

LEGISLATIVE COUNCIL BRIEF

LEGISLATIVE COUNCIL (DISCIPLINARY SANCTIONS AND REMOTE SITTING) (MISCELLANEOUS AMENDMENTS) BILL 2021

INTRODUCTION

A At the meeting of the Executive Council on 24 August 2021, the Council ADVISED and the Chief Executive ORDERED that the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Bill 2021, at **Annex A**, should be introduced into the Legislative Council (LegCo).

JUSTIFICATIONS

2. Legislative amendments are needed to implement the LegCo's proposals to impose financial penalties on a member of the Council who is suspended from the service of the Council, or who is absent without valid reasons from a sitting of the Council which is adjourned due to a lack of quorum; to allow sittings of the Council or a committee to be conducted remotely in exceptional circumstances; and to amend the provision dealing with the admission of journals of LegCo as evidence.

Review of LegCo's Rules of Procedure (RoP) and House Rules (HR) in the 2020-2021 Legislative Session

3. Given the past incidents of filibusters in the Council and committees, lengthy process of election of committee chairmen, grossly disorderly conduct of certain LegCo Members and abuse of procedures to cause disruption to the proceedings of the Council and committees, there have been calls to review the rules and procedures of LegCo in order to achieve the orderly, efficient and fair disposition of Council business. Since the commencement of the 2020-2021 legislative session, LegCo's Committee on Rules of Procedure (CRoP) has been examining various proposals submitted by LegCo Members to amend LegCo's RoP and HR

to better ensure the effective and efficient operation of the legislature to keep up with new developments while upholding the rights of LegCo Members to speak and to debate. Motions under Article 75 of the Basic Law (BL) to seek the Council to approve the first batch and second batch of amendments to RoP were passed at the Council meeting of 24 March 2021 and 14 July 2021 respectively. The Chief Secretary for Administration has undertaken to introduce the Bill on behalf of LegCo for the purpose of implementing the relevant measures involving imposition of financial penalties on LegCo Members.

Imposing Financial Penalties on “Misbehaved Members” and “Absent Members”

4. Proposals passed under the first batch of amendments to RoP and HR include, among others, a mechanism for dealing with LegCo Members’ grossly disorderly conduct in Council, a committee of the whole Council, the House Committee (HC) or Finance Committee (FC) if the LegCo President considers the current sanction under RoP 45(2)¹ inadequate. Under such mechanism, the LegCo President may name a LegCo Member whose conduct is grossly disorderly and the LegCo President’s deputy will then move a motion, without debate or amendment, for the Council to decide whether to suspend the LegCo Member concerned from the service of LegCo for the period as specified in the motion. If the motion is passed, the LegCo Member suspended (misbehaved Member) would be excluded from participating in all business of the Council which include, among others, meetings of the Council and all its committees, as well as the handling of complaints under the LegCo Redress System. The duration of the suspension is subject to an escalating scale of severity². Consequential to the proposed suspension, a financial penalty (i.e. depriving the misbehaved Member of his or her remuneration including allowances and end-of-service gratuity) would be imposed for the period of suspension on a pro-rata basis.

¹ Under RoP 45(2), “(t)he 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; and the Clerk or clerk of any committee shall act on orders received by him from the Chair to ensure compliance with this order.”

² On the first occasion the misbehaved Member would be suspended for one week. On the second occasion, the misbehaved Member would be suspended for two weeks. On the third and fourth occasions, the misbehaved Member concerned would be suspended for four weeks and eight weeks respectively.

5. Under the second batch of amendments to RoP and HR, one of the proposals sets out the proposed procedures for dealing with quorum calls. It is proposed that if a LegCo Member is absent without valid reasons³ from a Council meeting adjourned due to a lack of quorum under RoP 17(2)⁴ or 17(3)⁵ (absent Member), the absent Member would be liable to pay a financial penalty on each occasion that the Council is so adjourned, regardless of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and may be resumed for continuation of any unfinished business under RoP 17(6) and 14(4). The LegCo President would have the discretion to decide whether the absence of a LegCo Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances and experience of overseas legislatures, etc. The financial penalty is to be determined by LegCo⁶ according to RoP and deducted from the absent Member's remuneration.

6. LegCo currently does not have any express statutory authority to impose financial penalties for dealing with misbehaved Members and absent Members as recommended by the first batch and second batch of amendments to RoP and HR respectively. Through the introduction of the relevant amendments to the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (the Ordinance), LegCo will be

³ With reference to the relevant practices of some overseas legislatures, valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.

⁴ According to RoP 17(2), "(i)f 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."

⁵ According to RoP 17(3), "(i)f 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."

⁶ The financial penalty is proposed to be set at an amount equivalent to one day's remuneration currently payable to a LegCo Member who does not serve on the Executive Council (ExCo). It will be set out in the relevant rules in RoP to be made by LegCo. The amount of the financial penalty is subject to adjustment based on changes to the prevailing monthly remuneration of a LegCo Member not serving on ExCo. LegCo Member's monthly remuneration is subject to annual adjustment in October each year, in accordance with the movement of the Consumer Price Index (C).

empowered under a more effective legislative regime to deal with grossly disorderly conduct of LegCo Members and deter the abuse of quorum calls for the purpose of filibustering, thereby maintaining efficiency and solemnity of LegCo and restoring rational discussion in Council.

Use of videoconferencing platform for holding sittings of the Council or any committees in exceptional circumstances

7. In view of the severe COVID-19 pandemic situation in Hong Kong, some of the meetings of LegCo had to be suspended in the 2019-2020 and 2020-2021 legislative sessions. To enable committees performing functions primarily of a deliberative nature, i.e. Panels or their subcommittees, Bills Committees and subcommittees appointed by HC, to continue to meet during the COVID-19 pandemic in the performance of their functions under RoP and HR while ensuring social distancing, the Council passed a motion under BL 75 (at **Annex B**) to introduce a procedure for the conduct of committee meetings virtually during the COVID-19 pandemic⁷. However, meetings of the Council, HC, FC and its subcommittees, CRoP, Committee on Members' Interests and Public Accounts Committee (PAC) continued to meet in person.

B

8. BL 75(1) provides that the quorum for meetings of the Council shall be not less than one half of all its Members. Under Part II of Annex II to BL, the passage of bills introduced by the Government and the passage of motions, bills or amendments to Government bills introduced by individual Members require the voting Members to be present. Since BL does not expressly prohibit virtual or remote LegCo meetings and voting, whether LegCo should do so and, if so, how, are matters within the exclusive authority of LegCo to determine. To that end, BL 75(2) expressly empowers LegCo to make rules on its own. As such, LegCo may decide, in the exercise of its exclusive cognizance, and pursuant to BL 75(2), to hold LegCo and committee meetings virtually or remotely for the purpose of enabling LegCo to carry on with its work in exceptional circumstances.

9. While BL does not prohibit meetings of LegCo from conducting remotely, given that the provisions of the Ordinance in essence envisage

⁷ The motion was passed at the Council meeting of 13 January 2021. Under the procedure for holding virtual committee meetings annexed to the motion passed by LegCo, the chairman of a relevant committee or any other LegCo Member presiding shall chair the virtual meeting in a venue within the LegCo Complex, while other LegCo Members and persons invited or summoned to attend the meeting may participate in the meeting remotely. In other words, remote committee meetings were conducted under what may be called a "hybrid" model.

the holding of meetings of the Council or a committee physically in the Chamber or the precincts of the Chamber, LegCo is of the view that it would not be sufficient to provide matters relating to the conduct of remote meetings of LegCo merely in RoP without at the same time amending the Ordinance as it is possible that there may be exceptional circumstances precluding the Council or a committee from conducting a physical meeting within the LegCo Complex. Exceptional circumstances may include an occasion of emergency (including a public health emergency) or public danger or the situation where the LegCo Complex has been rendered inoperable.

10. Enabling meetings of LegCo and its committees to be held remotely would ensure that LegCo could continue to discharge its constitutional function even in exceptional circumstances. To cater for such needs, LegCo proposes to provide authority for LegCo to authorise by resolution at a physical sitting that sittings of the Council or any committee (e.g. HC, FC and its subcommittees, CRoP, Committee on Members' Interests and PAC, etc.) may be conducted remotely by way of any virtual, digital or electronic means within a specified period.

11. LegCo also seeks to amend the Ordinance to provide that the Ordinance (including its provisions on privileges and immunities) applies to a remote sitting of the Council or a committee as if it were a physical sitting. LegCo Members would attend or participate by remote access at a pre-determined fixed place or place as designated by the President. The definitions of "Chamber" and "precincts of the Chamber" in the Ordinance have to be extended to cover a place or places as designated by the LegCo President for the purpose of conducting the remote sitting (including any virtual, digital or electronic locations as designated by the LegCo President from which LegCo Members or other persons attending a sitting of the Council or a committee may attend or participate by remote access). For the avoidance of doubt, it will be specified that the definition of "precincts of the Chamber" shall not be construed, for the purposes of the remote sitting, as including the entire building in which the proceedings of the Council or a committee are conducted, or the entire building in which the place or location designated by the LegCo President is situated.

12. Detailed procedures and other relevant matters for the conduct of remote sittings (such as quorum, voting procedure and other technical matters) would be provided for in RoP to be made by LegCo upon passage of the relevant legislative amendments.

Admission of Journals

13. It is LegCo Secretariat's plan to produce only electronic copies of the journals in the future (i.e. the journals will no longer be printed by the Director of Government Logistics).

14. To provide flexibility in relation to admission of the journals of the Council as evidence, apart from copy of the journals currently printed by the Director of Government Logistics, it is proposed that a copy of the journals printed or purporting to be printed by or under the authority of the Council, or a copy of the journals duly authenticated by the signature of the Clerk to LegCo, be allowed to be admitted as evidence of such journals without any further proof being given.

Other related amendments

15. Arising from the amendments to RoP and HR relating to suspension of a LegCo Member from the service of LegCo, related amendments have to be made to The Legislative Council Commission Ordinance (Cap. 443) and the Legislative Council Ordinance (Cap. 542).

16. For Cap. 443, it is proposed that relevant provisions should be amended to specify that if a LegCo Member who is suspended from the service of LegCo is a member of The Legislative Council Commission (the Commission), he or she should also be suspended from performing the functions and duties as a member of the Commission during the period of his or her suspension from the service of the Council. Furthermore, it is proposed to specify that the Commission may continue to act notwithstanding the suspension of a person's functions and duties as a member of the Commission consequential upon his or her suspension from the service of the Council under RoP.

17. For Cap. 542, provisions are proposed to be added to remove any doubt as to whether the suspension of a LegCo Member from the service of LegCo under RoP would affect the power of LegCo to transact business or the validity of its proceedings.

OTHER OPTIONS

18. It is necessary to define in legislation the powers of LegCo to impose financial penalties on LegCo Members and implement other relevant measures. There are no other options.

THE BILL

19. The main provisions of the Bill are set out as follows –
- (a) **Clause 3** amends the long title of the Ordinance;
 - (b) **Clause 6** adds two new sections 20A and 20B to the Ordinance to deprive a misbehaved Member of the Member’s remuneration and allowance in respect of the period during which the Member is suspended from the service of the Council and impose a financial penalty on an absent Member;
 - (c) **Clause 7** amends section 21 of the Ordinance to expand on the types of journals of the Council that can be admitted as evidence;
 - (d) **Clause 8** adds a new section 27 to the Ordinance to allow sittings of the Council or a committee to be conducted remotely in exceptional circumstances and Clause 4 makes a related amendment to the definitions of “Chamber” and “precincts of the Chamber” in the Ordinance;
 - (e) **Clause 9** amends section 5 of Cap. 443 to provide that a LegCo Member’s functions and duties as a Member of the Commission is also suspended (related suspension) during the period of suspension of the Member from the service of the Council;
 - (f) **Clause 10** amends section 18 of Cap. 443 to provide that the Commission may continue to act despite a related suspension; and
 - (g) **Clause 11** amends section 17 of Cap. 542 to provide that the power of the Council to transact business, and the validity of the Council’s proceedings, is not affected by the suspension of a Member (as defined by section 3 of Cap. 542) from the service of the Council.

LEGISLATIVE TIMETABLE

20. The legislative timetable will be –

Publication in the Gazette	27 August 2021
First Reading and commencement of Second Reading debate in LegCo	1 September 2021
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

21. The proposal is in conformity with the BL, including the provisions concerning human rights. The proposal will not affect the binding effect of existing provisions of the relevant ordinances and their subsidiary legislation. It has no civil service, economic, productivity, environmental, sustainability, gender or family implications.

22. As regards financial implications, the proposals to impose financial penalties on misbehaved Members and absent Members by withholding or deducting the penalties from the remuneration package of the LegCo Members concerned would result in savings in the remuneration and relevant allowances/end-of-service gratuity. As the amount of financial penalties to be imposed would depend on the specific circumstances of individual cases, we cannot provide an estimate of the savings arising from such penalties.

PUBLIC CONSULTATION

23. CRoP has consulted LegCo Members on the proposals to amend RoP and HR. Motions under BL 75 to seek the Council to approve the first batch and second batch of amendments to RoP were passed at the Council meeting of 24 March 2021 and 14 July 2021 respectively. As the proposals are matters concerning LegCo's internal operation, no public consultation has been held.

PUBLICITY

24. A press release will be issued when the Bill is published in the Gazette on 27 August 2021. A spokesperson will be available to answer media and public enquiries.

BACKGROUND

25. Since the 2020-2021 legislative session, CRoP has been studying various proposals submitted by LegCo Members to amend LegCo's RoP and HR with a view to improving the system, operation and order of LegCo as a whole. The first batch of the amendments to RoP cover eight proposals and the second batch of amendments to RoP cover four proposals. A summary of proposals under the first batch and second batch of amendments to RoP and HR is at **Annex C**.

C

ENQUIRIES

26. Any enquiries on this brief should be addressed to Ms Vivian Cheung, Assistant Director of Administration, at 2810 3946.

Administration Wing
Chief Secretary for Administration's Office
25 August 2021

Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Bill 2021

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A BILL

To

Amend the Legislative Council (Powers and Privileges) Ordinance to impose sanctions in relation to a member of the Council who is suspended from the service of the Council, or who is absent without valid reasons from a sitting of the Council which is adjourned due to a lack of quorum; to allow sittings of the Council or a committee to be conducted remotely in exceptional circumstances; to amend the provision dealing with the admission of journals as evidence; and to make related amendments to The Legislative Council Commission Ordinance and the Legislative Council Ordinance.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Ordinance 2021.

2. Enactments amended

- (1) The Legislative Council (Powers and Privileges) Ordinance (Cap. 382) is amended as set out in Part 2.
- (2) The Legislative Council Commission Ordinance (Cap. 443) is amended as set out in Part 3.

- (3) The Legislative Council Ordinance (Cap. 542) is amended as set out in Part 4.

Part 2

Amendments to Legislative Council (Powers and Privileges) Ordinance

3. **Long title amended**

The long title, before “to provide for”—

Add

“to make provision for disciplinary sanctions against the members of the Legislative Council in certain circumstances;”.

4. **Section 2 amended (interpretation)**

After section 2(1A)—

Add

“(1B) In relation to a sitting of the Council or a committee conducted remotely pursuant to an authorization under section 27—

- (a) the definitions of *Chamber* and *precincts of the Chamber* in subsection (1) are to be construed as including the place or places designated under section 27(2) for the sitting; and
- (b) the definition of *precincts of the Chamber* in subsection (1) is not to be construed as including the entire building in which the proceedings of the Council or a committee are conducted, or the entire building in which the place or places referred to in paragraph (a) is or are situated.”.

5. **Part IV heading amended (offences and penalties)**

Part IV, heading—

Repeal

“Penalties”

Substitute

“Disciplinary Sanctions”.

6. **Sections 20A and 20B added**

Part IV, after section 20—

Add

“20A. Members not entitled to remuneration and allowance during suspension

- (1) This section applies to a member who is suspended under the Rules of Procedure from the service of the Council for engaging in grossly disorderly conduct.
- (2) The member is not entitled to receive any remuneration or allowance to which the member is, apart from this section, entitled in respect of the period of suspension, but the member is entitled to be reimbursed the operating expenses incurred by the member in respect of that period.

20B. Members liable to financial penalty if absence causes adjournment of Council

- (1) This section applies in relation to a member if—
 - (a) the member is absent from a sitting of the Council;
 - (b) the Council is adjourned under the Rules of Procedure because a quorum is not present at that sitting; and

- (c) the President is not satisfied that there is a valid reason for the member's absence.
- (2) The member is liable to pay a financial penalty on each occasion that the Council is so adjourned.
- (3) The financial penalty is to be—
 - (a) determined by the Council according to the Rules of Procedure; and
 - (b) deducted from the member's remuneration to which the member is entitled.
- (4) For the purposes of subsection (1)(b), it does not matter whether the Council adjourned is subsequently resumed for continuation of any unfinished business under the Rules of Procedure.”.

7. Section 21 amended (journals printed by order of the Council to be admitted as evidence)

- (1) Section 21, heading—

Repeal

“printed by order of the Council”.

- (2) Section 21—

Repeal

everything after “of any”

Substitute

“member—

- (a) any copy of the journals—
 - (i) printed or purporting to be printed by the Director of Government Logistics; or

- (ii) printed or purporting to be printed by or under the authority of the Council; or

- (b) any copy of the journals authenticated by the signature of the Clerk,

is to be admitted as evidence of such journals in all courts and places without further proof.”.

8. Section 27 added

After section 26—

Add

“27. Sittings of Council or committee may be conducted remotely

- (1) The Council may, by a resolution passed at a physical sitting of the Council, authorize that during a specified period, sittings of the Council or a committee may be conducted remotely in accordance with the Rules of Procedure by the virtual, digital or electronic means determined by the Council.
- (2) The President may designate a place or places for a sitting conducted remotely pursuant to an authorization under subsection (1) (*remote sitting*), including any virtual, digital or electronic location at which members or other persons attending the sitting may attend or participate by remote access.
- (3) In relation to a remote sitting—
 - (a) a reference to a sitting of the Council or a committee in this Ordinance is not to be construed as limited to a sitting at which members or other persons attending the sitting are present in the same place; and

(b) this Ordinance (other than section 8(4)) is to apply to the remote sitting as if it were a physical sitting.

(4) In this section—

physical sitting (實體會議) means a sitting of the Council or a committee at which no member or other person attending the sitting attends or participates by virtual, digital or electronic means;

specified period (指明期間) means a period—

(a) during which the Council or a committee is precluded by an event or occurrence (including an occasion of emergency or public danger) from conducting a physical sitting; and

(b) that is specified in a resolution passed at a physical sitting of the Council.”.

Part 3

Amendments to The Legislative Council Commission Ordinance

9. Section 5 amended (office of members)

After section 5(9)—

Add

“(10) If a member is suspended during a period from the service of the Council under the Rules of Procedure (as defined by section 2(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)), the member’s functions and duties as a member are suspended during the period.”.

10. Section 18 amended (Commission may act notwithstanding vacancies, etc.)

Section 18—

Repeal

“and its proceedings shall not be”

Substitute

“, or suspension of a member’s functions and duties under section 5(10) and the proceedings of the Commission are not”.

Part 4

Amendments to Legislative Council Ordinance

11. Section 17 amended (proceedings of Legislative Council not affected by vacancy in membership etc.)

(1) Section 17(1)(a)—

Repeal

“or”.

(2) Section 17(1)(b)—

Repeal the full stop

Substitute

“; or”.

(3) After section 17(1)(b)—

Add

“(c) the suspension of a Member from the service of the Legislative Council under the Rules of Procedure of the Legislative Council for the time being in force (*Rules of Procedure*).”.

(4) Section 17(2)(b)—

Repeal

“or”.

(5) After section 17(2)(b)—

Add

“(ba) the suspension of a Member from the service of the Legislative Council under the Rules of Procedure; or”.

Explanatory Memorandum

The main object of this Bill is to amend the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (*Ordinance*)—

(a) to impose sanctions in relation to the following members of the Legislative Council (*Council*)—

(i) a member who is suspended from the service of the Council due to the member’s grossly disorderly conduct (*misbehaved member*);

(ii) a member whose absence from a sitting of the Council without valid reasons caused an adjournment of the Council (*absent member*);

(b) to allow sittings of the Council or a committee (as defined by section 2 of the Ordinance) (*committee*) to be conducted remotely in exceptional circumstances; and

(c) to expand on the types of copy of journals (as defined by section 2 of the Ordinance) (*journals*) that can be admitted as evidence.

2. Clause 1 sets out the short title.

3. Clause 3 amends the long title of the Ordinance.

4. Clause 6 adds new sections 20A and 20B to the Ordinance to—

(a) deprive a misbehaved member of the member’s remuneration and allowance in respect of the period during which the member is suspended from the service of the Council; and

(b) impose a financial penalty on an absent member.

5. Clause 7 amends section 21 of the Ordinance to expand on the types of copy of journals that can be admitted as evidence.

6. Clause 8 adds a new section 27 to the Ordinance to allow sittings of the Council or a committee to be conducted remotely in exceptional circumstances and clause 4 makes a related amendment to the definitions of *Chamber* and *precincts of the Chamber* in the Ordinance.
7. Clause 9 amends section 5 of The Legislative Council Commission Ordinance (Cap. 443) (*Cap. 443*) to provide that a member's functions and duties as a member of The Legislative Council Commission (*Commission*) are also suspended (*related suspension*) during the period of suspension of the member from the service of the Council.
8. Clause 10 amends section 18 of Cap. 443 to provide that the Commission may continue to act despite a related suspension.
9. Clause 11 amends section 17 of the Legislative Council Ordinance (Cap. 542) to provide that the power of the Council to transact business, and the validity of the Council's proceedings, are not affected by the suspension of a Member (as defined by section 3 of that Ordinance) from the service of the Council.

**Motion to be moved by Hon Starry LEE
under Article 75 of the Basic Law of the Hong Kong
Special Administrative Region of the
People's Republic of China**

Wording of the Motion

That with immediate effect until 30 September 2021 or until an earlier date as the Council may by resolution determine, the procedure set out in the Schedule be adopted to enable Panels (or their subcommittees), Bills Committees and subcommittees appointed by the House Committee to continue to meet during the COVID-19 pandemic in the performance of their functions under the Rules of Procedure and the House Rules of the Legislative Council of the Hong Kong Special Administrative Region while ensuring social distancing.

**Procedure for committee meetings conducted
by video conference hosted on a platform approved by the House Committee**

- (1) Any Panel (or its subcommittee), Bills Committee or subcommittee appointed by the House Committee (“relevant committee”) may, as its chairman determines, meet remotely by video conference hosted on a platform approved by the House Committee (“virtual meeting”) during the COVID-19 pandemic.
- (2) Where a virtual meeting is held:
 - (a) the chairman of a relevant committee or any other member presiding shall chair the virtual meeting in a venue within the Legislative Council (“LegCo”) Complex, while other members and persons invited or summoned to attend the meeting may participate in the meeting remotely pursuant to paragraph (1) above;
 - (b) members of a relevant committee attending a virtual meeting shall be counted as present for the purpose of constituting the quorum for the meeting;
 - (c) voting at a virtual meeting will be conducted by a show of hands via the approved video conferencing platform referred to in paragraph (1) above. Before a matter is voted upon, if the Chairman orders or upon request of a member, members will be notified of the impending voting by a message through the Short Messaging Service subscribed by the LegCo Secretariat. The voting shall be held five minutes after the message has been issued; and
 - (d) virtual meetings of a relevant committee are deemed to be held in public if records of their proceedings are made available to members of the press and of the public by webcast via the LegCo website or a publicly accessible social media platform.
- (3) Members of the press and of the public may observe the proceedings of a relevant committee in a virtual meeting via either the LegCo website or a publicly accessible social media platform.
- (4) Save as otherwise provided above, the existing provisions of the Rules of Procedure and the House Rules applicable to meetings of a relevant committee shall also apply to virtual meetings of that committee where appropriate.

**Summary of Amendments to Legislative Council's
Rules of Procedure and House Rules
in the 2020-2021 Legislative Session**

Proposals under the first batch of amendments

(1) Sanction against grossly disorderly conduct of Members

If a motion on suspending a Member who commits grossly disorderly conduct¹ is passed, the Member suspended would be prohibited from participating in all business of the Council. The duration of suspension is subject to an escalating scale of severity. A financial penalty (i.e. the remuneration of that Member including allowances and end-of-service gratuity) would be imposed for the period of suspension on a pro-rata basis.

(2) Specifying time limits on debates in Council and adjusting the length of Members' speeches

Time limits have been specified on debates on "substantive motions"² and "procedural motions"³ in Council, ranging from 1 hour 30 minutes to 4 hours. Speaking time limits for individual Members in each debate with respect to different types of motions have been adjusted ranging from 3 minutes to 10 minutes. This is not applicable to debates on individual

¹ If the LegCo President is of the view that the current sanction under RoP 45(2) is inadequate in dealing with the grossly disorderly conduct committed by a Member in Council, a committee of the whole Council, the Finance Committee or the House Committee (HC), LegCo President may name the Member concerned for such instance(s) of misconduct. LegCo President's deputy will then move a motion, without debate or amendment, for the Council to decide whether to suspend the Member concerned from the service of LegCo for the period as specified in the motion.

² "Substantive motions" refer to motions under items mentioned in RoP 18(1)(i) to (n) which involve substantive debate.

³ "Procedural motions" refer to motions that are procedural in nature and relate to the regulation of Council proceedings. Examples include a motion under RoP 40(1) that a debate be adjourned, a motion under RoP 40(4) that further proceedings of a committee of the whole Council be adjourned, a motion under RoP 54(4) that the Second Reading debate on a bill be adjourned and the bill not be referred to HC.

Government bills and Members' bills on which the Legislative Council (LegCo) President may continue to exercise his discretion to specify time limits and debate arrangements in the exercise of his powers and functions to preside over meetings under Article 72(1) of the Basic Law (BL).

(3) Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman of a new session

A new rule has been added to the Rules of Procedure (RoP) to provide expressly that the chairman or deputy chairman of a committee who holds office until the chairman or deputy chairman for the next session is elected in that next session shall have all the powers that may be exercised by a chairman or deputy chairman of the committee until his or her term of office ends, either upon the commencement of the next session or the election of the chairman for the next session, whichever is the later.

(4) Finetuning the procedure for the adjournment of debate in the Council

RoP 40 has been amended to provide that no motion may be moved to adjourn a debate on a motion moved under 10 specific rules of RoP without notice. RoP 40 has also been amended to the effect that if LegCo President is of the opinion that the moving of a motion to adjourn a debate is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate.

(5) Proposed amendments to prevent possible abuse of procedures

Specific amendments which are more related to Government's handling of LegCo business are highlighted as follows –

- (a) RoP 21(1) has been amended to the effect that an intended presentation of papers, whether by a designated public officer or by a Member, should be subject to a two-clear days' notice requirement, which may be dispensed with by LegCo President;

- (b) RoP 21(5) has amended to provide that a Member or a designated public officer who wishes to address the Council at a meeting of the Council should give written notice to LegCo President of his wish before the beginning of that meeting, and may only address the Council if LegCo President's consent has been obtained; and
- (c) The definition of "clear days" under RoP 93(b) has been amended to the effect that where a period of time is prescribed as a certain number of clear days, that period of time should end at 5:00 pm on the last day of that period.

(6) Discontinuation of motions moved without notice at a committee meeting

HR 22(p) which applies to Panels and subcommittees appointed by HC or Panels to study policy issues has been amended to the effect that 2 clear days' written notice would be required for moving motions to express views or stance on a specific issue at a meeting of the committee concerned.

(7) Order of dealing with Members' motions under BL 73(5) and (10) and the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

Order of dealing with Members' motions under BL 73(5) and (10) and the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) at a Council meeting has been amended to the effect that these motions are dealt with after Members' motions not intended to have legislative effect unless HC's prior endorsement for according priority to the debates on such motions has been obtained.

(8) Proposed amendments to the House Rules

A number of amendments have been made to facilitate the smooth operation of HC and better reflect its current practices. Major amendments include preventing Members from deliberately submitting their request for asking an

urgent question at a Council meeting after the deadline for proposing agenda items for an HC meeting; and specifying that a Bills Committee or subcommittee to study subsidiary legislation will only be formed when not less than three Members indicated their interest in joining that Bills Committee or subcommittee at the relevant HC meeting.

Proposals under the second batch of amendments

(1) Committee membership and election of the chairman and deputy chairman of a committee⁴

The membership size of Panels and subcommittees (SCs) appointed by HC or Panels to study policy issues will be capped at 20 members and that of Bills Committees (and their SCs) and SCs appointed by HC to study subsidiary legislation and other instruments, as well as SCs appointed by HC to consider other matters relating to Council business will be capped at 15 members unless otherwise decided by HC. In addition, a new mechanism will be put in place to allocate committee seats among Members, as well as specifying that each Member can serve on a maximum of six Panels at the same time with a view to achieving a more balanced allocation of committee seats among Members.

Nomination and election procedures will be amended to ensure that the nomination and election of the chairman and deputy chairman of a committee could be conducted smoothly and completed within a reasonable time.

(2) Procedures for dealing with quorum calls and points of order

A financial penalty⁵ will be imposed on a Member who is absent without

⁴ Amended provisions will take effect at the beginning of the Seventh LegCo.

⁵ It is proposed that the amount of the financial penalty to be imposed each and every time on a Member so absent would be an across-the-board penalty which is equivalent to one day's remuneration of a Member not serving on the Executive Council (ExCo), irrespective of whether the Member so absent is an ExCo Member.

valid reasons⁶ from a Council meeting adjourned due to a lack of quorum under RoP 17(2) or 17(3), regardless of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and might be resumed for continuation of any unfinished business under RoP 17(6) and RoP 14(4).

RoP 39 and 44 have been amended to provide procedures for dealing with points of order (including quorum calls) that are abusive in nature.

(3) Attire for Members attending Council meetings

RoP 42(a) and RoP 43 have been amended to expressly provide that Members shall dress in business attire during a meeting of the Council (including proceedings of a committee of the whole Council) and that the requirement does not apply to meetings of other committees. In addition, the “Guidance on Members’ attire which might be deemed inappropriate for attending Council meetings” has been provided for Members’ reference. Such Guidance may be revised or updated as and when directed by LegCo President.

(4) Display of objects by Members at Council meetings

RoP 42 has been amended to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object for illustrating a point in his or her speech only while he or she is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41 concerning the contents of Members' speeches.

⁶ Valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.