

# 立法會

## *Legislative Council*

LC Paper No. CROP 7/09-10

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### **Paper for the House Committee meeting on 13 November 2009**

#### **Committee on Rules of Procedure**

#### **Proposed procedure for holding debates in Council on subsidiary legislation and other instruments tabled in Council to which no amendment has been proposed**

#### **Purpose**

This paper seeks the views of the House Committee (“HC”) on the procedural arrangements for holding debates in Council on subsidiary legislation and other instruments<sup>1</sup> tabled in Council to which no amendment has been proposed as well as the draft amendments to the Rules of Procedure (“RoP”) and House Rules (“HR”) for implementing the arrangements.

#### **Background**

2. Under the current RoP and HR, a Member may speak on an item of subsidiary legislation or instrument tabled in Council to which no amendment has been proposed in the form of:

- (a) an address under Rule 21(5) of RoP, which is subject to Rule 21(6) of RoP, which requires that no debate may arise on the address<sup>2</sup>; and

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<sup>1</sup> Such subsidiary legislation and instruments include subsidiary legislation which is subject to a negative vetting procedure prescribed in section 34 of the Interpretation and General Clauses Ordinance (Cap. 1), as well as subsidiary legislation and instruments which are subject to a similar negative vetting procedure prescribed in the respective Ordinances under which they are made.

<sup>2</sup> Rule 2 of HR requires a Member, who seeks the President’s permission to address the Council under Rule 21(3), (4A) or (5) of RoP on a paper or subsidiary legislation tabled in the Council, or a Bills Committee report on a bill which is to be withdrawn at the resumption of the second reading debate, to provide an advance copy of the intended address to enable the President to decide whether the address may provoke a debate, which is not permitted under Rule 21(6) of RoP.

- (b) a motion debate not intended to have legislative effect or an adjournment debate under Rule 16(4) of RoP (subject to the allocation of a debate slot, or agreement of HC under Rule 14(j) of HR<sup>3</sup>, or HC's agreement under Rule 13(a) of HR to recommend to the President for allowing more than two debates to be held at the same Council meeting).

3. At its meeting on 14 November 2008, HC invited the Committee on the Rules of Procedure ("CRoP") to conduct a study on providing a standing arrangement to enable Members to speak on subsidiary legislation or instruments tabled in Council to which no amendment had been proposed.

4. In response to HC's invitation, CRoP has conducted a study on the subject and its proposal is set out in paragraphs 5 to 7 below.

### **CRoP's proposed procedure**

5. CRoP proposes that the Chairman of HC presents a report on the subsidiary legislation and other instruments that HC has considered ("HC report") to the Council at its meeting immediately before the expiry of the scrutiny period or extended scrutiny period of such subsidiary legislation and instruments, irrespective of whether or not subcommittees have been appointed to study them. If a Member notifies HC that a debate should be held on any of the subsidiary legislation or other instruments, the Chairman of HC will give notice of a motion to take note of the HC report in relation to that subsidiary legislation or instrument. If a motion to take note of an HC report covers more than one item of subsidiary legislation or instrument, the debate on the motion may be divided into separate sessions, with each session focusing on one or more items of subsidiary legislation or instruments which are related, as decided by HC. The arrangement is to facilitate a structured and focused debate as well as the attendance of public officers concerned to respond to Members' views at the debate.

6. CRoP also proposes that if there is a motion to amend an item of subsidiary legislation or instrument, no motion to take note of the HC report on such subsidiary legislation or instrument should be moved. This is to avoid having same item of subsidiary legislation or instrument be debated twice in Council.

7. The procedural arrangements of CRoP's proposal are set out as follows:

#### Notifying HC of the intention to speak on an item(s) of subsidiary legislation or instrument(s) at a debate on an HC report

- (a) a Member who wishes to speak on any item of subsidiary legislation or instrument included in an HC report should notify HC of his

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<sup>3</sup> Under Rule 14(j) of HR, Members may, with HC's agreement, be given priority in debating subsidiary legislation which is urgent, important and topical.

intention to do so at a debate on the HC report. Such a notification should be conveyed to the Clerk to HC<sup>4</sup> before the deadline for proposing agenda items for the last HC meeting before the Council meeting at which the HC report is tabled;

- (b) if there is no HC meeting on the Friday immediately before the Council meeting at which an HC report is tabled, the notification should be conveyed to the Clerk to HC not later than six clear days before that Council meeting;
- (c) upon receipt of such notification and with the agreement of the HC Chairman, the Clerk to HC would arrange to include the notification on the agenda of the relevant HC meeting or to circulate the notification to members of HC, as the case may be;
- (d) the notice periods in (a) and (b) above serve to notify members of HC of the holding of a debate on subsidiary legislation or instruments at a specific Council meeting and provide sufficient time for HC to decide how the debate will be divided into sessions if more than one item or one group of items of subsidiary legislation or instruments are covered. This early alert arrangement would enable both Members and public officers to prepare for the debate;
- (e) the Chairman of HC will give notice of a motion to take note of the HC report in relation to the item(s) of subsidiary legislation or instrument(s). The notice period is two clear days before the relevant Council meeting;
- (f) if there is a motion to amend an item of subsidiary legislation or instrument, no motion to take note of such subsidiary legislation or instrument will be moved;
- (g) motions to take note of an HC report as well as other Government and Members' motions on subsidiary legislation and other instruments made under an Ordinance will be placed under new adjoining items of business on the Agenda, after dealing with Government bills and Government motions other than those on such subsidiary legislation and instruments;

#### Wording of motion

- (h) the wording of a motion to take note of an HC report will be in a prescribed form. No amendment to the motion will be allowed;

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<sup>4</sup> According to Rule 20(f) of HR, the deadline for proposing agenda items for a meeting is normally 5:00 pm on the Tuesday before the meeting.

### Mode of debate, speaking time limit and speaking order

- (i) the debate on the motion will start immediately after the mover has moved and spoken on the motion, and the mover will not have the right of reply;
- (j) if a subcommittee has been formed to scrutinize the item of subsidiary legislation or instrument covered in the debate, the chairman of the subcommittee will be called to speak at the start of the debate or the respective session;
- (k) the speaking time limit for each Member, including the mover of the motion, is 15 minutes, or 15 minutes at each session of the debate;
- (l) each Member may only speak once in the debate or in each session of the debate;
- (m) no Member may speak on the item(s) of subsidiary legislation or instrument(s) after the public officer(s) concerned has responded in the debate or the relevant session of the debate;
- (n) a motion to take note of an HC report will not be put to vote and the Council will proceed to the next item of business on the Agenda after the debate has come to a close; and
- (o) if there is no debate on a motion to take note of an HC report in relation to an item of subsidiary legislation or instrument, a Member may, with the President's consent, speak on that subsidiary legislation or instrument under Rule 21(5) of RoP.

### **Consultation with the Administration**

8. The Administration has been consulted and agrees to the proposed procedure.

### **Draft amendments to RoP and HR**

9. The draft amendments to RoP and HR to implement the proposed procedure are in the **Appendix** for members' consideration.

### **Subsidiary legislation not required to be tabled in Council**

10. Members are invited to note that there are items of subsidiary legislation which are not required to be tabled in Council and not subject to amendment by the

Council<sup>5</sup>. The proposed procedure will therefore not cover such items of subsidiary legislation. If Members wish to hold a debate on any such item of subsidiary legislation, the existing arrangements for holding Members' debates not intended to have legislative effect or debates on adjournment motions under Rule 16(4) of RoP may be used.

### **Advice sought**

11. Members' views are sought on the proposed procedure set out in paragraphs 5 to 7 above and the draft amendments to RoP and HR in the **Appendix**.

12. Subject to any views which Members may have, Hon TAM Yiu-chung, Chairman of CROP, will move a motion at the Council meeting on 2 December 2009 to amend RoP as proposed. Subject to the passage of the amendments to RoP by the Council, amendments to HR will be made accordingly.

### Legislative Council Secretariat

11 November 2009

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<sup>5</sup> Examples of such items of subsidiary legislation are regulations made under the United Nations Sanctions Ordinance (Cap. 537), Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of Schedule 1) Notice 2009, Western Harbour Crossing Ordinance (Amendment of Schedule 1) Notice 2009 and Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2009.

**Draft amendments to Rules of Procedure and House Rules for  
presentation of House Committee reports on subsidiary  
legislation and instruments and motions to  
take note of the reports**

**I. RULES OF PROCEDURE**

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

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

- (a) Administration of oath or affirmation.
- (b) Obituary and other ceremonial speeches.
- (c) Reading by the President of messages and announcements by the President.
- (d) Presentation of petitions.
- (e) Laying on the Table of papers and of reports of committees.
- (f) Asking and answering of questions put to the Government.
- (g) Statements by designated public officers.
- (h) Personal explanations.
- (i) Government bills.
- (j) Government motions *other than those specified in paragraph (ja)*.
- (ja) *Government motions on subsidiary legislation and other instruments made under an Ordinance.*
- (jb) *Members' motions on subsidiary legislation and other instruments made under an Ordinance.*
- (k) Members' bills.
- (l) Members' motions *other than those specified in paragraph (jb)*.

- (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).

## 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 subrules (4) and (4A) *and Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments)*, 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.  
(L.N. 74 of 2005)

(4) Subject to subrule (4A), 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.  
(L.N. 74 of 2005)

(4A) 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 in accordance with Rule 64 (Withdrawal or Postponement of Bills), the Member presenting a report of the Bills Committee on the bill at the meeting of the Council at which such an announcement is to be made may, with the permission of the President, address the Council thereon at the time when the report is laid on the Table of the Council.  
(L.N. 74 of 2005)

(5) ~~A~~ *Subject to subrule (7), a* Member or a designated public officer may, with the consent of the President, address the Council on subsidiary legislation (other than that subject to section 35 of the Interpretation and General Clauses Ordinance (Cap. 1)) or the instrument referred to in Rule 29(2)(b) (Notice of Motions and Amendments) which is 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) or under any other statutory provision providing for amendment 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.  
(L.N. 129 of 2009)

(6) No debate may arise on any address presented by a Member or a designated public officer under subrule (3), (4A) 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.  
(L.N. 74 of 2005)



*(7) No address shall be made under subrule (5) on any subsidiary legislation or instrument referred to in the report which is the subject of a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments).*

### 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.

*(2A) In the debate on a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), the chairman of a subcommittee formed to study any subsidiary legislation or instrument referred to in the report which is the subject of that motion shall speak in the order as agreed by the House Committee.*

(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.

(3A) Subject to subrules *(3AA)* and (3B), when no more Member indicates his intention to speak in a debate in the Council, the President shall call upon the mover of the motion to speak in reply. The reply, if so made, shall be confined to matters raised during the debate. (L.N. 163 of 2007)

*(3AA) The mover of a motion under Rule 49E (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments) shall not speak in reply.*

(3B) Except in the case of a motion moved by a designated public officer or under Rule 13(1) (The Chief Executive's Policy Address), or Rule 16(4) (Motions for the Adjournment of the Council) or *Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments)*, the President shall call upon designated public officers attending the debate to speak –

- (a) before any Member who indicates his intention to speak is called upon to speak; and
- (b) when no more Member indicates his intention to speak or, in the case of a joint debate on the motion and its amendments, after the mover of the motion has been called upon to speak on the amendments and has spoken.

(L.N. 163 of 2007)

(3C) *In the debate on a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments) –*

- (a) *subject to paragraph (b), the President shall call upon designated public officers attending the debate to speak when no more Member indicates his intention to speak on the motion; or*
- (b) *if the debate is divided into sessions, the President shall call upon designated public officers attending a particular session to speak when no more Member indicates his intention to speak in that session.*

(4) After the mover of a motion has made his reply, or in the event that there is no reply, the debate comes to a close. ~~The~~ *Except as provided in Rule 49E(9) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), the* President shall forthwith put the question on the motion, or on the motion as amended, to the Council for its decision. (L.N. 86 of 2000)

(5) When no or no more Member indicates his intention to speak in a committee of the whole Council, the Chairman shall forthwith put the question on the motion, or on the motion as amended, to the committee of the whole Council for its decision. (L.N. 86 of 2000)

(6) No Member may speak on the question after it has been put to the Council or a committee of the whole Council for decision by the President or Chairman. (L.N. 86 of 2000)

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

(1) A Member may not speak more than once on a question, except –  
(L.N. 86 of 2000)

(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 at the end of the debate on the motion; or (L.N. 86 of 2000)

(e) (Repealed L.N. 86 of 2000)

(f) upon a Member's motion as provided in subrule (8); or  
(L.N. 86 of 2000)

*(fa) upon a motion to take note of a report of the House Committee as provided in Rule 49E(8) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments); or*

(g) with the leave of the President. (L.N. 86 of 2000)

(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) (Repealed L.N. 86 of 2000)

(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) *(Repealed L.N. 86 of 2000)*

(7) *(Repealed L.N. 86 of 2000)*

(8) A designated public officer may speak a second time upon a Member's motion. (L.N. 86 of 2000)

## **PART JB**

### **REPORTS OF HOUSE COMMITTEE ON SUBSIDIARY LEGISLATION AND OTHER INSTRUMENTS AND RELATED MOTIONS**

#### **49C. Application of this Part**

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

#### **49D. Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*With the permission of the President, a report of the House Committee on the consideration of subsidiary legislation and other instruments which have been laid on the Table of the Council and are subject to amendment by the Council may be presented to the Council by the chairman of the House Committee at the Council meeting immediately before the expiry of the period for amendment in accordance with section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) or the relevant provision in the Ordinance under which the subsidiary legislation or instrument referred to in Rule 29(2) (Notice of Motions and Amendments) is made or, if the period is extended, immediately before the expiry of the extended period.*

#### **49E. Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments**

- (1) (a) *A Member may, at a meeting of House Committee held in or not later than the week preceding the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), notify the House Committee that a debate should be held on any subsidiary legislation or instrument referred to in that report, provided that the Member has conveyed his notification to the clerk to the House Committee as an agenda item for that meeting of House Committee.*
- (b) *If there is no meeting of House Committee in the week preceding the Council meeting at which a report referred to in paragraph (a) is presented, notification that a debate should be held shall be conveyed to the clerk to the House Committee not later than 6 clear days before that Council meeting, unless notification has been made at an earlier meeting of House Committee.*

(2) Upon receipt of the notification that a debate should be held, the chairman of the House Committee shall, after notice has been given not less than 2 clear days before the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), move a motion to take note of that report in relation to any specific item of subsidiary legislation or instrument:

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

(3) If the chairman of the House Committee will not be present to move the motion referred to in subrule (2), the deputy chairman of the House Committee shall give notice and move that motion and in the event that both of them will not be present, the Member who will be present at the Council meeting referred to in subrule (2) and has the highest precedence in the order of precedence of Members as determined in accordance with Rule 1A (Precedence of Members) shall do so.

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

*“That this Council takes note of Report No. (serial number) of the House Committee laid on the Table of the Council on (date of Council meeting at which the House Committee report is laid on the Table of the Council) in relation to the subsidiary legislation and instrument(s) as listed below:*

<u>Item Number</u>	<u>Title of Subsidiary Legislation or Instrument</u>
<i>(item number)</i>	<i>(title of subsidiary legislation or instrument on which debate is agreed to by the House Committee under subrule (2) and the notice number or reference in the Gazette).”</i>

(5) No amendment may be moved to a motion moved under subrule (2).

(6) If notice has been given under Rule 29(2) (Notice of Motions and Amendments) to amend any subsidiary legislation or instrument, no motion shall be moved under subrule (2) in relation to that subsidiary legislation or instrument.

(7) If the motion relates to more than one item of subsidiary legislation or instruments, the debate on that motion may be divided into sessions each of which relates to one or more items of subsidiary legislation or instruments.

(8) Subject to Rule 38 (Occasions when a Member may Speak more than once), a Member may speak only once in a debate on a motion moved under subrule (2) and, if the debate is divided into sessions, he may speak once in each of the sessions.

(9) After Members and designated public officers have spoken on a motion moved under subrule (2), the debate comes to a close. The President shall not put any question and the Council shall proceed to the next item of business.

## **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.

(L.N. 126 of 2002; L.N. 177 of 2005)

(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. (L.N. 126 of 2002)

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

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

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

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

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

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

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

(10) The committee shall decide the manner of consideration of 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; or
- (c) any draft of subsidiary legislation or instrument referred to in paragraph (a) or (b).

(L.N. 214 of 2005)

*(10A) After the consideration of the subsidiary legislation and other instruments 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, 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).

(12A) 20 members, including the chairman, shall form a quorum of the committee. (L.N. 177 of 2005; L.N. 214 of 2005)

(12AA) All matters for the decision of the committee or its subcommittees shall be decided by a majority of the members voting. (L.N. 214 of 2005)

(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. (L.N. 177 of 2005; L.N. 214 of 2005)

(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. (L.N. 177 of 2005; L.N. 214 of 2005)

(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. (L.N. 177 of 2005; L.N. 214 of 2005)

(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.

## II. HOUSE RULES

### 13. Number of Debates Initiated by Members

- (a) Not more than two debates initiated by Members, which may be two motion debates, two adjournment debates, or one motion debate and one adjournment debate, should be held at each regular Council meeting. However, more than two such debates may be allowed by the President under special circumstances upon the recommendation of the House Committee.
- (b) The debates mentioned in (a) above do not include debates on the following types of motions -
  - (i) particular motions (Part JA of the Rules of Procedure);
  - (ii) motions relating to bills (Part K of the Rules of Procedure);
  - (iii) motions to appoint a select committee and refer matters to it (Rules 78 and 79 of the Rules of Procedure);
  - (iv) motions to amend or suspend the Rules of Procedure;
  - (v) motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council's power on subsidiary legislation)); ~~and~~
  - (vi) *motions on reports of the House Committee on the consideration of subsidiary legislation and other instruments (Rule 49E of the Rules of Procedure); and*
  - ~~(vi)~~(vii) ~~any other~~ motions *other than those mentioned above* which, if carried, empower the Council, a committee, the President or other person(s) to do a certain act, or invoke certain provisions under the laws or the Rules of Procedure.

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

- (a) Debates on motions such as those listed in rule 13(b)(i) to ~~(v)~~(vii) above shall take place before debates on individual Member's motions.
- (b) Where two individual Member's motion debates are scheduled for the same meeting, the order of debating these motions will be determined by drawing lots unless otherwise agreed between the two Members concerned.
- (c) The debate on a motion to be moved by the chairman of a Panel, committee or subcommittee who has secured the debate slot in accordance with rule 14A above shall take place before the other individual Member's motion to be debated at the same Council meeting.

## 17. Motion Debates

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

	<u>Minimum notice required</u>	<u>Rules of Procedure</u>
(i) <i>Notice of a motion on a report of the House Committee on the consideration of subsidiary legislation and other instruments</i>	2 clear days	Rule 49E
(ii) <i>Notice of a motion other than that mentioned in (a)(i) above</i>	12 clear days	Rule 29(1)
(iii) <i>Notice of amendment to a motion mentioned in (a)(ii) above</i>	5 clear days	Rule 29(6)(a)
(iv) <i>Notice of amendment to an amendment to a motion mentioned in (a)(iii) above</i>	3 clear days and at the President's discretion	—

- (b) Unless otherwise decided by the House Committee, the following speaking time limits for a motion debate shall be deemed to have been agreed by the House Committee and shall be recommended to the President under Rule 37 of the Rules of Procedure -

Maximum time allowed

For a debate on a motion on a report of the House Committee on the consideration of subsidiary legislation and other instruments

<i>Mover of the motion and other speakers</i>	<i>15 mins each</i>	<i>15 mins each for each session</i>
	<i>(for a debate which is not divided into sessions)</i>	<i>(for a debate which is divided into sessions)</i>

For other motion debates

Mover of the motion	
- introductory speech and reply	15 mins (in total)
- speech on proposed amendment(s)	5 mins (in total)
Mover of amendment to the motion	10 mins
Mover of amendment to an amendment to the motion	7 mins
Other speakers	7 mins each
Member who has been given permission to reword his original proposed amendment to a motion which has been amended earlier on	Additional 3 minutes

## COMMITTEES

### 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. 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) 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.

- (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.
- (k) The following paragraphs apply to the appointment of subcommittees by the House Committee for purposes set out in (j)(ii) -
  - (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.
- (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.*

Legend:

Texts proposed to be added are shown in italics.

Texts proposed to be deleted are shown with deletion line.

\* \* \* \* \*