



立法會
內務委員會主席
李慧琼議員

李主席：

有關修訂《議事規則》的建議

根據立法會主席於2017年11月10日發給我並抄送全體議員的函件所述，議事規則委員會主席將於2017年11月17日就有關我於2017年10月31日代表38名立法會建制派議員作出預告的修訂《議事規則》的兩份擬議決議案，向內務委員會提交報告。我懇請閣下批准把隨函的一份該擬議修訂案的修改版本列入2017年11月17日內務委員會的議程內，以協助委員考慮議事規則委員會的報告及提出意見。

上述的擬議修訂案的修改版本是在參考了議事規則委員會的討論，以及吸納了議事規則委員會委員、委員會秘書和法律顧問的意見後而作出，並合併了上述於2017年10月31日提交的兩份擬議決議案內的兩組修訂建議。

在內務委員會處理了上述有關議事規則委員會提交報告的議程項目後，本人希望能夠按立法會主席於2017年11月10日的函件中所提述的時間表，根據《議事規則》第29(1)條作出預告，然後如果得到立法會主席批准，將上述的有關擬議決議案列入12月6日立法會會議的議程內。

廖長江
立法會議員
二零一七年十一月十四日

**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 1B added**
After Rule 1A –
Add
“1B. The President of the Legislative Council
There shall be a President of the Council whose powers and functions are set out in Article 72 of the Basic Law, the laws of Hong Kong and these Rules of Procedure.”.

2. **Rule 3 amended (Presiding in Council and in Committee of the whole Council)**
Rule 3(1) –
 - (1) **Repeal**
“There shall be a”
Substitute
“The”.
 - (2) **Repeal**
“who”.

3. **Rule 12 amended (First Meeting of Term)**
 - (1) **Repeal**
Rule 12(3).
 - (2) After Rule 12 (2) –
Add
“(3) The meeting shall be adjourned after all Members present have made or subscribed an oath or affirmation.” .

4. **Rule 14 amended (Days and Hours of Meetings)**

Rule (14)(4) –

(1) **Repeal**

“on another day”.

(2) **Repeal**

“continue on such other day”

Substitute

“continue at any hour or on any day”.

(3) **Repeal**

“on such other day”

Substitute

“at such hour or on such day”.

5. **Rule 17 amended (Quorum)**

(1) Rule 17(1) –

Repeal

(a) “and of a committee of the whole Council”; and

(b) “or Chairman”.

(2) After Rule 17(1) –

Add

“(1A) The quorum of a committee of the whole Council shall be 20 members including the Chairman.”.

(3) In Rule 17(3), after “shall be resumed and” –

Add

“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”.

(4) After Rule 17(5) –

Add

“6. The President may call a meeting to complete the unfinished business on the Agenda after the Council has been so adjourned under subrule (2) or (3), and should the President consider that such a meeting has to be called the adjournment of the

Council under subrule (2) or (3) shall be deemed to be a meeting ordered to be suspended and may be resumed for the continuation of business at such hour or on such day pursuant to Rule 14(4) (Days and Hours of Meetings).”.

6. **Rule 19 amended (The Agenda of the Council)**

(1) Rule 19(1) –

Repeal

“All”

Substitute

“Subject to subrule (1A), all”.

(2) After Rule 19(1) –

Add

“(1A) In respect of any motion or any bill to be placed on the Agenda for a meeting of the Council, the President or the Chairman of a committee of the whole Council shall have the power to select the amendments, new clauses or new schedules to be proposed to such motion or bill, and also the power to direct two or more motions or amendments considered by him to be cognate to be combined.”.

7. **Rule 20 amended (Presentation of Petitions)**

(1) Rule 20(6) –

Repeal

“a select committee” (wherever appearing)

Substitute

“the House Committee”.

(2) Rule 20(6) –

Repeal

“If not less than 20 Members”

Substitute

“If no less than one half of all Members of the

Council”.

8. **Rule 30 amended (Manner of Giving Notice of Motions and Amendments)**

(1) In Rule 30(3)(b), after “such alterations” –

Add

“, which includes those necessitated by the combination of motions or amendments,”;

(2) Rule 30(3)(c) –

Repeal

“.”

Substitute

“; or”;

(3) After Rule 30(3)(c) –

Add

“(d) that it be returned to the Member who signed it:

(i) as the motion or amendment covered by that notice has not been selected by the President; or

(ii) as the motion or amendment covered by that notice has been combined with another motion or amendment.”.

(4) After Rule 30(3) –

Add

“(3A) Before a direction is given under subrule (3)(d), the President may, if he thinks fit, request any Member who has given notice of a motion or an amendment to give such explanation of the subject matter of the motion or amendment as may enable him to form his judgement on the matter, and may take into account the explanation so given. In the event that there are more than one Member proposing the motions or amendments to be combined, the President may designate which

Member shall propose it.”.

9. **Rule 38 amended (Occasions when a Member may Speak more than once)**

In Rule 38(3), before the full stop –

Add

“and shall only speak on the part which has been misunderstood”.

10. **Rule 40 amended (Adjournment of Debate or of Proceedings of a Committee of the Whole Council)**

In Rule 40(4), after the last full stop –

Add

“Where the Chairman is of the opinion that the moving of the adjournment of proceedings is an abuse of procedure, he may decide not to propose the question or to put the question forthwith without debate.”.

11. **Rule 45 amended (Order in Council and Committee)**

(1) Rule 45(1) –

Repeal

“standing or select”.

(2) Rule 45(2) –

Repeal

“; and the Clerk”

Substitute

“. The Member who has been so ordered to withdraw by a chairman of a committee of the whole Council under this subrule shall continue to withdraw from the Council for the remainder of that meeting. The Clerk”.

12. **Rule 49 amended (Divisions)**
(1) Rule 49(4) –
Repeal
“shall propose the question on that motion”
Substitute
“shall put the question on that motion without debate”.
- (2) Rule 49(6) –
Repeal
“shall propose the question on that motion”
Substitute
“shall put the question on that motion without debate”.
13. **Rule 54 amended (Second Reading)**
In Rule 54(4), after “on a motion which”–
Add
“, with the consent of the President,”.
14. **Rule 55 amended (Committal of Bills)**
In Rule 55(1)(a), after “on a motion which”–
Add
“, with the consent of the President,”.
15. **Rule 57 amended (Amendments to Bills)**
In Rule 57(4)(d), before “which is” –
Add
“or a series of two or more amendments”.
16. **Rule 58 amended (Procedure in Committee of the Whole Council on a Bill)**
Rule 58(12) –
Repeal

“a Member”

Substitute

“the Member or the public officer in charge of the bill”.

17. **Rule 59 amended (Procedure on Reporting of Bill from Committee of the Whole Council)**

(1) Renumbered Rule 59 as Rule 59(1).

(2) In Rule 59(1), after “a committee of the whole Council”

—

Repeal

“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”

Substitute

“the Member or the public officer in charge of the bill shall move a motion that the report that was made under Rule 58(12) (Procedure in Committee of the Whole Council on a Bill) be adopted.”.

(3) After Rule 59(1) –

Add

“(2) The motion moved under subrule (1) shall be voted on forthwith without amendment or debate. If the motion is agreed to, 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 or public officer in charge of the bill. If the motion is negatived, no further proceedings shall be taken on the bill.”.

18. **Rule 66 amended (Bills Returned for Reconsideration)**

In Rule 66(4), after “on a motion which”–

Add

“, with the consent of the President,”.

19. **Rule 68 amended (Procedure in Committee of the Whole Council on Appropriation Bill)**

Rule 68 (7)

Repeal

“a Member”

Substitute

“the public officer in charge of the bill”.

20. **Rule 69A added**

After Rule 69 –

Add

“69A Procedure on Reporting of Appropriation Bill from Committee of the Whole Council”

(1) When an Appropriation Bill has been reported from a committee of the whole Council, the public officer in charge of the bill shall move a motion that the report that was made under Rule 68(7)

(Procedure in Committee of the Whole Council on Appropriation Bill) be adopted.

(2) The motion moved under subrule (1) shall be voted on forthwith without amendment or debate. If the motion is agreed to, 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 public officer in charge of the bill. If the motion is negatived, no further proceedings shall be taken on the bill.”.

21. **Rule 75 amended (House Committee)**

(1) Rule 75(10) –

Repeal

“; or”

Substitute

“.”

(2) Rule 75(10) –

Repeal

“(b).”

Substitute

“(b); or”.

(3) After Rule 75(10) (c)–

Add

“(d) a petition referred to it under Rule 20(6) (Presentation of Petitions).”.

(4) Rule 75(10A) –

Repeal

“and other instruments”

Substitute

“, other instruments and petitions”.

22. **Rule 79C added**

After Rule 79B –

Add

“79C. Determining the agenda of a meeting of a committee by Chairmen of Committees

The agenda of a meeting of any committee shall be determined by its chairman, except where its deputy chairman (if any) has made a determination in accordance with Rule 79B (Determining the Time and the Place of a Meeting of a Committee by the Deputy Chairman of the Committee).”.

23. **Rule 79D added**
After Rule 79B –
Add
“79D. Application of the Rules of Procedure by Chairmen of Committees
In relation to any matter not provided for in the practice and procedure that apply to a committee, if the chairman of the committee considers that there are provisions in the Rules of Procedure that are relevant for dealing with such matter, he may apply such relevant provisions, with necessary modifications.”.
24. **Rule 88 amended (Withdrawal of Members of the Press and of the Public)**
In Rule 88(1), after “rise and”–
Add
“, with the consent of the President, Chairman or chairman,”.
25. **Schedule 1 amended (Procedure for the Election of the President of the Legislative Council)**
(1) **Repeal**
“The election of the President of the Council shall be conducted at a meeting of the Council.”
Substitute
“General
1. The Clerk shall be responsible for conducting the election of the President of the Council.”.
- (2) Paragraph 3 –
In paragraph 3, after “acceptance of the nomination”
Add
“and to declare that he or she is qualified to become the President under Article 71 of the Basic Law and Rule 4(2) (Election of

President)”).

(3) Paragraph 6 –

Repeal

Paragraph 6.

Substitute

“6. The Clerk shall be present at the election of the President and shall provide administrative support and services for Members to elect the President.”.

(4) Paragraph 7 –

Repeal

Paragraph 7.

(5) Paragraph 8 –

Repeal

Paragraph 8.

Substitute

“7. Upon the Clerk having confirmed that Members are ready, the election of the President shall commence. The Clerk shall announce all the valid nominations that the Clerk’s office has received.”.

(6) Paragraph 9 –

(a) **Renumber as paragraph 8.**

(b) **Repeal**

“presiding member”

Substitute

“Clerk”.

(7) Paragraph 10 –

(a) **Renumber as paragraph 9.**

(b) **Repeal**

“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 presiding member”

Substitute

“If there are two or more valid nominations, the Clerk shall announce that a vote by secret ballot will commence and shall distribute”.

(8) Paragraphs 11 –

Renumber as paragraph 10.

(9) Paragraph 12 –

(a) **Renumber as paragraph 11.**

(b) **Repeal**

“and report the result to the presiding member who shall check the result for confirmation”.

(10) Paragraph 13 –

(a) **Renumber as paragraph 12.**

(b) **Repeal**

“presiding Member”

Substitute

“Clerk”.

(c) After “all the candidates” –

Add

“and then conclude the election”.

(11) Paragraph 14 –

(a) **Renumber as paragraph 13.**

(b) **Repeal**

“presiding Member shall order”

Substitute

“Clerk shall arrange”.

(c) **Repeal**

“at the same meeting”.

(d) **Repeal**

“10 to 13”

Substitute

“9 to 12”.

- (12) Paragraph 15 –
 - (a) **Renumber as paragraph 14.**
 - (b) **Repeal**
“presiding Member”
Substitute
“Clerk”.
 - (c) after “as the President” –
Add
“and then conclude the election”.

- (13) Paragraph 16 –
 - (a) **Renumber as paragraph 15.**
 - (b) **Repeal**
“presiding Member”
Substitute
“Clerk”.
 - (c) **Add after “elected as the President”**
“and then conclude the election”.

- (14) Paragraph 17 –
Repeal
Paragraph 17.

《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

修訂《香港特別行政區立法會議事規則》

1. 加入第 1B 條

在第 1A 條之後 —

加入

“1B. 立法會主席

立法會設有立法會主席一職，其職權載於《基本法》第七十二條、香港法律及本《議事規則》。”。

2. 修訂第 3 條（主持立法會及全體委員會會議）

第 3(1) 條 —

廢除

“立法會設有立法會主席一職，主席”

代以

“立法會主席”。

3. 修訂第 12 條（每屆任期的首次會議）

(1) 廢除 -

第 12(3)條

(2) 在第 12(2)條之後 -

加入

“ (3) 在所有出席會議的議員作宗教式或非宗教式宣誓後，
會議即告結束。” 。

4. 修訂第 14 條（會議日期及時間）

第 14(4) 條 -

(1) 廢除

“另擇一天” 。

(2) 廢除

“命令於另一天繼續舉行會議”

代以

“命令於任何時間或任何一天繼續為此目的舉行會議” 。

(3) 廢除

“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”

代以

“會議須暫停舉行，並須於該時間或該天復會繼續處理有關事項”。

5. 修訂第 17 條 (會議法定人數)

(1) 第 17(1)條 -

廢除

(a) “及全體委員會的”；及

(b) “或全體委員會主席”。

(2) 在第 17(1)條之後 -

加入

“(1A) 立法會全體委員會的會議法定人數為包括主席在內的 20 名委員。”。

(3) 在第 17(3)條中，在“即須回復為立法會，”之後 -

加入

“立法會主席須點算立法會會議人數。如當時已足會議法定人數，立法會須再次轉變為全體委員會，但如果不足會議法定人數，”。

(4) 在第 17(5)條之後 -

加入

“6. 立法會主席可召開會議，以完成在任何一天因會議不足法定人數根據第(2) 或(3)款休會待續而在議程上出現的未完事項。如立法會主席認為必須召開這會議，則根據第(2) 或 第(3)款規定而休會待續的立法會會議，須當做是被命令暫停的會議，可按規則第 14(4)條（會議日期及時間）的規定，於立法會主席命令的時間或日期回復繼續處理有關事項。”。

6. 修訂第 19 條（立法會議程）

(1) 在第 19(1)條中，在“每次會議” 之前 -

加入

“在沒有抵觸第(1A)款的情況下，”。

(2) 在第 19(1)條之後—

加入

“(1A) 就任何將列於立法會會議的議程中的議案或任何法案，立法會主席或立法會全體委員會主席有權選擇就該等議案或法案提出的修正案、新條文及新附表，並有權指示他認為類同的兩項或以上的該等議案或修正案予以合併。”。

7. 修訂第 20 條 (呈請書的提交)

(1) 第 20(6)條—

廢除

所有“專責委員會”

代以

“內務委員會”。

(2) 第 20(6)條—

廢除

“20 名議員”

代以

“全體議員的二分之一” 。

8. 修訂第 30 條 (議案及修正案的預告方式)

(1) 第 30(3)(b)條—

廢除

“然後予以印載；或”

代以

“然後予以印載，該等修改包括因議案或修正案合併而需作出的修改；” 。

(2) 第 30(3)(c)條—

廢除

“。”

代以

“；或”。

(3) 在第 30(3)(c)條之後—

加入

“(d) 退回簽署該預告的議員：

(i) 因該預告的議案或修正案不獲立法會主席選擇；

或

(ii) 因該預告的議案或修正案已和另一議案或修正案合併。”。

(4) 在第 30(3)條之後—

加入

“(3A) 立法會主席如認為恰當，可在根據第(3)(d)款發出指示前，要求任何曾就議案或修正案作出預告的議員解釋其議案或修正案的主題，使立法會主席可就此事宜作出判斷及考慮有關解釋。如將合併的議案或修正案是由超過 1 名議員提出，立法會主席可指定由哪名議員提出有關的合併議案或修正案。”。

9. 修訂第 38 條 (議員可發言多於一次的情況)

在第 38(3)條中，在句號前—

加入

“及只可就被誤解的部分發言” 。

10. 修訂第 40 條 (辯論中止待續或全體委員會休會待續)

在第 40(4)條中，在最後一個句號後—

加入

“如全體委員會主席認為動議委員會現即休會待續的議案是濫用程序，可決定不提出待議議題或無經辯論而把議題付諸表決。” 。

11. 修訂第 45 條 (立法會及委員會會議中的秩序)

(1) 第 45(1)條—

廢除

“常設或專責” 。

(2) 在第 45(2)條中，在“該次會議；” 之後—

加入

“根據本款規定被全體委員會會議主席被命令退席的議員須繼續退席立法會，不得參與立法會的該次會議。”。

12. 修訂第 49 條（點名表決）

(1) 第 49(4)條 —

廢除

“主席須就該議案提出待議議題”

代以

“主席須無經辯論而就該議案提出的待決議題付諸表決。”。

(2) 第 49(6)條—

廢除

“立法會主席須就該議案提出待議議題”

代以

“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”。

13. 修訂第 54 條 (二讀)

在第 54(4) 條中，在“任何議員”之後 -
加入
“在獲得立法會主席的同意後”。

14. 修訂第 55 條 (法案的付委)

在第 55(1)(a) 條中，在“該項議案可”之後 -
加入
“在獲得立法會主席同意的情況下”。

15. 修訂第 57 條 (法案的修正案)

在第 57(4)(d)條中，在“修正案”之後 -
加入

“或由兩項或以上修正案組成的系列修正案” 。

16. 修訂第 58 條 (全體委員會處理法案的程序)

第 58(12)條 -

廢除

“一名議員”

代以

“負責法案的議員或官員” 。

17. 修訂第 59 條 (全體委員會就法案作出報告的程序)

(1) 第 59 條重新編號為第 59(1)條 。

(2) 第 59(1)條 -

廢除

“立法會即當作已命令將該法案進行三讀，而會議紀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。”

代以

“負責法案的議員或官員須動議採納根據第 58(12)條(全體委員會處理法案的程序)作出的報告；”。

(3) 在第 59(1)條之後 -

加入

“(2) 根據第(1)款提出的議案不容修正或辯論須隨即付諸表決。如該議案獲通過，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；負責該法案的議員或官員無須就三讀作出預告。如議案遭否決，即不得就該法案再進行任何程序。”。

18. 修訂第 66 條 (發回重議的法案)

在第 66(4) 條中，在“任何議員” 之後 -

加入

“在獲得立法會主席的同意後”。

19. 修訂第 68 條（全體委員會處理撥款法案的程序）

第 68(7) 條 -

廢除

“一名議員”

代以

“負責法案的官員”。

20. 加入第 69A 條

在第 69 條之後 -

加入

“69A. 全體委員會就撥款法案作出報告的程序

(1) 全體委員會就撥款法案作出報告後，負責法案的官員須動議採納根據第 68(7)條(全體委員會處理撥款法案的程序)作出的報告。

(2) 根據第(1)款提出的議案不容修正或辯論須隨即付諸表決。如該議案獲通過，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

該法案的官員無須就三讀作出預告。如議案遭否決，即不得就該法案再進行任何程序。”。

21. 修訂第 75 條 (內務委員會)

(1) 第 75(10) 條 -

廢除

“；或”

代以

“；”。

(2) 第 75(10)(c) 條 -

廢除

“。”

代以

“；或”。

(3) 第 75(10) (c)條之後 -

加入

“(d) 根據規則第 20(6)條(呈請書的提交)向其交付的呈請書。”。

(4) 第 75(10A)條 -

廢除

“及其他文書”

代以

“、其他文書及呈請書”。

22. 加入第 79C 條

在第 79B 條之後 -

加入

“79C. 委員會主席決定委員會會議議程

任何委員會的會議議程須由其主席決定，除非其副主席(如有的話)已根據第 79B 條(由委員會副主席決定委員會會議的日期、時間及地點)作了決定，則屬例外。”。

23. 加入第 79D 條

在第 79B 條之後 –

加入

“79D. 委員會主席應用《議事規則》

就任何適用於委員會的行事方式及程序中沒有規定的任何事宜，如該委員會主席認為《議事規則》的條文是與怎樣處理該事宜相關，該委員會主席可在作出所需變通後應用該條文。”。

24. 修訂第 88 條（新聞界及公眾人士離場）

在第 88(1) 條中，在“無經預告而起立”之後 –

加入

“，並在獲得立法會主席、全體委員會主席、委員會主席或小組委員會主席的同意後，”。

25. 修訂附表 1（選舉立法會主席的程序）

(1) 廢除

“立法會主席的選舉須在立法會會議上進行。”

代以

“總則

1. 立法會秘書負責進行立法會主席的選舉。”。

(2) 在第3段中，在“以示接受提名”後 —

加入

“，並聲明其具有資格可根據《基本法》第七十一條及第

4(2)條（立法會主席的選舉）成為立法會主席”。

(3) 第6段 —

廢除

第6段

代以

“6. 立法會秘書須出席立法會主席的選舉，並必須為議員

選舉立法會主席提供行政支援及服務。”。

(4) 第7段 —

廢除

第 7 段

(5) 第 8 段 -

廢除

第 8 段

代以

“7. 當立法會秘書確定議員準備就緒後，隨即進行立法會主席的選舉。立法會秘書須宣布立法會秘書辦事處接獲的全部有效提名。”。

(6) 第 9 段 -

(a) 重新編號為第 8 段;

(b) 廢除

“主持選舉的議員”

代以

“立法會秘書”。

(7) 第 10 段 -

(a) 重新編號為第 9 段;

(b) 廢除

“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”

代以

“立法會秘書須宣布以不記名的方式進行投票，並須”。

(8) 第 11 段 -

重新編號為第 10 段。

(9) 第 12 段 -

(a) 重新編號為第 11 段。

(b) 廢除

“，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”。

(10) 第 13 段 -

(a) 重新編號為第 12 段。

(b) 廢除

“主持選舉的議員”

代以

“立法會秘書”。

(c) 在“立法會主席”之後

加入

“，然後結束選舉”。

(11) 第 14 段 -

(a) 重新編號為第 13 段。

(b) 廢除

“主持選舉的議員須命令”

代以

“立法會秘書須安排”。

(c) 廢除

“在同一次會議上”。

(d) 廢除

“第 10 至 13 段”

代以

“第 9 至 12 段”。

(12) 第 15 段 -

(a) 重新編號為第 14 段。

(b) 廢除

“主持選舉的議員”

代以

“立法會秘書”。

(c) 在“立法會主席”之後

加入

“，然後結束選舉”。

(13) 第 16 段 -

(a) 重新編號為第 15 段。

(b) 廢除

“主持選舉的議員”

代以

“立法會秘書”。

(c) 在“立法會主席”之後

加入

“然後結束選舉”。

(14) 第 17 段 -

廢除

第 17 段