members,⁴ and that of Bills Committees (and their SCs) and SCs appointed by HC to study subsidiary legislation and other instruments as well as SCs appointed by HC to consider other matters relating to Council business at 15 members unless otherwise decided by HC;
- (b) putting in place a new mechanism to allocate committee seats among Members as detailed in **Appendix I**, as well as specifying that each Member can serve on a maximum of six Panels at the same time;⁵ and
- (c) amending the procedure for the election of the chairman and deputy chairman of a committee as detailed in **Appendix II**.

7. Given the above, the relevant provisions of RoP and HR are proposed to be amended as set out in **Appendix III**. If passed, the amended provisions would take effect at the beginning of the Seventh LegCo. Members may wish to note that CRoP will consider at a later date whether the proposed election procedure as detailed in Appendix II should also apply to HC, with modifications, and whether recommendation be made to the Finance Committee and its two SCs to consider adopting a similar election procedure. In light of this, the proposed amendments to

⁴ There was a view that the membership size of a Panel should be capped at 30 so that there would be 540 seats (i.e. 18 x 30 seats) to be allocated among 90 Members of the Legislative Council ("LegCo"), with each Member being able to serve on a maximum of six Panels on average.

⁵ Other views expressed by some Members were as follows:

- (a) if the number of members of a committee has not reached the cap, any Member's request for joining the committee should be considered;
- (b) if there is still a vacant seat on an individual Panel after multiple rounds of seat allocation, discretion should be exercised to allow a Member who has already joined six Panels to join this Panel. In the event of more than one Member applying to join this Panel at the same time, any Member who has joined less than six Panels should be given priority, and if there are Members who have equal priority for allocation, lots should be drawn to determine which of them should get the seat; and
- (c) it would be more practicable and reasonable for the maximum number of Panels that each Member can serve on at the same time to be set at five, instead of six as proposed.

Appendix IV to HR, which sets out the procedure for election of the chairman and deputy chairman of a committee including HC for implementation in the Seventh LegCo, will be provided for HC's consideration later.

Proposal 2: Procedures for dealing with quorum calls and points of order

8. Since the commencement of the Sixth LegCo, the problem of incessant quorum calls leading to disrupted Council proceedings had persisted for several years. Additionally, there had been a tendency for some Members to abuse the raising of a point of order for the purpose of filibustering. The proposed procedures, supported by a majority of Members who responded to the consultation, to deal with repeated quorum calls and points of order that are abusive in nature are set out in paragraphs 9 to 13 below.⁶

(i) *Imposing financial penalties on Members absent without valid reasons when a Council meeting is adjourned due to a lack of quorum*

9. The proposal seeks to impose a financial penalty on a Member absent without valid reasons from a Council meeting adjourned due to a lack of quorum under RoP 17(2) or (3), regardless of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and might be resumed for continuation of any unfinished business under RoP 17(6) and 14(4). Valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.⁷ The

⁶ These procedures apart, Members expressed diverse views on the proposal that no Member might leave the Chamber after a quorum call had been made until a quorum was present or the Council was adjourned. Some of them raised concerns about the feasibility and implementation of the proposal, consequences of non-compliance, possible contraventions of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), etc. There were also views that only the Member who requested a quorum call might not leave the Chamber during the call and the number of quorum calls that could be made in the Council by a specified number of Members should be limited during a period of time. Given the diverse views and lack of consensus on the issue, the proposal would not be taken forward at this stage.

⁷ Some Members expressed in the consultation exercise the view that valid reasons should include certain important official duties and the submission of a prior application for leave in writing to the President of LegCo ("the President") other than those specified in paragraph 9.

President of LegCo ("the President") would have the discretion to decide whether the absence of a Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances, experience of overseas legislatures, etc.

10. As regards the amount of the financial penalty to be imposed each and every time on a Member so absent,⁸ an across-the-board penalty which is equivalent to one day's remuneration of a Member not serving on the Executive Council ("ExCo"), irrespective of whether the Member so absent is an ExCo Member, is proposed to be adopted.⁹

11. Members are invited to note that express statutory authority will be sought through amending relevant existing legislation to provide for the power of LegCo to impose such financial penalties on Members, whereas the actual calculation or determination of the amount of the financial penalty would be provided in RoP. The provision in RoP on the calculation or determination of the amount of the financial penalty may be added to RoP at a later stage after the relevant amending legislation is passed by LegCo.¹⁰

(ii) *President not dealing with a point of quorum taken abusively*

12. The proposed procedures for dealing with incessant quorum calls are set out in paragraph 13 below.

(iii)&(iv) *Proposed amendments to Rules 39 and 44 of the Rules of Procedure to deal with points of order that are abusive in nature*

13. Hon CHAN Hak-kan proposed to amend, among others, RoP 39 and 44 to provide procedures for dealing with points of order (including

⁸ A suggestion received in the consultation exercise was that consideration might be given to introducing a progressive penalty system, whereby the more occasions on which a Member was absent without valid reasons, the heavier the financial penalty would be imposed on the Member. There was also an enquiry about the calculation of the penalty amount to be imposed on a Member serving on the Executive Council.

⁹ The formula for calculating the amount of the financial penalty (on a 30-calendar-day basis):

Amount of financial penalty[#] = Prevailing monthly remuneration of a Member* ÷ 30
(i.e. 1-day remuneration of a Member*)

[#] Number rounded to the nearest hundred

*"Member" refers to "a Member not serving on the Executive Council"

¹⁰ According to the Administration, it would strive to present the relevant amendment bill to LegCo in August 2021.

quorum calls) that are abusive in nature. According to his proposal, it is proposed that:

- (a) RoP 39 be amended to the effect that:
 - (i) a Member shall not interrupt another Member except by rising to a point of order and if called by the President in Council or the Chairman in a committee of the whole Council ("CoWC") to speak; and
 - (ii) the Member interrupting may be directed to discontinue speaking if the President in Council or the Chairman in CoWC is of the opinion that the interruption is an abuse of procedure.

With the support of an overwhelming majority of Members who responded to the consultation, the above proposed amendments to RoP 39 would apply to a committee such that a committee chairman would have the proposed discretion to deal with points of order raised at a committee meeting; and

- (b) RoP 44 be amended to the effect that the President in Council, the Chairman in CoWC, or the chairman of any committee (excluding any member presiding over a meeting of such committee) may decide when and how he would deal with a point of order if he is of the opinion that the raising of such a point of order is an abuse of procedure. Further, the vast majority of Members who took part in the consultation exercise supported that the Member presiding in Council and in CoWC might exercise the proposed discretion whereas any member presiding at any other committee should not.

The proposed amendments to RoP 39 and 44 are marked up in **Appendix IV**.

Proposal 3: Attire for Members attending Council meetings

14. RoP 42(a) provides that during a meeting of the Council, all Members shall enter or leave the Council properly attired and with decorum. However, there are neither explicit provisions in RoP nor separate guidelines to prescribe the proper dress code for Members attending Council or CoWC meetings, making it difficult for Members,

particularly new Members, to know the appropriate attire for attending Council or CoWC meetings. To safeguard the dignity and uphold the image of the Council, a substantial majority of Members¹¹ responding to the consultation supported the proposal to:

- (a) amend RoP 42(a) and 43 (with amendments marked up in **Appendix V**) to expressly provide that Members shall dress in business attire when attending Council meetings including meetings of CoWC, and that the requirement does not apply to meetings of other committees; and
- (b) provide for Members' reference the "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in **Appendix VI** which may be revised/updated as and when directed by the President.

Proposal 4: Display of objects by Members at Council meetings

15. Taking into consideration that the display of objects by Members at Council or committee meetings has become more frequent since the Fifth LegCo and there is no provision in RoP regulating such display, a great majority of Members expressed support in the consultation exercise¹² for the proposal to:

- (a) amend RoP 42 to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object for illustrating the point(s) in his/her speech only while he/she is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41 regulating the contents of speeches made by Members; and
- (b) add a new provision to HR (i.e. new HR 19B) to set out the requirements or restrictions recommended by HC.

¹¹ Some of these Members opined that traditional ethnic costumes/modest cheongsams were acceptable attire and the wearing of trainers and sports shoes for health reasons should not be deemed inappropriate for attending Council meetings.

¹² Other views received in the consultation exercise include: any display of objects at meetings should be strictly prohibited; and the President should have the right of final decision on the issue.

16. The proposed amendments to RoP 42 and the proposed new HR 19B are marked up in **Appendix VII**. By virtue of RoP 43, the proposed amendments to RoP 42, if passed, would also apply to the proceedings of a committee.¹³

Advice sought

17. Members are invited to consider and endorse the following:

- (a) **Proposals 1 to 4** and the related proposed amendments to the relevant provisions of RoP and HR in **Appendices III, IV, V and VII**; and
- (b) the "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in **Appendix VI**.

18. Subject to HC's endorsement, the CRoP Chairman will move a resolution under Article 75 of the Basic Law at a Council meeting to amend the relevant provisions of RoP. Subject to its passage, the resolution will be published on the Government Gazette whereupon the amendments to RoP set forth therein (except those relating to the membership and election of chairmen of committees) will come into operation.¹⁴ As regards the amended provisions of RoP and HR in **Appendix III** under Proposal 1 "Committee membership and election of the chairman and deputy chairman of a committee", they will come into operation on the day on which the Seventh LegCo begins.

Council Business Division 2
Legislative Council Secretariat
24 June 2021

¹³ Rule 43 of the Rules of Procedure provides that "[t]he Rules in this Part shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise".

¹⁴ Accordingly, the new rule 19B of the House Rules which sets out the requirements or restrictions in relation to the display of objects by Members will also take effect upon the gazettal of the resolution.

The proposed procedures for allocating committee seats

The following procedures are proposed to be adopted for allocating committee seats:

- (a) **in each session, Members will be invited to coordinate among themselves to form lists for the purpose of allocation of committee seats for that session.**¹ A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list ("designated quota") will be provided to Members.² Members who intend to form lists should submit those lists by electronic means to the Secretariat. **Any Member not intending to form any list with other Member(s) may signify membership as an individual Member for that session;**
- (b) before the deadline for signification of membership,³ **Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota;**
- (c) after the deadline for signification of membership, if **the total number of Members signifying membership does not exceed the number of committee seats available for allocation, each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the "oversubscription list";**

¹ Members may form lists among themselves at the time the Panels invite Members to signify membership in each session.

² For details, please refer to the proposed new rule 20(ka) of the House Rules ("HR") as detailed in Appendix III.

³ A Member who joins the Council after the start of the first session of a new term may signify membership for the committees of his choice, provided that the number of members of those committees has not reached the specified cap, within one month of the date on which he is declared elected as Member of the Council.

- (d) **among Members on the "oversubscription list", in the case of the 18 Panels, priority will be given to those Members who have been allocated the fewest number of Panel seats.**⁴ If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the Chairman of the House Committee ("HC") or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of the seat(s) in that Panel. In the event that both the Chairman and Deputy Chairman of HC are not available, an Assistant Secretary General will draw the lots. **In the case of Bills Committees ("BCs") and subcommittees ("SCs") appointed by HC, Panels or BCs, lots will be drawn by the Chairman of HC or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of committee seats among Members on the "oversubscription list", irrespective of how many other committees these Members have already joined.** In the event that both the Chairman and Deputy Chairman of HC are not available, the committee clerk will draw the lots;
- (e) as long as the number of members of a committee has not reached the specified cap, any Member may submit an application for late membership, and it is for the relevant committee to decide whether such application should be accepted;
- (f) **In the event that a vacancy in a Panel arises before the end of the session,** (e.g. a Member resigns from the Panel or a member of the Panel ceases to hold office as a member of the Legislative Council ("LegCo")), priority for filling the vacancy will be given to another Member on the same list. If the number of Members on the list is no longer sufficient for obtaining the designated quota⁵ or the resigning Member was originally on the "oversubscription list", then a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members who signify membership exceeds the number of vacancy that is required to be filled, a poll will be

⁴ The order for the 18 Panels to allocate committee seats shall be determined according to the descending order of the annual average membership size of 18 Panels in the Fourth LegCo, the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session). For details, please refer to the proposed new HR 20(ka) as detailed in Appendix III.

⁵ For instance, if a member of the Panel ceases to hold office as a member of LegCo, the number of Members on the list which this Member originally formed with other Members may no longer be sufficient for obtaining the designated quota.

conducted by the Panel concerned by using the Electronic Voting System to determine which Member is to fill the vacancy.⁶ However, **in the case of BCs and SCs appointed by HC, Panels or BCs**, vacancies are not required to be filled; and

- (g) it is proposed to specify that **the maximum number of Panels that each Member can serve on at the same time is six** (i.e. one third of all Panels), with a view to achieving a more balanced allocation of work among Members.

⁶ Similar procedures have been used by HC in election of Members to fill vacancies in the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure.

Proposed amendments to the Election of chairman and deputy chairman of a committee

To ensure that election of the chairman and deputy chairman of a committee can be conducted smoothly and be completed within a reasonable time, consideration may be given to amending the existing nomination and election procedure to the effect that:

- (a) **all nominations** for chairmanship and deputy chairmanship are required to be **submitted** through electronic means **before a specified deadline**, say, one clear day before the meeting at which the election is scheduled to be held. **The list of valid nominations will be issued to members before the meeting. If there is no valid nomination for chairmanship, the member who has the highest precedence shall be deemed to be elected as chairman;**¹
- (b) when presiding at the election concerned, the presiding member² is required to **proceed straight to balloting** in accordance with the procedures prescribed in paragraphs 7 to 12 of Appendix IV to the House Rules, and should not hear points of order or entertain any motion including a motion to establish the manner in which the committee wishes to proceed with the election. **Candidates will not be allowed to present their platforms or answer questions from members;** and
- (c) **if the election cannot be completed** at the meeting within a specified time limit, say 30 minutes, **a member of the committee concerned to be specified by the Chairman of the House Committee ("HC") will call another meeting** to conduct the election and preside at the remaining proceedings of the election. In such cases, the HC Chairman will have the discretion to decide whether to set a time limit for the election having regard to the actual circumstances of each case.

¹ In the case of Panels, this proposed amendment will be subject to the conditions set out in Rule 77(6) of the Rules of Procedure ("RoP") (i.e. 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) and RoP 77(7) (i.e. a Member shall not be chairman or deputy chairman of more than one Panel at the same time).

² Please refer to paragraphs 2 and 3 of Appendix IV to the House Rules for the meaning of the term "presiding member".

**Marked-up version of the proposed amendments
to the Rules of Procedure and House Rules**

Rules of Procedure

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 chairman and deputy chairman of the committee for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence.

(2A) The election of the chairman and deputy chairman of the committee for the first session of a term shall take place at the first meeting of the committee in the session. For the second or each subsequent session of the term, the election may take place at a meeting held before that session commences.

(3) *(Repealed L.N. 107 of 1999)*

(3A) The committee shall decide the mechanism for allocation of committee seats of Panels, Bills Committees and subcommittees appointed by the committee, a Panel, two or more Panels or a Bills Committee, and the procedure for election of the chairman and deputy chairman of such committees.

(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.~~ *have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).*

(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 the following matters –

- (a) any subsidiary legislation, whether or not such subsidiary legislation is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1);
- (b) any other instrument made under any Ordinance;
- (c) any draft of subsidiary legislation or instrument referred to in paragraph (a) or (b); or
- (d) a petition referred to it under Rule 20(6) (Presentation of Petitions).

(10A) After the consideration of the subsidiary legislation, other instruments and petitions referred to in subrule (10), the committee may present a report to the Council.

(11) The committee may consider, in such manner as it thinks fit, *an issue of public concern which falls outside the purview of Panels or* any other item relating to the business of the Council.

(12) (a) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions under subrules (10) and (11).

(b) *The members of a subcommittee appointed under paragraph (a) shall be those Members (other than the President) who have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).*

(c) *Subject to paragraph (d), a subcommittee appointed under paragraph (a) shall consist of not less than 3 members and (unless otherwise decided by the committee) not more than 15 members including the chairman.*

(d) *Where a subcommittee is appointed for the purpose of assisting the committee to consider an issue of public concern which falls outside the purview of Panels, such subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*

(12A) 20 members, including the chairman, shall form a quorum of the committee.

(12AA) All matters for the decision of the committee or its subcommittees shall be decided by a majority of the members voting.

(12B) The chairman of, or any other member presiding at, the committee or its subcommittees (other than those appointed under subrule (12) for the purpose of assisting the committee in the consideration of a matter referred to in subrule (10)) shall not vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote.

(12C) The chairman of, or any other member presiding at, a subcommittee appointed under subrule (12) for the purpose of assisting the committee in the consideration of a matter referred to in subrule (10) shall have an original vote but not a casting vote.

(12D) *(Repealed L.N. 214 of 2005)*

(12E) Notwithstanding the provisions in subrules (12B) and (12C), the chairman or the member presiding, as the case may be, shall have both an original vote and a casting vote in the election of the chairman or deputy chairman of the committee or its subcommittees. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.

(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) *(Repealed L.N. 177 of 2005)*

(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~~ *have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee).*

(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 *and (unless otherwise decided by the House Committee) not more than 15 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. *The members of a subcommittee shall be those members of the Bills Committee who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman.*

(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 or its subcommittees shall be decided by a majority of the members voting. The chairman or any other member presiding shall have an original vote but not a casting vote.

(8A) *(Repealed L.N. 214 of 2005)*

(8B) Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have a casting vote in addition to his original vote in the election of the chairman or deputy chairman of a Bills Committee or its subcommittees. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting 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.~~*have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). The term of office of the members of a Panel shall be one session.*

(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 *and not more than 20 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. *The members of a subcommittee shall be those members of the Panel who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*

(9A) Two or more Panels may, if they consider appropriate, appoint joint subcommittees to study any matter of common interest to the relevant Panels and to report to the Panels. *The members of a joint subcommittee shall be those members of the relevant Panels who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A joint subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*

(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).

(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, a subcommittee appointed under subrule (9) or a joint subcommittee appointed under subrule (9A), and all matters for decision at a joint meeting referred to in subrule (10) shall be decided by a majority of the members voting. The chairman or any other member presiding shall have an original vote but not a casting 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.

(13A) *(Repealed L.N. 214 of 2005)*

(13B) Notwithstanding the provision in subrule (13), the chairman of, or the member presiding at, a Panel, a subcommittee appointed under subrule (9), a joint subcommittee appointed under subrule (9A) or a joint meeting referred to in subrule (10), as the case may be, shall have a casting vote in addition to his original vote in the election of its chairman or deputy chairman. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.

(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. The practice and procedure of a joint subcommittee appointed by two or more Panels shall, subject to these Rules of Procedure, be determined by the relevant Panels. In any such determination, a Panel or, in the case of a joint subcommittee appointed by two or more Panels, the relevant Panels shall take into account any guidelines provided under Rule 75(8) (House Committee).

House Rules

20. House Committee

- (a) The chairman and the deputy chairman of the House Committee shall be elected from among its members at an open meeting and shall hold office until the chairman and deputy chairman of the committee for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement.
- (b) The election of the chairman and deputy chairman of the House Committee for the first session of a term shall take place at the first meeting of the committee in the session. The Member who has the highest precedence in the Council is responsible for calling the first meeting of a term of the House Committee.
- (c) For the second or each subsequent session of a term, the election of the chairman and deputy chairman of the House Committee may take place at a meeting held before that session commences. The meeting shall be called by the chairman in office. If both the chairman and deputy chairman in office before the election are being nominated for the office of the chairman, the member present who has the highest precedence shall preside at the election.
- (d) The procedure for the election of the chairman and deputy chairman of the House Committee is in Appendix IV. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination for office has been secured.
- (e) When the Council is in session, the House Committee normally meets every Friday afternoon at 2:30 pm. When a Finance Committee meeting is scheduled to be held in the same afternoon, the House Committee meeting will, if necessary, be suspended at such time when the Finance Committee meeting is scheduled to begin and resumed to deal with the unfinished business on the agenda after the Finance Committee meeting. The chairman of the House Committee may, with the consent of the chairman of the Finance

Committee, allow the House Committee meeting to continue for not more than 15 minutes after such time when the Finance Committee meeting is scheduled to begin. Any other committees which need to meet on a Friday afternoon should schedule their meetings after the House Committee and Finance Committee meetings. The Secretariat shall issue written notice to members stating the date, time and place at which the House Committee meeting is to be held.

- (f) (i) The deadline for proposing agenda items for a meeting is normally 5:00 pm on the Tuesday before the meeting. A member wishing to raise an urgent item after the deadline may make a request to the chairman of the House Committee for it to be discussed at the meeting, under Any Other Business. The chairman shall decide whether to accede to the request.
- (ii) A member who wishes to move a motion at a special meeting of the House Committee held for the discussion of a substantive issue should make a request in writing to the chairman of the House Committee not less than 2 clear days before the meeting. The chairman shall decide whether the proposed motion is directly related to the agenda item and whether the proposed motion should be dealt with by the House Committee. No motion shall be moved at a regular meeting of the House Committee which deals with matters relating to the business of the Council and procedural matters.
- (g) The House Committee decides on the setting up of a Bills Committee and the order of priority for a Bills Committee to be activated, having regard to information provided by the Administration, advice by the Legal Adviser, the number of Bills Committees, and the urgency of the bill, etc. When a bill is ready for resumption of Second Reading debate in the Council, the chairman of the House Committee shall arrange for the Member or public officer in charge of the bill to be notified.

- (h) Not all bills require the formation of Bills Committees. The House Committee may -
 - (i) having considered the Legal Adviser's report (and further reports where necessary) on the legal aspects of a bill, agree to support the bill's resumption of Second Reading debate; or
 - (ii) in response to the request of individual member(s) for information or clarification on certain aspects of a bill, direct the Legal Adviser or other relevant staff of the Secretariat, to take these up with the Administration and submit further report(s) on the bill to the member(s) concerned and the House Committee.
- (i) The House Committee recommends the number, names and terms of reference of Panels to be established. It may also refer to relevant Panels for consideration any policy matters related to the business of the Council, and may request and receive reports from the Panels on matters relevant to their terms of reference.
- (j) The House Committee may appoint a subcommittee to assist the committee's consideration of -
 - (i) an item of subsidiary legislation, an instrument (which is not subsidiary legislation) made under an Ordinance, a draft of subsidiary legislation or such an instrument, or a proposed endorsement of the appointment or removal of senior judges made under the Basic Law; ~~and~~
 - (ii) an issue of public concern which falls outside the purview of Panels ~~or any other matter relating to the business of the Council;~~ *and*
 - (iii) *any other matter relating to the business of the Council.*
- (ja) *A subcommittee referred to in (j)(i) and (iii) shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman, and a subcommittee referred to in (j)(ii) shall consist of not less than 3 members and not more than 20 members including the chairman.*

(k) The following paragraphs apply to the appointment of subcommittees by the House Committee for purposes set out in (j)(ii) *and (iii)* -

- (i) their terms of reference shall be decided by the House Committee, and should be issue-specific or project-specific;
- (ii) a proposal to appoint such subcommittees should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the House Committee;
- (iii) they may report to the House Committee at any time when they consider appropriate, but should do so as soon as they have completed their work; and
- (iv) their activation is determined in accordance with the mechanism set out in rule 26.

(ka) Unless otherwise decided by the House Committee, the mechanism for allocation of committee seats set out in Appendix IIIB and the procedure for the election of the chairman and deputy chairman of a committee set out in Appendix IV shall be deemed to have been decided by the House Committee under Rule 75(3A) of the Rules of Procedure.

(l) If a subcommittee has been formed to study any subsidiary legislation or instrument referred to in a motion to take note of a report of the House Committee on the consideration of subsidiary legislation and other instruments under Rule 49D of the Rules of Procedure, the chairman of the subcommittee, if he wishes to speak on the subsidiary legislation or instrument, may speak immediately after the mover has moved and spoken on the motion and, if the debate is divided into sessions, he may speak at the start of the session which relates to that subsidiary legislation or instrument.

21. Bills Committees

- (a) The maximum number of Bills Committees should be limited to 16 at any one time. When more than 16 Bills Committees are formed, a queuing system will automatically be activated.
- (b) A Bills Committee shall consist of not less than ~~three~~3 members *and (unless otherwise decided by the House Committee) not more than 15 members* including the chairman.
- (c) Members may *indicate their intention to* join a Bills Committee by a show of hands at the House Committee meeting at which a bill is allocated to that Bills Committee. If not less than three Members so indicate at the House Committee meeting, the Bills Committee will be formed and the Member who has the highest precedence among these Members is responsible for calling the first meeting of the Bills Committee. Members may ~~also~~ join the Bills Committee by submission of returns to the Secretariat by the deadline set by the clerk to the Bills Committee. Except in special circumstances, such a deadline shall normally be *not less than 2 one-clear days* before the day of the first meeting of the Bills Committee. *If the number of Members who have signified membership exceeds the number specified in (b) above, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB. The clerk to the Bills Committee shall issue the membership list of the Bills Committee and invite nominations for the offices of chairman and deputy chairman in accordance with the procedure for the election of the chairman and deputy chairman set out in Appendix IV.*
- (d) A Member who joins the Council after the start of a session *may ~~should~~* signify membership for the Bills Committees of his choice within one month of the date on which he is declared elected as Member of the Council, *provided that the number of members of the Bills Committees does not exceed the number specified in (b) above.*

- (e) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. Tenure of chairmanship and deputy chairmanship should be for the life of the Bills Committee. The procedure for the election of the chairman and deputy chairman is in Appendix IV. ~~A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.~~
- (f) The order of Bills Committees on the waiting list is in the order of the introduction of the relevant bills into the Council. In acceding to a request of the Administration for priority activation of a Bills Committee on a Government bill, the order of the Bills Committees on Member's bills should not be affected as a result. Similarly, should a Member's bill be dealt with ahead of other bills, the order of Government bills should not be altered. The decision on whether a bill is urgent rests with the House Committee.
- (g) Where a Bills Committee decides to hold in abeyance the consideration of a bill (such decision may be invited by circulation and signified in writing), it should notify the House Committee which will decide whether the next Bills Committee in the queue should be activated. A Bills Committee held in abeyance will not normally be reactivated until a vacant slot arises to accommodate its reactivation.
- (h) The scrutiny of a bill should be conducted quickly and, whenever possible, be completed within three months of its commencement. Should there be the need for a Bills Committee to work beyond this period, the House Committee should be informed of an extension of the period.
- (i) The following guidelines in the processing of bills should be followed -
 - (i) whenever feasible, committees should meet frequently;
 - (ii) members of a committee should try to attend all meetings and stay through each meeting;

- (iii) reopening of discussion on issues on which there has been full deliberation should not be allowed;
 - (iv) chairmen should monitor closely the progress of bills under their consideration. Should there be the need to hold a bill in abeyance, a report should be made to the House Committee;
 - (v) when the scrutiny of a bill has reached the report stage, and upon the recommendation of the Legal Adviser and the committee concerned, the House Committee may decide to vacate the slot for examination of the next bill in the queue.
- (j) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of the Bills Committee's deliberations and where appropriate, the majority and minority views, and whether or not the Bills Committee supports the bill. The Bills Committee shall then further report to the Council.
- (k) Subject to (n), the chairman or any member of a Bills Committee, when reporting to the Council on the work of the Bills Committee, shall address the Council at the resumption of the second reading debate on the bill.
- (l) Where a Bills Committee determines that a written report shall be laid on the table of the Council when reporting to the Council on the work of the Bills Committee, the report shall be presented at the same meeting at which the resumption of the second reading debate on the bill takes place.
- (m) Subject to (n), the chairman or any member of a Bills Committee presenting a written report referred to in (l) may, with the permission of the President, address the Council on the report at the commencement of the resumption of the second reading debate on the relevant bill.

- (n) Where the purpose of the resumption of the second reading debate on a bill is for making an announcement for the withdrawal of the bill, the chairman or any member of the Bills Committee concerned, who is to present the Bills Committee report at the Council meeting at which such an announcement is to be made, may, with the permission of the President, address the Council at the time when the report is laid on the Table of the Council.
- (o) At the resumption of the second reading debate on a bill (other than resumption for the purpose of making an announcement for the withdrawal of a bill), the chairman or any member of a Bills Committee reporting to the Council on the work of the Bills Committee under (k) or (m) may, with the permission of the President, be the first Member to speak.
- (p) An address made under (k), (m) or (n) is not subject to the 15-minute restriction on speaking time.
- (q) In the situation where there is no indication that the second reading debate on a bill will resume within a reasonable time after completion of the Bills Committee's work, the chairman or any member representing the Bills Committee shall, if the Bills Committee so determines, table a written report in the Council and seek the President's permission to address the Council thereon under Rule 21(3) of the Rules of Procedure.
- (r) A Bills Committee will be dissolved as soon as the bill it has considered passes through the Council, or when the House Committee so decides.

22. Panels

- (a) The number, names and terms of reference of Panels shall be recommended by the House Committee for the approval of the Council.
- (b) A Panel shall consist of not less than ~~six~~6 members *and not more than 20 members* including the chairman.

- (c) Members may join a Panel by submission of ~~a~~ returns to the Secretariat by noon on the ~~Friday~~ ~~Saturday~~ immediately following the first Council meeting of a new term, *and for the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. If the number of Members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB. A Member's membership of a Panel lasts for the whole term one session unless the Member resigns from that Panel. For each of the remaining sessions of the term, a Member who wishes to join any Panel(s) in addition to those he has joined may do so by submission of a return to the Secretariat by noon on the Saturday immediately prior to the first Council meeting of that session and the deadline for submission of return shall be taken as the time when the Member's membership of the additional Panel(s) takes effect.*
- (ca) *No Member shall be a member of more than six Panels at the same time.*
- (cb) *In the event that a vacancy in a Panel arises before the end of a session, the vacancy is to be filled in accordance with the mechanism set out in Appendix IIIB.*
- (d) A Member who joins the Council after the start of a session may join a Panel by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, *provided that the number of members of the Panel does not exceed 20*. His membership of the Panel shall take effect ~~from the time his return is received~~ *upon confirmation* by the Secretariat.
- (e) The Member who has the highest precedence in the Council among those who have joined a Panel is responsible for calling the first meeting of the Panel during the first session of a term of the Council, for the purpose of electing the chairman of the Panel. All other subsequent meetings will be called by the chairman in office.

- (f) The chairman and the deputy chairman of a Panel shall be elected from among its members and shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected. The procedure for the election of the chairman and deputy chairman is in Appendix IV. ~~A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.~~
- (g) Election of chairman and deputy chairman of a Panel should normally take place at the first meeting of the Panel in the session.
- (h) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.
- (i) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.
- (j) In the event of the temporary absence of the chairman and deputy chairman, the Panel may elect a chairman to act during such absence.
- (k) When a Panel sits jointly with any other Panel for the purpose of considering any matter of common interest, the Panels shall decide which chairman should chair that meeting.
- (l) If the chairmen of two Panels cannot agree on how an issue straddling the work of the Panels should be handled, the chairman or, in his absence, the deputy chairman of the House Committee should be consulted on whether one of the Panels should take up the issue, or whether the Panels should hold a joint meeting.
- (m) If more than two Panels meet jointly on a subject of common interest, and if it is necessary, the chairman or, in his absence, the deputy chairman of the House Committee may be consulted as to whether the Panel having a prominent interest in the subject matter should convene a meeting with members

of other interested Panels invited to attend, or whether informal briefings for all interested Members should be held. If the latter option is adopted, a convenor should be elected by and from among those Members present, and Members should be reminded at the beginning of the briefings that they are not covered by the Legislative Council (Powers and Privileges) Ordinance at such briefings as if they are covered at meetings of the Panels.

- (n) For the calculation of quorum, a Member who is member of both Panels at a joint meeting should be counted as one member of the joint meeting. The quorum will be one-third of the membership of the joint meeting including the chairman (a fraction of the whole number being disregarded) i.e. each Member will be counted only once in terms of membership and quorum.
- (o) All matters for decision at a joint Panel meeting shall be decided by a majority of the members voting. Dissenting views expressed by members of different Panels should be recorded.
- (p) A member who wishes to move a motion to express a view or stance on a specific issue at a meeting of a Panel or a subcommittee appointed by the House Committee or a Panel(s) to study policy issues should give notice in writing not less than 2 clear days before the meeting. The motion may be proposed if it is considered by the chairman of the Panel or subcommittee as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting. Any proposed amendment to a motion should be presented to the Panel or subcommittee in written form.
- (q) The relevant Panel should be consulted first before a major and/or potentially controversial legislative or financial proposal is introduced into the Council or the Finance Committee. In the event that the relevant Panel has not been consulted, the House Committee or Finance Committee shall decide whether to refer the proposal to the relevant Panel for consideration.

- (qa) A Member who intends to present a bill under Rule 51(1) of the Rules of Procedure may only do so after he has consulted the relevant Panel on a draft of the bill.
- (r) Panels should not normally deal with individual cases handled under the Redress System of the Council except in respect of the policy issues arising therefrom.
- (s) A Panel may appoint subcommittees to study specific issues. ~~Members of the subcommittees shall consist of members of that Panel.~~ *Only members of the Panel may join the subcommittees. A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*
- (t) Two or more Panels may appoint joint subcommittees to study any matter of common interest to the relevant Panels. Only members of the relevant Panels may join the subcommittees. *A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman. If the number of members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB.* The quorum of a subcommittee so appointed will be one-third of the membership of the subcommittee including the chairman (a fraction of the whole number being disregarded).
- (u) The following paragraphs apply to subcommittees appointed for purposes set out in (s) or joint subcommittees appointed for purposes set out in (t) -
 - (i) their terms of reference shall be decided by the Panel(s) concerned, and should be issue-specific or project-specific;
 - (ii) a proposal to appoint such subcommittees should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the Panel(s) concerned;
 - (iii) they may report to the Panel(s) at any time when they

consider appropriate, but should do so as soon as they have completed their work; and

- (iv) their activation is determined in accordance with the mechanism set out in rule 26.
- (v) Should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee shall be sought in accordance with the procedures set out in rule 29A.
- (w) A Panel shall make at least one report on its work to the Council in the session. If a particular matter is referred to a Panel for study, or a Panel is authorized to summon persons concerned to testify or give evidence, the Panel shall make a report to the Council after it has completed its consideration. The method of tabling a report in the Council is provided in rule 2. A Panel may as required seek the views of the House Committee on a particular matter, or inform the House Committee of the contents of its study report.

23. Application for Late Membership

- (a) An application for late membership of a Bills Committee, Panel, subcommittee ~~under-appointed by the House Committee,~~ a Bills Committee or Panel; *or a joint subcommittee formed by two or more Panels,* ~~or subcommittee on subsidiary legislation~~ (the relevant committee) shall be considered in accordance with this rule after the election of the chairman and deputy chairman, if any, of the relevant committee, *provided that the number of committee members does not exceed the specified maximum number of members of the relevant committee.* The raising of questions which relate to the signification of membership of a relevant committee, after the time when a Member should signify his membership, shall be deemed to be an application for late membership.
- ~~(b) If the ground for application for late membership is indisposition, or absence from Hong Kong, during the time when a Member should signify his membership, it is for the chairman of the relevant committee to decide whether such~~

~~application should be accepted.~~

~~(e)(b)~~ If the ground for application for late membership is other than that referred to in (b), ~~i/~~It is for the relevant committee to decide whether ~~such an~~ application *for late membership* should be accepted and such application shall only be accepted if there exist sufficient grounds for doing so.

~~(d)(c)~~ A Member who is admitted as a member of the relevant committee under this rule may not seek a re-election of the chairman or deputy chairman of that committee by reason only of his admission.

~~(e)(d)~~ Any Member who has failed to be admitted as a member of the relevant committee ~~under this rule referred to in (a) above~~ may put the case to the House Committee for decision.

26. Activation and Operation of Subcommittees

(a) Subject to (b) and (e), the maximum number of subcommittees appointed by the House Committee for purposes set out in rule 20(j)(ii) *and (iii)* and subcommittees appointed by Panels for purposes set out in rule 22(s) or (t) that may be in operation at any one time is 10.

(b) Where the number of subcommittees referred to in (a) has reached the maximum number provided in (a), a queuing system will automatically be activated with a waiting list formed. The order of subcommittees on the waiting list is in the order of their appointment. Where the number of Bills Committees in operation is less than that referred to in rule 21(a), the House Committee may activate subcommittees on the waiting list after having considered the following -

- (i) the number of vacant slots for Bills Committees;
- (ii) the number of bills likely to be introduced to the Council in the next three months;
- (iii) the number of subcommittees already or likely to be appointed by the House Committee for purposes referred to in rule 20(j)(i) and by Bills Committees; and

- (iv) the availability of resources in the Secretariat.
- (c) A subcommittee referred to in (a) should complete its work within 12 months of its commencement and report to the House Committee or the relevant Panel(s). Should such a subcommittee consider it necessary for it to work beyond that 12 months, the subcommittee should, after obtaining the endorsement of the relevant Panel(s) if it is appointed by a Panel(s), report to the House Committee and give justifications for an extension of the 12-month period. A subcommittee should not hold any meeting after the expiry of the 12-month working period or the extended working period, unless otherwise decided by the House Committee.
- (d) There is no restriction on the maximum number of subcommittees appointed by the House Committee for purposes set out in rule 20(j)(i) that may be in operation at any one time.
- (e) Notwithstanding (a), (b) and (c), exceptions to these subrules may be made by the House Committee where it considers appropriate.
- (f) The practices and procedures set out in rules 20 to 25 shall apply, where appropriate, to subcommittees of the House Committee, Bills Committees or Panels (including joint subcommittees appointed by two or more Panels).

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.

Mechanism for allocation of committee seats

Detailed procedures of the mechanism are –

1. For Panels –

- (a) No Member shall be a member of more than six Panels at the same time.
- (b) Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately following the first Council meeting of a new term. For the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. A Member's membership of a Panel lasts for one session unless the Member resigns from that Panel.
- (c) Members may coordinate among themselves to form lists for the purpose of allocation of committee seats provided that a Member's name should not appear on more than one such list. Any list formed by Members should reach the Secretariat before the deadline set for submitting such lists. Any Member not intending to form any list with other Member(s) may signify membership as an individual Member.
- (d) The maximum number of members of a Panel is 20 members including the chairman as stated in Rule 77(8) of the Rules of Procedure. The allocation of committee seats of a Panel will be based on the number of Members on a list if the total number of Members signifying membership exceeds the specified number of members as stated above. A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list ("designated quota") is in Annex I.
- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they

signify membership using the designated quota referred to in 1(d) or signify as an individual Member without any designated quota.

- (f) After the deadline for signification of membership specified in 1(b), if the total number of Members signifying membership does not exceed the number of committee seats as stated in 1(d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.
- (g) Among Members on the “oversubscription list”, priority will be given to those Members who have been allocated the fewest number of committee seats of Panels. If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.
- (h) The order for the Panels to allocate committee seats shall be in the order set out in Annex II.
- (i) In the event that a vacancy in a Panel arises before the end of a session, priority for filling the seat vacated by a Member on a list will be given to another Member on the same list as long as the number of Members on the list is still sufficient for obtaining the designated quota. In the case where:
 - (i) no other Member from the same list fills the vacancy;
 - (ii) the number of Members on the same list is no longer sufficient for obtaining the designated quota; or
 - (iii) the seat concerned was allocated by means other than through the designated quota,

a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members signifying membership exceeds the number of seat(s) vacated by Member(s), a poll will be conducted by the Panel concerned by using the Electronic Voting System to determine which Member is to fill the vacancy.

- (j) A Member who joins the Council after the start of a session may join a Panel by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of the Panel does not exceed 20. His membership of the Panel shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a Panel exceeds the number of committee seat(s) of that Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the committee seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.

2. For Bills Committees and subcommittees –

- (a) Members may join a Bills Committee or its subcommittee(s) appointed under Rule 76(4) of the Rules of Procedure or a subcommittee appointed by the House Committee for purposes set out in rule 20(j)(i) to (iii) of the House Rules or by a Panel or two or more Panels for purposes set out in rule 22(s) or (t) of the House Rules by submission of returns to the Secretariat by a date as specified by the Secretariat.
- (b) The lists which Members have formed for the purpose of allocation of committee seats of Panels in a session are applicable to the allocation of seats of the committees specified in 2(a) in the same session if the total number of Members signifying membership exceeds the specified number of members of the committee or subcommittee as stated in 2(c) and (d). A conversion table between the number of Members on a list and the designated quota is in Annex I.

- (c) A subcommittee appointed by the House Committee for the purpose set out in rule 20(j)(ii) of the House Rules or by a Panel or two or more Panels for purposes set out in rule 22(s) or (t) of the House Rules is to consist of no more than 20 members including the chairman.
- (d) Unless otherwise decided by the House Committee, a Bills Committee, or a subcommittee appointed under Rule 76(4) of the Rules of Procedure or by the House Committee for purposes set out in rule 20(j)(i) or (iii) of the House Rules, is to consist of no more than 15 members including the chairman.
- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota.
- (f) After the specified deadline for signification of membership, if the total number of Members signifying membership does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.
- (g) Among Members on the “oversubscription list”, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk to a committee will draw the lots.
- (h) In the event that a vacancy in a Bills Committee or a subcommittee arises before its completion of work, such vacancy will not be filled.

- (i) A Member who joins the Council after the start of a session may join a Bills Committee or a subcommittee by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of that committee does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d). His membership of the committee shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a committee exceeds the number of committee seat(s) of that committee available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk to a committee will draw the lots.

Annex I to Appendix IIIB

Conversion table between the number of committee seats to be allocated and the number of Members on a list

The number of committee seats to be allocated	The number of Members on a list required for allocating the specified number of seats	
	<u>Committees with 15 seats available for allocation¹</u>	<u>Committees with 20 seats available for allocation²</u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16		72
17		77
18		81
19		86
20		90

¹ The threshold for allocating each seat is calculated on the basis of a multiple of six (i.e. six Members be allocated one seat, 12 Members be allocated two seats, 18 Members be allocated three seats, so on and so forth).

² The threshold for allocating each seat is calculated on the basis of a multiple of 4.5 (rounding up to the nearest integer) (i.e. five Members be allocated one seat, nine Members be allocated two seats, 14 Members be allocated three seats, so on and so forth).

Annex II to Appendix IIIB

The order for the 18 Panels to allocate committee seats¹

1. Panel on Constitutional Affairs
2. Panel on Security
3. Panel on Development
4. Panel on Education
5. Panel on Transport
6. Panel on Housing
7. Panel on Economic Development
8. Panel on Home Affairs
9. Panel on Food Safety and Environment Hygiene
10. Panel on Environmental Affairs
11. Panel on Administration of Justice and Legal Services
12. Panel on Financial Affairs
13. Panel on Manpower
14. Panel on Health Services
15. Panel on Information Technology and Broadcasting
16. Panel on Welfare Services
17. Panel on Commerce and Industry
18. Panel on Public Service

¹ The order for the 18 Panels to allocate committee seats is determined according to the descending order of the annual average membership size of 18 Panels in the Fourth Legislative Council ("LegCo"), the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session).

**Marked-up version of the proposed amendments to
Rules 39 and 44 of the Rules of Procedure**

39. Interruptions

- (1) 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~~ *and if called by the President or Chairman, when the Member speaking shall resume his seat and, subject to subrule (2),* 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.

(2) The President or Chairman may direct the Member who is interrupting another Member under subrule (1)(a) to discontinue speaking if the President or Chairman is of the opinion that the interruption is an abuse of procedure.

44. Decision of ~~Chair Final~~ the Chair

(1) The President in Council, the Chairman in a committee of the whole Council or the chairman of any 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.

(2) Where the President in Council or the Chairman in a committee of the whole Council is of the opinion that the raising of a point of order is an abuse of procedure, he may decide when and how he would deal with the point of order so raised.

(3) The power conferred on the President in Council or the Chairman in a committee of the whole Council by subrule (2) may be exercised by the chairman or deputy chairman of any other committee, but not by any other member presiding at that committee, in dealing with a point of order.

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.

**Marked-up version of the proposed amendments to
Rules 42 and 43 of the Rules of Procedure**

42. Behaviour of Members during Meeting

During a meeting of the Council –

- (a) all Members shall ~~enter or leave the Council properly attired and dress in business attire and behave~~ 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, *except the attire requirement laid down in Rule 42(a) (Behaviour of Members during Meeting) which shall only apply to the proceedings of the Council and a committee of the whole Council*, shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise.

Legend :

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.

Guidance on Members' attire which might be deemed inappropriate for attending Council meetings

In accordance with Rule 42(a) of the Rules of Procedure, all Members shall be in **business attire** and with decorum during a meeting of the Council.* While attire with/of the following features/types might be deemed inappropriate, **the President may exercise his discretion over Members' standard of dress.**

Overall attire

- Clothing/accessories displaying signs, slogans or messages;
- Clothing displaying advertising of commercial cause (including the promotion and advertising of sports teams, leagues, tournaments, etc.);
- Clothing that is torn or with holes;
- Uniforms of any kind;
- Casual and sports wears; and
- Swimwear.

Tops

- T-shirts;
- Singlets/sleeveless tops;
- Sport tops;
- Sweatshirts;
- Tracksuits; and
- Overalls.

Bottoms

- Shorts;
- Jeans/denim; and
- Sweatpants/sportswear leggings/yoga pants.

Headwear

- Hats and caps; and
- Headwear of any kind (except for religious or medical reasons).

Footwear

- Flip-flops, sandals/slides, mules;
- Trainers and sports shoes;
- Work boots, hiking boots or rain boots; and
- Any kind of shoes showing toes.

Note: This Guidance may be revised/updated as and when directed by the President of the Legislative Council.

* *Subject to whether business attire is to be adopted as the standard of dress for Members attending Council meetings (including meetings of the committee of whole Council but not other committee meetings).*

**Marked-up version of the proposed amendments to
Rule 42 of the Rules of Procedure
and proposed new provision 19B of the House Rules**

Rule 42 of the Rules of Procedure

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.; *and*
- (e) *a Member may, subject to any such requirements or restrictions as may from time to time be recommended by the House Committee, display an object for illustrating a point in his speech only while he is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to Rule 41 (Contents of Speeches).*

New provision of the House Rules

19B. Display of Objects

Under Rule 42(e) of the Rules of Procedure, a Member may display an object for illustrating a point in his speech while he is speaking during a Council meeting if:

- (a) *the display of the object is related to the item(s) of business set out in the relevant Agenda of the Council;*
- (b) *the display of the object does not and will not disturb the proceedings of the meeting or cause obstruction to other Members or designated public officers in their participation in the proceedings, or block the President's view of those present in the Chamber;*
- (c) *the display of the object does not and will not pose danger or nuisance to any person present in the Chamber;*
- (d) *the display of the object is confined to the seating area of the Member displaying the object; and*
- (e) *the display of the object does not and will not have a negative impact on the public's perception of the Council, tarnish the dignity of the Council, or bring discredit upon the Council.*

Legend :

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.

Extract of the minutes of House Committee meeting on 25 June 2021

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VI. Paper of the Committee on Rules of Procedure

Review of the Rules of Procedure and House Rules – Second batch of proposed amendments

(LC Paper No. CROP71/20-21)

23. At the invitation of the Chairman, Mr Paul TSE, Chairman of the Committee on Rules of Procedure ("CRoP") said that following the implementation of the first batch of amendments to the Rules of Procedure ("RoP") and HR in February and March 2021, CRoP had proceeded to the second phase of the review and invited Members' views on the second batch of proposed amendments. Following the consultation exercise, CRoP had agreed to submit to HC for endorsement the proposals and the related proposed amendments to the relevant provisions of RoP and HR that had received sufficient support from Members ("CRoP's proposals and proposed amendments to RoP and HR"). Mr TSE briefed Members on the proposals which were divided into four groups as detailed in Proposals 1 to 4 in the paper, namely, Proposal 1 "Committee membership and election of the chairman and deputy chairman of a committee"; Proposal 2 "Procedures for dealing with quorum calls and points of order"; Proposal 3 "Attire for Members attending Council meetings"; and Proposal 4 "Display of objects by Members at Council meetings".

24. Mr Paul TSE further said that subject to HC's endorsement, he as the CRoP Chairman would move a proposed resolution under Article 75 of the Basic Law at a Council meeting to amend the relevant provisions of RoP. Subject to its passage, the resolution would be published in the Government Gazette whereupon the amendments to RoP set forth therein (except those relating to the membership and election of chairmen of committees) would come into operation. As regards the amended provisions of RoP and HR in Appendix III under Proposal 1 "Committee membership and election of the chairman and deputy chairman of a committee", they would come into operation on the day on which the Seventh Legislative Council ("LegCo") began.

25. Mr CHAN Hak-kan expressed support for CROp's proposals and proposed amendments to RoP and HR. In his view, the proposed amendments would plug the loopholes which some Members had taken advantage of in the past few years, such as requesting quorum calls and abusing the raising of a point of order for the purpose of filibustering. As the number of seats in LegCo would be increased from 70 to 90 in the Seventh LegCo, the proposed amendments would also facilitate the smooth operation of LegCo and its committees. Mr CHAN considered that the proposed amendments concerned the internal operation of LegCo, and would not reduce LegCo's power to monitor the Government. Mr CHAN called on Members to support CROp's proposals and proposed amendments to RoP and HR.

26. Mr Michael TIEN said that he had strong reservation on the proposals to set a cap on the membership size of committees and to specify that each Member could serve on a maximum of six Panels at the same time, though he had no problem with the other proposed amendments to RoP and HR. He considered that setting a cap on the membership size of committees could not achieve the effect of enhancing the operational efficiency of committees, but would take away the rights of individual Members to vote on certain matters that were under the purview of committees. Mr TIEN considered that Members should be trusted to make their own decision on the number of committees they would join. Mr TIEN made it clear that he had reservation on supporting CROp's proposals and proposed amendments to RoP and HR.

27. Mr Tony TSE said that he was basically in support of CROp's proposals and proposed amendments to RoP and HR with a view to ensuring the efficient disposition of Council business and monitoring the Government. However, regarding the proposed imposition of a financial penalty on a Member absent without valid reasons when a Council meeting was adjourned due to a lack of quorum, he considered that apart from the valid reasons specified in paragraph 9 of the paper, the submission of a prior application for leave in writing to the President should be considered as a valid reason as well. He hoped that a clarification on this matter could be made.

28. Mr Martin LIAO expressed support for the proposal to set a cap on the membership size of committees. He said that based on the findings of research studies on overseas legislatures conducted by Members and the Secretariat, it was common for legislatures to set a cap on the membership size of committees, with the size of a committee usually capped at 10-odd members or at most, 30-odd members at a few of these legislatures. Therefore, while committees would be open to all Members to indicate their intention to join, Members should not expect to have the right to join all committees. Mr LIAO also considered that committee members should stay through each

committee meeting and not attend the meeting for a few minutes just to express their views, and that capping the membership size of committees would facilitate the operation of committees.

29. Dr Junius HO said that he welcomed CROP's proposals and proposed amendments to RoP and HR. He recalled that LegCo had experienced a number of chaotic situations over the past few years, particularly the election of the chairman and deputy chairman of HC for the 2019-2020 session. Besides, in some instances, a large number of Members had joined certain committees intending to seize the chairmanships of those committees. Dr HO expressed support for the proposed amendments relating to committee membership as they had struck an appropriate balance among all relevant factors, adding that the proposed amendments did not seek to prevent Members from attending or giving views at any meetings of these committees.

30. Ms Alice MAK expressed support for CROP's proposals and proposed amendments to RoP and HR which, in her view, could improve the rules and procedures of LegCo. Ms MAK also considered that the proposal to set a cap on the membership size of committees could ensure achieving higher efficiency in the operation and proceedings of committees.

31. Mr Tommy CHEUNG said that Members belonging to the Liberal Party were in support of CROP's proposals and proposed amendments to RoP and HR. Mr CHEUNG further said that while he understood the concerns expressed by some Members, especially those without political party affiliations, over the proposals to set a cap on the membership size of committees and to specify the number of Panels that a Member could serve on at the same time, such proposals would not prevent a non-committee Member from attending and giving views at meetings of these committees. Having regard to the increase in the number of seats in the Seventh LegCo, he considered that there was a need to balance all relevant factors including the operation and the efficiency of these committees.

32. Ir Dr LO Wai-kwok said that Members belonging to the Business and Professionals Alliance for Hong Kong were also in support of CROP's proposals and proposed amendments to RoP and HR. Since the number of Members in the Seventh LegCo would be increased to 90, he considered it necessary to set a cap on the membership size of committees to better facilitate the effective division of work among Members. Ir Dr LO also considered that there was a need to prescribe the attire for Members attending Council meetings. He opined that while it was important for LegCo to perform its functions, it was also important for Members to maintain an image that matched with their identity when discharging duties as LegCo Members.

33. Mr Paul TSE considered that while those Members who did not belong to any political parties might perceive the proposal to set a cap on the membership size of committees as taking away some of their rights to vote on matters to be decided by committees, it was more important to interpret the proposal as a way to enhance the overall operation of LegCo. He added that in overseas legislatures, it was common to set a cap on the membership size of committees with a view to achieving a more balanced division of work among Members, and there was no such case where an individual Member could join all the committees. Mr TSE called on Members to support CRoP's proposals and proposed amendments to RoP and HR for the sake of the Council's overall interests.

34. In conclusion, the Chairman said that Members had been consulted on CRoP's proposals and proposed amendments to RoP and HR before they were submitted to HC for consideration. Subject to HC's endorsement, the CRoP Chairman would move a proposed resolution at a Council meeting to amend the relevant provisions of RoP, and Members could then further express their views. The Chairman invited Members to consider whether HC should endorse Proposals 1 to 4 and the related proposed amendments to the relevant provisions of RoP and HR in Appendices III, IV, V and VII, and the "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in Appendix VI. The Chairman put the question to vote. The Chairman declared that the question was agreed to by a majority of Members voting and that CRoP's proposals and proposed amendments to RoP and HR were endorsed by HC with no objection but one abstention. The Chairman further advised that the CRoP Chairman could move the proposed resolution at the Council meeting of 14 July 2021 at the earliest for the purpose of amending the relevant provisions of RoP.

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Council Business Division 2
Legislative Council Secretariat
30 June 2021

立法會
Legislative Council

(issued by email only)
LC Paper No. CB(3) 743/20-21

Ref. : CB(3)/M/MR

Tel : 3919 3300

Date : 5 July 2021

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 14 July 2021

**Proposed resolution to be moved by Hon Paul TSE
under Article 75 of the Basic Law to amend the Rules of Procedure**

The President has given permission for Hon Paul TSE to move the attached proposed resolution under Article 75 of the Basic Law at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

(Miranda HON)
for Clerk to the Legislative Council

Encl.

**Basic Law of the Hong Kong Special Administrative Region
of the People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

Resolved that—

- (a) the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule;
 - (b) subject to paragraph (c), this Resolution is to come into operation on the day on which it is published in the Gazette; and
 - (c) sections 5, 6 and 7 of the Schedule are to come into operation on the day on which the seventh term of office of the Legislative Council begins.
-

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 39 amended (interruptions)

(1) Rule 39 –

Renumber the Rule as Rule 39(1).

(2) Rule 39(1)(a) –

Repeal

“when the Member speaking shall resume his seat and”

Substitute

“and if called by the President or Chairman, when the Member speaking shall resume his seat and, subject to subrule (2),”.

(3) After Rule 39(1) –

Add

“(2) The President or Chairman may direct the Member who is interrupting another Member under subrule (1)(a) to discontinue speaking if the President or Chairman is of the opinion that the interruption is an abuse of procedure.”.

2. Rule 42 amended (behaviour of Members during meeting)

(1) Rule 42(a) –

Repeal

“enter or leave the Council properly attired and”

Substitute

“dress in business attire and behave”.

(2) Rule 42(c) –

Repeal

“and”.

(3) Rule 42(d) –

Repeal the full stop

Substitute

“; and”.

(4) After Rule 42(d) –

Add

“(e) a Member may, subject to any such requirements or restrictions as may from time to time be recommended by the House Committee, display an object for illustrating a point in his speech only while he is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to Rule 41 (Contents of Speeches).”.

3. Rule 43 amended (application of Rules to committees)

Rule 43, after “in this Part” –

Add

“, except the attire requirement laid down in Rule 42(a) (Behaviour of Members during Meeting) which shall only apply to the proceedings of the Council and a committee of the whole Council.”.

4. Rule 44 amended (decision of Chair final)

(1) Rule 44, heading –

Repeal

“Chair Final”

Substitute

“the Chair”.

(2) Rule 44 –

Renumber the Rule as Rule 44(1).

(3) After Rule 44(1) –

Add

“(2) Where the President in Council or the Chairman in a committee of the whole Council is of the opinion that the raising of a point of order is an abuse of procedure, he may decide when and how he would deal with the point of order so raised.

- (3) The power conferred on the President in Council or the Chairman in a committee of the whole Council by subrule (2) may be exercised by the chairman or deputy chairman of any other committee, but not by any other member presiding at that committee, in dealing with a point of order.”.

5. Rule 75 amended (House Committee)

- (1) Before Rule 75(4) –

Add

“(3A) The committee shall decide the mechanism for allocation of committee seats of Panels, Bills Committees and subcommittees appointed by the committee, a Panel, two or more Panels or a Bills Committee, and the procedure for election of the chairman and deputy chairman of such committees.”.

- (2) Rule 75(7) –

Repeal

everything after “who”

Substitute

“have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).”.

- (3) Rule 75(11), before “any other item” –

Add

“an issue of public concern which falls outside the purview of Panels or”.

- (4) Rule 75 –

Renumber subrule (12) as subrule (12)(a).

- (5) After Rule 75(12)(a) –

Add

“(b) The members of a subcommittee appointed under paragraph (a) shall be those Members (other than

the President) who have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).

- (c) Subject to paragraph (d), a subcommittee appointed under paragraph (a) shall consist of not less than 3 members and (unless otherwise decided by the committee) not more than 15 members including the chairman.
- (d) Where a subcommittee is appointed for the purpose of assisting the committee to consider an issue of public concern which falls outside the purview of Panels, such subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.”.

6. **Rule 76 amended (Bills Committees)**

- (1) Rule 76(1A) –

Repeal

everything after “who”

Substitute

“have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee).”.

- (2) Rule 76(3), after “not less than 3 members” –

Add

“and (unless otherwise decided by the House Committee) not more than 15 members”.

- (3) Rule 76(4), after “functions.” –

Add

“The members of a subcommittee shall be those members of the Bills Committee who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist

of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman.”.

7. Rule 77 amended (Panels)

(1) Rule 77(4) –

Repeal

everything after “who”

Substitute

“have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). The term of office of the members of a Panel shall be one session.”.

(2) Rule 77(8), after “6 members” –

Add

“and not more than 20 members”.

(3) Rule 77(9), after “the Panel.” –

Add

“The members of a subcommittee shall be those members of the Panel who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.”.

(4) Rule 77(9A), after “the Panels.” –

Add

“The members of a joint subcommittee shall be those members of the relevant Panels who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A joint subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.”.

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 14 July 2021**

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MEMBERS' OTHER MOTIONS

DEPUTY PRESIDENT (in Cantonese): Members' other motions.

Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure.

Members who wish to speak please press the "Request to speak" button.

I now call upon Mr Paul TSE to speak and move the motion.

**PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC
LAW TO AMEND THE RULES OF PROCEDURE**

MR PAUL TSE (in Cantonese): Deputy President, in my capacity as the Chairman of the Committee on Rules of Procedure, I move that the proposed resolution, as printed on the Agenda, be passed to amend certain provisions of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region ("RoP").

Deputy President, the second batch of proposed amendments to RoP and the House Rules ("HR") was already passed by the House Committee on 25 June. The four groups of proposals include as follows:

The first group concerns committee membership and election of the chairman and deputy chairman of a committee. Three proposals are included: firstly, specifying a cap on the membership size of committees; for example, the sizes of Panels and Bills Committees will be capped at 20 and 15 members respectively; secondly, putting in place a mechanism for allocation of committee seats, with each Member being able to serve on a maximum of six Panels at the same time; thirdly, amending the procedure for election of the chairman and deputy chairman of a committee.

Deputy President, the second group deals with quorum calls and points of order. Three new procedures are proposed to be introduced: firstly, a penalty shall be imposed each and every time on a Member who is absent without valid reasons from a Council meeting aborted due to a lack of quorum. The penalty will be fixed across the board at an amount equivalent to one day's remuneration payable to a Member who does not serve on the Executive Council. After the relevant legislation is amended, the Legislative Council will add the provisions concerned to RoP. Secondly, RoP will be amended to specify that a Member shall not interrupt another Member by rising to a point of order unless called by the President in Council, the Chairman in a committee of the whole Council ("CoWC") or the chairman of any other committee; and the Member interrupting may be directed to discontinue speaking if the President in Council, the Chairman in CoWC or the chairman of a committee is of the opinion that the interruption is an abuse of procedure. Thirdly, RoP will be amended to specify that the President in Council, the Chairman in CoWC or the Member presiding in Council and in CoWC may decide when and how to deal with a point of order if he/she is of the opinion that the raising of such a point of order is an abuse of procedure. The chairmen or deputy chairmen of other committees, excluding any other member presiding over a meeting, may also exercise such power.

Deputy President, the third group of proposals provides that Members attending Council and CoWC meetings, excluding other committee meetings, shall dress in business attire.

(THE PRESIDENT resumed the Chair)

The fourth group of proposals specifies that at Council, CoWC or other committee meetings, a Member may display an object only while speaking, provided that RoP 41 and the new HR 19B are conformed to.

President, should the resolution be passed, except for the proposals on committee membership and election of chairman and deputy chairman, which will come into operation on the day on which the Seventh Legislative Council begins, various other amendments to RoP and HR will come into operation upon the gazettal of the resolution.

President, let me make some remarks very quickly. This amendment exercise is surely another relatively substantive and massive amendment exercise in our current term. However, apart from saying that the operation of the Council has been quite normal after the chaos have been rectified, I would also like to say that, just like this morning, we noticed just now that various Secretaries were able to propose some new motions very smoothly. This approach has an immediate effect on the operation, efficiency and effectiveness of our Legislative Council.

This time, the reason why we want another amendment exercise is basically because of an increase in the number of Members in our next term, which necessitates a relatively reasonable arrangement concerning the number of committees—a relatively reasonable arrangement when compared to the number, size and membership of committees in other countries. Secondly, it is our hope, for example, that some amendments can be made with regard to quorum calls, so that Members will further reduce abuse of the so-called quorum calls. Thirdly, we also hope that the order of the Legislative Council can have more public support in terms of dignity or practice, so it is necessary to set out requirements for our attire or the objects displayed at any time during a speech.

President, I wish to take this opportunity to thank all members of our Committee again for raising numerous views on the amendments this time around. I am also grateful to all Members for putting forward many constructive proposals during the consultation period. Most importantly, my gratitude goes to the Committee Clerk and our Legal Advisers who have done a lot of work on the amendments concerned. Thank you, President.

Mr Paul TSE moved the following motion:

"RESOLVED that—

- (a) the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule;
- (b) subject to paragraph (c), this Resolution is to come into operation on the day on which it is published in the Gazette; and
- (c) sections 5, 6 and 7 of the Schedule are to come into operation on the day on which the seventh term of office of the Legislative Council begins.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 39 amended (interruptions)

(1) Rule 39—

Renumber the Rule as Rule 39(1).

(2) Rule 39(1)(a) —

Repeal

"when the Member speaking shall resume his seat and"

Substitute

"and if called by the President or Chairman, when the Member speaking shall resume his seat and, subject to subrule (2),".

(3) After Rule 39(1) —

Add

"(2) The President or Chairman may direct the Member who is interrupting another Member under subrule (1)(a) to discontinue speaking if the President or Chairman is of the opinion that the interruption is an abuse of procedure.".

2. Rule 42 amended (behaviour of Members during meeting)

(1) Rule 42(a)—

Repeal

"enter or leave the Council properly attired and"

Substitute

"dress in business attire and behave".

(2) Rule
42(c)—

Repeal

"and".

(3) Rule 42(d)—

Repeal the full**stop Substitute**

"; and".

(4) After Rule 42(d)—

Add

"(e) a Member may, subject to any such requirements or restrictions as may from time to time be recommended by the House Committee, display an object for illustrating a point in his speech only while he is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to Rule 41 (Contents of Speeches)".

3. Rule 43 amended (application of Rules to committees)

Rule 43, after "in this Part"—

Add

", except the attire requirement laid down in Rule 42(a) (Behaviour of Members during Meeting) which shall only apply to the proceedings of the Council and a committee of the whole Council,".

4. Rule 44 amended (decision of Chair final)

(1) Rule 44, heading—

Repeal

"Chair Final"

Substitute

"the Chair".

(2) Rule 44—

Renumber the Rule as Rule 44(1).

(3) After Rule 44(1)—

Add

"(2) Where the President in Council or the Chairman in a committee of the whole Council is of the opinion that the raising of a point of order is an abuse of procedure, he may decide when and how he would deal with the point of order so raised.

(3) The power conferred on the President in Council or the Chairman in a committee of the whole Council by subrule (2) may be exercised by the chairman or deputy chairman of any other committee, but not by any other member presiding at that committee, in dealing with a point of order."

5. Rule 75 amended (House Committee)

(1) Before Rule 75(4)—

Add

"(3A) The committee shall decide the mechanism for allocation of committee seats of Panels, Bills Committees and subcommittees appointed by the committee, a Panel, two or more Panels or a Bills Committee, and the procedure for election of the chairman and deputy chairman of such committees."

- (2) Rule 75(7) —

Repeal

everything after "who"

Substitute

"have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).".

- (3) Rule 75(11), before "any other item"—

Add

"an issue of public concern which falls outside the purview of Panels or".

- (4) Rule 75—

Renumber subrule (12) as subrule (12)(a).

- (5) After Rule 75(12)(a)—

Add

"(b) The members of a subcommittee appointed under paragraph (a) shall be those Members (other than the President) who have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).

- (c) Subject to paragraph (d), a subcommittee appointed under paragraph (a) shall consist of not less than 3 members and (unless otherwise decided by the committee) not more than 15 members including the chairman.

- (d) Where a subcommittee is appointed for the purpose of assisting the committee to consider an issue of public concern which falls outside the purview of Panels, such subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.".

6. Rule 76 amended (Bills Committees)

(1) Rule 76(1A) —

Repeal

everything after "who"

Substitute

"have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee).".

(2) Rule 76(3), after "not less than 3 members"—

Add

"and (unless otherwise decided by the House Committee) not more than 15 members".

(3) Rule 76(4), after "functions."—

Add

"The members of a subcommittee shall be those members of the Bills Committee who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman.".

7. Rule 77 amended (Panels)

(1) Rule 77(4) —

Repeal

everything after "who"

Substitute

"have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). The term of office of the members of a Panel shall be one session.".

- (2) Rule 77(8), after "6 members"—

Add

"and not more than 20 members".

- (3) Rule 77(9), after "the Panel."—

Add

"The members of a subcommittee shall be those members of the Panel who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman."

- (4) Rule 77(9A), after "the Panels."—

Add

"The members of a joint subcommittee shall be those members of the relevant Panels who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A joint subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman."."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Paul TSE be passed.

MS STARRY LEE (in Cantonese): President, in order to achieve the orderly, efficient and fair disposition of Council business, the Committee on Rules of Procedure ("CRoP") should review the rules and practices of the Legislative Council ("LegCo") from time to time, and propose amendments to the Rules of Procedure ("RoP") and House Rules ("HR"). Earlier on, we endorsed the first batch of amendments, which were implemented in February and March this year, and today we are going to consider the second batch of proposals consisting of four groups in total. I do not intend to repeat the details, but will focus on some of my views on the first and second groups of proposals due to time constraint.

I would like to start with the cap on the membership size of committees. As far as the operation of this Council in the past is concerned, except for individual committees, there was basically no limit on the membership size of each committee of LegCo. We can see its advantage, that is, Members being allowed the widest scope of political deliberation and debate. However, according to operational experience, this practice has given rise to many problems that we must face squarely.

As we know, one of these problems is that at the beginning of a new legislative session, in order to compete for the chairmanship of Panels, Members from different camps would rush to sign up for membership, but many members have to withdraw after the Chairmen have been elected. The second problem is that, especially when some controversial Bills Committees were formed amid heated political arguments, many Members would often join those Bills Committees. Given the large membership size, each Member who attended a meeting might be able to speak only once after having pressed the "Request to speak" button to wait for his/her turn to speak at each Bills Committee meeting. This has greatly compromised our function and efficiency in scrutinizing bills, making it impossible for Members to concentrate on certain areas and have focused discussion.

The aforesaid situation is not desirable for the actual operation of committees, including deliberation, formation of quorum and continuation of the business of committees, which undermines LegCo's constitutional function in monitoring the Government. This issue merits further consideration, particularly given that the number of Members of the next term of the Legislative Council further increases to 90. I am very grateful to CRoP members and the Secretariat for their hard work. In the past, I played an active role in the discussions about amendments to RoP with a view to addressing the issue from an institutional perspective.

President, in view of the aforesaid phenomena, the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") supports the passage of the amendments to RoP and HR to limit the membership size of committees starting from the beginning of the next term of the Legislative Council and require that each Member can serve on a maximum of six Panels at the same time. I note that some Members had reservations about this proposal during the discussion at the last meeting of the House Committee ("HC"). They considered that this would not help improve the efficiency of the Council, while some Members criticized that this would restrict Members' right to join committees.

In this regard, I have tried to understand the whole matter very seriously and thoroughly. I would like to raise three points for members of the public to grasp this matter. The first point is that CRoP was very prudent in putting forward the proposals and drew much reference from the practice of many overseas legislatures, including the House of Commons of the United Kingdom, the New Zealand Parliament, the Bundestag of Germany and the National Assembly of France. On the whole, the membership size of these legislatures is basically subject to a cap, which is a fixed number or a certain percentage of the total number of members. Obviously, in order for the legislatures to exercise their functions more effectively, a cap is set for the membership size of committees in legislatures. The same model is adopted by all legislatures around the world, and this practice is very common.

The second point is that under the existing arrangement, as we know, if Members are concerned about a certain issue, they can attend meetings and speak out. I do not see how this practice will change after amending RoP.

The third point is that flexible provisions have been introduced with the amendments. For those committees formed to study legislative proposals, their membership size can be adjusted if HC and subcommittees on policy issues consider it necessary and the agreement of the entire HC has been obtained. Therefore, flexibility has been allowed in respect of the membership size of the above mentioned committees. I also agree to this amendment to RoP so as to allow for this flexibility. As bills may have different contents, the decision made by HC as a whole will better reflect the overall decision of the Council.

President, owing to time constraint, I will stop here. DAB supports the amendments.

MR TOMMY CHEUNG (in Cantonese): President, I rise to speak in support of Mr Paul TSE's proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure ("RoP"). This amendment exercise seeks to make corresponding amendments in respect of the committee membership of the Legislative Council, previous elections of chairmen and deputy chairmen, abuses of points of order, interruptions, attire for attending Council meetings, and display of objects by Members at meetings.

In the past, Members of the "mutual destruction camp" often raised the so-called points of order in the Legislative Council to interrupt another Member. Now, RoP are to be amended as: "except by rising to a point of order, and if called by the President or Chairman, when the Member speaking shall resume his seat"; and the President or Chairman may direct the Member who is interrupting another Member to discontinue speaking if the President or Chairman is of the opinion that the interruption is an abuse of procedure. I believe that this move can allow meetings to run more smoothly. Based on my past experience, when Members said that RoP should be invoked, it turned out that this was not the case in 99% of instances.

As for points of order, the "mutual destruction camp" used to filibuster by way of points of order, delaying the progress of meetings and affecting the deliberation and discussion of livelihood issues, which was infuriating. Now, RoP are to be amended as: "Where the President in Council or the Chairman in a committee of the whole Council is of the opinion that the raising of a point of order is an abuse of procedure, he may decide when and how he would deal with the point of order so raised." I consider this very appropriate as this can prevent anyone from abusing the procedure for political purposes.

Another amendments concern the size of committees and the procedure for electing chairmen and deputy chairmen. The amendments this time around will put in place a mechanism for allocation of seats, with the size of Panels being capped at 20 members and that of other subcommittees, 15 members; and all nominations for chairmanship and deputy chairmanship are required to be submitted before a specified deadline. These will ensure that the size of committees will be kept at a reasonable level, and prevent the recurrence of the absurd situation where the procedure for electing chairman was abused.

In addition, the amendments this time around cover the behaviours of Members during meetings: "all Members shall dress in business attire and behave with decorum"; and "a Member may, subject to any such requirements or restrictions as may from time to time be recommended by the House Committee, display an object for illustrating a point in his speech only while he is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to Rule 41 (Contents of Speeches)". These amendments seek to restore the solemnity of the Council because in the past, some Members wore clothes with slogans or even held up large placards and banners when attending Council meetings, showing no respect at all.

The objectives of amending RoP are to enhance the work efficiency of the Council and to ensure that public interests will not be hijacked by the political goals of certain people. The Liberal Party and I will support Mr Paul TSE's proposed resolution under Article 75 of the Basic Law to amend RoP.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Deputy President, lastly, I wish to say that I have participated in the Committee on Rules of Procedure for many years. Whenever I noticed that the Secretariat had to conduct research, I would argue that this was indeed a waste of time and efforts and it would be better not to bother, but the Chairman, Mr Paul TSE, was very insistent. Of course, we are now able to make so many amendments during the year, and I reckon that it is the Clerk and Legal Adviser that ... The overall circumstances certainly allow us to make these amendments. In fact, when we engage in the work of the Council, we really do not want to see too much time being wasted, nor do we want to see any Member being able to abuse RoP. It is high time to set things right. Therefore, I am very supportive of these amendments and am very pleased to have spent a great deal of time examining them over the past year or so. It can be said that the amendments this time around are less than perfect. Just now, some fellow colleagues even ... The Deputy President also held a different view on the size of committees. But after all, these are the goals that Members achieved through mutual accommodation and mutual understanding, coordination and compromise.

MR KWOK WAI-KEUNG (in Cantonese): Deputy President, I am also a member of the Committee on Rules of Procedure ("CRoP"). First of all, I must answer the question why the Rules of Procedure ("RoP") still need to be amended despite the substantial decrease in the number of Members of the "mutual destruction camp" in the Council. In fact, this exactly aligns with our Country's spirit of being vigilant in peace time and raising the awareness of risk prevention. Meanwhile, in addition to "mutual destruction", the newly amended RoP also apply to our pro-establishment colleagues, and we need to follow these rules, too. Examples are the "yellow and red card system" and remuneration deduction arrangement for adjournment of meetings endorsed at the last meeting. Pro-establishment Members are also bound by them to a certain extent.

Deputy President, it is said that "water can carry a boat and can also sink a boat". RoP are originally intended to ensure the smooth operation of the Council and safeguard its dignity and standing. However, in the past when there were "mutual destruction", "filibusters" and "black-clad violence", it was clear that ill-intentioned Members of the "mutual destruction camp" weaponized RoP to attack the Council. In fact, if we do not amend RoP, the problem will relapse from time to time, just like rheumatic diseases. We must tackle the problem at root, and come up with a fundamental solution to the problem and situation.

Deputy President, there are a series of amendments this time. I would like to focus on the first group of amendments on abusing RoP to request quorum calls and make interruptions, allowing more room for the President to ask Members who abuse points of order to stop speaking. We can still vividly remember that the Members of the "mutual destruction camp" not only unjustifiably abused points of order, but also raised points of order to express their own political views and interrupted other Members. When other Members exposed their Achilles' heel or pointed out their fallacies, they would interrupt other Members by raising points of order as a cover-up, or to block other Members from making speeches that affect them. We can finally tackle the problem this time, and ensure that the Council can operate smoothly and meet the public's expectations.

Meanwhile, there is one amendment which cannot be incorporated this time. I still do not know whether it will be put forward. It is about whether Members can be forbidden from leaving the Chamber when a Member calls for a quorum. During a quorum call, according to RoP, best efforts should be made to ensure that a quorum is present in the Council. However, those Members who called for a quorum left immediately, proving that their original intention was not to resume the operation of the Council or to have a quorum, but to abuse points of order. It is a prank, to put it mildly, or as a matter of fact, this wreaks havoc. Nevertheless, we cannot deal with the issue this time as there are legal issues to be resolved. I think it is a pity as the procedure takes only a few minutes and can be dealt with easily.

Moreover, another point is about limiting the number of subcommittees and Panels to be joined by a Member. I simply take this as a sensible division of work. As the Legislative Council of the next term consists of 90 Members, all Members need to serve on various Panels and Bills Committees. Such arrangement does not hinder Members from speaking out. Even if Members are

not members of a subcommittee, they can still attend its meetings and speak out, so there is no obstruction at all. On the contrary, this ensures that the Council can operate more smoothly.

Deputy President, there used to be loopholes in RoP. It is hoped that by amending RoP, we can plug the loopholes and prevent the "mutual destruction camp" from weaponizing RoP again, as well as bring the Council out of the dead-end situation, and strive to gain the public's participation and support.

Thank you, Deputy President.

IR DR LO WAI-KWOK (in Cantonese): Deputy President, today, we are examining the proposed resolution moved by Mr Paul TSE in his capacity as Chairman of the Committee on Rules of Procedure ("CRoP") to amend the Rules of Procedure ("RoP") in accordance with Article 75 of the Basic Law.

Deputy President, over the past few years, Members from the opposition camp have resorted to various means to filibuster and stir up troubles in this Council, which had seriously affected the scrutiny of various bills and funding proposals by the Legislative Council. There have been strong calls in the community for a review of the Rules of Procedure and House Rules of the Legislative Council (hereinafter collectively referred to as "RoP") to facilitate the orderly and efficient conduct of Council business. Since the commencement of the 2020-2021 session of this Council, CRoP has been studying a number of proposals put forth by Members to amend RoP. A proposed resolution covering mainly the first batch of proposed amendments to RoP already approved by the House Committee ("HC") was considered and passed at the Council meeting on 24 March. Today, we are considering the second batch of proposed amendments, which were approved by HC on 25 June, covering four proposals.

The first proposal relates to committee membership and election of the chairman and deputy chairman of a committee. For Panels and subcommittees on policy issues, the membership size is capped at 20 members; for Bills Committees and subcommittees on subsidiary legislation and other instruments, the membership size is capped at 15 members and it is stipulated that each Member may serve on a maximum of six Panels at the same time; whereas the election procedure for the chairman and deputy chairman of a committee is also revised. The amended provisions, if enacted, will take effect at the beginning of

the Seventh Legislative Council. I, as a member of CRoP, and my colleagues from the Business and Professionals Alliance of Hong Kong ("BPA") also support the proposed amendments. As the number of Members in the Seventh Legislative Council will increase from 70 to 90, there is a genuine need to specify the maximum number of members in a committee, so that there can be a more effective division of work among Members.

The second proposed amendment relates to the procedures for dealing with quorum calls and points of order. The proposed amendment provides that financial penalties should be imposed on Members absent without valid reasons when a Council meeting is adjourned due to a lack of quorum. Valid reasons may include illness, maternity, paternity, Council-business related duty visits, etc. The amount of penalty will be set at an across-the-board level equivalent to one day's remuneration of a Member not serving on the Executive Council. It is also stipulated that the President of the Legislative Council may not deal with a point of order on quorum if it is an abuse of procedure. Obviously, this serves to effectively plug the loophole of abuse of procedure by certain Members from the opposition camp in the past few years.

The third and fourth proposed amendments provide respectively that Members must dress in business attire when attending Council meetings and may only display objects for the purpose of illustrating their arguments when delivering their speeches. The second to fourth proposed amendments will take effect from the day of gazettal. I think these requirements are realistic, because while it is important to ensure that the Legislative Council can perform its functions, it is equally important for Members to maintain an image commensurate with their status as Members of the Legislative Council in order to uphold the dignity of the Council in the discharge of their duties.

Deputy President, in discussing the above proposed amendments, CRoP has endeavoured to strike a proper balance between ensuring Members' effective participation in Council business and their right to monitor the Government, while plugging the loopholes of abuse of RoP, and facilitating more efficient operation and proceedings of the committees.

With these remarks, Deputy President, I support the passage of the proposed resolution moved by Mr Paul TSE.

MR MICHAEL TIEN (in Cantonese): Deputy President, I have expressed my reservations in the House Committee ("HC") earlier about the amendments this time around, mainly the two parts concerning the cap on the size of committees and the limitation that each Member may join six committees. As for other amendments, I am perfectly fine with them and give my full support. Hence, I must say it one more time today for the record.

Any rules of procedure have to strike a balance between the rights of Members and the efficiency of the Council in transacting business. We have amended the Rules of Procedure ("RoP") many times and even made changes to the electoral system. I am very confident that the changes introduced by the Central Authorities will completely eradicate the chaos in the past. As I said in HC, regarding making speeches, currently, if a subject is controversial, non-Panel Members may also speak on it. This will remain the same after RoP are amended, as we are not asking to keep non-Panel Members from speaking. If a subject is not controversial, there will be no delay nowadays even with a large membership size. Since the entire Hong Kong will be watching the live broadcast, we will not speak for the sake of speaking. These two parts will be of no help to the operation of committees, but have an objective effect of restricting the voting of Members. They cannot obstruct non-Panel Members from speaking but will only result in a restriction of voting. I think that Members are wise enough to evaluate how many committees to join to make contributions. At the end of the day, they have to be accountable to Hong Kong people for their own attendance rates and the quality of their speeches. That is why I have reservations about this.

After I expressed my views last time, some Members put forward opposite arguments that the two parts mainly sought to respond to an increase in the number of Members or prevent Members from leaving right after attendance was taken. Frankly, I disagree with these views. Every Member has to be accountable to his/her voters. If anyone does so, I believe that voters can see clearly. But anyway, this is what the Council is supposed to be like. Members have diverse viewpoints and yet we agree to disagree and resolve these controversies in a peaceful and rational manner. Some also opined that the expression of views is enough and a right to vote is not necessary—because to me, the only difference actually lies in whether there is a right to vote—well then, based on this logic, Deputy President, we honestly do not need the Council at all, for it would be just fine if members of the public express views on their own. What is the point of electing dozens of people into the Council? In fact, it is just an expression of views by way of voting.

I believe all of you know that this time, the Central Authorities took the initiative to change the electoral system of Hong Kong and we have amended RoP for one important reason, that is, to enhance the quality of the Council in transacting business and separate the wheat from the chaff. But what the rules are, it is most crucial to have people who are willing to devote their time to participate in politics. Therefore, it is only because of those two parts that I can hardly support this Member's motion here. I hope that my fellow colleagues can understand.

MR CHAN HAK-KAN (in Cantonese): Deputy President, with a view to further improving the Rules of Procedure ("RoP") and enhancing the operational efficiency of the next term of the Legislative Council, a group of conscientious Members from the pro-establishment camp have sat down to study the second batch of amendments to RoP. They have also asked me to propose such amendments in the Committee on Rules of Procedure ("CRoP").

Mr Paul TSE, Chairman of CRoP, has mentioned several key points a moment ago. For instance, the amendments proposed this time around include those concerning attire, penalties, as well as the procedures of election of chairman, to which Members do not have strong objection. The only matter that has aroused Members' concern is what mentioned by Mr Michael TIEN just now, that is, setting a cap on the membership size for committees and the maximum number of committees that each Member can serve on.

I would like to take this opportunity to talk about this issue in particular. In the future, there will be 90 Members in the legislature. Some committees had relatively more members in the past. Take the Panel on Security which I serve as the Chairman as an example, there were always 40 members in the past. Before each meeting, I had to wait for more than 10 minutes until at least one third of the members were present before I could start the meeting, thus wasting a lot of discussion time. When the number of Members increases to 90 in the future, I believe the waiting time for the meeting to start will be even longer if a committee has 60 or 70 members. This is not what we wish to see either. Therefore, we would think that we had better adopt a more effective approach to proceed with our meetings. We initially decided that the number of members of each Panel should be capped at 15, but we have heard of many Members opining that such number is too small. As a result, we have finally raised the cap to 20 members. One may ask, would setting a cap on the membership size at 20 limit

the opportunity for Members to speak? Many of those Members who oppose or have reservations on the amendment have said themselves that they can still attend a Panel meeting and put forth their views even if they are not its members.

Just now some Members said that they would lose their right to vote. Deputy President, on how many issues do we have to vote in the Panels? Do we need to vote often? None of the Panels on which I serve has ever needed to vote since the start of this year. Besides, actually the voting results do not have any legal binding effect even if the Panels vote on certain issues. Most of them are some motions proposed by Members on an ad hoc basis to vote as a token gesture. As a matter of fact, the real right to vote exists in a Council meeting that we are holding today, and the Finance Committee or bills committees, etc., which is actually more important. So, whether the right to vote in the Panels is really that important, or whether there is a need to vote at all, are what we should consider seriously.

Second, I understand that some "singleton" or independent Members are worried that the major or other political parties would dominate the Panels and exclude those "singleton" Members from joining the Panels, but this is definitely not the case. Deputy President, both CRoP and the Public Accounts Committee currently have a standing mechanism under which Members from different parties and camps would coordinate the composition of membership such that Members from each party and camp and even independent Members can have the opportunity to participate. This is an informal mechanism. Speaking of a formal mechanism, the Legislative Council has that in place as well. For instance, when we need to send representatives from different parties and camps to participate in an overseas visit, the Legislative Council has an established mechanism in place to decide who will be selected from each party and camp, as well as the number of places allocated to them. Therefore, in fact we already have such mechanisms in place, be they formal or informal, to allow Members from different parties and camps and even independent Members to join the Panels. There is no such problem as domination that some Members are worried about.

Another issue is, will it affect the work of Members? As I have pointed out earlier, Members can continue to say what they wish to say in the committees as usual. No one would stop them from doing so. While I am not a member of the Panel on Public Service, I could still express some views to the Immigration Department at its meeting held two days ago. Again, no one stopped me, and

this will not undermine Members' power to monitor the Government either. Therefore, I think the amendments to RoP this time around will improve the system of the Legislative Council and enhance the efficiency of the legislature. I understand and agree with Members' concerns, but there is already a corresponding mechanism in place to deal with them, hence we need not be so worried.

Thank you, Deputy President.

MR CHEUNG KWOK-KWAN (in Cantonese): Deputy President, the current proposals are divided into four major categories, and I will mainly focus my discussion on the views on the size and composition of committees. Deputy President, these proposals are not something that the Committee on Rules of Procedure conjured up with blue-sky thinking, and I thank the Legislative Council Secretariat for making strenuous efforts and conducting a lot of research. As mentioned in a speech just now, we have also made reference to many overseas legislatures, including those in the United Kingdom, New Zealand, Germany and France, before putting forward the proposals this time around. While the designs may vary in different places, most of the Parliaments to which we have made reference actually tie the committee membership and the appointment of committee chairs with the composition of the House and the relative strengths of the political parties or groups represented in the House. From an international perspective, this can be considered as a basic practice. After allocation of committee seats, the political parties or the parliamentary groups concerned may then decide on their own how to select individual Members from their parties or groups to fill the committee seats. Therefore, I may say that reference has been drawn in respect of the current proposals to serve practical needs.

Deputy President, based on the operating experience of our Legislative Council in the past, to be frank, it is indeed easier for a committee to operate with a membership of 15 to 20. Why do I say so? If we look at the recently formed Bills Committee ("BC") on the improvement of electoral arrangements, we can see that the 14 members were really able to conduct business in a very effective manner, thereby enabling the Legislative Council to complete the scrutiny of such a complicated bill within a tight time frame. On the contrary, let us look at BC on the co-location arrangement which has 64 members and BC on the National Anthem Ordinance which has 62 members. I served on both of them. I remember very well that every time when these BCs convened a meeting back

then, what was the first things we had to do immediately after entering the conference room? Racing against each other to press the button. If we failed to press the button, we could then call it a day because we would never get a chance to raise a question on that day. There were 60-odd members at the meeting, with each of them being given four to five minutes. Besides, when members were given four minutes, they would always speak for five minutes; and when they were given five minutes, they would then speak for six minutes. As such, if we failed to press the button after entering the conference room, we basically stood no chance of raising a question. This is in fact a huge problem that came to our notice at every BC meeting in the Legislative Council in the past. For this reason, I think that the proposal to cap the size of Panels at 20 members and that of BCs at 15 members is appropriate. Of course, we particularly note that "unless otherwise decided by the House Committee" is added. This can preserve flexibility for the Council to make special arrangements as it conducts business. I believe this approach can guarantee that the Council will be able to deal with unexpected issues. In addition, the mechanism for allocation of seats in the current proposals is also very important. Apart from giving consideration to the strengths of various groupings in the Council as the basis for allocation, it also preserves flexibility and enables fair participation by all Members, including those who do not belong to any political parties. Hence, I support the mechanism.

Deputy President, in addition to the proposals on the membership and size of committees which I have mentioned just now, the current proposals also include the procedures for the election of chairmen and deputy chairmen, procedures for dealing with quorum calls and points of order, attire for Members attending Council meetings, and the requirements for display of objects by Members at Council meetings. There may be voices in society wondering why such detailed regulations are needed this time around. Deputy President, I wish to point out that these proposals precisely seek to address some problems that used to occur in the legislature of HKSAR and were seen by the community day after day. If Members had exercised self-discipline, these problems could have been resolved; but disappointingly, we have not resolved them in the past. This is exactly why we have to propose the relevant stipulations on this occasion to resolve the problems, so as to enable the Legislative Council to get back on track and restore its rules and order. Therefore, I support the current proposals.

I so submit.

DR CHENG CHUNG-TAI (in Cantonese): Deputy President, I cannot agree with the amendments made to the Rules of Procedure ("RoP") this time. This is based on three points: First, whether a legislature is a good legislature is not simply a matter of whether it is efficient. If we want to have an efficient legislature, strictly speaking, the most efficient approach is for the legislature to be united with the Government. However, the question is, apart from efficiency, what else should we consider?

Of course, the increase in the number of Members and the decrease in space is a practical consideration, but we should not trim our toes to fit the shoes. What I mean is: It is true that the number of Members has increased, but it is precisely because of the changes in our political system that I believe it is more desirable and more necessary for the legislature to better reflect the views of the minority in the community. On the present arrangement of capping the membership size, especially that of the standing committees or Panels—and more importantly that of the Bills Committees—there is a major shortcoming as this arrangement will highlight the hierarchy of the legislature. Why?

Deputy President, you can imagine that for a "singleton" Member with no political affiliation and no political alliance like me, it is necessary to join these committees with different terms of reference in the legislature, but now the cap is six committees, which is what we are discussing, or the cap of 20 members on the size of committees. Assuming that I am a grass-roots "singleton" Member, what committees can I join? I can join the Panels on Transport, Welfare Services, Housing, Education, Health Services and Manpower, but then, I cannot join the Panels on Constitutional Affairs, Development, Administration of Justice and Legal Services, and Security. This arrangement renders me, a Member representing the grass roots, unable to directly serve on some other committees to express public opinion. Of course, people may argue that even if Members do not serve on a particular committee, they still have the right to express their views and participate in the meetings. In the final analysis, we can say that the committees are only for making a political statement but have no actual effect. From this perspective, frankly speaking, the size limit of these committees does not have any specific political implications, and I agree to this.

However, as regards the part of the Bills Committee, how can the maximum number of members be capped at 15? Specifically, the Bills

Committee has actual legal functions in the legislative process. Simply put, take tenancy control as an example, if the size of the committee on tenancy control is limited to 15 members, then I doubt whether the committee can truly represent the minority opinion. To put it simply, is it possible that a group of Members returned by functional constituencies, probably representing the industrial and commercial sector, all join the relevant committee when the Government seeks to implement tenancy control? It may not be impossible. Of course, an ideal situation is that even in the pro-establishment camp, there may be representatives of respective interests. We may see it in this way, but whether there will be such a difference then, I do not know. However, with regard to the Bills Committee, if the maximum number of members of other committees, that is, the standing committees according to our understanding, is 20, why is the size of the Bills Committee being conferred with actual legal functions capped at 15 members? This underscores the flaw of the procrustean arrangement, which is to stifle the opinion of the minority.

Thirdly, as far as the whole amendment is concerned, this time I think ... About the dress code, how should I put it? I would not say it is incomprehensible, but I do not understand the motive behind it, nor do I want to make any speculation. Why is a Member's attire important? It is not purely an issue about whether we respect the legislature or not. In essence, the image of a Member can be reflected in the election, but now the election may not be able to reflect the image of a Member. As such, the Rules of Procedure requires that a Member must wear a tie or put a pocket square in the breast pocket to show that the Member still has an image and a professional appearance, is that right? I am sorry but I have to ask, to a certain extent, is this not exposing one's shortcomings instead? Furthermore, I do not understand why this amendment concerning the 90 Members in the future is decided by a group of people like us. Are we worried that the 90 Members in the future will comprise people who may represent ethnic minorities, women's rights or even those having the same image as "big aunties", and do we think that they should not appear in this Chamber? How can we decide the way they should dress? Respect is not defined in such a simple way.

I so submit.

MR CHRISTOPHER CHEUNG (in Cantonese): Deputy President, I support the proposed amendments to the Rules of Procedure ("RoP") in general. I think the amendments can further improve some of the inadequacies of the existing RoP and have also taken into account changes in the number of seats in the next term of the Legislative Council. Therefore, these amendments are indeed forward looking.

To begin with, I support the amendment to impose financial penalties on Members absent without valid reasons, and I find this amendment very appropriate. Although Members have to deal with a myriad of affairs every day and they may not be able to spare time very often, I do not think this is an excuse for not attending meetings, because it is the duty of Members to attend meetings, and this is the most basic requirement for Members. Just like a wage earner cannot be absent from work without a reason, Members of the Legislative Council, being representatives of the public, should not enjoy the privilege of being absent from meetings without a reason either. Instead, they should attend meetings punctually and spare no effort in doing their job as Members. Only by this can Members fulfil the public's demand and expectation on them.

Deputy President, this amendment can, to a certain extent, prevent Members from disrupting the legislature and obstructing policy administration of the Government by deliberately creating situations of meetings being adjourned due to a lack of quorum. I believe all of us are aware that in the past, some Members would frequently request a headcount and then leave the Chamber to deliberately create situations of meetings being adjourned due to a lack of quorum, so as to vent their emotions and achieve some of their goals. This has wasted a lot of the Council's time.

Though I believe that after improving the electoral system, all Members who can enter the legislature in the future are those who love the country and Hong Kong, and they would not deliberately create situations of meetings being adjourned due to a lack of quorum. Yet, "preparedness ensures success, unpreparedness spells failure". The amendments proposed this time around will at least provide us with some rules to follow, so that in case such a situation arises again in the future, we can impose financial penalties on the Members concerned in accordance with RoP and make them pay a monetary price for their actions, which is very necessary.

Second, I would like to talk about the amendments to set a cap on the membership size for committees and to specify that each Member can serve on a maximum of six Panels. I notice that some fellow Members have reservations about this, worrying that such amendments will restrict the rights of Members, a point to which I understand.

However, in my opinion, although the amendments would limit the membership size for committees, they do not restrict the right of non-members to attend meetings and participate in discussion. I also believe that the Government will treat everyone alike and it will make no difference between members and non-members when responding to their questions. Moreover, since the number of seats in the Seventh Legislative Council will increase from the current 70 to 90, I find these amendments acceptable in order to ensure the efficient operation of all Panels.

In addition, with respect to the amendments concerning the attire for Members attending Council meetings and the display of objects by Members at Council meetings, etc., I support these amendments since I think they will help uphold the dignity and image of the Legislative Council. I hope that with the continuous improvement of RoP, the Legislative Council can operate more smoothly and play a more effective role in the future.

I so submit.

MR CHAN CHUN-YING (in Cantonese): Deputy President, after the passage of the first batch of amendments to the Rules of Procedure and the House Rules in March this year, I will say that this second batch of amendments has great historical significance. As the number of seats in the next term (the seventh) of the Legislative Council will increase from the existing 70 to 90, some adjustments have been made to the number and mechanism for allocation of committee seats for more efficient operation of the Council in the future. As a member of the Committee on Rules of Procedure, I will support all the amendments proposed this time. I speak mainly to express my views on two aspects of the amendments, namely imposing penalties on Members absent from meetings without valid reasons and providing that Members shall dress in business attire when attending meetings.

Article 73 of the Basic Law sets out the 10 functions to be exercised by the Legislative Council. Although attendance at meetings is not included in the 10 functions, I believe no one will disagree that it is the fundamental duty of Members, as pointed out by Mr Christopher CHEUNG just now. Meanwhile, Article 75 of the Basic Law stipulates that the quorum for the meeting of the Legislative Council shall be not less than one half of all its members.

In the past, the time of Council meetings has been wasted constantly due to the frantic quorum calls made by Members of the opposition camp. Take the fifth Legislative Council as an example. In 2012-2016, 1 500 quorum calls have been made, which took 223 hours and resulted in 18 abortions of meeting.

The situation in the first few years of this legislative term has been in no way better. After the collective resignations of Members of the opposition camp last year, the frantic quorum calls have ceased. While the first batch of amendments to the Rule of Procedures passed in March could help alleviate the abuse of quorum calls, we still have to ensure the smooth progress of upcoming meetings and set up mechanisms to impose penalties on Members absent without valid reasons that result in an abortion of meeting.

According to the newly proposed amendments, if a meeting is aborted due to a lack of quorum, Members absent without valid reasons will be subject to a financial penalty which is equivalent to one day's remuneration of a Member. However, absence with valid and uncontroversial reasons, such as Council business-related duty visits, illness, maternity and paternity, will be exempted. According to the information provided by the Secretariat, the average hourly cost of Legislative Council meeting last year (2019-2020) was HK\$289,000. That means nearly HK\$600,000 of public money is wasted every time there is an abortion of meeting even if it is resumed within one to two hours. The financial penalty equivalent to one day's remuneration of a Member is approximately HK\$3,000, which is really insignificant compared with the cost wasted by an abortion of meeting. Yet, a financial penalty can remind Members of the importance of meeting attendance and that they should not be absent without valid reasons. In view of the frequent abortions of Council meeting in the past, I believe the public will approve the financial penalty mechanism.

Next, I would like to talk about the amendment requiring Legislative Council Members to dress in business attire. Contrary to what Dr CHENG Chung-tai said earlier on, business attire does not mean that tie and pocket square are compulsory. It serves to safeguard the dignity and uphold the image of the Council.

Rule 42(a) of the existing Rule of Procedures provides that all Members shall attend meetings of the Council properly attired and with decorum. However, there were no explicit provisions to prescribe the proper dress code. In the past, some Members often attended meetings in T-shirt or sportswear because of their personal considerations. This has gradually undermined the solemnity of the Council.

The amendments made to Rules 42(a) and 43 of the Rule of Procedures expressly provide that Members shall dress in business attire when attending Council meetings with a list of inappropriate attire including T-shirts, singlets, jeans, flip-flops, etc.

As a matter of fact, there are similar dress codes for parliament members in other countries. The parliaments of the United Kingdom, Canada, Australia and New Zealand all have their own practices and customs in regard to attire. According to the dress code issued by the House of Commons of the United Kingdom, Members who fail to dress in a way that shows respect to the House will not be called to speak or even be asked to withdraw from the Chamber.

Drawing up more specific guidelines to prescribe the proper dress code for attending Council meetings can prevent the Chamber from being turned into a venue where Members may enter and exit at will. This will help safeguard the dignity and uphold the image of the Council.

Deputy President, through the amendments made to the Rules of Procedure this time, I hope the work of the Council will be more regularized and efficient, and the public image of the Legislative Council can be re-established.

I so submit.

MR CHAN KIN-POR (in Cantonese): Deputy President, I support this motion proposed to amend the Rules of Procedure ("RoP").

For many years, the opposition had taken advantage of the loopholes in RoP to filibuster in the Legislative Council with the objectives of obstructing the administration of the Government, attacking pro-establishment Members and gaining political benefits. These loopholes have become a tool for political struggles.

Some people have asked why there are so many loopholes in RoP. The reason is simple. The existing RoP is inherited from the Legislative Council in the British-Hong Kong era when most of the Members were gentlemen who abided by the rules and in fact, back in those years nobody would dare to oppose the British-Hong Kong Government in such a way. Therefore, RoP were meant to guard against only the gentlemen but not the villains. So they did not need to be too specific, and the President would make a ruling in the event that a problem arose. For many years after the handover of sovereignty, the opposition had kept exploiting the loopholes of RoP and even distorted RoP, doing many ridiculous things and becoming more and more radical. They went so far as to paralyse the Legislative Council and finally even resorted to hurl "stink bombs". Today, as a result of these developments, we have no alternative but to amend RoP in order to plug these loopholes.

Deputy President, I support the amendments proposed to various rules today, including the attire of Members attending meetings. In places all over the world, officials and Members of parliamentary assemblies dress decently and appropriately when attending meetings. This is to show respect for the occasion and has a bearing on the overall image of the parliamentary assembly. It is a basic courtesy that actually does not need to be written in RoP, for Members should know what to do. However, in recent years, Members' attire has been really quite free and casual. Some of them may wish to express their spirit of defiance or to express their class and position, or they wish to attract attention. But these behaviours have in one way or another tarnished the solemnity of this Council and are extremely disrespectful to this Council and also to other people attending the meeting. Since there are people who do not know how to respect themselves, we have no alternative but to set out the attire requirement as if writing down a school rule.

Moreover, this Council has also proposed a specific mechanism to impose restrictions on the number of members of Panels and Bills Committees and also the method of their formation in the future. In fact, the next term of the Legislative Council will have 90 Members, and imposing a limit on the number of members of some committees is the only alternative when nothing else can be done. While these proposals made this time around have their pros and cons, they are the results of discussions by Members and are, therefore, worthy of support.

Having said that, I personally think some flexibility should be allowed in the implementation of the mechanism, and there should be some tacit understanding among Members for coordination to be made. It is because some Members do need to join Panels that are related to their sectors or main duties. For example, the Panel on Financial Affairs has at least three major components, namely, the banking industry, financial services industry and insurance industry. If the Members concerned cannot join the Panel, and imagine if Mr CHAN Chun-ying of the finance industry and Mr Christopher CHEUNG of the financial services industry are not members of the Panel on Financial Affairs, that may not be the best arrangement.

Besides, the Panels on Manpower, Commerce and Industry, Economic Development, and Development, also have similar situation. Of course, each Panel can have a maximum of 20 members and theoretically this should be enough for allocation. Some people may think that my worries are unwarranted but we cannot completely rule out the possibility that extreme situations may arise. Therefore, I think when the mechanism is implemented in the future, there should be coordination for the participation of the relevant Members as far as possible.

The Legislative Council used to have abundant room for policy discussions but as the opposition camp had never ceased to cause damages, we are now forced to tighten RoP, as in the case of the Hong Kong National Security Law which would not have been promulgated had there not been "black-clad violence" and collusion with foreign forces. All these developments were being forced to take place. I hope that Members can cherish the existing latitude. If there are continuous attempts to exploit the loopholes and wreak havoc, I am afraid that the latitude that we now have will only become narrower and narrower.

Thank you, Deputy President.

MR TONY TSE (in Cantonese): Deputy President, this is the fourth round of amendments to the Rules of Procedure made by the Legislative Council in recent years. The first three rounds of amendments were mainly directed at unreasonable filibustering by the "mutual destruction camp" in the past. The new round of amendments under consideration today is partly aimed at combating filibustering too, but there are also a number of forward-looking and more proactive proposals which seek to tie in with the newly improved electoral

system, rebuild the image and dignity of the Legislative Council, and further enhance the quality and efficiency of the proceedings of the Council. I support the aforesaid principles. However, no matter how the Rules of Procedure are amended or how well they are written, the most important thing is that Members should sincerely abide by them and know how to exercise self-discipline and self-respect. They should never act in a way that will tarnish the image of Members and dignity of the Council.

First of all, in respect of capping the membership size of various committees and subcommittees, with the increase in the number of seats in the next term of the Legislative Council to 90, the current practice of allowing Members to join different committees without any limit is obviously no longer feasible. In the past, some committees had almost 60 members. The speaking time of each member would possibly be only one or two minutes, making it difficult to achieve efficient and quality deliberations. However, even if the membership size of a committee and the number of committees each Member may join are limited, suppose Members who have signed up do not actively attend the meetings, or every time after sitting for a few minutes and having their attendance taken, they would just leave. They would not listen to the explanations and replies made by the officials or questions raised by other Members. Neither would they read the papers. In that case, regardless of the number of members of a committee, it will not help to improve the quality of policy discussion.

Concerning the dress code for Members, the Legislative Council was actually quite strict before the handover of sovereignty. Even collared T-shirts were not allowed. After the handover of sovereignty, the rules were gradually relaxed due to different factors, but the relaxation seemed to turn out to have gone too far. Short pants and T-shirts with slogans were allowed. As regards the display of objects during the course of a meeting, the situation was similar. Some of the props were insulting and allegedly advocated illegal acts. Now the relevant rules are tightened afresh so that we can focus on the content and rationale of Members' speeches, rather than trying to gain exposure through eccentric clothes or props, for which I express my absolute support. The proposed dress code for Members is only applicable to Legislative Council meetings and committee of the whole Council. In my view, other formal and public committee meetings should also impose certain requirements on Members' attire.

The Committee on Rules of Procedure has also proposed that if the Council is adjourned due to the lack of a quorum, Members absent without a valid reason should be fined. I do not have any objection to this principle. However, what is meant by being absent without a "valid reason"? I think prior written notice to the President on absence from the meeting should be included. The implementation of the proposed fine is certainly awaiting the Government's legislative amendment.

Lastly, I would like to talk about an issue which has not been touched upon in these four rounds of amendments. It is the scrutiny process of the Bills Committee. The scrutiny on the Bill on improving the electoral system was completed by the Bills Committee concerned in less than two months. It proves that as long as Members are willing to devote their time and efforts, even the most complicated Bill can be handled within a reasonable period of time. However, individual legislative proposals, such as the Bill on the introduction of waste charging and the one on prohibition of the sale of electronic cigarettes, have already been scrutinized for two to three years and the Second Reading is yet to be resumed. There is clearly a lack of efficiency. If Members have a strong view on a certain Bill and fail to convince the Government to make a change after a reasonable period of questioning and scrutiny, they may as well propose amendments on their own or oppose its Second or Third Reading. They should not delay it indefinitely. I hope the Committee on Rules of Procedure will explore the relevant issue in the future and set a reasonable time limit for the scrutiny of Bills.

Deputy President, I so submit.

DR PRISCILLA LEUNG (in Cantonese): Deputy President, every family has its own problems. Had the Hong Kong Legislative Council not fallen into the present uncivilized and chaotic state, I think our Committee on Rules of Procedure would not have proposed amendments to the Rules of Procedure ("RoP") time and again.

In fact, are the amendments made on this occasion the right remedy for the problem? In my view, after we have prescribed the remedy, we should allow some time for observation, since I think it is almost suffice. I have served on the Committee on Rules of Procedure for 13 years. Years ago, WONG Yuk-man

threw out a banana, the first time a Member had ever done so, and then more and more Members used foul language in policy discussion. Consequently, we saw the need to review the culture of conducting business in the Council.

Actually, the emergence of loopholes, so to speak, started as early as in 2004 when "Long Hair" entered the Legislative Council and wore T-shirts in meetings. The then President of the Legislative Council allowed Members to wear T-shirts. Since then, the situation kept worsening. I believe that back then, Mrs FAN had never imagined it would worsen to such a state today that someone would bring rotten eggs into the Legislative Council. As for the need to impose a fine for absence from the meeting, I remember that when we first discussed the issue, we mainly targeted those Members who had been warned repeatedly for misconduct. During our discussion, we also explored the feasibility of deducting their remuneration. At that time we considered it very difficult to do so, but today, as I can see, success hinges on effort. In fact, it is feasible. In my opinion, the most important task of a Member is engagement in policy discussion. Members' work is certainly multifarious. In particular, Members returned by geographical constituencies through direct elections have to visit the districts frequently. I believe that in the future when there are 90 Members in the Legislative Council, there can be further and better coordination in respect of tacit and mutual understanding in our work.

At that time we reviewed whether the requirement that the quorum for the meeting shall not be less than one half of all its members as stipulated in Article 75 of the Basic Law could exercise some flexibility, so that the meeting would not be aborted because of frequent requests for a headcount. We also studied the rules of procedure in the United States. The requirement in the United States applies when the meeting is in business. That means it is only when a vote is taken that a majority of all Members need to be present, and Members must come back by that time. It is necessary to get them back to the meeting no matter what. However, Article 75 of the Basic Law clearly provides that the quorum is the number of Members to be present for the meeting. We then have this question: What is meant by "for the meeting"? It seems not entirely definite. Can the requirement for a majority apply only when a vote is taken, just like the practice of others? If it entails a big move which may lead to, for example, an interpretation of the Basic Law in the future, I do not think such a move is necessary.

Hence, I think it is not a bad idea to adopt the penalty approach, that is, to impose a fine on Members. In the past, we had such an experience—at that time the Deputy President was present too—regarding the filibustering on as many as 1 000 amendments, we also coordinated in this way. A vote was taken every two minutes. In fact, through coordination, abortions of meetings will certainly reduce. In particular, with 90 Members in the new term, I am confident that this kind of uncivilized situations will be greatly reduced because all of us are patriots. Even if we have different views, we aim at the greater good.

Hence, I think when we revisit RoP, we should leave some flexibility and room for the President to make his political judgment. On the issue of attire, RoP 42 has already made it very clear. We should be properly dressed and behave with decorum in the first place. The provision has actually said everything. It is only that some people crossed the line. In fact, the way they dress certainly lacked decorum. Yet today, we need to state the obvious. Among the numerous amendments, I have some reservations about this one because I think that as time goes by, dress styles will change. For this reason, I hope that the future President of the Legislative Council will allow some room for examination of the dress code for Members.

Deputy President, I so submit.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

(Dr Junius HO indicated his wish to speak)

DEPUTY PRESIDENT (in Cantonese): Dr Junius HO, please speak.

DR JUNIUS HO (in Cantonese): Deputy President, I support this motion to amend our Rules of Procedure. On 22 December 2017, we made a big breakthrough, and we were facing a very tough environment at that time, where a group of people in the Legislative Council, who claimed to be representatives of public opinion, were, contrary to expectations, working and behaving against public opinion. As I have said time and again, they made quorum calls, interrupted many speeches and behaved in a very disgusting manner at Council

meetings. As my colleagues have said earlier, the display of many objects was more of an insulting nature than a refined, sophisticated, peaceful and rational way of expression under the principle of democracy, and it was actually a way of insulting others and causing damage.

On 22 December 2017 around Christmas time, it could be said that we were still here, being on the alert and in fear of their violent attack. Fortunately, on 22 December 2017, we passed the first hurdle. The Basic Law provides that the quorum for the meeting of the Legislative Council shall be not less than one half of all its members, so what do we have to do? We can adjust the quorum of a committee of the whole Council, but the quorum of the Council meeting is still in compliance with the Basic Law.

After the first hurdle, by 26 March 2021, we had seen that the ugly behaviour of Dennis KWOK was really degrading to the family's reputation. What family's reputation am I talking about? He was a member of the legal profession, and a representative of the Legal Functional Constituency. His wisdom or performance represented that of a barrister. In fact, at that time, I persuaded him many times but to no avail. With him it was always "in one ear" ... and it was probably not even in one ear, not "in one ear and out the other". As for "in one ear and out the other", there was at least the process of contemplation, but with him it was not even in one ear, and thus the delay had made him notorious. I do not know if he is now in Canada or where he has fled to, but he had delayed the election of the chairman of the House Committee for more than half a year. At that time, after a week or two of delay, I already told my colleagues that we had to end the filibuster decisively, but at that time our colleagues still thought that we should not worry and see how he would perform. Before my voice had died away, the Spring Festival came, followed by Easter; and after Easter, we had yet to return to normalcy. Finally, we solved this problem in May. The amendments were focused on filibustering.

This time, on 14 July 2021, we are discussing ways to counter the abuse of procedures. Upon hearing "a point of order" one after another, one must be trembling deep in his heart. What sort of trembling am I talking about? I am talking about trembling with anger; not with timidity, but with anger. As the voices calling for "a point of order" all came from that side, I suffered hearing loss in my right ear to a certain extent.

Moreover, the annoying clanging of the quorum bell may not be completely solved this time, but there are seven proposals that I fully agree with, including: no interruptions; the decision of the chair shall be final, and no interference with other procedures; dress properly; do not behave in a way that will cause damage to one's reputation, image, and so on. As for the allocation of seats in Bills Committees formed by the House Committee and Panels, since we have all tried to "grab the first seat" or compete for the chairmanship by getting a chair and queuing up, this motion is to address this mischief, this major problem, and I think it gives little cause for criticism. I fully support this motion. I so submit.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not, I now call upon Mr Paul TSE to reply. Then, the debate will come to a close.

MR PAUL TSE (in Cantonese): Deputy President, I thank the many colleagues who have spoken enthusiastically. I will not repeat the points that have been made and answered. But there are three points that no one has talked about, and perhaps let me add a few words.

First, Dr CHENG Chung-tai asked why we should draw up rules for the next term of the Legislative Council. This, I believe, is common sense. Whether in respect of administrative arrangements, remuneration or other rules of procedure, basically there is a chance that rules may have to be set out first for other people. Members of the next term can change them if they wish to, and I believe Dr CHENG Chung-tai has not clearly thought about this, for this is just common sense.

Second, regarding Mr Michael TIEN's view that the performance and efficiency of each Member should be monitored by voters, while it sounds like that this should be the case, I would like to add that firstly, voters only have the chance to vote every four years and so, there is often a long time lag; secondly, human memory is short, and what they have done in four years will not be

remembered four years down the line, though those showing a good performance a few months before the election may perhaps leave a good impression on the voters. Certain organizations may have been disbanded now, and they very much liked to keep watch on which committees Members had joined as well as their attendance rate. But there had been many unfair phenomena in this regard, and more often than not, their findings were based on what might be superficial records, or the Legislative Council actually did not keep records of the time during which Members were present at meetings and so, their findings might be quite superficial. I also noticed that some colleagues very much liked to state on their leaflets the number of committees that they had joined in that term of the Legislative Council, setting out a series of committees. But these numbers turned out to be quite exaggerated as they only signed up to join the committees without attending meetings or doing any work, and this was very common in the past. So, if it is on this ground that the rules should not be tightened a bit to enhance our efficiency, I think it is not quite acceptable to me.

A particular benefit is ... I would like to talk about the valid membership size of committees. The proposed numbers of 15 or 20 members are actually quite a lot. I am not talking about the drinking game. I am referring to the number of members. If there are too many members, apart from insufficient speaking time as mentioned by some colleagues, I have always noticed that in my impression, a particularly diligent Member is Ms Emily LAU who has left this Council. I remember very clearly that she would sit through meetings of every committee. What I mean is that she was mostly present at a meeting from its beginning to the end. The advantage of so doing is that not only can Members truly participate in the committee, but they also have to be well prepared, and after listening to the whole meeting, they can respond appropriately and even conduct solid debates, rather than just leaving after stating their views. What is more, the officials will have better feelings as they will feel that the committee is listening to their views and conducting dialogues with them seriously and that Members do not attend the meeting simply to give their views and then consider their job done or even walk away.

On the whole, this can improve the quality of the committees and enhance the effectiveness in monitoring the Government. An example is that, as I have said to many colleagues, regarding the improvement of the electoral legislation, although it involved most complicated amendments and a large amount of work and we had to spend a very long time on it and the work required of us was all taxing and heavy, if we could all attend the meetings to exchange views, the

result should indeed be much better. This personal and relatively recent experience has made me think that in order to bring the committee system into better play, the membership size of a committee really cannot be too big, nor can we allow too many Members to join too many committees. If everyone can join any committee, sometimes if a Member does not join some committees, it may seem that the Member is somehow not performing his role properly. But if restrictions are imposed, Members can do their own job at ease. If, as in the past, Members can join four to six committees of their own choice, this is actually more appropriate and more desirable for the sake of efficiency.

Deputy President, another issue that I would like to mention in passing is about Bills Committee, and as Dr CHENG Chung-tai has said, it is particularly important because of its possible influence on the voting. Indeed, Bills Committee is more important, but what I have just said about efficiency is a point that proves otherwise. Besides, what is more important and truly pivotal is Council meetings, because at Council meetings, Members are at liberty to propose amendments and in theory, they can make an address or give a speech on any issue, and also vote, which can really influence the position or outcome and so, Council meetings are important. A Bills Committee is just a task force, an effective task force for members to carry out work and conduct deliberations seriously. It is not a place for exercising powers. Therefore, Dr CHENG Chung-tai's worries are unwarranted, for this is not a big problem. The quorum requirement for a Council meeting in Hong Kong is unique because such a high requirement is not found anywhere else in the world. Under these circumstances, if the Basic Law will not be amended, the only option is to minimize mechanisms whereby quorum calls may be abused. I hope that Members will understand it. Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Paul TSE be passed. Will those in favour please raise their hands?

(Members raised their hands)

DEPUTY PRESIDENT (in Cantonese): Those against please raise their hands.

(A Member raised his hand)

Dr CHENG Chung-tai rose to claim a division.

DEPUTY PRESIDENT (in Cantonese): Dr CHENG Chung-tai has claimed a division. The division bell will ring for five minutes.

(While the division bell was ringing, THE PRESIDENT resumed the Chair)

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Mr Abraham SHEK, are you going to vote?

(Mr Abraham SHEK cast his vote)

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Jimmy NG, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU and Mr Tony TSE voted for the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Ms Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted for the motion.

Dr CHENG Chung-tai voted against the motion.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present and 23 were in favour of the motion; while among the Members returned by geographical constituencies through direct elections, 17 were present, 16 were in favour of the motion and 1 against it. Since the question was agreed by a majority of each of the two groups of Members present, he declared that the motion was passed.

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L.N. 125 of 2021

**Basic Law of the Hong Kong Special Administrative
Region of the People's Republic of China**

Resolution of the Legislative Council

**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 14 July 2021.

Resolved that—

- (a) the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule;
 - (b) subject to paragraph (c), this Resolution is to come into operation on the day on which it is published in the Gazette; and
 - (c) sections 5, 6 and 7 of the Schedule are to come into operation on the day on which the seventh term of office of the Legislative Council begins.
-

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 39 amended (interruptions)

(1) Rule 39—

Renumber the Rule as Rule 39(1).

(2) Rule 39(1)(a)—

Repeal

“when the Member speaking shall resume his seat and”

Substitute

“and if called by the President or Chairman, when the Member speaking shall resume his seat and, subject to subrule (2),”.

(3) After Rule 39(1)—

Add

“(2) The President or Chairman may direct the Member who is interrupting another Member under subrule (1)(a) to discontinue speaking if the President or Chairman is of the opinion that the interruption is an abuse of procedure.”.

2. Rule 42 amended (behaviour of Members during meeting)

(1) Rule 42(a)—

Repeal

“enter or leave the Council properly attired and”

Substitute

“dress in business attire and behave”.

- (2) Rule 42(c)—

Repeal

“and”.

- (3) Rule 42(d)—

Repeal the full stop

Substitute

“; and”.

- (4) After Rule 42(d)—

Add

“(e) a Member may, subject to any such requirements or restrictions as may from time to time be recommended by the House Committee, display an object for illustrating a point in his speech only while he is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to Rule 41 (Contents of Speeches).”.

3. Rule 43 amended (application of Rules to committees)

Rule 43, after “in this Part”—

Add

“, except the attire requirement laid down in Rule 42(a) (Behaviour of Members during Meeting) which shall only apply to the proceedings of the Council and a committee of the whole Council.”.

4. Rule 44 amended (decision of Chair final)

- (1) Rule 44, heading—

Repeal

“Chair Final”

Substitute

“the Chair”.

- (2) Rule 44—

Renumber the Rule as Rule 44(1).

- (3) After Rule 44(1)—

Add

- “(2) Where the President in Council or the Chairman in a committee of the whole Council is of the opinion that the raising of a point of order is an abuse of procedure, he may decide when and how he would deal with the point of order so raised.
- (3) The power conferred on the President in Council or the Chairman in a committee of the whole Council by subrule (2) may be exercised by the chairman or deputy chairman of any other committee, but not by any other member presiding at that committee, in dealing with a point of order.”.

5. Rule 75 amended (House Committee)

- (1) Before Rule 75(4)—

Add

- “(3A) The committee shall decide the mechanism for allocation of committee seats of Panels, Bills Committees and subcommittees appointed by the committee, a Panel, two or more Panels or a Bills Committee, and the procedure for election of the chairman and deputy chairman of such committees.”.
- (2) Rule 75(7)—

Repeal

everything after “who”

Substitute

“have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).”.

- (3) Rule 75(11), before “any other item”—

Add

“an issue of public concern which falls outside the purview of Panels or”.

- (4) Rule 75—

Renumber subrule (12) as subrule (12)(a).

- (5) After Rule 75(12)(a)—

Add

- “(b) The members of a subcommittee appointed under paragraph (a) shall be those Members (other than the President) who have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).
- (c) Subject to paragraph (d), a subcommittee appointed under paragraph (a) shall consist of not less than 3 members and (unless otherwise decided by the committee) not more than 15 members including the chairman.
- (d) Where a subcommittee is appointed for the purpose of assisting the committee to consider an issue of public concern which falls outside the purview of Panels, such subcommittee shall consist of not less

than 3 members and not more than 20 members including the chairman.”.

6. Rule 76 amended (Bills Committees)

(1) Rule 76(1A)—

Repeal

everything after “who”

Substitute

“have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee).”.

(2) Rule 76(3), after “not less than 3 members”—

Add

“and (unless otherwise decided by the House Committee) not more than 15 members”.

(3) Rule 76(4), after “functions.”—

Add

“The members of a subcommittee shall be those members of the Bills Committee who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman.”.

7. Rule 77 amended (Panels)

(1) Rule 77(4)—

Repeal

everything after “who”

Substitute

“have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). The term of office of the members of a Panel shall be one session.”.

- (2) Rule 77(8), after “6 members”—

Add

“and not more than 20 members”.

- (3) Rule 77(9), after “the Panel.”—

Add

“The members of a subcommittee shall be those members of the Panel who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.”.

- (4) Rule 77(9A), after “the Panels.”—

Add

“The members of a joint subcommittee shall be those members of the relevant Panels who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A joint subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.”.

Resolution of the Legislative Council

L.N. 125 of 2021

B4693

Kenneth CHEN Wei-on
Clerk to the Legislative Council

14 July 2021

**Extract of the Committee on Rules of Procedure of
the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period October 2020 to October 2021**

X X X X X X

Chapter 2 Conduct of business in the Council

C. Procedures for dealing with points of order

2.8 Since the commencement of the Sixth LegCo, there had been a tendency for some Members to abuse the raising of a point of order to delay business or prolong debates and discussions. The absence of any provision in RoP to deal with points of order which were abusive in nature had provided room for abuse. To prevent meeting proceedings from being disrupted repeatedly by points of order raised by Members abusively, Hon CHAN Hak-kan submitted in January 2021 a set of proposals to amend RoP to CROP for consideration.

2.9 At its meeting on 11 May 2021, CROP considered and agreed to proceed to invite Members' views on Hon CHAN's proposed amendments to RoP 39 and 44 which sought to provide procedures for dealing with points of order (including points of quorum) which were abusive in nature.⁹ According to the outcome of the consultation on the proposed amendments to RoP 39 and 44, a majority of Members supported that:

- (a) RoP 39 be amended to:
 - (i) the effect that a Member should not interrupt another Member except by rising to a point of order and if called by the President in Council or the Chairman in a committee of the whole Council ("CoWC") to speak; and
 - (ii) provide that the President in Council or the Chairman in CoWC may direct the Member who is interrupting another Member to discontinue speaking if the President or the Chairman is of the opinion that the interruption is an abuse of procedure.

⁹ The consultation exercise was conducted vide a circular (LC Paper No. CROP 65/20-21) issued on 21 May 2021 (<https://www.legco.gov.hk/yr20-21/english/procedur/papers/cropcrop-65-e.pdf>).

The above proposed amendments to RoP 39 would apply to a committee such that a committee chairman would have the proposed discretion to deal with points of order raised at a committee meeting; and

- (b) RoP 44 be amended to the effect that the President in Council, the Chairman in CoWC, or the chairman or deputy chairman of any committee (excluding any member presiding over a meeting of such committee) may decide when and how he would deal with a point of order if he is of the opinion that the raising of such a point of order is an abuse of procedure. Further, the Member presiding in Council and in CoWC may exercise the proposed discretion whereas any member presiding at any other committee shall not.

2.10 Upon the recommendation by CRoP, the above amendments were endorsed at the HC meeting on 25 June 2021 and passed at the Council meeting of 14 July 2021. The amended RoP 39 and 44 came into operation upon the gazettal of the resolution on 16 July 2021.

2.11 The above apart, CRoP also conducted a consultation exercise¹⁰ in February 2021 on Hon CHAN's other proposals to amend the provisions of RoP which in Hon CHAN's view might be susceptible to abuse. The proposals included: (a) amending RoP 16 to specify that the duration of an adjournment debate held under RoP 16(2) should be no longer than one and a half hours unless extended by the President; (b) amending RoP 18(1) to specify that motions under RoP 49E(2) (i.e. take-note motions) should be dealt with after Members' motions not intended to have legislative effect; and (c) amending RoP 26(3) to provide expressly that a Member asking an oral question on the Agenda should only read out the question set out on the Agenda of the Council. Details of the amendments as endorsed at the HC meeting on 26 February 2021 and passed at the Council meeting of 24 March 2021 are in **Appendix V**.

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¹⁰ See footnote 4 in this Chapter for details of the consultation exercise.

Appendix II

Committee on Rules of Procedure

List of issues studied during the period from October 2020 to October 2021

X X X X X X

Item	Issue/proposal <i>[Relevant paragraph(s) in the Progress Report]</i>	Relevant Rules of Procedure ("RoP") / House Rules ("HR")
Conduct of business in the Council		
3.	Procedures for dealing with points <i>[2.8-2.11]</i>	RoP 16, 18, 19, 20, 21, 26, 29, 39, 44, 49(6), 51, 54, 56, 63, 91 and 93 HR 2, 9A, 13, 15, 18 and 22

X X X X X X

Amendments to the Rules of Procedure in relation to Council proceedings and operational arrangements

Item	Gist of the amendments
1.	Rule 16 of the Rules of Procedure ("RoP") has been amended to provide that: (a) adjournment debates under RoP 16(2) may only be allowed to be moved between two items of business mentioned in RoP 18(1); (b) a time limit (i.e. 90 minutes) shall be specified for dealing with a motion under RoP 16(2); and (c) motion which is to be moved under RoP 16(2) or (4) at a Council meeting but is not reached before the Council is adjourned shall not stand over until the next regular Council meeting and shall be taken as having been disposed of.
2.	RoP 19(1A) has been amended to provide explicitly that the President may set a time limit on the consideration of any motion or bill or proposed amendment(s) thereto.
3.	RoP 26(3) has been amended to make it explicit that a Member asking an oral question on the Agenda shall only read out the question set out on the Agenda when called upon by the President to ask the question.
4.	RoP 29 has been amended to add a new RoP 29(3A) to provide that the President shall, upon the moving of a motion under RoP 29(3), put the question on that motion without debate.
5.	RoP 49(6) has been amended to the effect that where there is more than one motion in respect of subsidiary legislation or the instrument referred to in RoP 29(2)(b) or (3) on the Agenda of the Council then, immediately after the President has declared the result of a 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 the instrument, or amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

Item	Gist of the amendments
6.	RoP 56 has been amended to the effect that a committee of the whole Council shall only discuss whether it supports the amendments proposed to a bill, and whether the clauses of the bill as amended or without amendment should stand part of the bill.
7.	RoP 63 has been amended to the effect that Members must speak succinctly on whether the bill should be supported at the Third Reading debate, and not on the general merits and principles of the bill or in relation to the proposed amendments to or individual provisions of the bill, which have been discussed at the Second Reading debate.
8.	RoP 91 has been amended to provide that a motion which has the object or effect of suspending a Rule shall not be moved without the recommendation of the House Committee.
9.	RoP 18(1) has been amended to the effect that requests for leave under RoP 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and RoP 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings) referred to in RoP 18(1)(m) shall be placed before Members' bills (referred to in RoP 18(1)(k)) on the Agenda of the Council.
10.	RoP 18(1) has been amended to the effect that motions under RoP 49E(2) (i.e. take note motions) shall be dealt with after Members' motions not intended to have legislative effect that are subject to allocation of slots to individual Members.
11.	RoP 20(2) has been amended to the effect that the notice period for a Member to inform the President of his/her wish to present a petition to the Council shall be no later than three clear days before the meeting at which he wishes to present it.
12.	RoP 21(1) has been amended to the effect that an intended presentation of papers, whether by a designated public officer or by a Member, shall be subject to a two-clear days' notice requirement, which may be dispensed with by the President.

Item	Gist of the amendments
13.	To cater for the situation under which a committee, other than a bills committee, intends to table its report on a bill that has been referred to it for study, RoP 21(4) and (4A) has been amended to include reference to such a committee to which a bill has been referred for its study pursuant to RoP 54(4). Consequentially, RoP 54(7) has been amended to include a reference to such committee, so that the Member presenting such committee's report on the bill shall be given precedence to speak at the resumption of the Second Reading debate on the bill.
14.	RoP 21(5) has been amended to provide that a Member or a designated public officer who wishes to address the Council shall give a written notice to the President before the beginning of a Council meeting, and may only address the Council if the President has given his consent.
15.	RoP 51 has been amended to specify that a Member who intends to present a bill under RoP 51(1) may only do so after he/she has consulted the relevant Panel on a draft of the bill.
16.	The definition of "clear days" under RoP 93(b) has been amended to provide that the expression "clear days" as a period of time excludes the day of giving a notice, the day of the relevant meeting and intervening public holidays, and ends at 5:00 pm on the last day of that period.

**Extract of the Official Record of Proceedings of the
Legislative Council meeting held on 27 October 2021**

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ADDRESS

PRESIDENT (in Cantonese): Address. Mr Paul TSE will address the Council on the "Committee on Rules of Procedure Progress Report for the period October 2020 to October 2021".

**Committee on Rules of Procedure of the Legislative Council of the Hong Kong
Special Administrative Region Progress Report for the period October 2020 to
October 2021**

MR Paul TSE (in Cantonese): President, in my capacity as Chairman of the Committee on Rules of Procedure ("the Committee"), I submit to this Council the progress report of the Committee's work for the period October 2020 to October 2021.

President, given the delay in the election of committee chairmen due to the past incidents of filibusters in the Council and committees, grossly disorderly conduct of certain Members, and abuse of procedures to cause disruption to the proceedings of meetings, coupled with the fact that the number of Members of the Seventh Legislative Council will increase to 90, the Committee initiated a review on the Rules of Procedure ("RoP") and House Rules ("HR") in January this year, in a bid to enhance the effectiveness of deliberation.

In order to complete the review expeditiously, the Committee held a total of 11 meetings and 6 consultations sessions this year to gauge Members' views on certain proposed amendments. After discussions and consultations, all four batches of amendments to RoP and HR comprising 18 groups of recommendations were passed and approved by the House Committee ("HC") and the Legislative Council respectively. Some amendment items took effect immediately after the concerned resolutions were gazetted, while the remaining ones will come into effect from the day the term of the Seventh Legislative Council commences. The whole review was formally completed in October. President, the review has amended or incorporated 31 provisions in RoP and 21 provisions in HR, covering various areas. I will just give a summary on the major amendments as follows.

President, in respect of Council proceedings and Members' behaviour and manner in meetings, RoP and HR have set time limits on handling motions and speaking time limit for Members in debates, and have specified procedures for dealing with points of order which the President deems to be abusive in nature. RoP also requires Members to dress in business attire when attending Council meetings and meetings of the committee of the whole Council, and the display of objects during speeches should also comply with relevant requirements.

Since the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Bill 2021 in September this year, the Legislative Council has got express statutory authority to impose financial penalties on Members with the following behaviour: (a) the remuneration of Members who are suspended from the service of Legislative Council due to their grossly disorderly conduct will be reduced on a pro-rata basis during the period of suspension; and (b) Members whose absence from a meeting results in the adjournment of a Council meeting should pay a financial penalty equivalent to one day's remuneration payable to a Member who does not serve on the Executive Council.

Given the increase in the number of Members in the next Legislative Council, in order to ensure the operation effectiveness of committees, the membership of committees and the procedures for electing the chairman and deputy chairman of committees have been amended. The maximum number of members for Panels, bills committees and subcommittees are set at 20 or 15, while the Finance Committee and HC, which Members can join on their own will, should have not less than 50 members. In addition, the current review has also made amendments to other parts of RoP and HR, such as removing the requirement for the Member or public officer in charge of a bill to consult the HC Chairman before the resumption of Second Reading debate of the bill, and no longer allowing Members to move a motion without notice for the purpose of expressing their views or stances in committee meetings.

President, the current review covers many different areas and involves complicated procedures. I thank Members on behalf of the Committee for their opinions and support which have enabled us to finish the work before the end of the current session. Thank you, President.

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