

**香港特別行政區
立法會
議事規則委員會**

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

**2018 年 10 月至 2019 年 7 月的工作進度報告
Progress Report for the period
October 2018 to July 2019**

**2019 年 7 月 19 日
19 July 2019**

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1. Introduction

1.1 The Committee on Rules of Procedure ("the Committee") is a committee of the Legislative Council established under Rule 74 of the Rules of Procedure of the Council. The functions of the Committee are to review the Rules of Procedure of the Council and the committee system, and to propose to the Council any amendments or changes as are considered necessary. The Committee may examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President of the Legislative Council ("the President"), or raised by its own members.

1.2 The Committee consists of 12 members, including Chairman Hon Paul TSE, Deputy Chairman Hon Kenneth LEUNG and 10 other members, appointed by the President in accordance with the recommendations of the House Committee. The membership list is in **Appendix I**.

1.3 This report covers the period from October 2018 to July 2019 during which three meetings were held. Members considered and deliberated various issues relating to:

- (a) election of the President;
- (b) holding of directorship in a listed company by the President;
- (c) proposed mechanisms for dealing with Members' misconduct; and
- (d) review of the procedural arrangements relating to meetings of the Council and its committees.

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

2. Election of the President of the Legislative Council

Statutory declaration requirements for the nationality and residency status of Members running for the office of the President

2.1 Article 71 of the Basic Law provides that the President shall be elected by and from among Legislative Council Members. It further provides that the President shall be a Chinese citizen of not less than 40 years of age, who is a permanent resident of the Hong Kong Special Administrative Region with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years. In the 2016-2017 and 2017-2018 sessions, the Committee reviewed the arrangement to require Members running for the office of the President to declare their nationality (including foreign right of abode, if any) and length of residency in Hong Kong during the nomination process. All Members were consulted on whether such candidates should be required to make a written declaration under the existing honour system of the Legislative Council, or to make a statutory declaration under the Oaths and Declarations Ordinance (Cap. 11) similar to that required for candidates running in the Chief Executive election.¹

2.2 As the majority of Members have indicated support for the aforesaid requirement of making a statutory declaration, the Committee has made reference to the nomination form for Chief Executive candidates in the preparation of the proposed nomination form for candidates running for the office of the President. To satisfy the requirement under section 14(1) of Cap. 11,² the proposed nomination form follows the form set out in Schedule 1 to Cap. 11. Any Member who fails to make the statutory declaration as required will not be

¹ Under section 16(7)(b) of the Chief Executive Election Ordinance (Cap. 569), a candidate's nomination shall be accompanied by, among others, a declaration as to his nationality and whether he has a right of abode in any foreign country. Under section 4(1)(a) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J), a nomination form nominating a person as a candidate shall be in the specified form. Part IV of the specified nomination form includes the candidate's solemn declaration made under the Oaths and Declarations Ordinance (Cap. 11) that he or she is a Chinese citizen with no right of abode in any foreign country.

² Section 14(1) of the Oath and Declarations Ordinance (Cap. 11) requires that a declaration shall be in one of the forms set out in Schedule 1 to Cap. 11.

qualified to run in the election for the office of the President. In line with the Legislative Council honour system, the Clerk to the Legislative Council ("the Clerk") will only ensure that each candidate has completed the nomination form as required, rather than verifying the accuracy of the information provided by the Member concerned. Under section 36 of the Crimes Ordinance (Cap. 200), a person who knowingly and wilfully makes a materially false statement in a statutory declaration commits an offence, and is liable on conviction upon indictment to imprisonment for two years and to a fine. The proposed amendments to the nomination form in Annex I of Schedule 1 to the Rules of Procedure were endorsed by the House Committee and approved by the Council on 18 January and 20 February 2019 respectively.

Proposed consequential amendments to the House Rules on the arrangements relevant to the election and re-election of the President

2.3 Following the passage of the amendments to Rule 12(3)³ of the Rules of Procedure and Schedule 1 (Procedure for the Election of the President of the Legislative Council) to the Rules of Procedure in December 2017, the Clerk, instead of the Member present who has the longest continuous service in the Council, shall be responsible for conducting the election of the President. Adjustments, which are summarized in paragraphs 2.4 to 2.7 below, were therefore required to be made to some of the procedural arrangements adopted in the past elections of the President. Amendments to the House Rules consequential to these adjustments were also endorsed by the House Committee at its meeting on 18 January 2019.

Date and venue of the election or re-election

2.4 Under the adjusted procedural arrangements, the election of the President will be conducted as soon as practicable following the adjournment of the first Council meeting of a term which, in accordance with Rule 12(3) of the Rules of Procedure, shall take place after all Members present at the meeting have made or subscribed an oath or affirmation. It is envisaged that the election, which is not conducted at

³ Rule 12(3) to the Rules of Procedures, as amended in December 2017, provides that the first Council meeting of a term shall be adjourned after all Members present have made or subscribed an oath or affirmation.

a Council meeting, will be held in the Council Chamber or another venue as arranged by the Clerk.

2.5 If, in the course of the term of the Legislative Council, the President resigns from office or ceases to be a Member of the Council, a re-election of the President shall be conducted. The current arrangement for the incumbent President or the President's Deputy to determine the date of the re-election under the existing rule 1A of the House Rules will remain unchanged. Similar to the election of the President, the re-election will be held in the Council Chamber or another venue as arranged by the Clerk.

The role and power of the Clerk

2.6 Paragraphs 1 and 6 of Schedule 1 to the Rules of Procedure provide that the Clerk shall be responsible for conducting the election of the President and shall be present thereat to provide administrative support and services respectively. In accordance with paragraph 7 of Schedule 1 to the Rules of Procedure, the election of the President shall commence once the Clerk has confirmed that Members are ready. The Clerk shall announce all the valid nominations that the Clerk's office has received on the basis of the principles set out in paragraphs 3 and 4 of Schedule 1 to the Rules of Procedure.⁴

2.7 The Clerk is expected to be vested with powers incidental to his role to conduct the election of the President as provided under Schedule 1 to the Rules of Procedures. The Clerk may do such acts and

⁴ Under paragraph 3 of Schedule 1 to the Rules of Procedure, 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; and the completed nomination form shall reach the Clerk's office at least four clear days before the day of the election. Paragraph 4 of Schedule 1 to the Rules of Procedure provides that 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 (in any of the above capacities), 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.

things as he considers necessary to ensure that the election is held in an orderly and effective manner. The duties of the Clerk should include ordering a vote by secret ballot if there are two or more valid nominations; determining whether a questionable ballot paper is considered void in consultation with the Members making the nominations; checking the voting result for confirmation; declaring elected as the President the candidate who receives the highest number of votes; and drawing lots to decide which candidate should be the President if no one candidate obtains more votes than any other candidate in the second round of voting. The aforesaid role and power of the Clerk in an election should also apply to a re-election of the President.

3. Holding of directorship in a listed company by the President of the Legislative Council

3.1 The Committee considered Hon Kenneth LEUNG's proposal to add a new rule to the Rules of Procedure to prohibit the President "from acting as director of any listed company in Hong Kong, whether the directorship is paid or unpaid".

Requirements for the registration and disclosure of interests

3.2 Currently there is no provision in the Basic Law, any legislation or the Rules of Procedure which prohibits the President from holding directorship in a company. The President, as a Member of the Legislative Council, is required under Rule 83 of the Rules of Procedure to register any registrable interests he or she has in eight categories, including remunerated directorships of companies.⁵ The Rule also requires Members to furnish the particulars of their registrable interests to the Clerk, which are then placed in a Register of Members' Interests for public inspection. Members, including the President, are not required to register any unremunerated directorship they hold. Rule 83A of the Rules of Procedure provides that in the Council or in any committee or subcommittee, a Member shall not move any motion or amendment relating to a matter in which he or she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he or she discloses the nature of that interest. Any Member, including the President, who fails to comply with the relevant registration or disclosure rules may be subject to investigation by the Committee on Members' Interests under Rule 73 of the Rules of Procedure. Under Rule 85 of the Rules of Procedure, the Council may by resolution impose sanctions (including admonition, reprimand or suspension) against a Member for failing to comply with these rules.

⁵ The eight categories of registrable interests are: (a) remunerated directorships of companies; (b) remunerated employments, offices, trades, professions or vocations; (c) names of clients to whom Members provide personal services which arise out of or are related in any manner to their membership of the Council; (d) donations to meet a Member's election expenses and financial sponsorships; (e) overseas visits; (f) payments, material benefits and advantages received from Government or organization of a place outside Hong Kong or from any person who is not a Hong Kong permanent resident; (g) land and property; and (h) shareholdings held by the Member or with or on behalf of his or her spouse or infant children.

Deliberations by the Committee

3.3 The Committee notes that the President is expected to be fair and impartial, and independent of any political influences. In practice the President does not take part in debates or vote in the Council in order to maintain his or her neutrality. The President, like any other Legislative Council Members, should not, in his or her capacity as such, seek to influence another person to further his or her private interest, nor should he or she seek information for private or personal interest.⁶ To avoid any possible or apparent conflict of interest, the President may request the President's deputy or any other Member to preside at or chair a meeting (or part thereof) of the Council or a committee of the whole Council, and to exercise the powers of the President or Chairman for the whole or part of the meeting.⁷ The Committee has also studied the rules and practices of selected Westminster-style legislatures regarding the holding of directorship applicable to the Speaker of the legislature.⁸ In gist, except in the House of Lords of the Parliament of the United Kingdom,⁹ none of the legislatures studied have imposed any special requirements against the holding of directorships in companies by their respective Speakers that are different from those applicable to all other Members.

3.4 There were divergent views amongst members on Hon Kenneth LEUNG's proposal. Some members considered that allowing the President to act as a director of a listed company might give rise to questions over his or her impartiality and abuse of his or her power, thus tarnishing the public image of the office of the President. Due to the constitutional importance of the President as head of the legislature in

⁶ Paragraphs 4 and 6 of the "Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such".

⁷ The President's power to make such request is provided under Rule 3(3) of the Rules of Procedure.

⁸ The selected legislatures are the House of Commons and House of Lords of the United Kingdom Parliament, the House of Commons of the Parliament of Canada, and the House of Representatives of the Parliament of Australia.

⁹ The Lord Speaker is subject to the additional requirement of laying aside outside financial interests including, inter alia, company directorships. The main reason for the requirement is to maintain the image of impartiality of the speakership.

Hong Kong's political structure, measures against a conflict of interest applicable to the President should be comparable to those applicable to the Chief Executive and the Chief Justice, who respectively head the Government and the Judiciary and who should not hold directorship in a company.

3.5 On the other hand, other members had pointed out that Members representing Functional Constituencies were required to maintain certain levels of affiliation with their constituents. Any requirement for the President who represented a Functional Constituency to lay aside his or her interest as a director of a listed company might undermine his or her affiliation with his or her constituents, or otherwise prejudice his or her eligibility to be re-elected in that constituency in the next election. Furthermore, as it was not a norm in other legislatures to have formal rules forbidding their Speakers to hold directorships in companies, and there was no evidence indicating a "clear and present danger" of the President having a conflict of interest arising from his or her directorship in a company, there was no compelling reason for the Legislative Council to impose such a requirement in the Rules of Procedure.

Consultation with all Members and its outcome

3.6 In view of the above, the Committee decided to consult all Members on Hon Kenneth LEUNG's proposal. The outcome of the consultation showed that more than half of the respondents did not support the proposal. The Committee will discuss the outcome of the consultation and decide on the way forward at its meeting to be held in the 2019-2020 session.

4. Proposed mechanism for dealing with Members' misconduct

Outcome of consultation on mechanisms for dealing with Members' misconduct

4.1 In the last legislative session, The Legislative Council Commission requested the Committee to examine the need for the establishment of an effective mechanism for dealing with Members' misconduct and a general framework of key sanction mechanisms for grossly disorderly conduct during meetings. The Committee decided to consult all Members in September 2018 on the matter.

4.2 The outcome of the consultation showed that more than half of the respondents expressed support for the need for a mechanism to deal with various types of Members' misconduct in general. They also supported in principle the introduction of new sanctions against grossly disorderly conduct of Members in Council or committee of the whole Council. Among those Members who had expressed their support or otherwise, there appeared to be a shared desire for further studies into issues such as the implementation details of the proposed sanctions, as well as the principles for the exercise of power to impose sanctions against disorderly conduct by the President.

4.3 After deliberating the consultation outcome, the Committee decided that it should further study the need to establish an effective mechanism for dealing with various types of Members' misconduct in general, and that there was no need to refer it to the Committee on Members' Interests for the time being.

Proposed sanctions against grossly disorderly conduct of Members in Council or committee of the whole Council

4.4 As regards the proposed introduction of new sanctions against grossly disorderly conduct of Members in Council or committee of the whole Council, the Committee agreed that further consideration should be given to issues including the role of the President in maintaining order at Council meetings, the duration of prohibition of Members from attending Council meetings, and issues relating to financial penalty for a Member's grossly disorderly conduct including whether the remuneration should be withheld, or whether a fine should be imposed; and the level of such penalty as well as the need to make relevant legislative amendments

in order to introduce such financial penalties.

4.5 Making reference to the sanction mechanism in the House of Commons of the Parliament of the United Kingdom, the Committee will consider at its meeting to be held in the 2019-2020 session whether (and if so, how) the Legislative Council should impose similar sanctions, having regard to any legal and practical difficulties that might arise in Hong Kong.

5. Review of the procedural arrangements relating to meetings of the Council and its committee

5.1 During the reporting period, the Committee examined a number of issues on the procedural arrangements relating to meetings of the Council and its committees, including:

- (a) procedural arrangements for the moving of a motion under Article 73(5) and (10) of the Basic Law or section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382);
- (b) the Legislative Council's power to summon the Chief Executive to attend before the Council or its committees; and
- (c) arrangements regarding pregnant Members' attendance at meetings and their discharge of duties and related issues.

Procedural arrangements for the moving of a motion under Article 73(5) and (10) of the Basic Law or section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

5.2 Article 73(5) and (10) of the Basic Law respectively set out the following powers and functions of the Legislative Council: to raise questions on the work of the government; and to summon, as required when exercising Legislative Council's powers and functions set out in Article 73 of the Basic Law, persons concerned to testify or give evidence. Section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) empowers the Council, its standing committee,¹⁰ or any other committee which is specially authorized by a resolution of the Council, to order any person to attend before the Council or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

¹⁰ A standing committee refers to the Finance Committee, Public Accounts Committee, or Committee on Members' Interests established respectively under Rule 71, 72 or 73 of the Rules of Procedure.

5.3 A Member, who intends to move at a Council meeting a motion under Article 73(5) and (10) of the Basic Law ("Basic Law motions") or section 9 of Cap. 382 ("Cap. 382 motions"), is required to meet the relevant notice requirement under Rule 29(1) of the Rules of Procedure¹¹. According to Rule 19 of the Rules of Procedure, the motion shall be placed on the Agenda of the Council for the relevant Council meeting in the order for transacting business stipulated in Rule 18 of the Rules of Procedure. Under Rule 18(1)(1) of the Rules of Procedure, the motion is placed under Members' motions other than those specified in paragraph (jb) of Rule 18(1) of the Rules of Procedure (Members' motions on subsidiary legislation and other instruments made under an Ordinance). The motions under paragraph (1) also include Members' motions not intended to have legislative effect ("motions with no legislative effect"). According to rules 13(b)(viii) and 15(a) of the House Rules and the prevailing practice, Members' motions which, if carried, would empower the Council or a committee to invoke Article 73(5) and (10) of the Basic Law or section 9 of Cap. 382 are placed on the Agenda ahead of motions with no legislative effect. Unlike motions with no legislative effect which are capped at two for each regular Council meeting under rule 13(a) of the House Rules, there is no restriction on the number of Basic Law motions and Cap. 382 motions.

The President's concern and request

5.4 Members did not propose any Basic Law motions before 2017-2018 legislative session. However, since 2017-2018, a total of 21 such motions have been proposed by Members for consideration by the Council. None of such motions secured the support of the House Committee before relevant notices were given to the Clerk. Meanwhile, in recent years, some Members also proposed Cap. 382 motions, without securing support from the House Committee, for consideration by the Council.

5.5 The President considers that the moving of Basic Law motions and Cap. 382 motions has the effect of "jumping the queue" as, pursuant to rule 15(a) of the House Rules, such motions have to be dealt with

¹¹ The notice of such motion is to be given not less than 12 clear days before the day on which the motion is to be considered by the Council, provided that the President may in his discretion dispense with such notice.

before motions with no legislative effect. It is observed that when there was one or more Basic Law motions or Cap. 382 motions on the Council Agenda, the Council was on many occasions unable to complete the consideration of the two motions with no legislative effect scheduled for the same Council meeting. The Committee was therefore requested to consider how to address the issue.

Deliberations of the Committee

Order of debates on and number of Basic Law motions and Cap. 382 motions

5.6 Some members commented that since Basic Law motions and Cap. 382 motions moved by Members would have legal effect if they were passed, and given that the power to summon persons to testify or produce documents under the Basic Law or Cap. 382 would only be exercised when dealing with issues of significant public importance, giving priority to such motions over motions with no legislative effect at a Council meeting was appropriate.

5.7 Other members considered that Basic Law motions and Cap. 382 motions had been misused by some Members who sought to bring their issues of concerns for discussion in Council. Unlike motions with no legislative effect which were subject to an allocation system as provided in the House Rules, there was no allocation system for Basic Law motions and Cap. 382 motions. Moving these motions was therefore a shortcut for the motion movers to gain priority in raising their issues of concerns in Council. The "queue-jumping effect" had reduced the opportunities for debates on motions with no legislative effect. While Members' right to move Basic Law motions and Cap. 382 motions should be maintained, some rules governing such motions, such as the order of debates on such motions vis-à-vis motions with no legislative effect, should be provided.

5.8 Several members took the view that efforts should be made to ensure that each Members should be allocated at least one debate slot for a motion with no legislative effect per legislative term.

House Committee's consideration of Basic Law motions and Cap. 382 motions

5.9 The Committee discussed whether a mechanism should be introduced whereby a Basic Law motion or Cap. 382 motion should be put to the House Committee for consideration and, if it was supported by the House Committee, would be given priority over motions with no legislative effect on the Council Agenda. Some members did not support such mechanism as it would be inappropriate for the House Committee to make decisions that could affect the order of debates on those motions which, if passed in Council, would empower the Council or its committees to exercise an important power under the Basic Law or Cap. 382. Some other members suggested that consideration could be given to whether the House Committee could act as a gatekeeper, so that only those Basic Law motions and Cap. 382 motions which were supported by the House Committee could be moved in the Council.

5.10 The Committee agreed that the Secretariat should explore if information could be provided to assist members in examining the cause(s) of the reduced opportunities for the moving of motions with no legislative effect; and the Committee should explore options to address the President's concern about the "queue-jumping effect". The subject matter will be further discussed at a Committee meeting to be held in the 2019–2020 session.

Legislative Council's power to summon the Chief Executive to attend before the Council or its committees

5.11 In October 2018, a Member gave notice to move a motion at the Council meeting of 24 October 2018, seeking the Council's exercise of its power under Article 73(5) and (10) of the Basic Law to summon the Chief Executive and the public officers concerned to attend before the Council on 21 November 2018 to produce relevant documents and to testify or give evidence in relation to the Government's refusal to renew the work visa of an individual. Noting the giving of the notice of the motion, the Chief Secretary for Administration wrote to the President expressing his view that as the head of the Hong Kong Special Administrative Region, the Chief Executive has constitutional responsibilities which make it inappropriate, and incongruent with the design of the Basic Law, for her to attend before the Council to testify or

give evidence.

5.12 Given the Chief Secretary for Administration's view and noting that the President would seek legal advice on the relevant issues, the Member notified the President in writing that she would take out the reference to the Chief Executive in the wording of her original motion. The President then instructed the Clerk to notify the Member concerned in writing that the motion so revised was in order and could be moved at the Council meeting concerned. Meanwhile, the President had directed the Secretariat to seek external Counsel's advice on whether the Legislative Council has the power to summon the Chief Executive. External Counsel's advice ("Legal Advice") had been obtained on the relevant issues.

5.13 At the President's request, the Committee considered, in the light of the Legal Advice, whether or not certain principles should be drawn up to facilitate the President's consideration of the admissibility of a motion to summon the Chief Executive. If such principles were considered necessary, the Committee's views would be sought on operational details.

5.14 The Committee took the view that the admissibility of a motion to summon the Chief Executive was a matter for the President to decide. The President could communicate with the parties concerned to deal with the summoning issue. The Committee considered that the President could determine the admissibility of a motion to summon the Chief Executive based on the merits of each case. As to whether principles should be drawn up to facilitate the President's consideration of the admissibility of a motion to summon the Chief Executive, the Committee considered it difficult to give views on the relevant requirements. In conclusion, the Committee agreed not to pursue the drawing up of such principles.

Arrangements regarding pregnant Members' attendance at meetings and their discharge of duties and related issues

5.15 At the President's request, the Committee had considered the issues raised by Hon YUNG Hoi-yan in relation to the arrangements to facilitate the discharge of duties by pregnant Members.

Voting by proxy

5.16 Rules 47 to 49 of the Rules of Procedure lay down the detailed voting procedures for Members present at a meeting of the Council or a committee of the whole Council to cast their votes by raising their hands or using the electronic voting system. In its report to the House Committee in 1998 on the Legislative Council's voting procedure, the Committee affirmed that the phrase "Members present" refers to those who are physically present at the meeting when a vote is taken. Neither the Standing Orders of the former Legislative Council nor the Rules of Procedure have prescribed procedure for voting by proxy, or through other means by Members who are absent from the Chamber. The requirement for Members to cast their votes in person in the Chamber has been consistent among the rules and practices before and after the First Legislative Council.

5.17 Noting that voting by proxy was not prescribed in the voting procedures of the Legislative Council set out in Annex II to the Basic Law which were embodied in Rule 46 of the Rules of Procedure, the Committee was concerned that in addition to possible contravention of such voting procedures, voting by proxy might also result in failure to satisfy the quorum requirement in Article 75 of the Basic Law which required the presence of not less than one half of all Members at a Council meeting. The Committee considered that if voting by proxy were to be introduced, amendments to both the Basic Law and the Rules of Procedure would be necessary. The Committee had also made reference to the rules and practices of selected Westminster-style legislatures¹² regarding family-friendly policy for legislators. Members noted that it was not a regular feature among these legislatures to allow Members to vote by proxy on the ground of sickness. In legislatures where voting by proxy was provided for in their standing orders or rules of procedure, the respective constitutions of these legislatures, unlike the Basic Law, did not contain provisions that prescribed the voting procedures on bills and motions. Given this difference, to introduce voting by proxy in the Legislative Council might be less straightforward when compared with other legislatures as

¹² The selected legislatures are the House of Commons of the Parliament of the United Kingdom, the House of Commons of the Parliament of Canada, the House of Representatives of the Parliament of Australia, and the House of Representatives of the Parliament of New Zealand

constitutional issues were involved.

5.18 The Committee concluded that since the voting procedure of the Legislative Council was clearly stipulated in the Basic Law, it was not appropriate to consider the introduction of voting by proxy at Council meetings. Taking into account the rules and practices of the other legislatures studied, voting by proxy in committee was also not to be pursued.

Records of Members' attendance

5.19 Under Rule 6(2) of the Rules of Procedure, the Clerk shall be responsible for keeping the minutes of the proceedings of the Council and of committees of the whole Council. Under Rule 6(6) of the Rules of Procedure, the Clerk, acting under the directions of the President, is responsible for the production of the Official Record which records Members' attendance (including their absence), decisions taken, details of divisions held and speeches made in debates. Minutes of committee meetings are also kept by the clerks to the individual committees. The minutes of proceedings, the Hansard and the minutes of committee meetings are available on the Legislative Council website. Under the current practice, the reason for a Member's absence will not be recorded in these documents.

5.20 The Committee noted the relevant rules and practices of the selected legislatures, including the absence of a formal register to publicize the reasons for Members' absence and the concerns in the Parliament of the United Kingdom that Members might feel obliged to disclose private personal or family information, if they were expected to register reasons for their absence for voting by proxy. Taking into account these overseas rules and practices, the Committee decided not to pursue change to the current practice in recording Members' attendance.

5.21 Regarding Hon YUNG Hoi-yan's suggestion to augment infant care and breast feeding facilities in the Legislative Council Complex, the Committee took the view that the Legislative Council should adopt an accommodating approach towards Members' need to take care of their infants in the Legislative Council Complex.

6. Acknowledgement

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

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

Chairman	Hon Paul TSE Wai-chun, JP
Deputy Chairman	Hon Kenneth LEUNG
Members	Hon James TO Kun-sun Hon Tommy CHEUNG Yu-yan, GBS, JP Hon CHAN Hak-kan, BBS, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon Michael TIEN Puk-sun, BBS, JP Hon KWOK Wai-keung, JP Hon Dennis KWOK Wing-hang Hon Alvin YEUNG Dr Hon Junius HO Kwan-yiu, JP Hon CHEUNG Kwok-kwan, JP (Total : 12 Members)
Clerk	Mr Daniel SIN (<i>till 9 December 2018</i>) Mr Colin CHUI (<i>from 10 December 2018</i>)
Legal Advisers	Mr YICK Wing-kin Mr Bonny LOO

Appendix II**Committee on Rules of Procedure****List of issues studied during the period from October 2018 to July 2019**

Item	Issue	Relevant rule(s)	Progress/remarks
1	Statutory declaration requirements for the nationality and residency status of Members running for the office of the President	Annex I to Schedule 1 to the Rules of Procedure	<p>The outcome of the Committee's consultation had shown that the majority of Members indicated support for the proposal to require Members running for the office of the President to make a statutory declaration in respect of their nationality and residency status, similar to that required for candidates running in the Chief Executive election. The Committee had therefore proposed amendments to the relevant nomination form annexed to Schedule 1 to the Rules of Procedure to impose such requirement.</p> <p>The proposed amendments were endorsed by the House Committee and approved by the Council on 18 January and 20 February 2019 respectively.</p>
2	Proposed consequential amendments to the House Rules on the arrangements relevant to the election of the President	Rule 1A of the House Rules	<p>Arising from earlier amendments to the Rules of Procedure relating to the election of the President, the Committee had proposed consequential amendments to rule 1A of the House Rules to the effect that: (a) the election of the President, which is not a Council meeting, will be conducted by the Clerk as soon</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			<p>as practicable following the adjournment of the first Council meeting of a term; (b) the Clerk may do such acts and things as he considers necessary to ensure that the election is held in an orderly and effective manner; and (c) the procedure for the election of the President set out in Schedule 1 to the Rule of Procedure also applies to a re-election of the President.</p> <p>The proposed consequential amendments were endorsed by the House Committee at its meeting on 18 January 2019.</p>
3	Holding of directorship in a listed company by the President of the Legislative Council	Rule 83 of the Rules of Procedure	The Committee consulted all Members on Hon Kenneth LEUNG's proposal to add a new rule to the Rules of Procedure to prohibit the President "from acting as director of any listed company in Hong Kong, whether the directorship is paid or unpaid". The outcome of the consultation showed that more than half of the respondents did not support the proposal. The Committee will discuss the outcome of the consultation and decide on the way forward at its meeting to be held in the 2019–2020 session.
4	Outcome of consultation on mechanisms for dealing with Members'	Rules 42, 45 and 85 of the Rules of Procedure	The outcome of the consultation showed that, inter alia, more than half of the respondents supported the establishment of a mechanism to deal with various

Item	Issue	Relevant rule(s)	Progress/remarks
	misconduct		types of Members' misconduct in general. The Committee decided that it should further study the need to establish an effective mechanism to deal with various types of Members' misconduct in general, and that there was no need to refer it to the Committee on Members' Interests for the time being.
5	Proposed sanctions against grossly disorderly conduct of Members in Council or committee of the whole Council	Rules 42, 45 and 85 of the Rules of Procedure	The outcome of the aforesaid consultation also showed that more than half of the respondents supported in principle the introduction of new sanctions against grossly disorderly conduct of Members in Council or committee of the whole Council. The Committee will make reference to the sanction mechanism in the House of Commons of the United Kingdom Parliament and consider, at its meeting to be held in the 2019–2020 session, whether (and if so, how) the Legislative Council should impose similar sanctions, having regard to any legal and practical difficulties that might arise in Hong Kong.
6	Procedural arrangements for the moving of a motion under Article 73(5) and (10) of the Basic Law or section 9 of the Legislative Council (Powers and	Article 73(5) and (10) of the Basic Law Section 9 of Cap. 382 Rules 18 and 19 of	The Committee agreed that the Secretariat should explore if information could be provided to assist members in examining the cause(s) of the reduced opportunities for the moving of motions with no legislative effect; and the Committee

Item	Issue	Relevant rule(s)	Progress/remarks
	Privileges) Ordinance (Cap. 382)	the Rules of Procedure Rules 13 and 15 of the House Rules	should explore options to address the President's concerns about the "queue-jumping effect". The subject matter will be further discussed at a Committee meeting to be held in the 2019–2020 session.
7	Legislative Council's power to summon the Chief Executive to attend before the Council or its committees	Article 73(5) and (10) of the Basic Law	The Committee took the view that the admissibility of a motion to summon the Chief Executive was a matter for the President to decide. It would not draw up principles to facilitate the President's consideration of such admissibility.
8	Arrangements regarding pregnant Members' attendance of meetings and their discharge of duties and related issues	Rules 6(2), 6(6), 17(4), 46 to 49 of the Rules of Procedure	<p>The Committee concluded that since the voting procedure was clearly stipulated in the Basic Law, it was not appropriate to consider the introduction of voting by proxy in Council or its committees.</p> <p>The Committee also decided not to pursue change to the current practice in recording Members' attendance and considered that the Legislative Council should adopt an accommodating approach towards Members' need to take care of their infants in the Legislative Council Complex.</p>