

**香港特別行政區  
立法會  
議事規則委員會**

**Committee on Rules of Procedure  
of the Legislative Council  
of the Hong Kong Special Administrative Region**

**2015 年 10 月至 2016 年 7 月的工作進度報告  
Progress Report for the period  
October 2015 to July 2016**

**2016 年 7 月 13 日  
13 July 2016**

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## **1. Introduction**

1.1 The Committee on Rules of Procedure ("the Committee") is a committee of the Legislative Council established under Rule 74 of the Rules of Procedure of the Council. The functions of the Committee are to review the Rules of Procedure of the Council and the committee system, and to propose to the Council any 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.

1.2 The Committee consists of 12 members, including the Chairman Hon TAM Yiu-chung, the Deputy Chairman Hon Alan LEONG and 10 other members, appointed by the President in accordance with the recommendations of the House Committee. The membership list is in **Appendix I**.

1.3 This report covers the period from October 2015 to July 2016, during which three meetings were held. Members considered and deliberated on the following issues –

- (a) procedural arrangements relating to Council meetings;
- (b) procedures of the committees of the Council; and
- (c) amendment to Rule 83 of the Rules of Procedure proposed by the Committee on Members' Interests.

1.4 A complete list of the issues studied by the Committee in the current session is in **Appendix II**.

## **2. Review of the procedural arrangements relating to Council meetings**

2.1 During the reporting period, the Committee examined a number of issues on the procedural arrangements relating to meetings of the Council, including –

- (a) presentation of petitions to the Council under Rule 20 of the Rules of Procedure;
- (b) quorum at Council meetings; and
- (c) speaking time of Members in the debate on Motion of Thanks in respect of the Chief Executive's Policy Address.

### **Presentation of petitions to the Council under Rule 20 of the Rules of Procedure**

2.2 The last review of procedural arrangements relating to the presentation of petition was conducted in the 2001 – 2002 legislative session. At the time, the Committee noted that the provisions of Rule 20 of the Rules of Procedure were modelled on the practice in the United Kingdom where it was the right of every commoner to prepare and present petitions to the House of Commons in case of grievance. During the review, the Committee considered issues including Members' right to present petitions; whether any rule should be made to prescribe the scope of petitions; notice period of petitions; and the referral of petitions to select committees. No change to Rule 20 of the Rules of Procedure was recommended by the Committee. Details of the Committee's deliberations are summarized in the Committee's Progress Report for the period of July 2001 to June 2002.

2.3 The need to examine the current arrangements under Rule 20 of the Rules of Procedure arose after the presentation of two petitions by Members at the Council meeting held on 15 October 2014. Both petitions are related to the public assemblies that had taken place since 28 September 2014. As both petitions received support from more than 20 Members, each petition was referred to a select committee under Rule 20(6) of the Rules of Procedure. The two select committees had not been activated, pending the completion of work of another select

committee formed earlier by virtue of the same Rule.<sup>1</sup>

2.4 As there is no provision in the Rules of Procedure on the number of petitions that Members may present to the Council, and how to deal with and follow up petitions which concern related subject matters, the President directed that the relevant matters be referred to the Committee for examination.

Review of Rule 20 of the Rules of Procedure and presentation of more than one petition on similar or related subject matters

2.5 While Rule 20 of the Rules of Procedure provides for Members' right to present petitions to the Council, it does not impose specific restrictions on the nature or number of petitions that can be presented apart from their being respectful and, in the Members' opinion, deserving of presentation. The Committee concluded in its previous review in the 2001-2002 legislative session that Members' right to present petitions to the Council should not be undermined.

2.6 The Rules of Procedure do not restrict two or more petitions related to a similar matter from being presented to the Council. The Committee notes that while some members are of the view that restrictions applicable to questions and motions under the Rules of Procedures against repetition should also apply to the presentation of petitions, other members consider that restrictions should not be introduced to curb Members' right of presenting to the Council more than one petition even though they may be related to a similar subject matter.

2.7 As regards the number of Members required for referring a petition to a select committee, the Committee notes that when the current 20-Member threshold under Rule 20(6) of the Rules of Procedure was adopted, the membership of the Council was smaller. The Committee further notes that while some members consider that there is a need to

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<sup>1</sup> At its meeting held on 14 June 2013, the House Committee agreed to cap the number of select committees established under the Rules of Procedure without being authorized to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) at one. The main reasons for adopting this arrangement were the pressure on the manpower and resources of the Secretariat for servicing multiple select committees and Members' availability for participating in the work of the select committees. The House Committee also noted the need to provide flexibility for Members to deal with unexpected incidents of public concern.

correspondingly raise the threshold in the light of the expansion of the Council's membership to 70, other members are of the view that raising the threshold would increase the difficulties for Members belonging to smaller political groupings to make such referrals.

2.8 As the Council has gathered some actual experiences from operating select committees<sup>2</sup> formed by virtue of a petition presented under Rule 20(6) of the Rules of Procedure, the Committee agrees that a review should be conducted by the Sixth Legislative Council on Rule 20 of the Rules of Procedure after the Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link has concluded its work.

#### Arrangements for referring petitions to select committees under Rule 20(6) of the Rules of Procedure

2.9 Under the current practice, when a petition stands referred to a select committee under Rule 20(6) of the Rules of Procedure, the House Committee will form a subcommittee to undertake preparatory work for the operation of the select committee ("the preparatory subcommittee"). It has been agreed by the House Committee that there should only be one select committee appointed under Rule 20(6) of the Rules of Procedure that may be in operation at any one time.

2.10 The Committee agrees that for the efficient operation of the Council, and until any review of Rule 20 of the Rules of Procedure had been conducted and amendments made to the relevant Rules, the following procedures should be adopted for dealing with situations where more than one petition on similar or related subject matters have been presented:

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<sup>2</sup> In the Fifth LegCo, two select committees had been formed under Rule 20(6) of the Rules of Procedure. The Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption, had completed its work and tabled its report in July 2014. The Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link had concluded its work before prorogation of the Council in July 2016.

- (a) in forming a preparatory subcommittee, the House Committee would consider whether any of the petitions presented but awaiting activation of a select committee, may be similar or concerned with related subject matters. If the House Committee is satisfied that some of these petitions are similar or the subject matters of the petitions are related, the House Committee may invite the preparatory subcommittee to draw up recommendations on the terms of reference that encompass the subject matters of the petitions involved; and
- (b) if the House Committee decides that the petitions under consideration should be referred to different select committees or if the preparatory subcommittee could not agree on the terms of reference, the current practice of activating one select committee only at any one time should remain in force.

### **Quorum at Council meetings**

2.11 Procedural and legal issues relating to quorum at Council meetings had been examined by the Committee during the 2013-2014 legislative session, and again during the 2014-2015 legislative session. On both occasions, the Committee studied proposed arrangements with the aims to deal with incessant quorum calls for filibustering purpose, and to find ways to reduce the possibility of abrupt adjournment of a Council meeting due to the absence of a quorum resulting in business not being dealt with by the Council in time. Members did not reach any consensus on both occasions.

2.12 During the current legislative session, the President had instructed the Legal Service Division of the Legislative Council Secretariat to collect information on the interpretation of "quorum for the meeting of the Legislative Council" under Article 75 of the Basic Law for his further consideration. Noting that the repeated use of quorum calls by some Members for the purpose of filibustering at Council and committee meetings had intensified, the Committee revisited the application of Rule 17 of the Rules of Procedure in the light of the interpretation of the quorum requirement under Article 75 of the Basic Law.



### Quorum requirement for Council meetings under the Basic Law

2.13 Article 75 of the Basic Law provides that "[t]he quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be not less than one half of all its members" ("香港特別行政區立法會舉行會議的法定人數為不少於全體議員的二分之一"). Rule 17 of the Rules of Procedure governs the procedures regarding the quorum of the Council and of a committee of the whole Council. Under Rules 17(2), (3) and (4) of the Rules of Procedure, the President or Chairman of a committee of the whole Council is obliged to count the Members present to ascertain the presence of a quorum (a) whenever his attention is drawn to the absence of a quorum during a Council meeting, and (b) when the absence of a quorum is demonstrated at the time of a division.

2.14 The Committee notes that according to the advice of Lord Lester of Herne Hill, QC ("Counsel")<sup>3</sup>, the quorum requirement prescribed by Article 75 of the Basic Law applies not only when votes are taken, but also to the meetings of the Council and the committee of the whole Council as a whole in plenary session. On the question of whether the quorum requirement could be restricted to particular junctures of a Council meeting, Counsel's view was that the quorum requirement cannot be limited to particular junctures, such as only when a vote is taken, or when considering particular types of business since that would be contrary to the clear language of Article 75(1) applying the requirement to meetings and not to parts of meetings.

2.15 In considering this issue, the Committee made references to the rules and practices of certain legislatures in other jurisdictions, including the House of Commons of the United Kingdom and the House of Representatives of the United States. The Committee notes that similar to the rules and practices of these legislatures, business of the Legislative Council is transacted on the presumption that a quorum is present unless

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<sup>3</sup> Lord Lester is a leading public and constitutional lawyer. His advice was sought in the 2014-2015 legislative session by the Secretariat pursuant to the President's instructions on what was available to the President in terms of the law, practice and procedure to deal with incessant quorum calls triggered for the purpose of filibustering, and to reduce the possibility of the abrupt adjournment of the Council with unfinished business on the Agenda due to the absence of a quorum. A summary of the Committee's study of proposals to deal with incessant quorum calls for the purpose of filibustering is in paragraphs 2.8 to 2.16 of the Committee's Progress Report for the period of October 2014 to June 2015.

and until the attention of the President is drawn to the fact that a quorum is not present. The former Legislative Council also transacted business in this way before 1 July 1997.

2.16 The committee further notes that Rule 17(2) of the Rules of Procedure provides a mechanism for Members to draw the President's attention to the absence of a quorum. It is considered that only Members have the prerogative to draw the President's attention to the absence of a quorum under Rule 17(2) in the course of the proceedings of the Council. The legality of a Council meeting should be intact as the meeting is presumed to be quorate unless and until the President's attention is drawn to the fact that there is an absence of a quorum.

#### Proposals to deal with incessant quorum calls

2.17 There are divergent views among members of the Committee in dealing with incessant quorum calls. It has been suggested that there are merits in studying whether the concept of quorum adopted by the House of Representatives of the United States could be applied in Hong Kong. In that context, a quorum is required for the House "to do business"<sup>4</sup>, for example, at the time of voting. Some other members are of the view that making reference to principles being adopted by other legislatures in handling quorum is not relevant because any attempt to disallow quorum calls in the Legislative Council would be inconsistent with Rule 17 of the Rules of Procedure unless the Basic Law is amended to change the quorum requirement under Article 75. The Committee also notes the suggestion that the President may suspend a Council meeting, instead of adjourning the Council, after 15 minutes have expired and a quorum is still not present.<sup>5</sup>

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<sup>4</sup> In the case of the House of Representatives of the United States, the Constitution of the United States provided for the quorum "to do business". The term "business" was not further defined in the Constitution for the purposes of the quorum requirement. However, "business" was construed under the House Rules of the House of Representatives such that it did not encompass all parliamentary proceedings.

<sup>5</sup> In contrast to the current procedure where the President shall adjourn the Council without question put if a quorum is not present after the expiry of the 15 minutes for summoning Members, suspending the meeting would allow the Council, upon resumption at a time specified by the President, to continue to deal with unfinished business on the agenda.

2.18 The Committee is of the view that it is not viable at present to conduct a further review regarding the application of Rule 17 of the Rules of Procedure, due to a lack of consensus among Members.

### **Speaking time of Members in the Motion of Thanks debate in respect of the Chief Executive's Policy Address**

2.19 The current procedures and arrangements relating to the debate on the Motion of Thanks were endorsed by the House Committee on 29 January 2016. In particular, a Member may speak once in each of the five debate sessions, subject to the total speaking time limit of 30 minutes. As mover of the Motion of Thanks, the Chairman of the House Committee has an additional 15-minute speaking time for moving the Motion and making his reply. The total speaking time limit for designated public officers in each debate session is as follows: (a) for one or two officers, each officer may speak for more than 15 minutes, subject to the total time limit of 45 minutes; and (b) for three or more officers, it will be calculated on the basis of 15-minute speaking time limit for each officer.

2.20 Procedures relating to the debate on the Motion of Thanks were reviewed by the Committee of the Fourth Legislative Council in 2010. While no change to the procedures was recommended, the Committee of the Fourth Legislative Council considered that the various issues should be revisited in the Fifth Legislative Council at an appropriate time when new Members had had the experience in debating the Motion of Thanks.

2.21 During the 2014-2015 legislative session, the Committee has reviewed the procedures relating to the debate on the Motion of Thanks. After deliberations, the Committee concludes that the current practice, including the wording of and voting on the Motion of Thanks, as well as the grouping of policy areas into five sessions spanning a total of three days, should remain unchanged.

2.22 As part of the above-mentioned review, the Committee studied the proposal of shortening the total speaking time of each Member in the debate from 30 minutes to 25 minutes.<sup>6</sup> Noting that the proposal will

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<sup>6</sup> The current procedures and arrangements relating to the debate on the Motion of Thanks are set out in Appendix IV to the Committee's Progress Report for the period of October 2014 to June 2015.

affect all Members, the Committee has invited members to consult other Members belonging to the same political parties/groupings on the proposal for further consideration by the Committee in the current legislative session.

2.23 Following members' reports on the outcome of their consultations, the Committee notes that although some members support the proposal, other members consider that since only a few Members used up the 30-minute total permitted speaking time during debates on Motion of Thanks in previous years, a reduction of speaking time by five minutes would not have significant effect of shortening the total debate time. As some Members may require the full 30 minutes to comment on the Policy Address, it would be preferable to allow Members to decide whether they would use up their speaking time during the debate on the Motion of Thanks.

2.24 The Committee concludes that no change should be made to the total speaking time available for each Member in the debate on the Motion of Thanks.

### **3. Review of the procedures of the committees of the Council**

3.1 During the reporting period, the Committee has studied the following issues relating to the procedures of committees of the Council –

- (a) amendments to the Handbooks for Chairmen of Panels, Bills Committees and Subcommittees on Subsidiary Legislation/Other Instruments; and
- (b) rationalization of terms of reference of Panels following the establishment of the Innovation and Technology Bureau.

#### **Amendments to the Handbooks for Chairmen of Panels, Bills Committees and Subcommittees on Subsidiary Legislation/Other Instruments**

3.2 At the Committee's recommendations, the House Committee had endorsed the compilation of several handbooks since 2005 for the Council's various types of committees. These include the Handbook for Chairmen of Panels, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments (collectively known as "the Handbooks for Chairmen"). The Handbooks for Chairmen provide quick references to the relevant rules and practices as well as general guidelines to assist chairmen of committees in understanding their responsibilities, powers and authority; and making preparations for a meeting, chairing a meeting and undertaking the follow-up work of a meeting.

3.3 The contents of the Handbooks for Chairmen are revised and updated from time to time as appropriate. During the current legislative session, the Committee has examined proposals to amend the Handbooks for Chairmen with the following aims:

- (a) spelling out clearly the arrangement relating to amendments to a motion proposed during the period of extension or the continuation of meeting beyond the appointed ending time of a committee meeting;

- (b) specifying the principles for the disclosure of pecuniary interests by Members in a matter under consideration by a committee;
- (c) providing guidelines to facilitate chairmen of committees in handling requests from groups/organizations to submit views to a committee; and
- (d) providing guidelines on the number of oral representations that a member of the public may make at committee meetings held for the purpose of receiving public views on a subject.

3.4 The Committee concludes that items (a), (b) and (d) should be proceeded with. These proposals were endorsed by the House Committee at its meeting on 13 November 2015.<sup>7</sup> The following paragraphs summarize the Committee's deliberations on the proposals.

Arrangement relating to amendments to a motion proposed during the period of extension

3.5 Rule 22(p) of the House Rules provides guidelines for dealing with a motion proposed during a Panel meeting.<sup>8</sup> The procedures on how a committee should deal with a motion, which has been proposed and agreed to be dealt with during the original appointed time of a meeting but has not been so dealt with, are provided for under rules 24A(a) to (f) of the House Rules. To ensure that members will not be caught by surprise by new motions proposed during the period of extension, rule 24A(f) of the House Rules disallows new motions to be proposed during the period of extension, as some members may have left the meeting before the period of extension has begun and are therefore unable to decide whether to participate in the discussion and vote on the

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<sup>7</sup> As regards item (c) above, the Committee considers that the proposal should not be pursued for the time being (see paragraphs 3.12 to 3.15 below).

<sup>8</sup> Rule 22(p) of the House Rules provides that "[d]uring a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel 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 motion or amendment to a motion should be presented to the Panel in written form". Rule 22(p) of the House Rules was aimed to provide Panels with flexibility to decide on the stance which the Panel as a whole adopts on a specific issue where necessary without being inhibited by rigid rules.

new motions. However, it is not spelt out in the House Rules whether amendments may be proposed to a motion when such motion is to be dealt with during the period of extension.<sup>9</sup>

3.6 The Committee considers that as rule 24A(e) of the House Rules provides for motions already proposed and agreed to be dealt with during the original appointed meeting time to be dealt with during the period of extension, members of a committee should be allowed to propose amendments to such motions during the period of extension. The arrangement is in line with the principle of flexibility but no element of surprise, as any motion to be dealt with during the period of extension has already been made known to members during the original appointed meeting time. Any proposed amendment to a motion may be moved only if the proposed amendment is related to the scope of the motion. The Committee also notes that if the committee chairmen envisaged that the amendments could not all be dealt with during the meeting, consideration of the motion and the amendments might be deferred to a future committee meeting.

3.7 In order to spell out clearly the arrangements relating to amendments to a motion proposed during the period of extension, the Committee agrees to amend the relevant paragraphs of the Handbooks for Chairmen. Members of the Committee in general express their support for the proposed amendments, which were endorsed by the House Committee at its meeting on 13 November 2015.

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<sup>9</sup> In accordance with rule 26(f) of the House Rules, the practices and procedures set out in rules 20 to 25 (including rule 22(p)) shall apply, where appropriate, to subcommittees of the House Committee, Bills Committees or Panels, including joint subcommittees appointed by two or more Panels. However, the procedure for dealing with a motion at a Bills Committee meeting is not provided for in the Rules of Procedure nor the House Rules. As a matter of practice, Chairmen of Bills Committees have been advised to apply rule 22(p) of the House Rules in such circumstances as stated in paragraph 4.38 of the Handbook for Chairmen of Bills Committees.

### Disclosure of pecuniary interests by Members in a matter under consideration by a committee

3.8 Rule 83A of the Rules of Procedure provides that "[i]n the Council or in any committee or subcommittee, 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, except where he discloses the nature of that interest".

3.9 The Rules of Procedure do not provide specifically the circumstances under which a Member does or does not have a pecuniary interest in a matter that is before the Council or a committee, be it direct or indirect. It is for individual Members to judge whether they have a direct or indirect pecuniary interest in the matter under consideration at the relevant meeting of the Council and committees. The basic principle adopted by the Committee on Members' Interests in determining whether a pecuniary interest should be disclosed is whether the interest might reasonably be thought by others to influence the Member's action or speech in the matter being considered.<sup>10</sup>

3.10 Based on the principle that it is a Member's responsibility to disclose his pecuniary interest in a matter being considered to enable other people to judge if his views on the matter have been influenced by his interest, it has been the view of the Committee on Members' Interests that a Member should disclose the nature of his pecuniary interest at the beginning of his speech on that matter.

3.11 The Committee agrees that the above principles adopted by the Committee on Members' Interests should be reflected in the Handbooks for Chairmen, which would serve the following purposes: (a) to facilitate the chairmen in dealing with issues relating to disclosure of pecuniary interests when chairing meetings; and (b) to reaffirm the principle that it was the Members' responsibility to determine whether they have a direct or indirect pecuniary interest on a matter under discussion and to declare the nature of such interest. The proposed amendments by the Committee were endorsed by the House Committee at its meeting on 13 November 2015.

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<sup>10</sup>It has been the view of the Committee on Members' Interests that for a pecuniary interest to be direct, it should be immediate and not merely of a remote or general character. As regards "indirect pecuniary interest", it is an interest not immediate and personal to a Member, but does have a certain relationship with the Member which would make a reasonable person to consider that such interest might have certain influence on the action or speech of the Member.



### Handling of requests from groups/organizations to submit views to a committee

3.12 During the 2013 - 2014 legislative session and again during the 2014 -2015 legislative session, the Committee studied matters relating to the arrangements for members of the public to make oral representations at or submit views to committee meetings.<sup>11</sup> The Committee noted that chairmen of committees have the discretionary power to rule out names of groups/organizations with connotation that could give rise to a serious concern that the dignity or solemnity of the proceedings of the committee might be compromised, such as names of the groups/organizations having offensive and insulting connotation. To ensure consistency in the practices among committees, the Committee considered that suitable guidelines should be provided in the Handbooks for Chairmen.

3.13 To address this problem, the Committee in this legislative session examined a proposal to set out clearly in the Handbooks for Chairmen the above discretionary power of chairmen of committees, as well as the power to allow the representative of the group/organization concerned to submit views in his/her personal capacity.

3.14 Members have divergent views on the proposal. While some members support the proposal on the ground that clearer guidelines would facilitate committee chairmen to exercise their power to disallow names of groups/organizations that could be used when making submissions, other members express concerns that different committee chairmen might have different standards as regards what names adopted by groups/organizations might constitute "compromising the dignity or solemnity of the proceedings of the Legislative Council". Some members suggest that, as chairmen of committees had already been exercising discretionary power to handle such situations, Members of different political parties/groups should be consulted before submitting a proposal for the consideration of the House Committee.

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<sup>11</sup>The deliberations of the Committee on the relevant matters are presented respectively in its Progress Report for the period of October 2013 to June 2014, and its Progress Report for the period of October 2014 to June 2015.

3.15 The Committee considers that there is no urgency to introduce the proposed amendments to the Handbooks for Chairmen. The proposals that deal with the handling of requests from groups/organizations to submit views to a committee should be taken out from the package of the proposed amendments to the Handbooks for Chairmen for approval by the House Committee for the time being and should be considered by the Committee further at a later stage.

Number of oral representations that a member of the public may make at committee meetings held for the purpose of receiving public views on a subject

3.16 When a member of the public wants to make oral representation to a committee, he or she may register to do so in his/her personal capacity or as a representative of a group/organization. Each registered member of the public is allowed to make oral representation only once, but some individual members of the public may request to make oral representation more than once in different capacities. In the absence of relevant guidelines in the House Rules or the Handbooks for Chairmen, these requests are considered on a case-by-case basis by the chairmen concerned.

3.17 After studying the issue in the 2013-2014 legislative session, the Committee in principle agreed that a member of the public (whether as a representative of an organization/group or in his/her personal capacity) should be allowed to make oral representation once only at committee meetings held for the purpose of receiving public views on a subject, and committee chairmen should continue to have the discretion to handle special requests flexibly. The Committee considers that suitable guidelines should be provided in the Handbooks for Chairmen. The new guidelines have been agreed to by the Committee in the current legislative session, and were endorsed by the House Committee at its meeting on 13 November 2015.

### **Rationalization of terms of reference of Panels following the establishment of the Innovation and Technology Bureau**

3.18 Under Rule 77(2) of the Rules of Procedure, the terms of reference of Panels of the Legislative Council shall require recommendation by the House Committee and approval by the Council. The current terms of reference of Panels were approved by the Council by resolution in July 2008.

3.19 Following the establishment of the Innovation and Technology Bureau on 20 November 2015, the Secretary for Innovation and Technology has taken up the policy responsibilities from the Secretary for Commerce and Economic Development on promoting the development of innovation and technology as well as information technology. Matters related to telecommunications, broadcasting and creative industries and other related policy areas remain under the purview of the Secretary for Commerce and Economic Development.

3.20 In the light of the changes in the organizational structure of the Government Secretariat and their possible effects on the work of the relevant Panels, the Committee studied the following proposals to rationalize the terms of reference of three Panels:

- (a) issues related to "innovation and technology" be transferred from the Panel on Commerce and Industry to the Panel on Information Technology and Broadcasting;
- (b) issues related to "consumer protection" and "competition policy" be transferred from the Panel on Economic Development to the Panel on Commerce and Industry; and
- (c) the Panel on Information Technology and Broadcasting be renamed to reflect the changes in the terms of reference of the Panel.

3.21 The Committee notes that there are merits in rationalizing the work between the Panel on Information Technology and Broadcasting and the Panel on Commerce and Industry so that all innovation and technology related matters would fall under the purview of the Panel on Information Technology and Broadcasting. This arrangement would

allow the Panel on Information Technology and Broadcasting to take a more comprehensive and holistic view in studying the full spectrum of issues related to technology development in Hong Kong. It would also enable this Panel to be more focused and effective in monitoring the Administration's work in the areas of innovation and technology.

3.22 The Committee notes that following such a transfer, the Panel on Commerce and Industry should have some spare capacities to take up issues on "competition policy" and "consumer protection" from the Panel on Economic Development as these issues are related to general regulatory matters with respect to Hong Kong's commerce and industries. The transfer would relieve the Panel on Economic Development which has been heavily loaded with policy issues from three policy bureaux, namely, the Commerce and Economic Development Bureau, the Environment Bureau, and the Transport and Housing Bureau.

3.23 Members in general support the proposed changes to the terms of reference of the three Panels as mentioned above. The Committee notes the suggestion that the Panel on Information Technology and Broadcasting could either retain its existing name, or be renamed as "Panel on Broadcasting, Innovation and Technology" ("廣播、創新及科技事務委員會").

3.24 The Committee notes that if the proposed changes to the terms of reference and the renaming of the Panel on Information Technology and Broadcasting were to be decided by the next Legislative Council by way of a resolution, the existing terms of reference of the three Panels concerned would remain unchanged at the beginning of the new term of the Legislative Council. Members of the Sixth Legislative Council would signify their membership based on the existing terms of reference. The Committee further notes that after the proposed resolution is passed by the Sixth Legislative Council, certain Members may need to apply for late membership to the Panels concerned due to the changes to the terms of reference of those Panels. Endorsement would have to be sought from the House Committee that the subsequent changes to the terms of reference of the Panels concerned would be considered as sufficient grounds for accepting Members' application for late membership to such Panels under rule 23(c) of the House Rules.

3.25 The Committee considers that the proposals to rationalize the terms of reference of Panels and the renaming of the Panel on Information Technology and Broadcasting should be left for the Sixth Legislative Council to decide. The proposals should be submitted for consideration by this Committee again at the beginning of the next term of the Legislative Council.

#### **4. Amendment to Rule 83 of the Rules of Procedure**

4.1 The Committee, at the request of the Committee on Members' Interests, studied a proposal to amend Rule 83 of the Rules of Procedure which aims to align the deadlines for Members to register election donations with the 60-day deadline for lodging election returns under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

4.2 At present, Rule 83(1) and Rule 83(2) of the Rules of Procedure respectively provide that a Member returned through a general election shall register his interests not later than the first Council meeting of a term, whereas a new Member returned through a by-election shall register his interests within 14 days from the date of his becoming a new Member to fill a vacant seat. Registrable interests, as defined in Rule 83(5) of the Rules of Procedure, include election donations.

4.3 Under section 37 of Cap. 554, all candidates of a Legislative Council election are required to lodge their election returns with the Chief Electoral Officer within the specified deadlines. As the deadlines for lodging the election returns by candidates from contested and uncontested constituencies are different, an amendment to section 37 of Cap. 554 introduced by the Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015 aligned the deadlines for all candidates in the same election to the same deadline, i.e. 60 days after the election results of all constituencies are notified in the Gazette. This Bill was passed by the Council at its meeting on 2 June 2016 and the enacted Ordinance came into operation on 10 June 2016 when it was published in the Gazette.

4.4 Under the current registration of interest rules, for the purpose of stating in the Registration Form on Members' Interests the details of sponsor(s) and donations received in an election, a Member may attach a copy of the election return relating to election donations which he is required to lodge with the Chief Electoral Officer under Cap. 554.

4.5 In the current and past three terms of the Legislative Council, there were 30 days or less between the dates of publication of the Legislative Council election results and the dates of the respective first Council meetings. In other words, Members were required under the Rules of Procedure to register the election donations received by them well before the deadline for lodging election returns under Cap. 554. In

view of this, the Committee on Members' Interests proposed that Rule 83 of the Rules of Procedure be amended so as to align the deadlines for Members to register election donations under the Rules of Procedure with the 60-day deadline for lodging election returns under Cap. 554.

4.6 The views of members of the Committee on the proposal of the Committee on Members' Interests to amend Rule 83 of the Rules of Procedure were sought by circulation of paper on 2 June 2016. All members have signified agreement to the proposal.

4.7 With the support of the House Committee at its meeting on 17 June 2016, the Chairman of the Committee on Members' Interests proposes to move a motion to amend Rule 83 of the Rules of Procedure at the Council meeting of 6 July 2016.

## **5. Acknowledgement**

5.1 The Committee wishes to record their appreciation of Members of the Council for their support for the work of the Committee.



**Appendix I****Membership list****Committee on Rules of Procedure**

**Chairman** Hon TAM Yiu-chung, GBM, GBS, JP

**Deputy Chairman** Hon Alan LEONG Kah-kit, SC

**Members** Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon WONG Yuk-man  
Hon Dennis KWOK

(Total : 12 Members)

**Clerk** Mr Daniel SIN

**Legal Advisers** Mr Timothy TSO  
Mr YICK Wing-kin

**Appendix II****Committee on Rules of Procedure****List of issues studied during the period from October 2015 to July 2016**

<b>Item</b>	<b>Issue</b>	<b>Relevant rule(s)</b>	<b>Progress/remarks</b>
1	<b>Presentation of petitions to the Council under Rule 20 of the Rules of Procedure</b>	Rule 20 of the Rules of Procedure	<p>The Committee agrees that a review should be conducted by the Sixth Legislative Council on Rule 20 of the Rules of Procedure after the Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link has concluded its work.</p> <p>The Committee agrees that for the efficient operation of the Council, and until any review of Rule 20 of the Rules of Procedure was conducted and amendments made to the relevant Rules, the following procedures should be adopted for dealing with situations where more than one petition on similar or related subject matters have been presented:</p> <p>(a) in forming a preparatory subcommittee, the</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			<p>House Committee would consider whether any of the petitions presented but awaiting activation of a select committee, may be similar or concerned with related subject matters. If the House Committee is satisfied that some of these petitions are similar or the subject matters of the petitions are related, the House Committee may invite the preparatory subcommittee to draw up recommendations on the terms of reference that encompass the subject matters of the petitions involved; and</p> <p>(b) if the House Committee decides that the petitions under consideration should be referred to different select committees or if the preparatory subcommittee could not agree on the terms of reference, the current practice</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			<p>of activating one select committee only at any one time should remain in force.</p>
2	<p><b>Quorum at Council meetings</b></p>	<p>Rule 17 of the Rules of Procedure</p>	<p>The Committee notes that business of the Legislative Council is transacted on the presumption that a quorum is present unless and until the attention of the President is drawn to the fact that a quorum is not present. Rule 17(2) of the Rules of Procedure provides a mechanism for Members to draw the President's attention to the absence of a quorum. The legality of the Council meeting should be intact as the meeting is presumed to be quorate unless and until the President's attention is drawn to the fact that there is an absence of a quorum.</p> <p>The Committee is of the view that it is not viable at present to conduct a further review regarding the application of Rule 17 of the Rules of Procedure, due to a lack of consensus among Members.</p>

Item	Issue	Relevant rule(s)	Progress/remarks
3	<b>Speaking time of Members in the Motion of Thanks debate in respect of the Chief Executive's Policy Address</b>	Rule 36(5) and Rule 37 of the Rules of Procedure  Rule 17 of the House Rules	The Committee studied the proposal of shortening the total speaking time of each Member in the debate from 30 minutes to 25 minutes and had invited members to consult other Members belonging to the same political parties/groupings on the proposal.  Following members' reports of the outcome of their consultations, the Committee concludes that no change should be made to the total speaking time available for each Member in the debate on the Motion of Thanks.
4	<b>Amendments to the Handbooks for Chairmen of Panels, Bills Committees and Subcommittees on Subsidiary Legislation/ Other Instruments</b>	Rule 83A of the Rules of Procedure  Rules 22(p), 24A and 25(c) of the House Rules	The Committee examined proposals to amend the Handbook for Chairmen of Panels, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments (collectively known as "the Handbooks for Chairmen"). The proposals had the following aims:  (a) spelling out clearly the arrangement relating to

Item	Issue	Relevant rule(s)	Progress/remarks
			<p>amendments to a motion proposed during the period of extension or the continuation of meeting beyond the appointed ending time of a committee meeting;</p> <p>(b) specifying the principles for the disclosure of pecuniary interests by Members in a matter under consideration by a committee;</p> <p>(c) providing guidelines to facilitate chairmen of committees in handling requests from groups/ organizations to submit views to a committee; and</p> <p>(d) providing guidelines on the number of oral representations that a member of the public (whether as a representative of an organization/group or in his/her personal capacity) may make at committee meetings held for the purpose of receiving public views on a subject.</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			Amendments to the Handbooks for Chairmen on (a), (b) and (d) above were proposed to the House Committee and were endorsed at its meeting on 13 November 2015.
5	<b>Rationalization of terms of reference of Panels following the establishment of the Innovation and Technology Bureau</b>	Rule 77(2) of the Rules of Procedure	<p>In the light of the changes in the organizational structure of the Government Secretariat and their possible effects on the work of the relevant Panels, the Committee studied the following proposals to rationalize the terms of reference of three Panels:</p> <p>(a) issues related to "innovation and technology" be transferred from the Panel on Commerce and Industry to the Panel on Information Technology and Broadcasting;</p> <p>(b) issues related to "consumer protection" and "competition policy" be transferred from the Panel on Economic Development to the Panel on Commerce and Industry; and</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			<p>(c) the Panel on Information Technology and Broadcasting be renamed to reflect the changes in the terms of reference of the Panel.</p> <p>Members in general support the proposed changes to the terms of reference. The Committee notes the suggestion that the Panel on Information Technology and Broadcasting could either retain its existing name, or be renamed as "Panel on Broadcasting, Innovation and Technology" ("廣播、創新及科技事務委員會").</p> <p>The Committee agrees that the proposals to rationalize the terms of reference of Panels and the renaming of the Panel on Information Technology and Broadcasting should be submitted for consideration by this Committee again at the beginning of the next term of the Legislative Council.</p>



Item	Issue	Relevant rule(s)	Progress/remarks
6	<b>Amendment to Rule 83 of the Rules of Procedure proposed by the Committee on Members' Interests</b>	Rule 83 of the Rules of Procedure	<p>Members are required under the Rules of Procedure to register the election donations received by them well before the deadline for lodging election returns under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). In view of this, the Committee on Members' Interests proposed that Rule 83 of the Rules of Procedure be amended so as to align the deadlines for Members to register election donations under the Rules of Procedure with the 60-day deadline for lodging election returns under Cap. 554.</p> <p>Members' views on the proposal of the Committee on Members' Interests to amend Rule 83 of the Rules of Procedure were sought by circulation of paper on 2 June 2016. All members have signified agreement to the proposal. With the support of the House Committee at its meeting on 17 June 2016, the Chairman of the Committee on Members' Interests proposes to move a motion to amend Rule 83 of the Rules of Procedure at the Council meeting of 6 July 2016.</p>