

立法會
Legislative Council

LC Paper No. CROP 38/17-18

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Tel : 3919 3403
Date : 1 November 2017
From : Clerk to Committee on Rules of Procedure
To : All Members of the Legislative Council

Committee on Rules of Procedure

Consultation on proposed amendments to the Rules of Procedure

A number of Members have recently raised proposals to amend the Rules of Procedure ("RoP"). Some of these proposals are submitted by the Members concerned to the Committee on Rules of Procedure ("CRoP") for consideration, while the other proposals, which are made in the form of notices given to move proposed resolutions to amend RoP at a Council meeting, are referred to CRoP for examination by the President.

2. To facilitate CRoP's consideration on the proposed amendments to RoP, the Chairman of CRoP, Hon Paul TSE Wai-chun, would like to invite Members' views on the following proposals:

- (a) proposals from 38 Members for amending RoP [LC Paper No. CROP 3/17-18] submitted to CRoP on 11 October 2017 (**Appendix I**);
- (b) proposals from 9 Members for amending the Rules of Procedure [LC Paper No. CROP 8/17-18] submitted to CRoP on 18 October 2017 (**Appendix II**);¹

¹ These proposals are identical to the proposed amendments to RoP contained in the nine notices of motions given by Hon Alvin YEUNG, Hon Tanya CHAN, Hon WU Chi-wai, Hon Charles Peter MOK, Hon CHAN Chi-chuen, Hon Kenneth LEUNG, Dr Hon Fernando CHEUNG, Hon Jeremy TAM and Hon Dennis KWOK on 18 October 2017 to the President, who has referred them to CRoP for consideration.

- (c) two notices of motions given by Hon CHAN Chi-chuen and Dr Hon KWOK Ka-ki on 19 October 2017 referred by the President to CRoP [LC Paper No. CROP 25/17-18] (**Appendix III**);
- (d) proposals from Hon Kenneth LEUNG, Deputy Chairman, Hon James TO Kun-sun, Hon Dennis KWOK Wing-hang and Hon Alvin YEUNG to amend the proposed amendments by 38 Members in item (a) above [LC Paper No. CROP 35/17-18] (Chinese version only) submitted to CRoP on 27 October 2017 (**Appendix IV**); and
- (e) further proposals from 38 Members for amending RoP [LC Paper No. CROP 36/17-18] submitted to CRoP on 30 October 2017 (**Appendix V**).

3. Members are invited to send their views on the above proposals in writing to the undersigned by email (rp_c@legco.gov.hk) or by fax (3151 7052) **by noon on Monday, 6 November 2017**. The returns from Members will be compiled for CRoP's consideration.

(Daniel SIN)
Clerk to
Committee on Rules of Procedure

Encl.

c.c. Hon Andrew LEUNG Kwan-yuen, GBS, JP (President of the
Legislative Council)
Hon Paul TSE Wai-chun, JP (Chairman)
SG, LA, DSG, ASG1, ASG2, ASG3, ASG4, SALA2, H(PI), ALA4

致 香港特別行政區立法會

議事規則委員會主席

主席閣下，

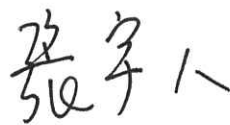
要求盡快處理建制派議員提交的《議事規則》修訂建議

張宇人議員及陳克勤議員謹代表 38 名建制派議員向議事規則委員會提交修改《議事規則》建議，並附上修訂案的中英文版本。

我們希望 主席閣下能盡快召開會議，處理提交的修訂建議。如有任何查詢，歡迎與我們聯絡。

順頌

政安!



立法會議員 張宇人



立法會議員 陳克勤

二零一七年十月十一日

修訂香港特別行政區立法會若干議事規則的建議

1. 本建議由 38 名立法會議員 (見附錄 A) 聯合提交。我們認為有需要修訂立法會的若干議事規則 (見附錄 B)，以保障立法會及其轄下各委員會能夠暢順處理事務，以及維護立法會的尊嚴和誠信。

提出建議的原因

2. 近年，部分議員不斷採用拉布的手法，藉以拖長立法會及財務委員會的會議程序，這趨勢已嚴重妨礙立法會的工作，情況導致審議擬議法例及撥款申請所用的時間不必要地過長，令立法工作和為改善經濟及香港市民民生而提供的撥款屢受拖延。我們現時面對的情況是有待提交到立法會大會或財務委員會進行審議及表決的立法建議或財務建議，均已出現嚴重積壓。除非若干現行的議事程序可作修改，否則實在無法改善這種情況。
3. 本建議旨在改善立法會的運作制度，以及處理濫用程序的問題。為了在議員的發言權和立法會有效履行其憲制職能之間取得合理及適當平衡，我們曾參考外國為解決類似問題而曾經採取的一些做法。

建議

4. 我們現在所提出的修訂建議希望能達致下列目的：
 - (a) 確實地指出立法會主席職權的憲制來源，即由《香港特別行政區基本法》(下稱《基本法》)、香港法律及《立法會議事規則》(下稱《議事規則》)所訂明的職權；
 - (b) 釐清立法會主席容許動議修訂案的酌情權；
 - (c) 釐清關乎會議法定人數，以及關乎會議因不足法定人數而休會待續時如何處理未完事項的事宜；
 - (d) 釐清處理呈請書的程序；

- (e) 理順防止濫用程序的各项程序；
- (f) 阻遏在立法會大會及各委員會上的不檢行為；
- (g) 明確訂明委員會主席在主持會議時的職責；及
- (h) 制訂更全面的程序，以供進行立法會主席選舉。

我們已另行以書面向財務委員會主席提交建議，該等建議關乎應就財務委員會及其轄下兩個小組委員會程序規則及行事方式作出的各項改變。

立法會主席的職權

5. 立法會主席的職權在《基本法》第七十二條已有規定，這些職權包括主持會議、決定議程、在休會期間召開特別會議、應行政長官的要求召開緊急會議，以及行使立法會議事規則所規定的其他職權。立法會主席根據《基本法》主持立法會會議的權力，在《議事規則》亦有補充，給予主席其他權力，讓他除行使《基本法》就主持會議所賦予的權力外，亦可行使此等其他權力。
6. 就此，我們建議在《議事規則》加入新訂第 1B 條¹及相應修訂規則第 3 條。

主席選擇及合併修正案的酌情權

7. 《議事規則》第 29 條及第 57 條分別訂明，就議案或法案提出的修正案可否獲准提出，由立法會主席或全體委員會主席決定。近年議員就《撥款條例草案》提出數以千計的修正案，對立法會主席造成頗大困難，在 2013 年至 2017 年，立法會主席裁定當中大量修正案違反《議事規則》第 57(4)(d)條，屬瑣屑無聊或無意義的修正案。在考慮過程中，立法會主席仍需將建議的修正案作整體審視，考慮該等修正案可否被視為瑣屑無聊或無意義及而這些修正案不必要地延長足以讓議員有公平選擇的議事過程。《議事規則》第 57(4)(d)條當前的行文，並無清楚說明該項條文是否適用於兩個或以上的系列修正案，雖然在實行上，立法會主席曾經根據《議事規則》第

¹下文提及的“規則條文”是指《議事規則》的相關條文。

57(4)(d)條裁定該等系列修正案不合乎規程。

8. 儘管第 57(4)(d)條或可應用於處理為拖延立法會或全體委員會會議過程而就條例草案提出的大量修正案，但仍有一些修正案不能合理地被認為屬瑣屑無聊或無意義。再者，立法會最好能夠採用一致的測試來決定是否容許對法案和議案分別提出的修正案。有鑑於此，《議事規則》應根據主席有憲制責任確保立法會作為立法機關須有秩序、有效率及公平地處理其事務的重要原則，就此訂立條文，賦予立法會主席選擇擬議修正案的權力。海外立法機關議長一般都獲賦予以上選擇權力。我們建議在《議事規則》第 19 條(立法會議程)加入新訂第(1A)款和在《議事規則》第 30 條(議案及修正案的預告方式)加入新訂第(3)(d)(i)款和第(4)款，讓主席能夠在多項旨在達到相同目的的擬議用作修正的議案或修正案中選擇一項更有效的修正案，並將其他未獲選擇的議案或修正案發還。此舉旨在避免重複及重疊，以及倘議員就處理相同或類似課題提出多項修正案，可選擇較有效及草擬較好的版本。同樣的原則亦適用於法案的新條文及新附表。由於《議事規則》第 30(3)條憑藉《議事規則》第 57(3)條²已同樣適用於對法案的修正案，因此無須對《議事規則》第 57 條(法案的修正案)作相應修訂。
9. 我們亦認為，由同一議員提出的兩項或以上用作修正的議案或修正案如屬類同，立法會主席或全體委員會主席應獲賦權指示將該等議案或修正案合併。我們建議在《議事規則》第 30 條修訂第(3)(b)款和加入新訂第(3)(d)(ii)款和第(4)款。然而，作為良好的行事方式及參照海外立法機關的慣常做法，立法會主席可要求提出修訂的議員解釋其議案或修正案的目的，使立法會主席能就此作出判斷。就議案或修正案的合併安排，若提出該等議案或修正案的議員超過一名，立法會主席可指定由誰負責提出動議。
10. 此外，我們亦建議修訂《議事規則》第 57(4)(d)條，對法案的一項修正案或包含兩項或以上的一系列修正案如被立法會主席認為屬瑣屑無聊或無意義，不可予以動議。此項修訂反映過往立法會主席裁決所採用的做法。

會議法定人數

² 規則第 57(3)條：本議事規則第 30 條(議案及修正案的預告方式)適用於法案修正案的預告，但該條第(3)款中“立法會主席”一詞須以“全體委員會主席”代替。

11. 若因法定人數不足而導致立法會會議休會待續，如有需要應可召開會議處理未完事項。關於處理因會議不足法定人數而休會待續所出現的未完事項的安排，《議事規則》第 14(4)條(會議日期及時間)的規定是否亦適用於因此而召開的會議，現時並不清楚。《議事規則》第 14(4)條屬一般條文，讓立法會議程的未完事項可以在立法會主席命令的另擇日期繼續進行。我們建議修訂《議事規則》第 14(4) 條及 17(2)條，訂立一項推定條文，使立法會主席可以在下次定期會議前，在任何時間或任何一天召開會議，以完成因會議法定人數不足而休會待續的未完事項。現時已有常設行政安排，以避免因為在立法年度內加開立法會會議，而導致可用作審議附屬法例或法律文書的時間在計算時被擾亂的情況。
12. 我們亦建議修訂《議事規則》第 17(3)條，恢復以往安排：如在全體委員會會議期間不足法定人數，會點算立法會會議的法定人數。

呈請書的處理

13. 現行處理呈請書的程序，以西敏寺方式的古老傳統為藍本，可追溯至 1858 年。雖然其他地區處理呈請書的方法全部都已經改變，以加快政府相關部門跟進事情的進度，香港立法會的有關程序至今仍保持不變。我們並不打算提議大幅度更改此程序，但認為有需要作出更新。
14. 現時的《議事規則》第 20 條(呈請書的提交)規定，當有不少於 20 名議員起立，支持將呈請書交付專責委員會處理，呈請書即告交付專責委員會處理。此規則自 1983 年以來未經更新。此項條文須予更新的原因有二。第一，須起立以啟動呈請書交付專責委員會處理的人數要求，與當時的立法局會議法定人數相同。這兩個數目要求直至 1997 年仍然相同。然而，當立法會會議法定人數更改為不少於全體議員的二分之一(第一屆立法會的會議法定人數為 30 人)時，卻沒有相應地修訂《議事規則》第 20 條。第二，在 1983 年，專責委員會是呈請書可予以交付的唯一的一種委員會，但立法會委員會制度自此已不斷全面發展，至今呈請書已可交付其他委員會處理。
15. 在今天，立法會會議法定人數實際上為不少於立法會議席數目的二分之一，而且鑒於除了專責委員會外，亦有其他多個委員會獲賦予

處理政策事宜的責任，並且是由內務委員會負責決定如何處理具爭議的問題及法案。我們建議修訂《議事規則》第 20(6)條，規定如當時有不少於全體議員的二分之一一起立，該呈請書須交付內務委員會處理。我們亦建議相應修訂《議事規則》第 75 條(內務委員會)第 (10)款及第(10A)款，以反映內務委員會在決定審議呈請書的方式及決定完成審議後向立法會報告的方式所承擔的職責。此項改變與既定的行事方式一致，倘若內務委員會決定應委任專責委員會處理呈請書內的事宜，將會在立法會動議議案，以作決定。

濫用程序

16. 部分議案屬拖延議案，旨在令議員可以延遲決定某事宜，例如將立法會休會待續或將辯論中止待續。現行規則 40(3)條確保當一個將辯論中止待續的議案被否決後，不可在同一個辯論中再次提出另一個相同的議案。但就立法會全體委員會的程序而言，規則 40(4)並沒有跟隨此安排。我們注意到，全體委員會主席曾作出裁決，不容許一名議員在一項將委員會過程中止待續的議案遭否決後，再次提出同一項議案。然而，《議事規則》並無清楚說明，立法會主席與部分外地議會的議長一樣，是擁有不容許提出同一項議案的權力。在這些外地議會，如議長認為拖延的議案是濫用程序，可提出將過程中止待續的議題即時付諸表決。我們建議修訂《議事規則》第 40(4)條，使立法會主席如認為某些拖延議案屬濫用程序，可藉不就該等議案提出待議議題或無經辯論立即提出待決議題付諸表決，有效處理該等拖延議案。
17. 根據《議事規則》第 49 條(點名表決)第(4)款及第(6)款而提出縮短點名表決鐘聲鳴響時間的議案，亦可能遭濫用。此類議案屬程序議案，一般不會進行辯論。我們建議修訂《議事規則》第 49(4)條及第 49(6)條，使議案當被動議時可立即提出待決議題並進行表決。
18. 另一可能遭濫用的範疇是《議事規則》第 38 (3)條 (議員可發言多於一次的情況)。該項條文容許聲稱其先前發言的某部分被誤解的議員，可發言多於一次。我們建議修訂《議事規則》第 38(3)條，明確規定該議員只應就其發言中被誤解的部分發言。

立法會及委員會會議中的秩序

19. 現時只適用於常設委員會及專責委員會的《議事規則》第 45(1) 條，實有迫切需要擴至所有委員會。舉例而言，內務委員會並非常設委員會或專責委員會，但它是所有議員(立法會主席除外)就廣闊範圍的各種問題交換意見的場合，如有議員堅持在辯論中不斷提出無關的事宜，或冗贅煩厭地重提論點，而主席沒有權指示該議員不得繼續發言的話，這會令主席難以主持會議，而唯一可做的是命令該議員立即退席，但此舉在某些情況未屬必需。向所有委員會主席賦予《議事規則》第 45(1)條的權力，便可讓他們能確保會議有秩序和有效進行，而無需迫不得已地行使其僅有權力，命令行為極不檢點的議員退席。我們建議修訂《議事規則》第 45(1)條，將該規則的適用範圍擴大至所有委員會。
20. 我們亦認為有需要訂明在全體委員會被主席命令退席會議所指的會議是包括立法會會議。我們建議在《議事規則》第 45 條修訂第(2)款，以訂明此程序。

委員會主席的職責

21. 現時，《議事規則》內訂明委員會主席有權決定會議的時間和地點的規則，亦同時規定須在若干時限內將書面預告發給各委員。這權力並沒有訂明包括決定議程的權力。我們相信，決定議程的權力是屬於主席獲賦予的一般權力所附帶，為免生疑問，應在《議事規則》清楚訂明。我們注意到，在某些個案中，委員會委員或會建議哪些議項應包括在日後的會議(例如內務委員會或事務委員會)的議程。我們建議加入新訂《議事規則》第 79C 條，重申各委員會主席有權決定哪些事項應納入議程及該等事項在議程內列出的次序。
22. 《議事規則》第 43 條規定，H 部(發言規則)的規則適用於委員會的會議程序，但委員會主席另有命令者除外。由於 H 部的各項規則是適用於立法會大會及全體委員會的程序，要將這些規則適用於委員會，須作出所需變通。現時並無指引訂明主席應如何行使此條規則所賦予的權力，或行使關乎《議事規則》其他各部規管委員會運作的規則所賦予的權力。我們建議加入新訂《議事規則》第 79D 條，訂明任何關乎在委員會的行事方式及程序中並無規定的事宜，所有委員會的主席如認為《議事規則》所訂的規則與該事宜相關，均可在作出所需變通後使用《議事規則》。

選舉立法會主席的程序

23. 《議事規則》第 4(1)條訂明，立法會主席由立法會議員按照《議事規則》附表 1 的規定互選產生。此項重要的程序會不時更新，以解決在實際使用此程序時曾出現的任何問題。由於此項選舉是在立法會的正式會議上進行，並在立法會選出其主席之前舉行，我們認為就此制訂一項更全面的程序十分重要，這可確保選舉立法會主席的會議只是為議員可投票予他們選擇的候選人而舉行。而其他事務，例如議案或辯論，則一概不可進行；以及在選舉立法會主席的所有程序全部完成前，會議不得中止待續。建議作出修訂的《議事規則》附表 1 載於附錄 C。

議事規則委員會

24. 按照以往做法，對《議事規則》的任何擬議修改，應先由議事規則委員會進行討論。我們現在根據《議事規則》第 74(1)條，透過議事規則委員會委員向議事規則委員會提交此建議。我們衷心希望各位立法會議員同事不分政治背景，合力制訂各項能讓立法機關有成效地和有效率地進行其工作的程序規則變更，以滿足廣大市民的需要。

**List of Legislative Council Members in support of
the proposed amendments to certain provisions of
the Rules of Procedure of the Legislative Council
(In alphabetical order)**

1. Hon CHAN Chun Ying	陳振英議員
2. Hon CHAN Hak Kan	陳克勤議員
3. Hon CHAN Han Pan	陳恆鑛議員
4. Hon CHAN Kin Por	陳健波議員
5. Hon Christopher CHEUNG	張華峰議員
6. Hon CHEUNG Kwok Kwan	張國鈞議員
7. Hon Tommy CHEUNG	張宇人議員
8. Hon Ann CHIANG	蔣麗芸議員
9. Hon Holden CHOW	周浩鼎議員
10. Hon Felix CHUNG	鍾國斌議員
11. Hon Junius HO	何君堯議員
12. Hon HO Kai Ming	何啟明議員
13. Hon Stephen HO	何俊賢議員
14. Hon Regina IP	葉劉淑儀議員
15. Hon KWOK Wai Keung	郭偉強議員
16. Hon Jeffrey LAM	林健峰議員
17. Hon Edward LAU	劉國勳議員
18. Hon Kenneth LAU	劉業強議員
19. Hon Starry LEE	李慧琼議員
20. Hon LEUNG Chi Cheung	梁志祥議員
21. Hon Priscilla LEUNG	梁美芬議員
22. Hon Martin LIAO	廖長江議員
23. Hon LO Wai Kwok	盧偉國議員
24. Hon LUK Chung Hung	陸頌雄議員
25. Hon MA Fung Kwok	馬逢國議員
26. Hon Alice MAK	麥美娟議員
27. Hon NG Wing Ka	吳永嘉議員
28. Hon OR Chong Shing	柯創盛議員
29. Hon POON Siu Ping	潘兆平議員
30. Hon Elizabeth QUAT	葛珮帆議員
31. Hon Abraham SHEK	石禮謙議員
32. Hon SHIU Ka Fai	邵家輝議員
33. Hon Michael TIEN	田北辰議員
34. Hon WONG Kwok Kin	黃國健議員

- | | |
|-------------------------|-------|
| 35. Hon WONG Ting Kwong | 黃定光議員 |
| 36. Hon Frankie YICK | 易志明議員 |
| 37. Hon YIU Si Wing | 姚思榮議員 |
| 38. Hon YUNG Hoi Yan | 容海恩議員 |

《議事規則》修訂建議列表

I. 立法會主席的職權

A 部 (立法會議員及立法會人員)

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》。

3. 主持立法會及全體委員會會議

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

II. 主席選擇修正案的酌情權

19. 立法會議程

- (1) 立法會議程由立法會主席決定，並須有中、英文本。在沒有抵觸第 1A 款的情況下，每次會議所有經事先作出預告的事項，須依照本議事規則第 18 條(各類事項的次序)規定的次序，列於該次會議的議程內。
- (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議案或修正案予以合併。

30. 議案及修正案的預告方式

- (3) 就議案或修正案所作預告，須呈交立法會主席，由其指示按以下方式處理 —
- (a) 按所交來的原有措辭印載；或
- (b) 按其指示修改，然後予以印載，該等修改包括因議案或修正案合併而需作出的修改；或

(c) 因其認為不合乎規程，將該預告退回簽署該預告的議員；或

(d) 退回簽署該預告的議員：

(i) 因該預告不獲立法會主席選擇；或

(ii) 因該預告已和另一議案或修正案合併。

(4) 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。

57. 法案的修正案

(4) 以下規定適用於與法案有關的修正案：

(d) 不可動議全體委員會主席認為瑣屑無聊或無意義的修正案或由兩項或以上修正案組成的系列修正案。

III. 會議法定人數

14. 會議日期及時間

(4) 立法會主席如認為為了在立法會會議上適當地處理完議程上的各項事務，有必要繼續處理未完事項，則可命令於任何時間或任何一天繼續為此目的舉行會議。凡立法會主席在立法會會議上作此命令，會議須暫停舉行，並須於該另一時間或該天復會繼續處理有關事項。

17. 會議法定人數

(2) 如出席會議的議員不足法定人數，而有人向立法會主席提出此事，立法會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，立法會主席即無須付諸表決而宣布休會待續。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而休會待續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，根據此款規定而休會待續的立法會會議，須當作是被命令暫停的會議，可按規則第 14(4)條的規定，於立法會主席命令的時間或日期復會繼續處理有關事項。

(3) 如未有足夠法定人數出席會議，而有人向全體委員會主席提出此事，全體

委員會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，委員會即須回復為立法會，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，立法會主席即無須付諸表決而宣布休會待續。

IV. 呈請書的處理

20. 呈請書的提交

- (6) 呈請書提交後，如有議員即時起立，要求將呈請書交付內務委員會處理，立法會主席即須請支持此項要求的議員起立；如有不少於全體議員的二分之一起立，呈請書即告交付內務委員會處理。

75. 內務委員會

(10) 委員會須決定下列事宜的研究方式 —

- (a) 任何附屬法例，不論該等附屬法例是否受《釋義及通則條例》(第 1 章)第 34 及 35 條的條文所規限；
 - (b) 根據任何條例訂立的任何其他文書；
 - (c) (a)或(b)段提述的附屬法例或文書的任何擬稿；或
 - (d) 根據規則第 20(6)條向其交付的呈請。
- (10A) 在研究第(10)款所提述的附屬法例、其他文書及呈請書後，委員會可向立法會提交報告。

V. 濫用程序

40. 辯論中止待續或全體委員會休會待續

- (4) 在立法會全體委員會會議上，議員可無經預告而動議一項委員會現即休會待續的議案，全體委員會主席須即提出該議案的待議議題。議案如獲通過，委員會即須回復為立法會；議案如被否決，則委員會的程序即須繼續進行。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，可決定不提出待決議題或無經辯論而把議題付諸表決。

49. 點名表決

- (4) 在緊接立法會主席宣布議案修正案的點名表決結果或全體委員會主席宣布法案的任何條文或任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就該議案或該議案的任何修正案，或就法案的任何條文或任何修正案進行點名表決時，立法會或全體委員會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席或全體委員會主席須無經辯論而就該議案提出的待決議題付諸表決。
- (6) 如有多於一項有關立法會議程所列附屬法例或本議事規則第 29(2)(b)條(議案及修正案的預告)所提述的文書的議案(本議事規則第 29(3)條提述的議案除外)，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例或文書提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時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。

38. 議員可發言多於一次的情況

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

VI. 立法會及委員會會議中的秩序

45. 立法會及委員會會議中的秩序

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

VII. 委員會主席的職責

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。

79D. 委員會主席應用《議事規則》及其他行事方式

就任何在委員會的行事方式及程序中，或在適用於該委員會的行事方式及程序中，均沒有規定的任何事宜，須按該委員會主席認為《議事規則》所訂與此相關的行事方式及程序處理，並須在作出所需變通後適用於該委員會。

選舉立法會主席的程序
(議事規則—附件 1)

總則

1. 立法會主席的選舉須在立法會會議上進行。
- 1A. 選舉須在議員已按照《議事規則》第 1 條的規定及香港法律作宗教式或非宗教式宣誓後的新一屆第一次會議上舉行。如有需要在屆中選舉立法會主席，該次選舉須在立法會一次完全只為選舉立法會主席的目的而進行的會議上舉行；議程不得載有任何其他事務；會議舉行的日期和開始的時間，由立法會代理主席(猶如他是規則第 14 條所指的立法會主席)作出決定。

提名

2. 立法會秘書須於選舉日至少 7 整天前邀請議員提名立法會主席一職的人選，並將附件 I 的提名表格分發給各議員。
3. 立法會主席的提名表格須由一名作為提名人的議員，以及另外至少 3 名作為附議人的議員簽署。獲提名的議員須在表格上簽署以示接受提名，並聲明其具有資格可根據《基本法》第七十一條及《議事規則》第 4(2)條成為立法會主席。表格填妥後，須在選舉日至少 4 整天前送達立法會秘書辦事處。
4. 任何議員無論屬於被提名人、提名人或附議人的身份，其姓名均不得出現在多於一張提名表格之上。如某議員的姓名出現在多於一張提名表格之上(不論是被提名人、提名人或附議人的身份)，則只有立法會秘書辦事處接獲的首張提名表格方為有效，立法會秘書須隨即把失效的表格送回提名人。
5. 截止提名後，立法會秘書須擬備一份名單，按其辦事處接獲提名表格的先後次序列出所有候選人的姓名，並於選舉日至少兩整天前將名單分發給所有立法會議員。

選舉

6. 出席會議的議員中根據本議事規則第 1A 條而定為連續擔任議員時間最長者，須作為主持立法會主席選舉的議員(“主持選舉的議員”)，其職權僅限於按照《議事規則》第 4(1) 條及本附表的規定主持選舉立法會主席的會議。
7. 如根據上文第 6 段連續擔任議員時間最長的該名議員獲提名候選立法會主席一職或不能執行主席職務，則未獲提名為候選人的議員中排名最先者，須主持選舉。
- 7A. 主持選舉的議員只可在其宣布已當選立法會主席的議員姓名後將會議休會待續。如主持選舉的議員有必要暫停會議，會議須於暫停後 1 小時內復會。在所有選舉立法會主席的程序完成前，不得命令會議再次暫停。
- 7B. 主持選舉的議員在整個選舉過程中不得准許議員發言，但規程問題除外。規程問題不容辯論。如主持選舉的議員認為有議員濫用程序，主持選舉的議員可拒絕准許任何議員提出任何規程問題。
8. 主持選舉的議員就位後，隨即進行立法會主席的選舉。主持選舉的議員須宣布立法會秘書辦事處接獲的全部有效提名。
9. 如立法會主席一職只有一項有效提名，則主持選舉的議員須如是宣布，並宣布該名候選人當選。
10. 如有兩項或更多的有效提名，則主持選舉的議員須命令以不記名的方式進行投票，並指示立法會秘書發給每名出席會議的議員一張選票，選票的格式如附件 II 所示。所有候選人的姓名須按立法會秘書辦事處接獲提名的先後次序，列於選票上。
11. 出席會議並有意投票的議員只須在選票上其屬意的候選人姓名旁邊的空格內劃上“ ”號，並將選票放進投票箱。任何未劃上“ ”號、未妥為劃上“ ”號或劃有多於一個“ ”號的選票，將會作廢。
12. 所有出席會議並有意投票的議員投票後，立法會秘書須在全體出席會議的議員面前點算選票，並向主持選舉的議員報告點票結果；該名主持選舉議員須核對點票結果，予以確認。
13. 主持選舉的議員須宣布各候選人之中獲最高票數的一名候選人當選為立法會主席。
14. 如兩名或以上候選人獲相同最高票數，則主持選舉的議員須命令在同一會議上，按上文第 10 至 13 段所規定的方法，對該等獲相同最高票數的候選人進行第二輪投票。

15. 如在第二輪投票中未有一名候選人獲得的票數較其他任何候選人為高，則主持選舉的議員須宣布其將以抽籤方式決定其中一名候選人當選為立法會主席。
16. 主持選舉的議員將隨即進行抽籤，並按結果隨即宣布該名候選人當選為立法會主席。
17. 隨後，主持選舉的議員須讓位於立法會主席。立法會主席可向立法會陳詞，然後宣布休會待續。

**A proposal to amend certain provisions in the Rules of Procedure
of the Legislative Council of the
Hong Kong Special Administrative Region**

1. This proposal is jointly presented by 38 Members of the Legislative Council (**Annex A**). We consider that it is necessary to amend some procedural rules of the Legislative Council (“Council”) (**Annex B**) so as to safeguard the smooth conduct of business of the Council and its committees and to uphold the dignity and integrity of the Council.
2. The growing trend of using filibustering tactics in recent years by some Members to prolong the proceedings of the Council and the Finance Committee has seriously hampered the work of the Council. This has resulted in unnecessarily long period of time taken up in the scrutiny of proposed laws and funding proposals that resulted in delays in the enactment of laws and the provision of public funds for bringing about improvements to the economy and the livelihood of the people of Hong Kong. We are faced with a situation where there is a serious backlog of legislative and financial proposals waiting to be submitted, scrutinized and voted on by the Council and the Finance Committee respectively, but little can be done to improve the situation unless some of the current procedural rules can be changed.

The Proposal

3. This Proposal aims to improve the work system of the Council and to address abuse of procedure. In order to strike a reasonable and fair balance between Members’ right to speak and Council’s effectiveness in performing its constitutional functions, we have made reference to overseas practices that have been adopted for addressing similar problems.
4. We are putting forward these proposed amendments with a view to achieving the following objectives:
 - (a) To put beyond doubt the constitutional source of the powers and functions of the President of the Legislative Council (“President”) as stipulated in the Basic Law of the Hong Kong Special Administrative Region (“Basic Law”), the laws of Hong Kong and the Rules of Procedure of the Legislative Council (“Rules of Procedure-”);
 - (b) To rationalize the discretion of the President in allowing amendments to be moved;
 - (c) To rationalize matters relating to quorum and handling of unfinished

business following the adjournment of meetings due to a lack of quorum;

- (d) To rationalize the procedure on the handling of petitions;
- (e) To streamline procedures for preventing abuse of procedure;
- (f) To rationalize dealing with disorderly conduct in the Council and committees;
- (g) To provide explicitly the role of committee chair in chairing meetings; and
- (h) To provide a more comprehensive procedure for the election of the President.

We have separately written to the Chairman of the Finance Committee to put forward our proposal regarding changes that should be made to the procedural rules and practices of the Finance Committee and its two Subcommittees.

Powers and functions of the President of the Legislative Council

5. The powers and functions of the President are provided in Article 72 of the Basic Law. These include the powers and functions to preside over meetings, decide on the agenda, call special sessions during recess, call emergency sessions at the request of the Chief Executive, and exercise the other powers and functions prescribed in the Rules of Procedure. The President's power to preside over meetings of the Council under the Basic Law is supplemented by the other powers and functions prescribed in the Rules of Procedure, giving him such other powers that he may exercise in presiding over meetings in accordance with the Basic Law.
6. To this effect, **we propose to add a new Rule 1B¹** to the Rules of Procedure and to amend Rule 3 consequentially.

President's discretion in selecting and combining amendments

7. Under Rules 29 and 57, the President or the Chairman of a committee of the whole Council decides on the admissibility of a proposed amendment to a motion or a bill respectively. The thousands of amendments proposed to Appropriation Bills in recent years had presented enormous

¹ Reference to a "Rule" followed by a numeral is a reference to a rule of the RoP.

problems to the President who, through rulings made in 2013 to 2017, had ruled a substantial number of them out of order for infringement of Rule 57(4)(d) as being frivolous or meaningless. The President still needs to consider whether the proposed amendments, when taken together, could be regarded as frivolous or meaningless and such amendments have the effect of prolonging Council proceedings more than is necessary for providing a fair choice for Members. The present construction of Rule 57(4)(d) is also not clear about its applicability to a series of two or more amendments, though in practice the President had ruled such series of amendments out of order under Rule 57(4)(d).

8. Notwithstanding that Rule 57(4)(d) may be applied to deal with voluminous proposed amendments to bills that are prolonging proceedings in the Council or a committee of the whole Council, there still remains such amendments that could not be reasonably considered as coming within the meaning of being frivolous or meaningless. Moreover, it would be desirable for the Council to have consistency in the admissibility tests that apply to proposed amendments to bills and to motions respectively. In the light of this, there should be a provision in the Rules of Procedure to provide the President with the power to select proposed amendments based on the cardinal principle that he has the constitutional duty to ensure the orderly, efficient and fair disposition of Council's business as a legislature. Such power of selection is commonly given to Speakers in overseas legislatures. **We propose to add a new subrule (1A) to Rule 19 (The Agenda of the Council) and add subrules (3)(d)(i) and (4) to Rule 30 (Manner of Giving Notice of Motions and Amendments) to enable the President to select a motion (for the purpose of making an amendment) or an amendment which is more effective among a number of proposed motions or amendments aiming to achieve substantially the same objective and return those which he has not selected. This is to prevent repetition and overlapping, and, where several such motions or amendments are proposed to deal with the same or similar issue, to select the more effective and better drafted version. The same principle also applies to new clauses and new schedules to a bill. No corresponding amendment to Rule 57 (Amendment to Bills) is necessary as Rule 30(3) equally applies to amendments to bill by virtue of Rule 57(3)².**
9. We also consider that the President or Chairman of a committee of the whole Council should be given the power to direct motions (for the purpose of making an amendment) or amendments to be combined if two or more of them are cognate. **We propose to amend subrule (3)(b) and add new subrules (3)(d)(ii) and (4) to Rule 30.** As a matter of good

² Rule 57(3): "The provisions of Rule 30 (Manner of Giving Notices of Motions and Amendments) shall apply to notice of amendments to bills with the substitution of the word "Chairman" for "President" in subrule (3) of that Rule."

practice and with reference to the practice of some other overseas legislative assemblies, the President may request any mover of motion(s) or amendment(s) to explain to him the subject matter of the motion(s) or amendment(s) to enable the President to form his judgment on the matter. Regarding the combination of motions or amendment, in the event that there are more than one Member proposing the motions or amendments, the President may designate which Member shall propose it.

10. In addition, **we also propose to amend Rule 57(4)(d)** so that an amendment or a series of two or more amendments to a bill which is in the opinion of the President frivolous or meaningless may not be moved. This reflects the practice adopted in previous President's rulings.

Quorum

11. If a meeting of the Council is adjourned as a result of a lack of quorum, a meeting may be convened if necessary to deal with the unfinished business of the Council. Regarding the arrangement for dealing with the unfinished business arising from a meeting adjourned due to a lack of quorum, it is not clear whether the provision in Rule 14(4) (Days and Hours of Meetings) also applies to a meeting convened for the purpose. Rule 14(4) is a general provision that enables the unfinished business on the Agenda of the Council to continue on another day as ordered by the President. **We propose to amend Rule 14(4) and Rule 17(2)** to provide a deeming provision to enable the President to convene a meeting to complete the unfinished business of a meeting adjourned for a lack of quorum at any hour or on any day before the next scheduled meeting. There is a standing administrative arrangement to avoid upsetting the computation of time for the purpose of scrutinizing subsidiary legislation or legislative instruments as a result of the additional Council meetings during the legislative session.
12. **We also propose to amend Rule 17(3)** to reinstate the arrangement for the counting of the quorum of the Council if there is a lack of quorum in the committee of the whole Council.

Handling of petitions

13. The current procedure for handling petitions was modeled on an old tradition in the Westminster system, which dates back to 1858. While the method to handle petitions in other places has all been changed to expedite following-up by the relevant ministries of the government, the Council procedure in Hong Kong has remained unchanged to this day. We do not intend to propose drastic changes to the procedure but we consider

that updating the procedure is necessary.

14. The present Rule 20 (Petitions), which provides for the referral of a petition to a select committee when no less than 20 Members have risen in support of such referral, has not been updated since 1983. This provision requires updating for two reasons. First, the number of Members required to rise in order to trigger a referral to the select committee was the same as that for forming a quorum for a Council meeting. The two required numbers had all along been the same until 1997, when the quorum for Council meeting was changed to not less than half of the Members (effectively 30 for the First Council) but corresponding amendment to Rule 20 was not made. Secondly, whilst select committee was the only kind of committee to which a referral of a petition could be made in 1983, the committee system in the Council had since then been developed with such sophistication that there are other committees that are capable of taking up such a referral.
15. Today, the quorum of the Council is effectively no less than one half of the membership of the Council. And, given that there are other committees apart from a select committee that are given the responsibilities to handle policy matters, and that the House Committee is the committee that decides how controversial issues and bills are to be handled, **we propose that Rule 20(6) be amended** to provide that if no less than one half of the Members of the Council then rise the petition shall stand referred to the House Committee. **We also propose that subrules (10) and (10A) of Rule 75 (House Committee) should be correspondingly amended** to reflect the House Committee's role in deciding the manner of considering petitions and in reporting to the Council after such consideration is completed. This change would be in line with the established practice that should the House Committee decide that a select committee should be appointed to deal with the matter in the petition, a motion to that effect will be moved in the Council for a decision.

Abuse of procedure

16. Some motions are dilatory motions that are moved for enabling Members to defer decision on a matter. Examples are motions for the adjournment of the Council or of debate. The current provision in Rule 40(3) ensures that no further motion to adjourn a debate can be moved if a motion to that effect has been negatived. This arrangement is not followed in Rule 40(4) in relation to proceedings of a committee of the whole Council. We are aware that there was a ruling made by the Chairman which disallowed a Member's moving of a further motion to adjourn proceedings in a committee of the whole Council subsequent to one that had been

negatived. However it is not explicit in the Rules of Procedure that the President also has such power as that possessed by Speakers in some legislatures overseas. A procedure is usually put in place in these other overseas legislatures where the Speaker may forthwith put the question to adjourn proceedings to vote when he is of the opinion that the dilatory motion is an abuse of procedure. **We propose to amend Rule 40(4)** to enable the President to handle such dilatory motions effectively if it is his opinion that there is an abuse of procedure by not proposing the question thereon or putting it forthwith without debate.

17. The motions to shorten the duration of the ringing of division bell under subrules (4) and (6) of Rule 49 (Divisions) may also be subject to abuse. Motions of this type are procedural motions which are not normally debated. **We propose that Rule 49(4) and (6) be amended** to enable the question on the motion be put and voted on upon its being moved.
18. Another rule which may also be subject to abuse is Rule 38(3) (Occasions when a Member may speak more than once) which allows a Member to speak more than once when the Member claims that a certain part of his speech has been misunderstood. **We propose to amend Rule 38(3)** to make it explicit that the Member should only speak on that part of his speech which has been misunderstood.

Order in the Council and committees

19. The need to extend the application of Rule 45(1) to all committees, apart from just standing or select committees, is becoming imminent. House Committee, for example, is not a standing or select committee, but it is the forum for all Members (except the President) to exchange views on a wide range of issues. Without the power to direct a Member to discontinue his speech if he persists in irrelevant or tedious repetition of arguments, the chairman will have great difficulty in chairing the meeting. The only resort is to order the Member to withdraw immediately from the committee which may not be necessary in some cases. Providing chairmen of all committees with the power in Rule 45(1) would enable them to ensure the orderliness and effectiveness of the meeting without having to resort to exercising the power to order withdrawal of a Member who has behaved in a grossly disorderly manner. **We propose to amend Rule 45(1)** to extend the application of the rule to all committees.
20. We also find it necessary to put beyond doubt that the withdrawal from a meeting of a committee of the whole Council also relates to the Council meeting itself. **We propose to amend subrule (2)** to provide for this.

Role of chairmen of committees

21. At present rules in the Rules of Procedure that empower a committee chairman to determine the time and place of a meeting will at the same time require the giving of a written notice for the meeting to members within a certain timeframe. It is not explicit that this power also includes the power to determine the agenda. We believe that the power to determine the agenda is a power incidental to the general power given to the chairman. For the avoidance of doubt, this power should be provided explicitly in the Rules of Procedure. We are aware that in some cases members of a committee may suggest what items should be included on the agenda of a future committee meeting, such as House Committee and Panels. **We propose to add a new Rule 79C** to reaffirm the power of the chairman of a committee in deciding which items of business should be placed on the agenda and the order in which such items should appear on the agenda.
22. Rule 43 provides that Part H (Rules of Speaking) shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise. As the rules in Part H are to be applied to the proceedings in the Council and a committee of the whole Council, application of these rules to a committee will require necessary modifications. There is no guideline provided on how the chairman should exercise his power under this Rule or in relation to rules in other parts of the Rules of Procedure that govern the operation of a committee. **We propose to add a new Rule 79D** to provide that in relation to any matter not provided for in the practice and procedure of committees all chairmen of committees may apply the Rules of Procedure with necessary modification where he considers that such rules in the Rules of Procedure are relevant.

Procedure for the election of the President

23. Rule 4(1) provides that the President of the Legislative Council is elected by and from among the Members of the Council in accordance with a procedure set out in Schedule 1 to the Rules of Procedure. This is an important procedure and is updated from time to time to address any issue arising from the actual use of the procedure. As the election takes place at a formal meeting of the Council and before there is a President in the Council, we consider it important to provide a more comprehensive procedure which ensures that the election meeting is solely for Members to cast their votes on candidates put before them. No other business such as motions and debates should be allowed, and the meeting cannot be adjourned before all procedures to elect the President are completed. **A revised Schedule 1 to the Rules of Procedure is proposed at Annex C.**

Consultation with Members

24. We are submitting this Proposal to the Committee on Rules of Procedure (“the Committee”) through members of the Committee in accordance with Rule 74(1), following the practice that any proposed changes to the Rules of Procedure ought to be discussed by the Committee. It is our sincere wish that our fellow Members of the Council, irrespective of their political affiliations, would work together to put in place changes to the procedural rules which could enable our Legislature to work effectively and efficiently to meet the needs of our community.

**List of Legislative Council Members in support of
the proposed amendments to certain provisions of
the Rules of Procedure of the Legislative Council
(In alphabetical order)**

1. Hon CHAN Chun Ying	陳振英議員
2. Hon CHAN Hak Kan	陳克勤議員
3. Hon CHAN Han Pan	陳恆鑛議員
4. Hon CHAN Kin Por	陳健波議員
5. Hon Christopher CHEUNG	張華峰議員
6. Hon CHEUNG Kwok Kwan	張國鈞議員
7. Hon Tommy CHEUNG	張宇人議員
8. Hon Ann CHIANG	蔣麗芸議員
9. Hon Holden CHOW	周浩鼎議員
10. Hon Felix CHUNG	鍾國斌議員
11. Hon Junius HO	何君堯議員
12. Hon HO Kai Ming	何啟明議員
13. Hon Stephen HO	何俊賢議員
14. Hon Regina IP	葉劉淑儀議員
15. Hon KWOK Wai Keung	郭偉強議員
16. Hon Jeffrey LAM	林健峰議員
17. Hon Edward LAU	劉國勳議員
18. Hon Kenneth LAU	劉業強議員
19. Hon Starry LEE	李慧琼議員
20. Hon LEUNG Chi Cheung	梁志祥議員
21. Hon Priscilla LEUNG	梁美芬議員
22. Hon Martin LIAO	廖長江議員
23. Hon LO Wai Kwok	盧偉國議員
24. Hon LUK Chung Hung	陸頌雄議員
25. Hon MA Fung Kwok	馬逢國議員
26. Hon Alice MAK	麥美娟議員
27. Hon NG Wing Ka	吳永嘉議員
28. Hon OR Chong Shing	柯創盛議員
29. Hon POON Siu Ping	潘兆平議員
30. Hon Elizabeth QUAT	葛珮帆議員
31. Hon Abraham SHEK	石禮謙議員
32. Hon SHIU Ka Fai	邵家輝議員
33. Hon Michael TIEN	田北辰議員
34. Hon WONG Kwok Kin	黃國健議員

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|-------------------------|-------|
| 35. Hon WONG Ting Kwong | 黃定光議員 |
| 36. Hon Frankie YICK | 易志明議員 |
| 37. Hon YIU Si Wing | 姚思榮議員 |
| 38. Hon YUNG Hoi Yan | 容海恩議員 |

**List of proposed amendments to the Rules of Procedure
(as at 1 October 2017)**

I. Powers and Functions of the President of the Legislative Council

Part A (Members and Officers of the Council)

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.

3. Presiding in Council and in Committee of the whole Council

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

II. President's discretion in selecting and combining amendments

19. The Agenda of the Council

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

- (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.

30. Manner of Giving Notice of Motions and Amendments

- (3) A notice of a motion or an amendment shall be submitted to the President, who shall direct –
- (a) that it be printed in the terms in which it was handed in; or
 - (b) that it be printed with such alternations, which includes those necessitated by the combination of motions or amendments, as he may direct; or
 - (c) that it be returned to the Member who signed it, as being in his opinion out of order; or
 - (d) that it be returned to the Member who signed it:
 - (i) as it has not been selected by the President; or
 - (ii) as it has been combined with another motion or amendment.
- (4) 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 judgment 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.

57. Amendments to Bills

- (4) The following provisions shall apply to amendments relating to bills:
- (d) An amendment or a series of two or more amendments which is in the opinion of the Chairman frivolous or meaningless may not be moved.

III. Quorum

14. Days and Hours of Meetings

- (4) When in the opinion of the President it is necessary for the proper completion of the business on the Agenda of the Council at a meeting of the Council to continue any unfinished business, the President may order that the meeting shall continue at any hour or on any day for that purpose. Where the President so orders at a meeting of the Council,

the meeting shall stand suspended and shall resume for the continuation of business at such hour or on such day.

17. Quorum

- (2) If the attention of the President is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired a quorum is not present, he shall adjourn the Council without question put. The President may call a meeting to complete the unfinished business on the Agenda after the Council has been so adjourned, and should the President consider that such a meeting has to be called the adjournment of the Council under this subrule 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).
- (3) If the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired, a quorum is not then present the Council shall be resumed and the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present the President shall adjourn the Council without question put.

IV. Handling of petitions

20. Presentation of Petitions

- (6) If, immediately after a petition has been presented, a Member rises in his place and requests that the petition be referred to the House Committee, the President shall call upon those Members who support the request to rise in their places. If no less than one half of all Members of the Council then rise the petition shall stand referred to the House Committee.

75. House Committee

- (10) The Committee shall decide the manner of consideration of the following matters -
- (a) any subsidiary legislation, whether or not such subsidiary legislation is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap.1);
 - (b) any other instrument made under any Ordinance;
 - (c) any draft of subsidiary legislation or instrument referred to in paragraph (a) or (b); or
 - (d) a petition referred to it under Rule 20 (6).
- (10A) After the consideration of the subsidiary legislation, other instruments and petition referred to in subrule (10), the committee may present a report to the Council.

V. Abuse of procedure

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

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

49. Divisions

- (4) Immediately after the President has declared the result of a division on an amendment to a motion, or the Chairman has declared the result of a division on any provision of or any amendment to a bill, a Member may

move without notice that in the event of further divisions being claimed in respect of the motion or any amendments thereto, or in respect of any provisions of or any amendments to the bill, the Council or the committee of the Whole Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President or the Chairman shall put the question on that motion without debate.

- (6) Where there is more than one motion in respect of subsidiary legislation or the instrument referred to in Rule 29 (2)(b) (Notice of Motions and Amendments) on the Agenda of the Council (excluding motions referred to in Rule 29(3)) then, immediately after the President has declared the result of a division on any such motion or any amendment thereto, a Member may move without notice that in the event of further divisions being claimed at that meeting in respect of motions on subsidiary legislation or the instrument, or amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President shall put the question on that motion without debate.

38. Occasions when a Member may Speak more than once

- (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 and shall only speak on the part which has been misunderstood.

VI. Order in the Council and committees

45. Order in Council and Committee

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

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

VII. Role of chairmen of committees

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.

79D. Application of the Rules of Procedure and other practices by Chairmen of Committees

In any matter not provided for in the practice and procedure of, or that apply to, a committee, the practice and procedure to be followed by that committee shall be such as provided in the Rules of Procedure that are considered by the chairman of that committee as relevant and should be applied with necessary modification.

Procedure for the Election of the President of the Legislative Council

(Schedule 1, Rules of Procedure)

General

1. The election of the President of the Council shall be conducted at a meeting of the Council.
- 1A. The election shall be held at the first meeting of a new term after Members of the Council have made or subscribed an oath or affirmation in accordance with Rule 1 of the Rules of Procedure and the laws of Hong Kong. If there is a need to elect the President in the middle of a term, the election shall take place at a meeting of the Council conducted for the sole purpose of conducting such election, at which no other business shall be placed on the agenda, with the day it is to be held and the hour it is to begin determined by the President's Deputy as if he were the President for the purpose of Rule 14.

Nominations

2. Not less than 7 clear days before the day of the election, the Clerk to the Council shall invite Members to make nominations for the office of President and distribute the nomination forms as provided in Annex I.
3. A nomination form for the office of President shall be signed by a Member making the nomination and by at least three other Members seconding the nomination. The Member being nominated shall sign on the form to indicate acceptance of the nomination and to declare that he or she is qualified to become the President under Article 71 of the Basic Law and Rule 4(2) of the Rules of Procedure. The completed nomination form shall reach the Clerk's office at least 4 clear days before the day of the election.
4. The name of a Member shall not appear on more than one nomination form, whether in the capacity as a Member being nominated, or as a Member making the nomination, or as a Member seconding the nomination. In the event that a Member's name appears on more than one nomination form (whether in the capacity as a Member being nominated or as a Member making the nomination, or as a Member seconding the nomination), only the first such nomination form received by the Clerk's office shall be valid and the Clerk shall immediately return any invalid

form to the Member who made the nomination.

5. Upon the close of the nomination period, the Clerk shall prepare a list of all the nominations in the order of receipt by his office and shall distribute the list to all the Members of the Council at least 2 clear days before the day of the election.

Election

6. The Member present who has the longest continuous service in the Council as determined in accordance with Rule 1A shall be the Member presiding over the election of the President (“Presiding Member”), whose powers and functions are limited to chairing the meeting to elect the President in accordance with Rule 4(1) of the Rules of Procedure and this Schedule.
7. If the Member who has the longest continuous service under paragraph 6 above is being nominated for the office of President or is unable to act, the Member who is next in the order of precedence of Members and who is not being nominated for the office shall be the Presiding Member.
- 7A. The Presiding Member may only adjourn the Council after he has declared the name of the candidate who has been elected as the President. Where it is necessary for the Presiding Member to suspend the meeting, the meeting shall resume not later than one hour after the meeting was suspended. No further suspension may be ordered before all procedures to elect the President are completed.
- 7B. No speech or debate shall be allowed throughout the entire election process. Where a Member has raised a point of order, the point of order shall forthwith be ruled upon by the Presiding Member without debate. Where the Presiding Member considers that there is an abuse of the procedure, he may refuse to allow any Member to raise any point of order.
8. Upon the Presiding Member assuming the chair, the election of the President shall commence. The Presiding Member shall announce all the valid nominations that the Clerk’s office has received.
9. If there is only one valid nomination for the office of President, the Presiding Member shall announce this and declare the candidate elected.
10. If there are two or more valid nominations, the Presiding Member shall order a vote by secret ballot and shall direct the Clerk to distribute to each of the Members present a ballot paper which shall be in accordance with the form in Annex II. The names of all the candidates shall be listed in the

ballot paper according to the order of receipt of their nominations by the Clerk's office.

11. A Member present who wishes to vote shall mark a " " only in the box opposite the name of the candidate of his choice on the ballot paper, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with more than a " " shall be discarded.
12. After all the Members present who wish to vote have cast their votes, the Clerk shall count the ballot papers in front of all the Members present and report the result to the Presiding Member who shall check the result for confirmation.
13. The Presiding Member shall declare elected as the President the candidate who receives the highest number of votes among all the candidates.
14. If two or more candidates receive the same highest number of votes, the Presiding Member shall order a second round of voting at the same meeting in respect of these candidates, to be conducted in the same manner as provided in paragraphs 10 to 13 above.
15. If no one candidate obtains more votes than any other candidate in the second round of voting, the Presiding Member shall announce that lots will be drawn by him to decide which of the candidates should be the President.
16. The Presiding Member shall then draw lots and, in accordance with the result of the drawing of the lots, forthwith declare that candidate elected as the President.
17. The Presiding Member shall then step down to make way for the President, who may address the Council and shall then adjourn the Council.

附錄 II
Appendix II
立法會CROP 8/17-18號文件
LC Paper No. CROP 8/17-18

Committee on Rules of Procedure
Hon Paul TSE Wai-chun, JP
(By hand)

18 October 2017

Dear Chairman,

Members of the Democratic Camp have long been considering how to amend the Rules of Procedure of the Legislative Council in order to bring the rules and procedures up to date and in line with the needs of Hong Kong as a modern and democratic society in the 21st Century.



The proposed amendments include, inter alia, the following considerations and directions:

- to enable better access for disabled persons or persons with special needs;
- to restrain the arbitrary use of power by the LegCo President;
- to enable better access to LegCo information by the public and the media;
- to streamline procedures in order to make them more transparent and accountable;
- to ensure no members will be discriminated against by reason of their family position or sex;
- to enshrine the fundamental rights and freedoms of the Hong Kong people as stipulated in the Basic Law; and
- to enable the Legislative Council to better exercise its powers to hold the executive authorities to account.

The proposed amendments are summarised in detail in the Annex attached to this letter. We would like to submit the same to CROP for its consideration, and would be happy to listen to any views and/or comments which members may have. We are open

to change and/or amend any of these proposals if necessary in due course.

Yours faithfully,



Alvin Yeung

Dennis Kwok



Kenneth Leung

Members of the Committee on Rules of Procedure

c.c. Mr. Daniel SIN (By Fax: 2840 0269)

擬修訂之議事規則條目大綱

	修改內容	涉及修改／增加之條文
1.	要求首席大法官監誓	第 1 條
2.	議員獲批准宣誓，但其後卻被有關機關判斷為失效，有關議員應享有其於立法會工作的酬金、福利及各類實報實銷開支。	第 1 條
3.	議員的排名無需以連續擔任年期	第 1A(1)條
4.	以議員的得票作排名準則	第 1A(2)條
5.	議員應尊重市民的基本權利	第 1B 條
6.	加入手語作為法定語言	第 2 條
7.	可以用手語主持會議	第 2 條
8.	立法會主席的職責是必須平衡立法會中多數人與少數人的權益	第 3(1A)條
9.	立法會主席應時刻保持和維護立法會的自主權	第 3A 條
10.	立法會主席須由過去 7 年在外國無居留權的香港特別行政區永久性居民中的中國公民擔任	第 4 條
11.	立法會主席須由地區直選議員擔任	第 4 條
12.	內務委員會主席須由地區直選議員擔任	第 5 條
13.	加入會議錄像作為官方文件	第 6 條
14.	縮短立法會文件覆檢年期	第 6(5A)(a)條
15.	為委員會及小組委員會增加副秘書	第 6(7)條
16.	加入助理秘書協助秘書	第 6(9)條
17.	法律顧問須向所有議員提供意見	第 7(2)條
18.	增加助理法律顧問	第 7(3)條
19.	立法會、立法會轄下任何委員會、小組委員會或議員可邀請行政長官出席會議	第 8 條
20.	設書面預告期通知立法會、財委會及轄下小組所出席之官員	第 9 條
21.	邀請外國政要出席立法會會議	第 9A 條
22.	確保大會會議公開進行	第 11 條
23.	行政長官須在第一次立法會會議發表施政報告	第 13(1A)條
24.	會議書面預告日子由 14 天減少至 12 天	第 14(2)條
25.	立法會主席不能提前召開會議日期及時間	第 14(3)條

26.	兩會期間照常開會	第 14(6)條
27.	需要全體立法會議員三分之二同意召開特別會議	第 15(2)條
28.	家庭友善議會	第 17A 條
29.	須確保立法會議員有足夠資源履行職務	第 83AA 條
30.	傷健共融	第 86A 條
31.	確保委員會及小組委員會公開進行	第 79C 條
32.	確保立法會不受執法機關干預	第 45A 條
33.	若《議事規則》未有言明，立法會主席可向議事規則委員會諮詢	第 92 條
34.	修正議事規則中的異體字	第 1, 4, 12-15 條

立法會 Legislative Council

1

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017年11月
15日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15 Nov, 2017.



簽署
Signature:

[Handwritten Signature]

姓名
Name:

楊岳橋

聯絡人姓名
Name of contact person:

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日期
Date:

18-10-2017

Appendix

**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 3A added

After Rule 3—

Add

“3A. Autonomy of the Council

The President, in discharging of his duties, shall preserve and defend the autonomy of the Legislative Council at all times.”.

2. Rule 45A added

After Rule 45—

Add

“45A. Power to Administer Internal Affairs and Police Power

The power to administer internal affairs and the police power within the Council shall be vested in the Council. Law enforcement agencies shall not enter the Council unless so decided by a two-thirds majority of the Members. In case of emergency, the President may decide in his own right.”.

3. Rule 79C added

After Rule 79B—

Add

“79C. Committee and Subcommittee Meetings be Held Openly

Notwithstanding Rule 88, all meetings of the committee and subcommittee shall be conducted in an open manner, except those held by the Legislative Council Commission, the Committee on the Rules of Procedures, customarily held in camera or otherwise as required by the Rules of Procedures or by law. If a meeting is to be held in camera, it shall be so decided by two-thirds majority of the Members of that committee or subcommittee.”.

4. Rule 92 amended (Procedure if Rules of Procedure do not Provide)

Rule 92, after “if he thinks fit,”—

Add

“consult the Committee on Rules of Procedure and”.

《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 3A 條

在第 3 條之後——

加入

“3A. 立法會的自主權

立法會主席在執行職務時，須時刻保持和維護立法會的自主權。”。

2. 加入第 45A 條

在第 45 條之後—

加入

“45A. 內務權和警察權

立法會主席在立法會大樓內行使內務權和警察權，任何執法機關未經許可不得進入立法會大樓。如有必要讓執法機關進入，須得到全體立法會議員三分之二的多數同意。立法會主席可在緊急情況下作決定。”。

3. 加入第 79C 條

在第 79B 條之後—

加入

“79C. 委員會及小組委員會公開會議

儘管議事規則第 88 條有所規定，立法會轄下委員會及小組委員會的會議，除行政管理委員會、議事規則委員會的會議、按照慣例通常以閉門形式進行的會議、或由議事規則或其他有關法律另有規定外，須公開舉行。若舉行閉門會議，須先得到委員會或小組委員會全部委員三分之二的同意方可舉行。”。

4. 修訂第 92 條(議事規則未有規定的程序)

第 92 條，在“如立法會主席認為適合，可”之後——

加入

"諮詢議事規則委員會及"。

立法會 Legislative Council

2

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017 年 11 月 15 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15/11/2017.



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Signature:

陳淑莊

姓名
Name:

陳淑莊

聯絡人姓名
Name of contact person:

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聯絡人的聯絡資料
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(電郵地址)
(e-mail address)

日期
Date:

18-10-2017

Appendix

**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 4 amended (Election of President)**

Rule 4(2), after “20 years.”—

Add

“The President must be a Member elected from the geographical constituency.”.

2. **Rule 6 amended (Duties of the Clerk)**

Rule 6(5A)(a)—

Repeal

“25 years”

Substitute

“20 years”.

3. **Rule 6 amended (Duties of the Clerk)**

After Rule 6(8) —

Add

“(9) The Deputy Clerk shall assist the Clerk in discharge of his duties under Rules 6(1) to (8).”.

4. **Rule 83AA amended (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds)**

Repeal

“When making a claim for reimbursement of operating expenses or applying for advance of operating funds in accordance with A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council, or acting for purposes related thereto, a Member shall -

- (a) ensure that any information provided or any declaration or certification made is true, accurate and complete; and
- (b) act according to any undertaking that he has given.”

Substitute

“(1) When making a claim for reimbursement of operating expenses or applying for advance of operating funds in accordance with A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council, or acting for purposes related thereto, a Member shall -

- (a) ensure that any information provided or any declaration or certification made is true, accurate and complete; and
- (b) act according to any undertaking that he has given.

(2) The Clerk must ensure that Members are provided with the necessary facilities and resources within the Legislative Council for the proper execution of their duties.”.

《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. 修訂第 4 條(立法會主席的選舉)

第 4(2)條，在“擔任。”之後——

加入

“立法會主席須由地區直選議員擔任。”。

2. 修訂第 6 條 (立法會秘書的職責)

第 6(5A)(a)條—

廢除

“25 年”

代以

“20 年”。

3. 修訂第 6 條 (立法會秘書的職責)

在第 6(8)條之後—

加入

“(9) 立法會助理秘書須協助秘書執行其根據本議事規則第 6(1)至(8)條的職務。”。

4. 修訂第 83AA 條 (申請發還工作開支或申請預支營運資金)

廢除

“議員根據《立法會議員申請發還工作開支的指引》申請發還工作開支或申請預支營運資金，或就與此有關的目的行事時，必須 -

(a) 確保提供或作出的任何資料、申報／聲明或證明是真實、準確及詳盡的；及

(b) 依照他已作出的任何承諾行事。”

代以

“(1) 議員根據《立法會議員申請發還工作開支的指引》申請發還工作開支或申請預支營運資金，或就與此有關的目的行事時，必須 -

(a) 確保提供或作出的任何資料、申報／聲明或證明是真實、準確及詳盡的；及

(b) 依照他已作出的任何承諾行事。

(2) 立法會秘書必須確保立法會議員在立法會內獲得必要的設施和資

源，以妥善履行職務。”。

3

立法會 Legislative Council

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017 年 11 月 15 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15 Nov, 2017.



簽署
Signature:

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Wu Chi Wei

聯絡人姓名
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日期
Date:

18-10-2017

Appendix

**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 1A amended (Precedence of Members)

- (1) Rule 1A(1), after “according to the” —

Repeal

“continuous”.

- (2) Rule 1A(1), after “period of time for which he has held office in the Council” —

Repeal

“,”

Substitute

“whilst it is not necessary for him to hold office for a continuous period of time; when more than one Member has held office for the same period of time, ”.

- (3) Rule 1A(2), after “two or more Members who have held office for an equal” —

Repeal

“continuous”.

2. Rule 1A amended (Precedence of Members)

- (1) Rule 1A(2)—

Repeal

“As”

Substitute

“Subject to Rule 1A(1), as”.

- (2) Rule 1A(2), after “precedence shall be given to the one who”—

Add

“has received more votes in the election; if two or more members have received the same number of votes, precedence shall be given to the one who”.

3. Rule 7 amended (Counsel to the Legislature)

- Rule 7(2), after “the President”—

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

After Rule 14(5)——

Add

“(6) Meetings of the Council shall continue to be held during the annual plenary sessions of the National People's Congress and the Chinese People's Political Consultative Conference unless the President orders otherwise.”.

《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. 修訂第 1A 條 (議員的排名)

- (1) 第 1A(1)條，在 “立法會議員的排名序按” 之後 ——
廢除
“連續” 。
- (2) 第 1A(1)條，在 “擔任立法會議員的時間而定” 之後——
廢除
“；”
代以
“，擔任時間不一定需要連續；惟若時間相同，則” 。
- (3) 第 1A(2)條，在 “如有兩名或以上議員” 之後 ——
廢除
“連續” 。

2. 修訂第 1A 條 (議員的排名)

- (1) 第 1A(1)條，在 “如有兩名或以上議員” 之前 ——
加入
“除議事規則第 1A (1) 條另有規定外，” 。
- (2) 第 1A(1)條，在 “則根據” 之後——
加入
“選舉時所得票數作排名，以較高者為先，若仍然相同則以” 。

3. 修訂第 7 條 (立法機關法律顧問)

- 第 7(2)條，在 “向立法會主席” 之後——
加入
“、立法會議員” 。

4. 修訂第 14 條 (會議日期及時間)

- 在第 14 (5) 條之後—
加入
“(6) 立法會須在中華人民共和國全國人民代表大會會議和中國人民政治協商會議全國委員會進行期間繼續召開會議，惟主席另有命令者除外。” 。

立法會 Legislative Council

4

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017 年 11 月 15 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15 NOV 2017.



簽署
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Charles Mok

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聯絡人姓名
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(fax no.)

(電郵地址)
(e-mail address)

日期
Date:

18-10-2017

**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 6 amended (Duties of the Clerk)**

Rule 6(5), after "records,"—

Add

"video recording,".

2. **Rule 8 amended (Attendance of the Chief Executive)**

(a) Rule 8(b) —

Repeal

"and";

(b) Rule 8(c) —

Repeal

","

Substitute

"and".

(c) Rule 8, after paragraph (c)

Add

"(d) upon the invitation of the Council, any committee, subcommittee or Member."

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

Rule 14(3)—

Repeal

", or to an earlier day or hour"

4. **Rule 1 amended (Oath or Affirmation)**

(a) Rule 1, Chinese text—

Repeal

“凡舉行”

Substitute

“凡舉行”.

(b) Rule 1, Chinese text—

Repeal

“換屆選舉後”

Substitute

“換屆選舉後”。

5. Rule 4 amended (Election of President)

(a) Rule 4, subtitle in Chinese text——

Repeal

“立法會主席的選舉”

Substitute

“立法會主席的選舉”。

(b) Rule 4(4), Chinese text, after “因應該次立法會會議而”——

Repeal

“舉行”

Substitute

“舉行”。

6. Rule 12 amended (First Meeting of Term)

(a) Rule 12(2) ——

Repeal

“(立法會主席的選舉)”

Substitute

“(立法會主席的選舉)”。

(b) Rule 12(2), Chinese text, after “程序進行” ——

Repeal

“立法會主席的選舉”

Substitute

“立法會主席的選舉”。

7. Rule 13 amended (The Chief Executive’s Policy Address)

Rule 13(1), Chinese text——

Repeal

“舉行”

Substitute

“舉行”。

8. Rule 14 amended (Days and Hours of Meetings)

Rule 14—

Rule 14(2), Chinese text—

Repeal

"舉行"

Substitute

"舉行".

9. Rule 15 amended (Meetings for Urgent Business)

(a) Rule 15(1), Chinese text, after "解散之後的期間" —

Repeal

"舉行"

Substitute

"舉行".

(b) Rule 15(1), Chinese text, after "會議應在指明" —

Repeal

"舉行"

Substitute

"舉行".

(c) Rule 15(1), Chinese text, after "立法會議員的換屆" —

Repeal

"選舉"

Substitute

"選舉".

《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. 修訂第 6 條(立法會秘書的職責)

第 6(5)條，在“紀錄、”之後——

加入

“會議錄像、”。

2. 修訂第 8 條(行政長官出席會議)

(a) 第 8(b)條—

廢除

“及”;

(b) 第 8(c)條—

廢除

“;

代以

“及”。

(c) 第 8 條，在 (c) 段之後—

加入

“(d) 受立法會、立法會轄下任何委員會、小組委員會或議員邀請。”。

3. 修訂第 14 條 (會議日期及時間)

第 14(3)條—

廢除

“或提前”。

4. 修訂第 1 條 (宗教式或非宗教式宣誓)

(a) 第 1 條—

廢除

“凡舉行”

代以

“凡舉行”。

(b) 第 1 條—

廢除

“換屆選舉後”

代以

“換屆選舉後”。

5. 修訂第 4 條 (立法會主席的選舉)

(a) 第 4 條，標題——

廢除

“立法會主席的選舉”

代以

“立法會主席的選舉”。

(b) 第 4(4) 條，在 “因應該次立法會會議而” 之後——

廢除

“舉行”

代以

“舉行”。

6. 修訂第 12 條 (每屆任期的首次會議)

(a) 第 12(2) 條，在 “第 4 條” 之後——

廢除

“(立法會主席的選舉)”

代以

“(立法會主席的選舉)”。

(b) 第 2 條，在 “程序進行” 之後——

廢除

“立法會主席的選舉”

代以

“立法會主席的選舉”。

7. 修訂第 13 條 (行政長官發表施政報告)

第 13(1) 條——

廢除

“舉行”

代以

“舉行”。

8. 修訂第 14 條 (會議日期及時間)

(a) 第 14(1) 條——

廢除

"舉行"

代以

"舉行"。

- (b) 第 14(2)條——

廢除

"舉行"

代以

"舉行"。

9. 修訂第 15 條 (處理急切事項的會議)

- (a) 第 15(1)條，在“解散之後的期間”之後——

廢除

"舉行"

代以

"舉行"。

- (b) 第 15(1)條，在“會議應在指明”之後——

廢除

"舉行"

代以

"舉行"。

- (c) 第 15(1)條，在“立法會議員的換屆”之後——

廢除

"選舉"

代以

"選舉"。

5

立法會 Legislative Council

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017 年 11 月 15 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15 NOV, 2017.



簽署
Signature:

[Handwritten Signature]

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Name:

CHAN CHI CHUEN

聯絡人姓名
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日期
Date:

18-10-2017

Appendix

**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. Fundamental Rights

All Members of the Council (including the President), in carrying out their duties at the Council, shall respect the fundamental rights of Hong Kong Residents enshrined in Chapter III of the Basic Law and give due consideration to the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other applicable international human rights instruments.”.

2. Rule 2 amended (Language)

After “A Member may address the Council”—

Add

“or chair a meeting”.

3. Rule 4 amended (Election of President)

Rule 4(2), after “any foreign country”—

Add

“for the past 7 years,”.

4. Rule 9A added

After Rule 9—

Add

“9A. Foreign Dignitaries

The Council may invite foreign dignitaries to attend meetings of the Council, any committee or subcommittee thereof from time to time when the President thinks fit.”.

《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. 基本權利

任何議員（包括主席）在履行立法會職務時，必須尊重《基本法》第三章所訂明香港居民的基本權利，以及充分考慮《公民權利和政治權利國際公約》、《經濟、社會與文化權利的國際公約》和有關國際人權文書的條文。”。

2. 修訂第 2 條(語文)

第 2 條，在“議員在立法會發言”之後——

加入

“或主持會議”。

3. 修訂第 4 條 (立法會主席的選舉)

第 4(2)條，在“連續滿 20 年並在”之後——

加入

“過去 7 年在”。

4. 加入第 9A 條

在第 9 條之後——

加入

“9A. 外國政要

如果主席認為恰當，立法會可以不時邀請外國政要參與立法會會議、立法會轄下任何委員會或小組委員會。”。

立法會

Legislative Council

6

致 : 立法會秘書
To : Clerk to the Legislative Council

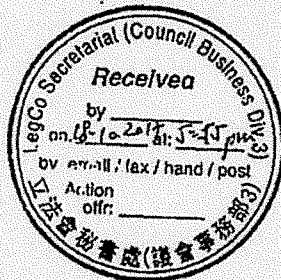
(傳真號碼 Fax No : 2537 1204)

議員作出議案預告

Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017 年 11 月 15 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15 Nov 2017.



簽署
Signature:

梁繼昌

姓名
Name:

梁繼昌

聯絡人姓名
Name of contact person:

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日期
Date:

18-10-2017

Appendix

**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 6 amended (Duties of the Clerk)

Rule 6(7), after “with a clerk” —

Add

“and, unless the Clerk orders otherwise, a deputy clerk”.

2. Rule 9 amended (Attendance of Public Officers)

Rule 9(2), after “a subcommittee of the Finance Committee” —

Add

“ and shall give notice of the item(s) in writing to the Clerk not less than six clear days before the meeting, but shorter notice may be given if the Chairman of the Finance Committee so directs under exceptional circumstances ”.

3. Rule 14 amended (Days and Hours of Meetings)

Rule 14(2) —

Repeal

“14 clear days before the meeting”

Substitute

“12 clear days before the meeting”.

《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. 修訂第 6 條 (立法會秘書的職責)

第 6(7)條，在 “一名秘書” 之後—

加入

“及(除非立法會秘書另有指示)一名副秘書” 。

2. 修訂第 9 條(官員列席會議)

第 9(2)條，在 “向立法會秘書作出預告” 之後—

加入

“，並須在該次會議日期不少於 6 整天前以書面向立法會秘書作出預告，但在特殊情況下如財務委員會主席另有指示，可給予較短時間的預告” 。

3. 修訂第 14 條 (會議日期及時間)

第 14(2)條，在 “須由立法會秘書於會議日期最少” 之後—

廢除

“14 整天前發給各議員”

代以

“12 整天前發給各議員” 。

7

立法會 Legislative Council

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017年11月
15日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice
of my intention to move the motion in the Appendix at the Legislative Council meeting
of 15 NOV, 2017.



簽署
Signature:

[Handwritten Signature]

姓名
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張超雄

聯絡人姓名
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(電郵地址)
(e-mail address)

日期
Date:

18-10-2017

Appendix

**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 2 amended (Language)**

Rule 2, after “either”——

Add

“sign language”.

2. **Rule 5 amended (President's Deputy)**

Rule 5(1), after “President's deputy.”——

Add

"The chairman of the House Committee must be a Member elected from the geographical constituency."

3. **Rule 15 amended (Meetings for Urgent Business)**

Rule 15(2), after “at such hour as he may specify”——

Add

"or he shall call a special meeting if so decided by a two-thirds majority of the Members".

4. **Rule 86A added**

After Rule 86——

Add

“86A. Inclusion Policy

The Council considers access and inclusion as a priority and aims to make the Council accessible to disabled Members of the Council, staff and visitors. No Member shall be prevented from carrying out his duties at the Council by reason of his or her disability.”.

《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. 修訂第 2 條(語文)

第 2 條，在“可用”之後——

加入

“手語”。

2. 修訂第 5 條(立法會代理主席)

第 5(1)條，在“擔任。”之後——

加入

“內務委員會主席須由地區直選議員擔任。”。

3. 修訂第 15 條 (處理急切事項的會議)

第 15 條—

第 15(2)條，在“召開特別會議”之後—

加入

“，或須在獲得全體議員三分之二同意下召開特別會議”。

4. 加入第 86A 條

在第 86 條之後—

加入

“86A. 傷健政策

立法會以可達度和共融性為優先考慮範疇，目的是讓傷健立法會議員、工作人員和公眾人士均能進出立法會。任何立法會議員不會因為其身體障礙而被妨礙執行其立法會職務。”。

立法會

Legislative Council

8

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告

Notice of Motion by Member

15 謹按照《議事規則》第29(1)條作出預告，本人擬在 2017 年 11 月 15 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15 Nov 2017.



簽署
Signature:

譚文豪

姓名
Name:

譚文豪

聯絡人姓名
Name of contact person:

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(e-mail address)

日期
Date:

18-10-2017

Appendix

**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 11A added (Council Meetings be Held Openly)

After Rule 11 —

Add

“11A. Council Meetings be Held Openly

All meetings of the Council shall be conducted in an open manner, subject to Rule 88 or otherwise as required by the Rules of Procedures or by law.”.

2. Rule 13 amended (The Chief Executive shall deliver a Policy)

Rule 13(1A), after “The Chief Executive shall deliver a Policy Address to the Council”—

Repeal

“, if he so wishes,”

3. Rule 17A added

After Rule 17 —

Add

“17A. Family Friendly

No member, male or female, will ever be prevented from participating in meetings of the Council by reason of having the care of a minor under the age of three.”.

《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 11A 條
在第 11 條之後—
加入
“11A. 立法會會議為公開會議
立法會的會議，除議事規則第 88 條、其他議事規則條文或其他有關法律另有規定外，須公開舉行。”。
2. 修訂第 13 條（行政長官發表施政報告）
第 13（1A）條，在“行政長官”之後——
廢除
“可隨其意願”
3. 加入第 17A 條
在第 17 條之後—
加入
“17A. 家庭友善
任何立法會議員（不論性別）不會因為需要照顧未滿 3 歲的小童而妨礙其出席立法會會議。”。

立法會

Legislative Council

(9)

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告

Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在2017年11月15日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of 15 NOV 2017.

簽署
Signature



姓名
Name:

郭榮鏗

郭榮鏗

聯絡人姓名
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[REDACTED]
(電郵地址)
(e-mail address)

日期
Date:

18-10-2017

Appendix

**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 1 amended (Oath or Affirmation)

Rule 1, after “the Oaths and Declarations Ordinance (Cap. 11)” —

Add

“under the supervision of the Chief Justice”.

2. Rule 1 amended (Oath or Affirmation)

Rule 1, after “before he attends a meeting or votes in the Council.” —

Add

“In case an oath or affirmation subscribed by a Member is approved by the Clerk or the President or any member acting in the President’s place but invalidated by a competent authority thereafter, the Member shall be entitled to the remuneration, benefits for and various kinds of reimbursements for expenses arising from his work carried out at the Legislative Council.”.

3. Rule 3 amended (Presiding in Council and in Committee of the Whole Council)

After Rule 3(1) —

Add

“(1A) The duties of the President require the balancing of the rights and interests of the majority and minority in the Council and that the interests of all parts of the Council are advocated and protected against the use of arbitrary authority.”.

4. Rule 7 amended (Counsel to the Legislature)

After Rule 7(2) —

Add

“(3) The Deputy Counsel shall assist the Counsel to the Legislature in discharge of his duties under Rules 7(1) and (2)”.

《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. 修訂第 1 條(宗教式或非宗教式宣誓)

第 1 條，在“《宣誓及聲明條例》(第 11 章)的規定”之後——
加入
“及首席大法官監督下”。

2. 修訂第 1 條(宗教式或非宗教式宣誓)

第 1 條，在“亦須遵照本條規則再次宣誓。”之後——
加入
“假如秘書、主席或代主席行事的議員批准某議員的宣誓，但其後卻被有關機關判斷為失效，有關議員應享有其於立法會工作的酬金、福利及各類實報實銷開支。”。

3. 修訂第 3 條 (主持立法會及全體委員會會議)

在第 3(1)條之後——
加入
“(1A) 立法會主席的職責是必須平衡立法會中多數人與少數人的權益，並確保立法會各方面的利益得到倡議與保障，不會被任意濫用的權力損害。”。

4. 修訂第 7 條 (立法機關法律顧問)

在第 7 (2) 條之後——
加入
“(3) 立法會助理法律顧問須協助立法機關法律顧問執行其根據本議事規則第 7(1)及(2)條的職務。”。

表格編號 Form No. CB(3)-6

立法會 Legislative Council

附錄 III
Appendix III

立法會CROP 25/17-18號文件
LC Paper No. CROP 25/17-18

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2537 1204)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在2017年11月15日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of _____.



簽署
Signature:

陳志全

姓名
Name:

聯絡人姓名
Name of contact person:

[Redacted]

聯絡人的聯絡資料
Contact details of contact person:

25439500

(辦公室電話號碼)
(office tel. no.)

(手提電話號碼)
(mobile tel. no.)

(傳真號碼)
(fax no.)

(電郵地址)
(e-mail address)

日期
Date:

19-10-2017

(9/2012)

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

議決修訂《香港特別行政區立法會議事規則》——

(a) 在第 24 條中——

(i) 廢除第 (4) 款而代以——

“(4) 每次會議可提出不多於二條無經預告的質詢，每名議員可在每一會期作出不多於一條無經預告的質詢，如主席信納有關議員已經或將會私下向政府作出充分的預告，以便政府能答覆該質詢，則可批准該議員無經預告而提出該質詢。”。

BASIC LAW OF THE HONG KONG SPECIAL
ADMINISTRATIVE REGION OF THE PEOPLE'S
REPUBLIC OF CHINA

RESOLUTION OF THE LEGISLATIVE COUNCIL

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

Resolved that the Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region be
amended—

(a) in Rule 24—

(i) by repealing subrule (4) and substituting—

“(4) Not more than two questions without notice may be asked at any one meeting, and a member may ask not more than one question without notice in a session, the President may permit the question to be asked without notice, if he is satisfied that sufficient private notice of the question has been or is to be given by the Member concerned to the Government to enable the question to be answered.”.

表格編號 CB(3)-6
Form No.

立法會 Legislative Council

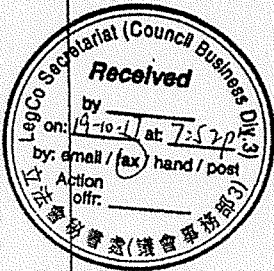
致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2810 1691)

議員作出議案預告 Notice of Motion by Member

謹按照《議事規則》第29(1)條作出預告，本人擬在 2017年11月
15日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice
of my intention to move the motion in the Appendix at the Legislative Council meeting
of 15 NOV, 2017



簽署
Signature:

[Signature]
郭永健

姓名
Name:

聯絡人姓名
Name of contact person:

[Redacted]

聯絡人的聯絡資料
Contact details of contact person:

28118076
(辦公室電話號碼)
(office tel. no.)

[Redacted]
(手提電話號碼)
(mobile tel. no.)

28155509
(傳真號碼)
(fax no.)

[Redacted]
(電郵地址)
(e-mail address)

日期
Date:

19/10/2017

(9/2016)

《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. 修訂第 24 條 (質詢預告)

第 24(4)條，在“如議員以事項性質急切”之後—

廢除

“及”

代以

“或”。

2. 修訂第 44 條 (主席決定為最終決定)

第 44 條，在“最終決定。”之後—

加入

“若有超過一位議員反對主席某一項決定，主席須容許議員發言申述理據。主席須要就議員的反對作出解釋並記錄在案，而該決定並不能成為同類決定的先例。”。

3. 修訂第 71 條 (財務委員會)

第 71(SA)條，在“法定人數為”之後—

廢除

“主席加上 8 名委員”

代以

“包括主席在內委員人數的三分之一(整數後的分數不計)。”。

4. 修訂第 75 條 (內務委員會)

第 75(12A)條，在“包括主席在內”之後—

廢除

“的 20 名委員”

代以

“委員人數的三分之一(整數後的分數不計)。”。

**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 24 amended (Notice of Questions)

Rule 24(4), after “If a Member asks the permission of the President to ask a question without notice on the ground that it is of an urgent character” —

Repeal

“and”

Substitute

“or”.

2. Rule 44 amended (Decision of Chair Final)

Rule 44, after “shall be final.” —

Add

“If any decision is objected by more than one Member, the President or the Chairman shall allow the Members to explain the objection. The President or the Chairman shall then explain his decision and the explanation should be put on record. The decision shall not be binding on later decisions.”

3. Rule 71 amended (Finance Committee)

Rule 71(5A), before “shall form a quorum of the committee.” —

Repeal

“The chairman and 8 other members ”

Substitute

“One third of the number of the Members (a fraction of the whole number being disregarded), including the chairman,”.

4. Rule 75 amended (House Committee)

Rule 75(12A), before “, including the chairman.” —

Repeal

“20 members.”

Substitute

“One third of the number of the members (a fraction of the whole number being disregarded)”.

傳真：3151 7052

（傳真及專人送遞）

2017 年 10 月 27 日

立法會

議事規則委員會

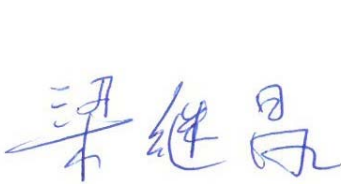
謝偉俊主席：

就 38 名議員建議修改《議事規則》提出的修訂建議

38 名議員就《議事規則》提出了多項修訂，這些修訂將對立法會大會、財務委員會及多個委員會的運作造成重大影響。經詳細審閱後，我們認為大部份的修訂建議都需要作進一步的修訂，以避免對立法會的運作造成不可挽回的影響。

來函謹附上我們對 38 名議員的修訂建議所作的再修訂建議（見附件）。我們要求 主席閣下能作出安排，於即將舉行的議事規則委員會會議上，能在討論相關議程時一併討論後述所列出的修訂建議。

委員會成員




梁繼昌議員



郭榮鏗議員



楊岳橋議員



涂謹申議員

謹啟

1B. 立法會主席

原議案修訂：

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》。

建議修訂一：

立法會設有立法會主席一職，**立法會主席在執行職務時，須時刻保持和維護立法會的自主權**，其職權載於《基本法》第七十二條、香港法律及本《議事規則》。

3. 主持立法會及全體委員會會議

原議案修訂：

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

建議修訂一：

立法會設有立法會主席一職，主席的職責是必須平衡立法會中多數人與少數人的權益，並確保立法會各方面的利益得到倡議和保障，不會被任意濫用的權力損害。主席如出席立法會或全體委員會會議，並認為其能執行主席職務，須主持立法會會議或擔任全體委員會主席。

14. 會議日期及時間

原議案修訂：

(4) 立法會主席如認為為了在立法會會議上適當地處理完議程上的各項事務，有必要另擇一天繼續處理未完事項，則可命令於任何時間或任何一天另擇一天繼續為此目的舉行會議。凡立法會主席在立法會會議上作此命令，當天該天會議須暫停舉行，並須於該另擇一時間或該天天復會繼續處理有關事項。

建議修訂一：

(4) 立法會主席如認為為了在立法會會議上適當地處理完議程上的各項事務，有必要另擇一天繼續處理未完事項，則可命令於 **另任何時間或任何一曆日任何時間**天另擇一天繼續 **為此目的**舉行會議。凡立法會主席在立法會會議上作此命令，當天 **該天**會議須暫停舉行，並須於該 **選定日子（但不包括會議暫停當天）及**另擇一時間 **或該天**天復會繼續處理有關事項。

17. 會議法定人數

原議案修訂：

如出席會議的議員不足法定人數，而有人向立法會主席提出此事，立法會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，立法會主席即無須付諸表決而宣布休會待續。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而休會待續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，根據此款規定而休會待續的立法會會議，須當作是被命令暫停的會議，可按規則第 14(4) 條的規定，於立法會主席命令的時間或日期復會繼續處理有關事項。

建議修訂一：

(2) 如出席會議的議員不足法定人數，而有人向立法會主席提出此事，立法會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，立法會主席即無須付諸表決而宣布休會待續。立法會主席如在下一次會議前收到分區直接選舉組別及功能團體組別均過半數議員去信要求，可召開會議，以完成在任何一天因會議不足法定人數而休會待續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，~~根據此款規定而休會待續的立法會會議，須當作是被命令暫停的會議，可按規則第 14(4) 條的規定，於立法會主席命令的時間或日期復會繼續處理有關事項。

建議修訂二：

(2) 如出席會議的議員不足法定人數，而有人向立法會主席提出此事，立法會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，立法會主席即無須付諸表決而宣布休會待續。立法會主席如在下一次會議前收到全體議員三分之二多數去信要求，可召開會議，以完成在任何一天因會議不足法定人數而休會待續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，根據此款規定而休會待續的立法會會議，須當作是被命令暫停的會議，可按規則第 14(4) 條的規定，於立法會主席命令的時間或日期復會繼續處理有關事項。

原議案修訂：

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

建議修訂一：

(3) 如未有足夠法定人數出席會議，而有人向全體委員會主席提出此事，全體委員會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，委員會即須回復為立法會，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**主席須即時提出是否再次轉為全體委員會的待決議案，議員即可進行辯論。如議案獲得通過，須立法會即**再次轉變為全體委員會，但如果不足會議法定人數**或上述議案無法獲得通過，**立法會主席即無須付諸表決而宣布休會待續。

建議修訂二：

(3) 如未有足夠法定人數出席會議，而有人向全體委員會主席提出此事，全體委員會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，委員會即須回復為立法會，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，立法會主席須即時提出是否再次轉為全體委員會的待決議案，議員即可進行辯論。如獲全體議員三分之二多數通過，一須即再次轉變為全體委員會，但如果不足會議法定人數或上述議案無法獲得通過，立法會主席即無須付諸表決而宣布休會待續。

19. 立法會議程

原議案修訂：

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

建議修訂一：

(1) 立法會議程由立法會主席決定，並須有中、英文本。在沒有抵觸第 (1A) 款及 (3) 款的情況下，每次會議所有經事先作出預告的事項，須依照本議事規則第 18 條(各類事項的次序)規定的次序，列於該次會議的議程內。

建議修訂二：

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

原議案修訂：

(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議案或修正案予以合併。

建議修訂一：

(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，**致函獲動議人同意下**，並有權指示他認為類同的兩項或以上的議案或修正案予以**分拆或**合併。

建議修訂二：

(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，**致函獲動議人同意下**，並有權指示他認為類同的兩項或以上的議案或修正案予以合併。

20. 呈請書的提交

原議案修訂：

(6) 呈請書提交後，如有議員即時起立，要求將呈請書交付專責內務委員會處理，立法會主席即須請支持此項要求的議員起立；如有不少於 ~~20~~ 名議員 全體議員的二分之一 起立，呈請書即告交付 內務專責 委員會處理。

建議修訂一：

(6) 呈請書提交後，如有議員即時起立，要求將呈請書交付專責內務委員會 全體委員所成組成的專責委員會 處理 並提交報告予內務委員會，立法會主席即須請支持此項要求的議員起立；如有不少於 ~~20~~ 名議員 全體議員的三分之一分區直接選舉產生的議員的三分之一或功能團體選舉產生的議員的三分之一 起立，呈請書即告交付專責委員會處理，該專責委員會須撰寫呈請書 報告並 交付 內務專責 委員會處理。

建議修訂二：

(6) 呈請書提交後，如有議員即時起立，要求將呈請書交付專責內務委員會 全體委員所成組成的專責委員會 處理 並提交報告予內務委員會，立法會主席即須請支持此項要求的議員起立；如有不少於 ~~20~~ 名議員 全體議員的三分之一各地方選區直接選舉產生的一名議員及由功能團體選舉產生的一名議員 起立，呈請書即告交付專責委員會處理，該專責委員會須撰寫呈請書 報告並 交付 內務專責 委員會處理。

30. 議案及修正案的預告方式

原議案修訂：

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

- (a) 按所交來的原有措辭印載；或
- (b) 按其指示修改，然後予以印載，該等修改包括因議案或修正案合併而需作出的修改；或
- (c) 因其認為不合乎規程，將該預告退回簽署該預告的議員；或
- (d) (d) 退回簽署該預告的議員：
 - (i) 因該預告不獲立法會主席選擇；或
 - (ii) 因該預告已和另一議案或修正案合併。

(4) 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。如立法會秘書就相同修正案接獲多於一項預告，最早作出預告而未有撤回該預告的議員為修正案的動議人。

建議修訂一：

- (3) 就議案或修正案所作預告，須呈交立法會主席，由其指示按以下方式處理 –
- (a) 按所交來的原有措辭印載；或
 - (b) 按其指示修改，然後予以印載，該等修改包括因議案或修正案合併而需作出的修改及其修改須徵得提案或修正案議員同意；
或
 - (c) 因其認為不合乎規程，將該預告退回簽署該預告的議員。— ；
或
 - (d) (d) 退回簽署該預告的議員：
 - (i) 因該預告不獲立法會主席選擇； 或
 - (ii) 因該預告已獲提案或修正案議員同意下和另一議案或修正案合併。
- (4) 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提出合併建議，合併建議須獲得提案或修正案議員同意才可合併。如將合併的議案或修正案是由超過 1 名議員提出，立法會主席可根據最早作出預告而未有撤回該預告的議員為動議人指定由哪名議員提出有關的合併議案或修正案。—如立法會秘書就相同修正案接獲多於一項預告，最早作出預告而未有撤回該預告的議員為修正案的動議人。—

38. 議員可發言多於一次的情況

原議案修訂：

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

建議修訂一：

(3) 已就某議題發言的議員，可再次發言以解釋其先前發言中被誤解的部分，但發言時不得提出新事宜及只可就被誤解的部分發言；若相關議員提出要求，主席必須暫停會議，與相關議員重看相關發言片段，以釐清發言內容。

40. 辯論中止待續或全體委員會休會待續

原議案修訂：

(4) 在立法會全體委員會會議上，議員可無經預告而動議一項委員會現即休會待續的議案，全體委員會主席須即提出該議案的待議議題。議案如獲通過，委員會即須回復為立法會；議案如被否決，則委員會的程序即須繼續進行。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，全體委員會主席可決定不提出待決議題或無經辯論而把議題付諸表決。

建議修訂一：

(4) 在立法會全體委員會會議上，議員可無經預告而動議一項委員會現即休會待續的議案，全體委員會主席須即提出該議案的待議議題。議案如獲通過，委員會即須回復為立法會；議案如被否決，則委員會的程序即須繼續進行。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，**即該議員已就該項議題提出一次休會待續的議案**，全體委員會主席可決定不提出待決議題或無經辯論而把議題付諸表決。

建議修訂二：

(4) 在立法會全體委員會會議上，議員可無經預告而動議一項委員會現即休會待續的議案，全體委員會主席須即提出該議案的待議議題。議案如獲通過，委員會即須回復為立法會；議案如被否決，則委員會的程序即須繼續進行。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，全體委員會主席可決定不提出待決議題或無經辯論而把議題付諸表決，須即時提出該議員有否濫用程序的待決議案，由全體委員會展開辯論，並於五分鐘表決鐘聲後付諸表決，若議案獲通過，該項休會待續議案將不獲受理。

45. 立法會及委員會會議中的秩序

原議案修訂：

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

建議修訂一：

(1) 立法會主席、全體委員會主席或任何常設或專責根據本《議事規則》第 72、73 及 75 條所組成的委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。

建議修訂二：

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

建議修訂三：

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

原議案修訂：

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

建議修訂一：

(2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議。根據本款規定被全體委員會會議主席命令退席的議員須繼續退席立法會 **當日全體委員會會議，不得參與立法會的該次會議而行使本款的主席亦須在會議後以書面向全體立法會議員解釋該命令的原因及理據。**—立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

49. 點名表決

原議案修訂：

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

建議修訂一：

(4) 在緊接立法會主席宣布議案修正案的點名表決結果或全體委員會主席宣布法案的任何條文或任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就該議案或該議案的任何修正案，或就法案的任何條文或任何修正案進行點名表決時，立法會或全體委員會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時提出縮短表決鐘聲時間的議員，必須證明並非濫用程序或拖延議案，立法會主席或全體委員會主席須無經辯論而就該議案提出的待決待議議題付諸表決。

建議修訂二：

(4) 在緊接立法會主席宣布議案修正案的點名表決結果或全體委員會主席宣布法案的任何條文或任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就該議案或該議案的任何修正案，或就法案的任何條文或任何修正案進行點名表決時，立法會或全體委員會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席或全體委員會主席須無經辯論而就該議案提出的待決待議議題付諸表決；若有議員要求進行辯論，立法會或全體委員會須隨即就議案展開辯論，並於五分鐘表決鐘聲後付諸表決。

原議案修訂：

(6) 如有多於一項有關立法會議程所列附屬法例或本議事規則第 29(2)(b) 條(議案及修正案的預告)所提述的文書的議案(本議事規則第 29(3)條提述的議案除外)，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例或文書提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時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待議議題。

建議修訂一：

(6) 如有多於一項有關立法會議程所列附屬法例或本議事規則第 29(2)(b) 條(議案及修正案的預告)所提述的文書的議案(本議事規則第 29(3) 條提述的議案除外)，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例或文書提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時 提出縮短表決鐘聲時間的議員，必須證明並非濫用程序或拖延議案， 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待議議題。

建議修訂二：

(6) 如有多於一項有關立法會議程所列附屬法例或本議事規則第 29(2)(b) 條(議案及修正案的預告)所提述的文書的議案(本議事規則第 29(3) 條提述的議案除外)，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例或文書提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席須 無經辯論而就該議案提出的待決議題付諸表決待議議題； 若有議員要求進行辯論，立法會或全體委員會須隨即就議案展開辯論，並於五分鐘表決鐘聲後付諸表決。

57. 法案的修正案

原議案修訂：

(4) 以下規定適用於與法案有關的修正案：

(a) 修正案必須與法案的主題及有關條文的主題有關。

(b) 修正案不得與已獲通過的條文或全體委員會就法案先前所作的決定不一致。

(c) 修正案不得令建議修正的條文變得不能理解或不合語法。

(d) 不可動議全體委員會主席認為瑣屑無聊或無意義的修正案。

(e) 凡動議對具備兩個法定語文文本的法案作出修正，除非該修正案明顯地只影響其中一個文本，否則每一個文本均須作出修正；但不可動議令兩個文本相互抵觸或意義差歧的修正案或由兩項或以上修正案組成的系列修正案。

建議修訂一：

(e) 凡動議對具備兩個法定語文文本的法案作出修正，除非該修正案明顯地只影響其中一個文本，否則每一個文本均須作出修正；但不可動議令兩個文本相互抵觸或意義差歧的修正案或由兩項或以上修正案組成的系列修正案。

75. 內務委員會

原議案修訂：

(10) 委員會須決定下列事宜的研究方式 -

- (a) 任何附屬法例，不論該等附屬法例是否受《釋義及通則條例》(第 1 章)第 34 及 35 條的條文所規限；
- (b) 根據任何條例訂立的任何其他文書；或
- (c) (a) 或 (b) 段提述的附屬法例或文書的任何擬稿；
- (d) 根據規則第 20(6) 條向其交付的呈請。

(10A) 在研究第(10)款所提述的附屬法例及 其他文書及呈請書後，委員會可向立法會提交報告。

建議修訂一：

(10) 委員會須決定下列事宜的研究方式 -

- (a) 任何附屬法例，不論該等附屬法例是否受《釋義及通則條例》(第 1 章)第 34 及 35 條的條文所規限；
- (b) 根據任何條例訂立的任何其他文書；或
- (c) (a) 或 (b) 段提述的附屬法例或文書的任何擬稿；
- (d) 根據規則第 20(6) 條向其交付的呈請書報告。

(10A) 在研究第(10)款所提述的附屬法例及 其他文書及呈請書報告後，委員會可向立法會提交報告。

原議案修訂：

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。

建議修訂一：

任何委員會的會議議程須由其主席 **及在委員沒有反對下**決定。

建議修訂二：

任何委員會的會議議程須由其主席 **及在委員過半同意下**決定。

建議修訂三：

任何委員會的會議議程須由其主席 **在會議前五整天作出預告，並經委員會委員同意後**決定。

原議案修訂：

79D. 委員會主席應用《議事規則》及其他行事方式

就任何在委員會的行事方式及程序中，或在適用於該委員會的行事方式及程序中，均沒有規定的任何事宜，須按該委員會主席為《議事規則》所訂與此相關的行事方式及程序處理，並須在作出所需變通後適用於該委員會。

建議修訂一：

就任何在委員會的行事方式及程序中，或在適用於該委員會的行事方式及程序中，均沒有規定的任何事宜，須按該委員會主席為《議事規則》所訂與此相關的行事方式及程序處理，並須在作出所需變通後適用於該委員會 **的該次會議，會議完結後須將變通程序提交到內務委員會及按本《議事規則》第 74 條（議事規則委員會）所列程序處理。**

建議修訂二：

就任何在委員會的行事方式及程序中，或在適用於該委員會的行事方式及程序中，均沒有規定的任何事宜，須按該委員會主席 **在參考為《議事規則》所訂與此相關的行事方式及程序後，舉行特別會議與該委員會的委員討論，並經立法會大會同意及以書面通告所有立法會議員後的方式**處理，並須在作出所需變通後適用於該委員會。

附表 1

選舉立法會主席的程序

原議案修訂：

1. 立法會主席的選舉須在立法會會議上進行

1A. 選舉須在議員已按照《議事規則》第 1 條的規定及香港法律作宗教式或非宗教式宣誓後的第一屆第一次會議上舉行。如有需要在屆中選舉立法會主席，該次選舉須在立法會一次完全只為選舉立法會主席的目的而進行的會議上舉行；議程不得載有任何其他事務；會議舉行的日期和開始的時間，由立法會代理主席（猶如他是規則第 14 條所指的立法會主席）作出決定。

建議修訂一：

1A. 選舉須在議員已按照《議事規則》第 1 條的規定及香港法律作宗教式或非宗教式宣誓後的第一屆第一次會議上舉行。如有需要在屆中選舉立法會主席，該次選舉須在立法會一次完全只為選舉立法會主席的目的而進行的會議上舉行，該會議須在主席出缺後 3 個星期內舉行；
議程不得載有任何其他事務；會議舉行的日期和開始的時間，由立法會代理主席（猶如他是規則第 14 條所指的立法會主席）作出決定。

建議修訂二：

1A. 選舉須在議員已按照《議事規則》第 1 條的規定及香港法律作宗教式或非宗教式宣誓後的第一屆第一次會議上舉行。如有需要在屆中選舉立法會主席，該次選舉須在立法會一次完全只為選舉立法會主席的目的而進行的會議上舉行，該會議須在主席出缺後 6 個星期內舉行；
議程不得載有任何其他事務；會議舉行的日期和開始的時間，由立法會代理主席（猶如他是規則第 14 條所指的立法會主席）作出決定。

建議修訂三：

1A. 選舉須在議員已按照《議事規則》第 1 條的規定及香港法律作宗教式或非宗教式宣誓後的第一屆第一次會議上舉行。如有需要在屆中選舉立法會主席，該次選舉須在立法會一次完全只為選舉立法會主席的目的而進行的會議上舉行； ~~除了進行《議事規則》第 18(a) 或 (b) 條所述事項之外~~，議程不得載有任何其他事務，若需要進行《議事規則》第 18(a) 或 (b) 條所述事項，則以該等事項為先； 會議舉行的日期和開始的時間，由立法會代理主席（猶如他是規則第 14 條所指的立法會主席）作出決定。

建議修訂四：

1A. 選舉須在議員已按照《議事規則》第 1 條的規定及香港法律作宗教式或非宗教式宣誓後的第一屆第一次會議上舉行。如有需要在屆中選舉立法會主席，該次選舉須在立法會一次完全只為選舉立法會主席的目的而進行的會議上舉行； ~~，在第一屆第一次會議~~ 議程不得載有任何其他事務； 會議舉行的日期和開始的時間，由立法會代理主席（猶如他是規則第 14 條所指的立法會主席）作出決定。

原議案修訂：

3. 立法會主席的提名表格須由一名作為提名人的議員，以及另外至少 3 名作為附議人的議員簽署。獲提名的議員須在表格上簽署以示接受提名，並聲明具有資格可根據《基本法》第七十一條及《議事規則》第 4(2)條成為立法會主席。表格填妥後，須在選舉日至少 4 整天前送達立法會秘書辦事處。

建議修訂一：

立法會主席的提名表格須由一名作為提名人的議員，以及另外至少 3 名作為附議人的議員簽署。獲提名的議員須在表格上簽署以示接受提名，並以書面方式聲明具有資格可根據《基本法》第七十一條及《議事規則》第 4(2)條成為立法會主席。表格填妥後，須在選舉日至少 4 整天前送達立法會秘書辦事處。

建議修訂二：

立法及主席的提名表格須由一名作為提名人的議員，以及另外至少 3 名作為附議人的議員簽署。獲提名的議員須在表格上簽署以示接受提名，並聲明其本人自立法會換屆選舉或補選結果刊憲當天起已具有資格可根據《基本法》第七十一條及《議事規則》第 4(2)條成為立法會主席。表格填妥後，須在選舉日至少 4 整天前送達立法會秘書辦事處。

建議修訂三：

立法會主席的提名表格須由一名作為提名人的議員，以及另外至少 3 名作為附議人的議員簽署。獲提名的議員須在表格上簽署以示接受提名，並聲明具有資格可根據《基本法》第七十一條及~~《議事規則》第 4(2)條~~成為立法會主席。表格填妥後，須在選舉日至少 4 整天前送達立法會秘書辦事處。

原議案修訂：

6. 出席會議的議員中根據本議事規則第 1A 條而定為連續擔任議員時間最長者，須主持立法會主席的選舉的議員（“主持選舉的議員”），其職權僅限於按照《議事規則》第 4(1) 條及本附表的規定主持選舉立法會主席的會議。

建議修訂一：

出席會議的議員中根據本議事規則第 1A 條而定為連續擔任議員時間最長者，須主持立法會主席的選舉的議員（“主持選舉的議員”），其職權僅限於按照《議事規則》第 4(1)、**44、45** 條及本附表的規定主持選舉立法會主席的會議。

原議案修訂：

7A. 主持選舉的議員只可在其宣布已當選立法會主席的議員姓名後將會議休會待續。如主持選舉的議員有必要暫停會議，會議須在暫停後 1 小時內復會。在所有選舉立法會主席的程序完成前，不得命令會議再次暫停。

建議修訂一：

7A. 主持選舉的議員只可在其宣布已當選立法會主席的議員姓名 ~~後~~ ~~前~~ 將會議休會待續。如主持選舉的議員有必要暫停會議，會議須在暫停後 1 小時內復會。在所有選舉立法會主席的程序完成前，不得命令會議再次暫停。

建議修訂二：

7A. 主持選舉的議員只可在其宣布已當選立法會主席的議員姓名後將會議休會待續。如主持選舉的議員有必要暫停會議，會議須在暫停後 ~~1~~ ~~24~~ 小時內復會。在所有選舉立法會主席的程序完成前，不得命令會議再次暫停。

建議修訂三：

7A. 主持選舉的議員只可在其宣布已當選立法會主席的議員姓名後將會議休會待續。如主持選舉的議員有必要暫停會議，會議須在暫停後 1 小時內復會。在所有選舉立法會主席的程序完成 ~~前~~ ~~後~~，不得命令會議再次暫停。

原議案修訂：

7B. 主持選舉的議員在整個選舉過程中不得准許議員發言，但規程問題除外。規程問題不容辯論。如主持選舉的議員認為有議員濫用程序，主持選舉的議員可拒絕准許任何議員提出任何規程問題。

建議修訂一：

7B. 主持選舉的議員在整個選舉過程中不得准許議員發言，**但規程問題除外 除非得到主席的酌情、質詢候選人或提出規程問題**。規程問題**不容**只限提出問題的議員和主持選舉的議員 辯論。如主持選舉的議員認為有議員濫用程序，主持選舉的議員可拒絕准許任何議員提出任何規程問題。

原議案修訂：

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

建議修訂一：

17. 隨後，主持選舉的議員須讓位予立法會主席。立法會主席可向立法會陳詞，然後視乎情況執行《議事規則》第 14(4) 條暫停會議在另一天恢復、第 14(5) 條~~視乎情況，著手處理會議事項、宣布休會待續、或暫停舉行會議。~~

致 香港特別行政區立法會
議事規則委員會謝偉俊主席

謝主席，

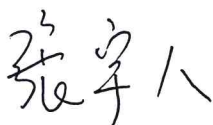
要求討論和表決建制派議員提交的第二批《議事規則》修訂建議

繼 2017 年 10 月 11 日建制派 38 名議員向議事規則委員會提交修改《議事規則》建議後，張宇人議員及陳克勤議員謹代表 38 名建制派議員再向委員會提交第二批修改《議事規則》建議，並附上修訂案的中英文版本。

我們希望 主席閣下能安排與另一批議員(非建制議員)提交的建議，在同一次會議討論和表決。如有任何查詢，歡迎與我們聯絡。

順頌

政安!



立法會議員 張宇人



立法會議員 陳克勤

二零一七年十月三十日

A Proposal to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. This proposal is jointly presented by 38 Members of the Legislative Council (**Annex A**). Apart from the proposed amendments contained in our previous proposal submitted to the Committee on Rules of Procedure on 11 October 2017, we consider that it is necessary to amend certain other procedural rules of the Legislative Council (“Council”) (**Annex B**) not covered in our previous proposal so as to further safeguard the smooth conduct of business of the Council and its committees and to uphold the dignity and integrity of the Council.

Reasons for the Proposal

2. As we have mentioned in our previous proposal, the growing trend of using filibustering tactics in recent years by some Members to prolong the proceedings of the Council has seriously hampered the work of the Council in the performance of its constitutional and legal powers and functions. This has resulted in exceedingly long period of time in carrying out the work of the Council and caused unnecessary delays in the enactment of laws and the conduct of Council business as a whole. We are faced with a situation where there is a serious backlog of legislative proposals waiting to be submitted, scrutinized and voted on by the Council as well as other works, and the initiatives on economic development and improvement of people’s livelihood are seriously delayed. But little can be done to improve the situation unless some of the current procedural rules are changed.

The Proposal

3. This Proposal aims to improve the work mechanism of the Council and to address abuse of procedure through the following means:
 - (a) to rationalize matters relating to quorum; and
 - (b) to rationalize procedures for preventing abuse of procedure.

Quorum

4. At present, the quorum of a committee of the whole Council is subject to the same quorum requirement that applies to the Council in Rule 17(1). The quorum requirement in Article 75 of the Basic Law (“BL 75”) applies to meetings of the Council itself. As regards quorum requirement for committees of the Council, that comes within matters of internal operation that the Council could decide on its own pursuant to BL 75. The function of a committee of the whole Council is to discuss the details of a bill committed to it by the Council after its second reading. When all proceedings on the bill in the committee of the whole Council have been completed, the bill is reported to the Council for third reading at which stage a decision on the bill will be made. It is therefore not a Basic Law requirement that a committee of the whole Council must have the same quorum as that of the Council.
5. As pointed out in *A Companion to the history, rules and practices of the Legislative Council of the HKSAR* laid on the Table of the Legislative Council (2015, Para. 7.16, Footnote 27), the quorum of a committee of the whole Council in the pre-1997 Legislature was not stipulated until 1968. Even so, it was not entirely identical to the quorum of the Council. The quorum for a whole of the whole Council had been 10 members excluding the Chairman throughout the 17 years from 1968 to 1985 while the quorum of the Council had changed from 5 Members including the President to 10 Members including the President in 1969, and to 20 Members including the President in 1983. Besides, it had been stipulated in the then Standing Orders and the post-1997 Rules of Procedure that if a quorum of a committee of the whole Council was not present after counting, the Council should be resumed and the President should count the Council. It was only when a quorum was also not present in the Council that the President should adjourn the Council. This is further proof that the Council and a committee of the whole Council are separate entities. It is for the Council to determine the quorum of its committees, including a committee of the whole Council.
6. **We propose to amend Rule 17(1) and add a new subrule (1A) to Rule 17** to provide that the quorum of a committee of the whole Council shall be 20, including the Chairman. This proposed quorum requirement is the same in numerical terms as that for the House Committee, which comprises all Members except the President. We have included in our previous proposal an amendment to Rule 17(3) to reinstate the arrangement for the counting of the Council if there is a lack of quorum in the committee of the whole Council, as was previously the case.

Abuse of procedure

6. In the Rules of Procedure, there are a number of rules which provide Members with the opportunity to move without notice a motion for pursuing a different course of action or for carrying out an action. Examples are the motion not to refer a bill or returned bill to the House Committee under Rule 54(4) and Rule 66(4) respectively, the motion to refer a bill after second reading to a select committee under Rule 55(1)(a), and the motion under Rule 88(1) to order the withdrawal of members of the press and of the public. The need for using these rules is rare. They are for dealing with very exceptional circumstances. However, there had been instances where Members moved some of these motions for prolonging the proceedings of the Council. To avoid abuse of procedure, **we propose that Rules 54(4), 55(1)(a), 66(4) and 88(1) be amended** to require the consent of the President as a precondition for moving such motions.

Consultation with Members

7. We are submitting this Proposal to the Committee on Rules of Procedure (“the Committee”) through members of the Committee in accordance with Rule 74(1), following the practice that any proposed changes to the Rules of Procedure should first be discussed by the Committee. It is our wish that our fellow Members of the Council, irrespective of their political affiliations, would work together to put in place the procedural rules which could enable our Legislature to work effectively and efficiently to meet the needs and expectations of our community.

修訂香港特別行政區立法會議事規則的建議

1. 本建議得到 38 名立法會議員 (見附錄 A) 聯合支持而提交。我們認為除了先前在 2017 年 10 月 11 日向議事規則委員會提交的一系列修訂立法會議事規則的建議外，亦有必要就一些其他的程序規則建議修訂(見附錄 B)，以保障立法會及其轄下各委員會能夠暢順處理事務，以及維護立法會的尊嚴和誠信。

提出建議的原因

2. 正如我們在先前提交的建議書所指，部分議員近年不斷採用拉布的手法，藉以拖長立法會及財務委員會的會議程序，這趨勢已嚴重妨礙立法會履行其憲制及法律權責。後果是這大大地拖長了立法會的工作時間，以致不必要地延誤了法律的制定和立法會的整體運作。我們現時所面對的情況是有待提交到立法會大會進行審議及表決的立法建議及其他工作，出現了嚴重積壓，經濟發展及改善民生的工作受到大幅度的拖延。除非若干現行的程序規則可作修改，否則實在無法改善這種情況。

建議

3. 本建議的目的是透過以下方式，改善立法會的運作模式和處理濫用程序的情況：
 - (a) 釐清關乎會議法定人數的事宜；及
 - (b) 理順防止濫用程序的程序。

會議法定人數

4. 目前，立法會全體委員會的會議法定人數，受《議事規則》第 17(1) 條列明立法會會議法定人數的相同規定所規限。《基本法》第七十五條的會議法定人數要求，只適用於立法會會議。至於立法會轄下委員會的法定人數規定，應屬於立法會根據《基本法》第七十五條可以自行決定的內部運作事宜。立法會全體委員會會議的功能是就已通過二讀而由立法會大會委付予它的法案，詳細討論其細節。當全體委員會完成法案的全部程序後，會將法案向立法會大會報告，

以進行三讀並作出決定。因此，全體委員會會議法定人數與立法會會議法定人數相同，並非《基本法》的規定。

5. 正如經立法會省覽的《香港特別行政區立法機關歷史、規則及行事方式參考手冊》(2015, 7.16 段, 註 27) 所指出, 直至 1968 年之前, 全體委員會的會議法定人數從沒有規定。即使後來有所規定, 其法定人數與立法會會議的法定人數當時並非完全相同。從 1968 年至 1985 年 17 年間, 全體委員會的法定人數一直是 10 位委員(不包括主席在內), 而立法會會議的法定人數則於 1969 年從 5 位議員(包括主席) 更改至 10 位議員(包括主席), 及在 1983 年更改至 20 位議員(包括主席)。此外, 無論在先前的《會議常規》或 1997 後的《議事規則》, 都有指明如全體委員會不足法定人數, 委員會即須回復為立法會會議, 並由立法會主席點算人數; 如法定人數亦是不足, 才可宣布休會待續。這一再證明立法會大會和全體委員會是屬於不同個體, 而委員會(包括全體委員會)的會議法定人數是由立法會決定。
6. 我們建議修訂規則第 17(1)條, 並在該條加入新訂第(1A)款, 規定立法會全體委員會會議法定人數包括主席在內為 20 人。此項擬議會議法定人數的規定與內務委員會的法定人數規定相同, 而內務委員會是由立法會主席除外的所有議員組成。我們亦已於先前的建議中, 修訂規則第 17(3)條, 以恢復以往安排, 如在全體委員會會議期間不足法定人數, 仍必須點算立法會會議法定人數的安排。

濫用程序

7. 在議事規則中, 有些規則是讓議員有機會無須預告, 而可以提出議案, 以改變某種工作方向或即時作出一些行動, 例子包括可動議不須將一個法案或發回重議的法案交付內務委員會(規則第 54(4) 條和規則第 66(4) 條)、或在法案通過二讀後, 可動議將該法案交付專責委員會(規則第 55(1)(a) 條), 或動議新聞界及公眾人士離場(規則第 88(1) 條)。需要引用這些規則的情況十分罕有, 而亦是在非常特殊的情況下才會使用。但有一些議員藉這些議案來拖延會議流程。為遏止濫用程序, 我們建議修訂規則第 54(1), 55(1)(a), 66(4) 及 88(1) 條, 規定作為先決條件, 必須獲立法會主席同意後才可提出該等議案。

諮詢議員

8. 按照慣例，對《議事規則》的任何擬議修改，會先由議事規則委員會進行討論。我們現在根據規則第 74(1)條，透過議事規則委員會委員向議事規則委員會提交此建議。我們希望各位立法會議員同事不分政治聯繫，合力制訂各項能讓立法機關有成效和有效率地進行立法工作的程序規則，以滿足廣大市民的需要及合乎廣大公眾的期望。

**List of Legislative Council Members in support of
the proposed amendments to certain provisions of
the Rules of Procedure of the Legislative Council
(Submitted to the Committee on Rules of Procedure
on 30th October 2017)
(In alphabetical order)**

- | | |
|---------------------------|--------|
| 1. Hon CHAN Chun Ying | 陳振英議員 |
| 2. Hon CHAN Hak Kan | 陳克勤議員 |
| 3. Hon CHAN Han Pan | 陳恆鑾議員 |
| 4. Hon CHAN Kin Por | 陳健波議員 |
| 5. Hon Christopher CHEUNG | 張華峰議員 |
| 6. Hon CHEUNG Kwok Kwan | 張國鈞議員 |
| 7. Hon Tommy CHEUNG | 張宇人議員 |
| 8. Hon Ann CHIANG | 蔣麗芸議員 |
| 9. Hon Holden CHOW | 周浩鼎議員 |
| 10. Hon Felix CHUNG | 鍾國斌議員 |
| 11. Hon Junius HO | 何君堯議員 |
| 12. Hon HO Kai Ming | 何啟明議員 |
| 13. Hon Stephen HO | 何俊賢議員 |
| 14. Hon Regina IP | 葉劉淑儀議員 |
| 15. Hon KWOK Wai Keung | 郭偉強議員 |
| 16. Hon Jeffrey LAM | 林健峰議員 |
| 17. Hon Edward LAU | 劉國勳議員 |
| 18. Hon Kenneth LAU | 劉業強議員 |
| 19. Hon Starry LEE | 李慧琼議員 |
| 20. Hon LEUNG Chi Cheung | 梁志祥議員 |
| 21. Hon Priscilla LEUNG | 梁美芬議員 |
| 22. Hon Martin LIAO | 廖長江議員 |
| 23. Hon LO Wai Kwok | 盧偉國議員 |
| 24. Hon LUK Chung Hung | 陸頌雄議員 |
| 25. Hon MA Fung Kwok | 馬逢國議員 |
| 26. Hon Alice MAK | 麥美娟議員 |
| 27. Hon NG Wing Ka | 吳永嘉議員 |
| 28. Hon OR Chong Shing | 柯創盛議員 |
| 29. Hon POON Siu Ping | 潘兆平議員 |
| 30. Hon Elizabeth QUAT | 葛珮帆議員 |
| 31. Hon Abraham SHEK | 石禮謙議員 |
| 32. Hon SHIU Ka Fai | 邵家輝議員 |

- | | |
|-------------------------|-------|
| 33. Hon Michael TIEN | 田北辰議員 |
| 34. Hon WONG Kwok Kin | 黃國健議員 |
| 35. Hon WONG Ting Kwong | 黃定光議員 |
| 36. Hon Frankie YICK | 易志明議員 |
| 37. Hon YIU Si Wing | 姚思榮議員 |
| 38. Hon YUNG Hoi Yan | 容海恩議員 |

List of proposed amendments to the Rules of Procedure

I. Quorum

17. Quorum

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

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

II. Abuse of Procedure

54. Second Reading

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

55. Committal of Bills

(1) When a motion for the second reading of a bill has been agreed to, the bill shall stand committed to a committee of the whole Council, unless -
(a) the Council, on a motion which, **with the consent of the President**, may be moved without notice by any Member immediately after the bill has been read the second time, commit the bill to a select committee; or

66. Bills Returned for Reconsideration

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

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

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

《議事規則》修訂建議列表

I. 會議法定人數

17. (會議法定人數)

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

(1A) 立法會全體委員會會議法定人數包括主席在內為 20 人。

II. 濫用程序

54. (二讀)

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

55. (法案的付委)

- (1) 二讀法案的議案如獲通過，該法案即告付委予全體委員會，除非 —
- (a) 立法會通過議案，將法案付委予一專責委員會；該項議案可在獲得立法會主席同意的情況下無經預告，但須在該法案二讀後即時由任何議員動議；或
 - (b) 立法會主席認為該法案會特別惠及或反之特別影響某人、某社團或某法團，在此情況下，立法會主席可指示將該法案付委予一專責委員會。

66. (發回重議的法案)

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

88. (新聞界及公眾人士離場)

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