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Legislative Council

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From: Clerk to the House Committee
To : Members of the House Committee

Follow-up to the House Committee meeting on 26 February 2021

**Review of the Rules of Procedure and House Rules –
First batch of proposed amendments to the Rules of Procedure**

Following the endorsement of the House Committee ("HC") of the first batch of proposed amendments to the Rules of Procedure ("RoP") (i.e. Proposals 1 to 5 in LC Paper No. CROP 46/20-21)¹ at the captioned meeting, Hon Paul TSE, Chairman of the Committee on Rules of Procedure, will move a resolution under Article 75 of the Basic Law to amend the relevant provisions of RoP at the Council meeting of 24 March 2021.

2. To facilitate Members to have a better understanding of the proposed amendments and to debate on the proposed resolution, a marked-up version of the relevant provisions of RoP incorporating the respective proposed amendments set forth in the resolution is given in **Appendix I**.
3. Members may wish to note that RoP 37 (Recommendations of House Committee as to Time of Speaking) is proposed to be amended to provide that HC may make recommendations on the duration of debates and the speaking time limits of Members in debates, provided that the President of the Legislative

¹ The five proposals are namely: 1) Sanction against grossly disorderly conduct of Members; 2) Specifying time limits on debates in Council and adjusting the length of Members' speeches; 3) Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session; 4) Finetuning the procedure for the adjournment of debate in the Council; and 5) Proposed amendments to prevent possible abuse of procedures.

Council or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits. To specify the proposed duration of debates and speaking time limits for individual Members in each debate with respect to different types of motions, a new Appendix IIIA is proposed to be added to the House Rules ("HR"). A draft version of Appendix IIIA to HR is reproduced in **Appendix II** as reference information. Subject to the passage of the resolution, consequential amendments to the relevant provisions of HR including the draft Appendix IIIA will be submitted to HC for Members' consideration and approval in due course.

(Flora TAI)
Clerk to the House Committee

Encls.

**Marked-up version of the relevant provisions
of the Rules of Procedure**

16. Motions for the Adjournment of the Council

(1) When for any sufficient reason it is not desired to formulate a motion in express terms for the purpose of debating an issue or issues, a motion that the Council do now adjourn may be moved for the purpose of such a debate.

(2) Such a motion shall not require notice and may be moved only between two items of business *that are set out in Rule 18(1) (Order of Business at a Meeting)*. It may be moved by a Member or any designated public officer attending the meeting, with the permission of the President, if the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance.

(2A) If at the expiration of one and a half hours, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (2) such motion has not been agreed to, the President shall not put the question on the motion and the Council shall proceed to the next item of business.

(3) If such a motion shall be agreed to, the Council shall stand adjourned.

(7) If at the expiration of one and a half hours, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (4) such motion has not been agreed to, the President shall adjourn the Council without putting any question.

(L.N. 165 of 2008)

(8) A motion that is to be moved under subrule (2) or (4) at a meeting of the Council but is not reached before the Council is adjourned shall not stand over until the next meeting, and shall be taken as having been disposed of.

18. Order of Business at a Meeting

(1) The business of each meeting other than a meeting under Rule 8 (Attendance of the Chief Executive) or Rule 13 (The Chief Executive's Policy Address), or the first meeting of a term or a meeting to elect the President shall be transacted in the following order:

- (ja) Government motions on subsidiary legislation and other instruments made under an Ordinance.
(L.N. 245 of 2009)
- (jb) Members' motions on subsidiary legislation and other instruments made under an Ordinance, *excluding motions moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments).*
(L.N. 245 of 2009)
- (jc) *Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).*
- (k) Members' bills.
- (l) Members' ~~motions other than those specified in paragraph (jb)~~ *other motions.* (L.N. 245 of 2009)
- (m) ~~Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).~~
- (n) Proceedings under Rule 16(4) (Motions for the Adjournment of the Council).

(2) The items of business mentioned in paragraphs (a), (b), (c), ~~(d), (e),~~ (g) and (h) of subrule (1) shall not require notice; but with the exception of items (a) and (c) they shall not be entered upon save with the previous leave of the President.

19. The Agenda of the Council

(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, *and to set a time limit on the consideration of such motion or bill.* (L.N. 187 of 2017)

20. Presentation of Petitions

(1) A petition may be presented to the Council only by a Member. Every petition shall be in the Chinese language or the English language.

(2) A Member who wishes to present a petition to the Council shall ~~inform the President not later than the day before the meeting~~ *give notice to the President not later than 3 clear days before the meeting* at which he wishes to present it. When ~~so informing the President~~ *giving such notice* he shall certify in writing to the President that the petition is respectful and, in his opinion, deserving of presentation.

21. Presentation of Papers

(1) A paper may be presented to the Council by a designated public officer or, with the permission of the President, by a Member, *but no paper shall be so presented unless notice of it has been given not less than 2 clear days before the Council meeting at which the paper is to be presented provided that the President may in his discretion dispense with such notice.*

(4) Subject to subrule (4A), whenever a report of a Bills Committee *or of a committee to which a bill has been referred for consideration under Rule 54(4) (Second Reading)* has been laid on the Table of the Council, the Member presenting it may, with the permission of the President, address the Council on the report at the commencement of the resumption of the second reading debate on the relevant bill. (L.N. 74 of 2005)

(4A) Where the purpose of the resumption of the second reading debate on a bill is for making an announcement for the withdrawal of the bill in accordance with Rule 64 (Withdrawal or Postponement of Bills), ~~the Member presenting a report of the Bills Committee on the bill~~*the Member presenting a report of a Bills Committee or of a committee to which the bill has been referred for consideration* at the meeting of the Council at which such an announcement is to be made may, with the permission of the President, address the Council thereon at the time when the report is laid on the Table of the Council. (L.N. 74 of 2005)

(5) Subject to subrule (7), a Member or a designated public officer may, ~~with the consent of the President,~~ address the Council on subsidiary legislation (other than that subject to section 35 of the Interpretation and General Clauses Ordinance (Cap. 1)) or the instrument referred to in Rule 29(2)(b) (Notice of Motions and Amendments) which is laid on the Table of the Council, provided that the period (or any extended period) under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) or under any other statutory provision providing for amendment has not expired. A Member or a designated public officer who wishes to address the Council under this subrule at any meeting shall ~~inform the President of his wish before the beginning of that meeting~~*give written notice to the President of his wish before the beginning of that meeting, and may only address the Council if the President has given his consent.* (L.N. 129 of 2009; L.N. 245 of 2009)

26. Asking and Answering of Questions

(3) When each question is reached on the Agenda the President shall, except in the case of a question for which a written answer has been sought, call on the Member in whose name the question stands. The Member called shall then ~~rise in his place and ask the question~~*rise in his place and read out the question set out on the Agenda* and the designated public officer who is to answer it shall give his reply.

29. Notice of Motions and Amendments

(3) No motion to extend the period for amendment in accordance with section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) or the relevant provision in the Ordinance under which the subsidiary legislation or instrument referred to in subrule (2) is made shall be moved in Council unless notice of it has been given not less than 3 clear days before the day on which the motion is to be considered by the Council:

(L.N. 129 of 2009)

Provided that the President may in his discretion dispense with such notice.

(3A) The President shall, upon the moving of a motion under subrule (3), put the question on that motion without debate.

(4) The notice period required for any amendment to a motion referred to in subrule (2) or (3) shall be decided by the President according to his discretion.

37. Recommendations of House Committee as to Time of Speaking

~~(1) In relation to any motion or amendment to a motion (other than a motion intended to have legislative effect or to which Part JA (Procedures for Particular Motions) applies) to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may recommend (L.N. 311 of 1998)~~

~~(a) that the mover of the motion should not speak for more than a specified number of minutes (such period to be inclusive of any speech in reply under Rule 33(3A) (Manner of Debating Motions)); (L.N. 86 of 2000)~~

~~(b) that the mover of an amendment to the motion should not speak for more than a specified number of minutes; and~~

~~(c) that other Members each should not speak for more than a specified number of minutes.~~

(1) In relation to any motion or amendment to a motion to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may make recommendations on the duration of debates and the speaking time limits of Members in debates, provided that the President or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits.

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

(1) *Subject to subrules (1A) and (1B),* a Member who has risen to speak on a question in the Council, *and before he so speaks,* may move without notice that the debate be now adjourned. Thereupon the President shall propose the question on that motion.

(1A) No motion without notice may be moved to adjourn a debate on a motion moved under subrule (6A), Rule 16 (Motions for the Adjournment of the Council), Rule 49B(2A) (Disqualification of Member from Office), Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), Rule 54(4) (Second Reading), Rule 55(1)(a) (Committal of Bills), Rule 84(3A) or (4) (Voting or Withdrawal in case of Direct Pecuniary Interest), Rule 89(2) (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings), or Rule 90(2) (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).

(1B) Where the President is of the opinion that the moving of the motion that the debate be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate.

(2) When a motion that the debate be now adjourned has been agreed to, the debate on the question then before the Council shall stand adjourned and the Council shall proceed to the next item of business.

(8) The provisions of subrules (1), *(1B)*, (2), (3), (4) and (5) shall apply to any debate or proceedings resumed under the provisions of subrules (6) and (7).

45A. Naming and Suspending

(1) *If, by reason of the grossly disorderly conduct of a Member, the President is of the opinion that his powers under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct, the President may, at any time he considers appropriate, name such Member.*

(2) *Where it comes to the knowledge of the President that a Member's grossly disorderly conduct has been committed in a committee of the whole Council, the Finance Committee or the House Committee, the President may, at any time he considers appropriate, name such Member if the President is of the opinion that the powers of the Chairman of the committee of the whole Council, the chairman of the Finance Committee or the chairman of the House Committee under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct.*

(3) *Where a Member is named by the President under subrule (1) or (2), the President shall, on a motion being moved forthwith by the President's deputy, put the question "That (name of such Member) be suspended from the service of the Council".*

(4) *A motion moved under subrule (3) shall be voted on forthwith without amendment or debate.*

(5) *If a Member is suspended by a motion moved and passed under subrule (3), the duration of the suspension (including the day of suspension) –*

- (a) *on the first occasion is one week;*
- (b) *on the second occasion during the same term of the Council is two weeks; and*
- (c) *on any subsequent occasion during the same term of the Council is twice that of the previous occasion, provided that such duration shall not extend beyond the end date of the term concerned.*

(6) *Any Member who is suspended from the service of the Council under this Rule shall immediately leave the Chamber. The suspended Member shall, for the duration of his suspension, be excluded from participation in the exercise of the Council's powers and functions under Article 73 of the Basic Law.*

(7) If the suspended Member refuses to comply with subrule (6), the President shall order the Clerk to take such action as may be necessary to ensure compliance.

49. Divisions

(6) Where there is more than one motion in respect of subsidiary legislation or the instrument referred to in Rule 29(2)(b) *or (3)* (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.

(L.N. 129 of 2009; L.N. 95 of 2010; L.N. 187 of 2017)

51. Notice of Presentation of Bills

(1) ~~A~~*Subject to subrule (1A), a* Member or a designated public officer may at any time give notice of his intention to present a bill; such notice shall be sent to the office of the Clerk and shall be accompanied by a copy of the bill and memorandum required by Rule 50 (Form of Bills), and in the case of a Member, also by a certificate signed by the Law Draftsman pursuant to subrule (2).

(1A) A Member who intends to present a bill under subrule (1) may only do so after he has consulted the relevant Panel on a draft of the bill.

54. Second Reading

(7) At the resumption of the second reading debate on a bill (other than resumption for the purpose of making an announcement for the withdrawal of a bill in accordance with Rule 64 (Withdrawal or Postponement of Bills)), a Member making ~~a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees)~~ *a report of a Bills Committee under Rule 76(9) (Bills Committees) or of a committee to which a bill has been referred for consideration under subrule (4)* may, with the permission of the President, be the first Member to speak. (L.N. 74 of 2005)

56. Functions of Committees on Bills

(1) Any committee of the whole Council or select committee to which a bill is committed shall not discuss the ~~principles of the bill but only its details~~ *general merits and principles of the bill but only whether it supports the amendments proposed to the bill, and whether clauses of the bill as amended or without amendment should stand part of the bill.*

63. Third Reading

(1) The Council shall proceed to the third reading of a bill on a motion that the bill be read the third time and do pass. Debate on that motion shall be ~~confined to the contents of the bill in the form of short and succinct speeches and confined to whether the bill should be supported, and not on the general merits and principles of the bill or in relation to proposed amendments to or individual provisions of the bill,~~ and no amendment may be moved to the motion.

79D. Powers of Chairman and Deputy Chairman in Office

(1) *Where it is provided in these Rules of Procedure that the chairman of a committee (“chairman in office”) shall hold office until the chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement, the chairman in office shall have all the powers that may be exercised by a chairman of the committee until the commencement of the next session or the election of the chairman for the next session, whichever is the later.*

(2) *Where it is provided in these Rules of Procedure that the deputy chairman of a committee (“deputy chairman in office”) shall hold office until the deputy chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement, the deputy chairman in office shall have all the powers that may be exercised by a deputy chairman of the committee until the commencement of the next session or the election of deputy chairman for the next session, whichever is the later.*

91. Suspension of Rules

A motion which has the object or effect of suspending a Rule shall not be moved except *with the recommendation of the House Committee and* after notice ~~or with~~*together with* the consent of the President.

93. Interpretation

In these Rules of Procedure, unless the context otherwise requires –

- (a) “Basic Law” means the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China;
- (b) the expression “clear days” *as a period of time* excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays, *and ends at 5:00 pm on the last day of that period;*

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.

(Details presented below subject to further revision where appropriate)

Appendix IIIA
(rule 17(b))

Duration of debates and speaking time limits of Members in debates¹

<u>Types of motions on which debates may arise</u>	<u>Duration of each debate</u>	<u>Number of speech(es) allowed for individual Members in each debate</u>	<u>Maximum time for a speech</u>
<i>(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)</i>			
I. Motions relating to bills			
<ul style="list-style-type: none"> ◆ Resumption of the second reading debate 	<i>The President may set a time limit on the consideration of individual bills where appropriate</i>	1 ²	10 mins
<ul style="list-style-type: none"> ◆ Consideration by committee of the whole Council (Amendment(s) to a bill/Clause(s) standing part of a bill) 		Multiple	5 mins
<ul style="list-style-type: none"> ◆ Third reading debate 		1	3 mins
II. Government motions			
<ul style="list-style-type: none"> ◆ Motions under Rule 29(1) of the Rules of Procedure ◆ Motions under Rule 29(2) of the Rules of Procedure to amend subsidiary legislation and other instruments 	Not more than 4 hrs	1	5 mins

¹ The President or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits.

² A Member making a report of a Bills Committee or of a committee to which a bill has been referred for consideration under Rule 54(4) of the Rules of Procedure may speak on the report with no time limit and may speak a second time subject to the 10-minute time limit in the second reading debate.

Types of motions on which debates may arise

Duration of each debate

Number of speech(es) allowed for individual Members in each debate

Maximum time for a speech

(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)

III. Members' motions

- ◆ Motions under Article 73(5) and (10) of the Basic Law to summon persons concerned to produce papers and testify
- ◆ Motions under Article 73(9) of the Basic Law to impeach the Chief Executive of the Hong Kong Special Administrative Region
- ◆ Motions under Article 75 of the Basic Law to amend the Rules of Procedure
- ◆ Motions under Article 159 of the Basic Law relating to amendments to the Basic Law
- ◆ Other motions under the Basic Law
- ◆ Motions under the Legislative Council (Powers and Privileges) Ordinance to appoint select committees to conduct inquiries

Not more than 4 hrs

1³

5 mins

³ The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply and also up to 5 minutes on the proposed amendment(s), if any.

<u>Types of motions on which debates may arise</u>	<u>Duration of each debate</u>	<u>Number of speech(es) allowed for individual Members in each debate</u>	<u>Maximum time for a speech</u>
♦ Motions under Rule 16(2) of the Rules of Procedure for the adjournment of the Council	Not more than 1.5 hrs	1 ⁴	5 mins
♦ Motions under Rule 16(4) of the Rules of Procedure for the adjournment of the Council	Not more than 1.5 hrs <i>(including 15 mins for designated public officer(s) to reply)</i>	1	5 mins
♦ Motions under Rule 29(2) of the Rules of Procedure to amend subsidiary legislation and other instruments	Not more than 4 hrs	1 ⁵	5 mins
♦ Motions under Rule 49B(1) of the Rules of Procedure to relieve a Member of his duties	Not more than 4 hrs	1 ⁶	5 mins
♦ Motions under Rule 49B(1A) of the Rules of Procedure to censure a Member			

(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)

^{4,6} The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply.

⁵ The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply and also up to 5 minutes on the proposed amendment(s), if any.

<u>Types of motions on which debates may arise</u>	<u>Duration of each debate</u>	<u>Number of speech(es) allowed for individual Members in each debate</u>	<u>Maximum time for a speech</u>
(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)			
♦ Motions under Rule 49E(2) of the Rules of Procedure (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments)	Not more than 2 hrs	1 (for whole debate if it is not divided into sessions)	5 mins (for whole debate if it is not divided into sessions)
♦ Motions under Rule 85 of the Rules of Procedure (Sanctions relating to Interests, Operating Expenses or Operating Funds)	Not more than 4 hrs	1 ⁷	5 mins
♦ Motions not intended to have legislative effect that are subject to allocation of slots to individual Members			
<ul style="list-style-type: none"> ➤ <i>Mover of the motion</i> <ul style="list-style-type: none"> - introductory speech and reply - speech on proposed amendment(s) ➤ <i>Mover of amendment to the motion/ Other speakers</i> 	Not more than 4 hrs	1 1 1	10 mins (in total) 5 mins (in total) 5 mins

⁷ The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply and also up to 5 minutes on the proposed amendment(s), if any.

Types of motions on which debates may arise

Duration of each debate

Number of speech(es) allowed for individual Members in each debate

Maximum time for a speech

(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)

IV. Other motions moved by Members or public officers under the following provisions of the Rules of Procedure:

<ul style="list-style-type: none"> ◆ Rule 40(1) or (4) (Adjournment of Debate or of Proceedings of a Committee of the Whole Council) ◆ Rule 49B(2A) (Disqualification of Member from Office) ◆ Rule 54(4) (Second Reading) ◆ Rule 55(1)(a) (Committal of Bills) ◆ Rule 84(3A) or (4) (Voting or Withdrawal in case of Direct Pecuniary Interest) ◆ Rule 88(1) (Withdrawal of Members of the Press and of the Public) ◆ Rule 89(2) (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) ◆ Rule 90(2) (Procedure for Obtaining Leave to Give Evidence of Council Proceedings) ◆ Rule 91 (Suspension of Rules) 	}	Not more than 2 hrs	1 ⁸	3 mins
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⁸ The mover, apart from having up to 3 minutes for an introductory speech, may speak for up to 3 minutes in reply.