

立法會

Legislative Council

LC Paper No. CROP 46/20-21

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Paper for the House Committee meeting on 26 February 2021

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

Purpose

This paper seeks endorsement of the House Committee ("HC") on the first batch of proposed amendments to the Rules of Procedure ("RoP") and House Rules ("HR") as agreed by the Committee on Rules of Procedure ("CRoP").

Background

2. Given the past incidents of filibusters in the Council and committees, lengthy process of election of committee chairmen, grossly disorderly conduct of certain 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 the Legislative Council ("LegCo") in order to achieve the orderly, efficient and fair disposition of Council business. Since the commencement of the 2020-2021 session of the Sixth LegCo,¹ CRoP has been examining proposals submitted by Members to amend 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 Members to speak and to debate.

¹ On 11 August 2020, the Standing Committee of the National People's Congress decided that the Sixth Legislative Council ("LegCo") would continue to discharge duties after 30 September 2020 for not less than one year until the commencement of the Seventh LegCo.

3. At its meetings held on 3 November 2020, 12 January and 3 February 2021, CRoP considered various proposed amendments covering a wide span of rules in RoP and HR. Among them, the proposed amendments relating to quorum requirements and membership size of committees were recommended for further study. Relating to these two issues, the proposals regarding the power of committee chairman to deal with points of order and election of chairman and deputy chairman of committees would be considered at a later time. CRoP decided to take forward the remaining proposals and invite Members' views on the respective details of these proposals.

4. Following the consultation exercises conducted in November 2020 and February 2021,² CRoP agreed to submit to HC for endorsement the first batch of proposed amendments receiving sufficient support from Members. Summaries of the proposed amendments which may be divided into eight groups (i.e. Proposals 1 to 8) are set out in the ensuing paragraphs.

Proposed amendments to the Rules of Procedure and House Rules

Proposal 1: Sanction against grossly disorderly conduct of Members

5. Since the Fourth LegCo, studies have been conducted on matters relating to maintaining order at Council and committee meetings. CRoP considered that the existing withdrawal sanction under RoP 45(2)³ was inadequate and another sanction similar to that adopted by the House of Commons of the United Kingdom Parliament should be put in place. Based on the outcome of the consultation exercise conducted in February 2021, CRoP agreed to put in place the proposed sanction which was supported by an overwhelming majority of Members with detailed procedures ("the Proposed Sanction") set out in **Appendix I**.

6. Under the Proposed Sanction, if the President of LegCo ("the President") considers the sanction under RoP 45(2) inadequate in dealing with the grossly disorderly conduct committed by a Member in

² The consultation exercises with all Members were conducted vide LC Paper Nos. CROP 8/20-21, CROP 41/20-21 and CROP 43/20-21 respectively issued on 9 November 2020, and 3 and 11 February 2021.

³ Rule 45(2) of the Rules of Procedure ("RoP") empowers the President of LegCo, the Chairman of a committee of the whole Council or the chairman of any committee to order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting.

Council, a committee of the whole Council, the Finance Committee ("FC") or HC in a single instance or multiple instances, the President may name the Member for such instance(s) of misconduct. A motion will then be moved by the President's deputy for the Council to decide, without debate or amendment, whether the Member should be suspended from the service of LegCo for the period specified in the motion. The duration of suspension is subject to an escalating scale of severity. If the motion is carried, the Member suspended would be prohibited from participating in all business of the Council⁴ and, subject to making necessary amendments to the relevant legislation, a financial penalty⁵ would be imposed for period of suspension on a pro-rata basis. While an overwhelming majority of Members consulted did not support putting in place an appeal or objection procedure against the decision of the Council to suspend a Member from the service of LegCo, this would not preclude the President from exercising his powers and discretion under Article 72 of the Basic Law ("BL"), the laws of Hong Kong and RoP to devise the necessary practice for the purpose of ensuring that the relevant proceedings comply with the principles of procedural fairness and the rules of natural justice.

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

7. To ensure the Council's efficient and effective performance of its constitutional functions under the Basic Law, Ir Dr Hon LO Wai-ki put forward Proposal 2 to specify:

- (a) time limits on debates on "substantive motions" (i.e. motions under items mentioned in RoP 18(1)(i) to (n) which involve substantive debates)⁶ and "procedural motions" (which are procedural in nature and relating to the regulation of Council proceedings) in Council; and
- (b) speaking time limit for individual Members in each debate with respect to different types of motions by appropriately adjusting the 15-minute speaking time limit for a Member under RoP 36(5).

⁴ Including, among others, meetings of Council and all its committees as well as handling of complaints under the LegCo Redress System.

⁵ Remuneration (including allowances and end-of-service gratuity) is withheld (i.e. forfeited) on a pro-rata basis. Express statutory authority through making new legislation or amending relevant existing legislation (e.g. the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)) is required for imposing the financial penalty.

⁶ No debate may arise from any business under RoP 18(1)(a) to (h).

8. Under Proposal 2, an entire debate (including voting) has to be completed by the time specified while the President has the discretion to adjust the limit. Nevertheless, the proposal is not applicable to debates on individual Government bills and Members' bills (i.e. items (i) and (k) under RoP 18(1) respectively). The President, as in the past, may exercise his discretion to specify time limits and debate arrangements for individual bills in the exercise of his powers and functions to preside over meetings under BL 72(1).⁷ Details of the proposed amendments are in **Appendix II**.

9. Below are Proposals 3 to 6 submitted by Hon CHAN Hak-kan which seek to introduce amendments to various parts of RoP and HR.

Proposal 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

10. Proposed amendments are to be made to provide explicitly in RoP that the chairman and deputy chairman of a committee 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, and that the chairman and deputy chairman in office 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.

Proposal 4: Finetuning the procedure for the adjournment of debate in the Council

11. It is proposed that RoP 40(1) would not apply to debates on motions moved under the following rules in RoP:

- (a) RoP 40(6A) (Resumption of debate adjourned under RoP 49B(2A));
- (b) RoP 16 (Motions for the Adjournment of the Council);

⁷ The Court of Final Appeal held in *Leung Kwok Hung v. President of LegCo* (2014) 17 HKCFAR 689 (at para. 46) "that the President has power to set limits to and terminate a debate. The existence of the power is inherent in, or incidental to, the power granted by art 72(1) [of the Basic Law] to the President to preside over meetings...".

- (c) RoP 49B(2A) (Disqualification of Member from Office);
- (d) RoP 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments);
- (e) RoP 54(4) (Motion to Order Otherwise in relation to Adjournment of Second Reading debate);
- (f) RoP 55(1)(a) (Committal of Bills);
- (g) RoP 84(3A) (Withdrawal in case of Direct Pecuniary Interest);
- (h) RoP 84(4) (Disallowance of Vote in case of Direct Pecuniary Interest);
- (i) RoP 89(2) (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings); and
- (j) RoP 90(2) (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).

For the sake of consistency, amendments with substantially the same terms as RoP 40(4) are also proposed to be made to RoP 40(1).

Proposal 5: Proposed amendments to prevent possible abuse of procedures

12. Amendments detailed in **Appendix III** are proposed to be made to RoP to enhance operational efficiency.

Proposal 6: Discontinuation of motions moved without notice at a committee meeting

13. The proposal seeks to amend HR 22(p)⁸ which is applicable to Panels to the effect that 6 clear days' notice would be required for moving a motion at a committee meeting and any proposed amendments to the

⁸ Rule 22(p) of the House Rules ("HR") provides that during a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting. Any proposed motion or amendment to a motion should be presented to the Panel in written form.

motion should reach the relevant clerk no later than 2 clear days before the meeting. However, a majority of Members who responded in the consultation exercise did not support the proposal and counter-proposed the following:

- (a) the procedure for moving of motions to express views or stance should be applicable to only Panels and subcommittees appointed by HC or Panels to study policy issues ("policy subcommittees"), but not to other committees such as bills committees ("BC") and subcommittees ("SC") on subsidiary legislation or to endorse the appointment/removal of senior judges under BL 73(7); and subject to HC's approval, the relevant Chairmen's Handbooks would be amended accordingly to make clear that HR 22(p) would not apply to BCs or SCs on subsidiary legislation or to endorse the appointment/removal of senior judges; and
- (b) a notice period of 2 clear days should suffice for the above type of motions.

14. At its meeting on 22 February 2021, CRoP considered and agreed to the above revised proposal. The marked-up version of the proposed amendments to HR 22(p) is in **Appendix IV**. CRoP also agreed that FC would be invited to review its existing procedures (and those of its two subcommittees) relating to the moving of a motion without notice and to consider making reference to the proposed 2 clear days' notice requirement if considered appropriate.⁹

Proposal 7: Order of dealing with Members' motions under Article 73(5) and (10) of the Basic Law and the Legislative Council (Powers and Privileges) (Cap. 382)

15. Starting from the 2018-2019 session, CRoP has been studying the procedural arrangements for dealing with Members' motions under BL73(5) and (10) ("BL motions")¹⁰ and the Legislative Council (Powers

⁹ While a majority of Members responded in the consultation exercise supported inviting the Finance Committee ("FC") to conduct such review, a Member considered that the existing procedures of FC and its subcommittees relating to the moving of a motion without notice during the deliberation of an agenda item should be maintained.

¹⁰ Article 73(5) and (10) of the Basic Law ("BL") respectively set out the following powers and functions of LegCo: to raise questions on the work of the government; and to summon, as required when exercising LegCo's powers and functions set out in BL 73, persons concerned to testify or give evidence.

and Privileges) Ordinance (Cap. 382) ("P&P motions")¹¹ at a Council meeting.¹² It has been observed that when one or more BL motions and/or P&P motions were placed on the Agenda of the Council, the Council was on many occasions unable to deal with the two Members' motions not intended to have legislative effect scheduled for the same meeting. In the 2019-2020 session, no Members' motions not intended to have legislative effect were considered by the Council.

16. Against this background, Proposal 7 as submitted by Hon CHEUNG Kwok-kwan to CRoP seeks to amend the order of dealing with BL motions and P&P motions at a Council meeting. It is proposed that these motions should be 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. In other words, only those BL motions and P&P motions accorded priority by HC may be placed before Members' motions not intended to have legislative effect on the Agenda of the Council. The marked-up version of the proposed amendments to HR 13(b) and 15 is in **Appendix V**.

Proposal 8: Proposed amendments to the House Rules

17. Submitted by Hon Tommy CHEUNG, the proposals to amend various parts of HR seek to facilitate the smooth operation of HC and better reflect the current practices of HC. Among the proposals, the proposed amendment to HR 10 seeks to prevent 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 ("the deadline"). Under the amended HR 10, Members should notify the HC chairman of their requests before the deadline. The proposed amendments to HR 20(f) are to specify the procedures for moving a motion at a special HC meeting held for the discussion of a substantive issue and that no motion may be moved at a regular HC meeting. It is also proposed that HR 21(c) be amended to the effect that a BC or an SC to study subsidiary legislation will only be formed when not less than three Members indicated

¹¹ Section 9 of Cap. 382 empowers the Council, its standing committee, 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.

¹² According to RoP 18(1) and HR 13(b)(viii) and 15(a), BL motions and P&P motions are dealt with before Members' motions not intended to have legislative effect subject to allocation of slots to individual Members at a Council meeting. Also, there is no restriction on the number of debates on BL motions and P&P motions to be held at each regular Council meeting.

their interest in joining that BC/SC on subsidiary legislation at the relevant HC meeting.

18. The marked-up version showing the various proposed amendments to HR is in **Appendix VI**.

Advice sought

19. Members are invited to consider the following matters:

- (a) endorsement of **Proposals 1 to 5**; and subject to HC's endorsement, the CRoP Chairman will move a resolution at a Council meeting to amend the relevant rules of RoP; and subject to the passage of the resolution, proposed consequential amendments to the relevant rules of HR will be submitted to HC for Members' consideration; and
- (b) approval of **Proposals 6 to 8** and the relevant proposed amendments to HR in **Appendices IV to VI**.

Council Business Division 2
Legislative Council Secretariat
25 February 2021

Flow chart showing the procedure for imposing the proposed sanction if the President considers the sanction under Rule 45(2) of the Rules of Procedure inadequate in dealing with the grossly disorderly conduct of Members in Council, a committee of the whole Council, the Finance Committee or the House Committee

Naming a Member by the President

If the President considers the sanction under Rule 45(2) of the Rules of Procedure inadequate in dealing with the grossly disorderly conduct committed by a Member in Council, a committee of the whole Council, the Finance Committee ("FC") or the House Committee in a single instance or multiple instances, the President may then name the Member for such instance(s) of misconduct.^{Note 1}

Moving of a Suspension Motion in Council

A motion will then be moved by the President's deputy for the Council to decide, without debate or amendment, whether to suspend that Member from the service of the Legislative Council ("LegCo") for the period of time specified in that motion ("Suspension Motion").^{Note 2}

Consequences of the passage of the Suspension Motion

The Member suspended is prohibited from participation in all business of the Council, including, among others, meetings of the Council and all its committees as well as handling of complaints under the LegCo Redress System during the period of suspension. As a financial penalty^{Note 3}, the remuneration of that Member (including allowances and end-of-service gratuity) is to be withheld (i.e. forfeited) for the period of suspension on a pro-rata basis.

Note 1: In determining whether to name the Member concerned, the President may take into account relevant factors set out in paragraph 6 of LC Paper No. CROP 41/20-21 issued on 3 February 2021.

Note 2: It is proposed that the proposed sanction should adopt an escalating scale of severity as follows:

<u>Occasion of Suspension Motion passed in respect of the Member concerned during the same term</u>	→	<u>Duration of suspension (week(s))</u>
First	→	1
Second	→	2
Third	→	4
Fourth	→	8

For any subsequent occasion during the same term of the Council on which a Suspension Motion in respect of the Member concerned is passed, the duration of suspension is twice of that of the previous occasion, provided that such duration shall not extend beyond the end date of the term concerned.

Note 3: For LegCo to impose a financial penalty on Members, express statutory authority through making new legislation or amending relevant existing legislation is required.

Other information for Members' reference:

As agreed by the Committee on Rules of Procedure, the other suggestions/views expressed by Members during the consultation exercise conducted vide LC Paper No. CROP 41/20-21 issued on 3 February 2021 are provided below:

- (a) Duration of suspension
 - ♦ The severity of punishment has to be increased, e.g 1st occasion → 2 weeks; 2nd occasion → 4 weeks; 3rd occasion → 8 weeks; 4th occasion → 16 weeks.
 - ♦ It is suggested that the Member concerned be suspended for 1 week for every such occasion, and there is no need to adopt an escalating scale.
- (b) Consequences of suspension from service
 - ♦ A Member who has committed disorderly conduct in the Council or a committee may not participate in meetings of the Council or that committee; for example, if he/she has committed disorderly conduct in FC, he/she may not participate in FC meetings. It is also suggested that the Member concerned be prohibited from participation in the present meeting and the next meeting, because if LegCo does not convene any meeting during the period of his/her suspension, prohibiting him/her from participation in meetings during this period would fail to achieve the effect of admonition.

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

At present, with regard to a Member's speaking time limit in a debate, under Rule 36(5) of the Rules of Procedure ("RoP"), unless otherwise stipulated by the House Committee, a Member shall not, without the permission of the President of the Legislative Council or the Chairman of a committee of the whole Council ("CoWC"), make a speech lasting more than 15 minutes. RoP 38(1) provides that a Member may not speak more than once on a question except in specified circumstances. Given the limited time for each Council meeting (which usually lasts for a total of 18 hours on two days) at which business on the agenda is mainly transacted in the form of debates, only four Members can speak in one hour if each Member speaks for 15 minutes during a debate; **the more Members speak, the longer the Council will take to complete a debate, thereby easily causing other items of business on the agenda to stand over, or even to lapse when the relevant period expires.**

In this connection, Members may consider, with reference to the practices of overseas legislatures, amending RoP to specify time limits for Council meetings to handle the "substantive motions" and "procedural motions" as set out in the following tables, and correspondingly **amending RoP 36(5)** and other relevant provisions to adjust the length of Members' speeches as appropriate, as well as **specifying in the House Rules ("HR") the speaking time limits for individual Members in various debates.** This would not only encourage Members to make concise speeches with a view to enhancing the efficiency of the Council in transacting business, but hopefully also enable the Council to discharge its constitutional functions in an orderly and fair manner.

Substantive motions

Proposed time limits for dealing with motions (including debates and votings)			Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
(i) Government bills	Resumption of second reading debate	As in the past, the President may specify time limits on the scrutiny of individual bills where appropriate	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	15 minutes	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	10 minutes
	Consideration of amendments by CoWC / Clauses standing part of the bill in CoWC		Multiple	15 minutes	Multiple	5 minutes
	Third reading debate		1	15 minutes	1	3 minutes

Proposed time limits for dealing with motions (including debates and votings)			Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
(j) Government motions (other than those specified in (ja) below)	Government motions with legislative effect, e.g. motions to appoint judges	Not more than 4 hours	1	15 minutes	1	5 minutes
	Government motions with no legislative effect, e.g. motions involving government policies					
(ja) Government motions on subsidiary legislation	Government motions with legislative effect, which are mainly motions on the scrutiny of subsidiary legislation (whether under the positive vetting or negative vetting procedure)					
(jb) Members' motions on subsidiary legislation	Motions to extend the scrutiny period: It is proposed that the question on such a motion be put without debate		1	15 minutes	Not applicable	
			<i>15 minutes each for the introductory speech and reply</i>			

Proposed time limits for dealing with motions (including debates and votings)			Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
	Motions to amend/repeal subsidiary legislation (whether under the positive vetting or negative vetting procedure)	Not more than 4 hours	1 <i>The mover of the motion, apart from having up to 15 minutes for the introductory speech, may speak again for up to 15 minutes in reply, and may also speak for up to 15 minutes on amendments (if any)</i>	15 minutes	1 <i>The mover of the motion, apart from having up to 5 minutes for the introductory speech, may speak again for up to 5 minutes in reply, and may also speak for up to 5 minutes on amendments (if any)</i>	5 minutes
	Take-note motions	Not more than 2 hours	1	15 minutes	1	5 minutes
(k) Members' bills	Resumption of second reading debate	As in the past, the President may specify time limits on the scrutiny of individual bills where appropriate	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	15 minutes	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	10 minutes
	Consideration of amendments by CoWC / Clauses standing part of the bill in CoWC		Multiple	15 minutes	Multiple	5 minutes
	Third reading debate		1	15 minutes	1	3 minutes

Proposed time limits for dealing with motions (including debates and votings)			Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
(1) Members' motions (other than those specified in (jb) above)	Members' motions with legislative effect/binding effect: - A motion to impeach the Chief Executive - A motion to amend RoP - A motion to amend the Basic Law - A motion to relieve a Member of his duties - A motion to censure a Member - A motion to appoint a select committee, or a motion to summon person(s) concerned - Other motions moved under the Basic Law - Motions on sanctions relating to interests, operating expenses or operating funds	Not more than 4 hours	1	15 minutes	1	5 minutes
	Members' motions with no legislative effect		Speaking time limits stipulated in HR 17(b): Introductory speech and reply by the mover of the motion 15 minutes (in total) Speech on the amendment(s) by the mover of the motion 5 minutes		Proposed speaking time limits: Introductory speech and reply by the mover of the motion 10 minutes (in total) Speech on the amendment(s) by the mover of the motion 5 minutes	

Proposed time limits for dealing with motions (including debates and votings)			Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
			Speech by the mover of an amendment	10 minutes	Speech by the mover of an amendment and by any other Member	5 minutes
			Speech by any other Member	7 minutes		
			Speech by a Member who has been given permission to reword his original amendment to a motion which has been amended earlier on (i.e. speech on a revised amendment)	3 minutes		
						It is proposed that the 3-minute speaking time for a revised amendment be cancelled

Procedural motions

Proposed time limits for dealing with motions (including debates and votings)		Members' speaking time limits in debates			
Procedural motions that Members may move under RoP	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
		For each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		For each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
		No. of speech	Time limit per speech	No. of speech	Time limit per speech
<ul style="list-style-type: none"> - A motion under RoP 40(1) that the debate be adjourned - A motion under RoP 40(4) that further proceedings of CoWC be adjourned - A motion under RoP 49B(2A) that the matter stated in a censure motion not be referred to an investigation committee - A motion under RoP 54(4) that a bill not be referred to the House Committee - A motion under RoP 55(1)(a) that a bill be committed to a select committee (rather than CoWC) after the bill has been read the second time - A motion under RoP 84(3A) for the withdrawal of a Member on the ground of his failure to withdraw despite his direct pecuniary interest - A motion under RoP 84(4) to disallow a Member's vote on the ground of his direct pecuniary interest - A motion under RoP 88(1) that members of the press and of the public do withdraw - A motion under RoP 89(2) that request for leave for a Member to attend as a witness in civil proceedings be refused - A motion under RoP 90(2) that request for leave to give evidence of Council proceedings be refused - A motion under RoP 91 that a rule under RoP be suspended 	<p>Not more than 2 hours</p>	<p>1</p>	<p>15 minutes</p>	<p>1</p>	<p>3 minutes</p>
		<p><i>The mover of the motion, apart from having up to 15 minutes for the introductory speech, may speak again for up to 15 minutes in reply</i></p>		<p><i>The mover of the motion, apart from having up to 3 minutes for the introductory speech, may speak again for up to 3 minutes in reply</i></p>	

Proposed time limits for dealing with motions (including debates and votings)		Members' speaking time limits in debates			
Procedural motions that Members may move under RoP	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
		For each Member		For each Member	
		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
		No. of speech	Time limit per speech	No. of speech	Time limit per speech
An adjournment motion under RoP 16(2)	<p>Proposed to be consistent with the time limit on an adjournment motion under RoP 16(4), with details as follows:</p> <p><u>Existing requirements for a motion under RoP 16(4)</u></p> <p>RoP 16(6) and HR 18(b):</p> <p>The debate shall not exceed 1.5 hours (including 15 minutes for a public officer to reply). Each Member, including the mover, may speak for up to 5 minutes.</p>	1	15 minutes	1	5 minutes
		<i>The mover of the motion, apart from having up to 15 minutes for the introductory speech, may speak again for up to 15 minutes in reply</i>		<i>The mover of the motion, apart from having up to 5 minutes for the introductory speech, may speak again for up to 5 minutes in reply</i>	

Other information for Members' reference:

As agreed by the Committee on Rules of Procedure, the other suggestions/views expressed by Members during the consultation exercise conducted vide LC Paper No. CROP 43/20-21 issued on 11 February 2021 are provided below:

- ◆ For debates on the third reading of Government bills, the speaking time of each Member could be limited to 5 minutes;
- ◆ For debates on Government motions (i.e. motions specified in RoP 18(1)(j) and (ja)), the speaking time of each Member could be limited to 7 minutes;
- ◆ For debates on motions to amend/repeal subsidiary legislation (whether under the positive vetting or negative vetting procedure), the speaking time of each Member could be limited to 7 minutes;
- ◆ For debates on the third reading of Members' bills, the speaking time of each Member could be limited to 5 minutes;
- ◆ For debates on Members' motions (other than Members' motions on subsidiary legislation), the speaking time of each Member could be limited to 7 minutes; and
- ◆ It may not be necessary to shorten the speaking time of individual Members if the overall debate time has been capped, and vice versa. It is suggested that for debates on most types of motions, the existing speaking time limit of 15 minutes for individual Members who are not movers of motions be substantially shortened to 5 minutes. However, such a speaking time may be a bit too short. In particular, if the motion involves subsidiary legislation of a more professional and complicated nature or subject matters of a certain sector, a speaking time of 5 minutes is clearly not enough. Generally speaking, not many Members will be interested in speaking on this type of motion. The goal to prevent filibuster can be achieved by limiting the overall debate time.

Proposal 5: Proposed amendments to prevent possible abuse of procedures

Item	Gist of the proposed amendments
1.	<p>It is proposed that amendments be made to Rule 16 of the Rules of Procedure ("RoP"):</p> <p>(a) adjournment debates under RoP 16(2) should only be allowed to be moved between two items of business mentioned in RoP 18(1);</p> <p>(b) a time limit should be specified for dealing with a motion under RoP 16(2) and should be aligned with that for a motion under RoP 16(4) (i.e. 90 minutes); and</p> <p>(c) motions that are to be moved under RoP 16(2) and RoP 16(4) at a Council meeting but are not reached before the Council is adjourned shall not stand over until the next regular Council meeting and shall be taken as having been disposed of.</p>
2.	<p>It is proposed that RoP 19(1A) should provide explicitly that the President may set a timetable for debating any motions or bills or proposed amendment(s) thereto.</p>
3.	<p>It is proposed that RoP 26(3) be amended to make it explicit that a Member asking an oral question on the Agenda can only read out the version of the question printed on the Agenda when called upon by the President to ask the question.</p>
4.	<p>It is proposed that:</p> <p>(a) a new rule be added to provide that a motion moved under RoP 29(3) to extend the period for amendment to subsidiary legislation under the Interpretation and General Clauses Ordinance (Cap.1) should be non-debatable; and</p> <p>(b) where there is more than one motion in respect of subsidiary legislation or the instrument referred to in RoP 29(2)(b) or 29(3) at a Council meeting, the current RoP 49(6) should be applicable to these motions, i.e. to allow the division bell to ring for one minute instead of five minutes.</p>

Item	Gist of the proposed amendments
5.	It is proposed that RoP 56 be amended to the effect that a committee of the whole Council shall only discuss whether the proposed amendments to a bill should be supported, and decide whether provisions of the bill should stand part of the bill with or without amendment.
6.	It is proposed that RoP 63 be amended to the effect that Members must speak succinctly on whether they would support a bill or otherwise at the Third Reading debate, and they may not discuss again the general merits and principles of the bill, or the proposed amendments to or individual provisions of the bill, which have been discussed at the Second Reading debate.
7.	It is proposed that a motion under RoP 91 to suspend a rule shall not be moved without the recommendation of the House Committee.
8.	As requests for leave under RoP 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and RoP 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings) referred to in RoP 18(1)(m) are time critical and should be dealt with as early as possible on the Agenda of the Council, it is proposed that these motions should be placed before Members' bills (referred to in RoP 18(1)(k)) on the Agenda of the Council.
9.	As motions under RoP 49E(2) (i.e. take-note motions) do not have legislative effect, it is proposed that amendments be made to RoP 18(1) to the effect that such motions would be dealt with after Members' motions not intended to have legislative effect that are subject to allocation of slots to individual Members.
10.	It is proposed that the notice period for a Member to inform the President of his/her wish to present a petition to the Council under RoP 20(2) be amended from "not later than the day before the meeting" to "three clear days before the meeting".
11.	It is proposed that RoP 21(1) be 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 the President.

Item	Gist of the proposed amendments
12.	To cater for the situation under which a committee, other than a bills committee, is intended to table its report on a bill that has been referred to it for study, it is proposed that RoP 21(4) and RoP 21(4A) be amended to include reference to such a committee to which a bill has been referred for its study pursuant to RoP 54(4). Consequentially, it is proposed that RoP 54(7) be amended to include reference to such committee, so that the Member presenting such committee's report on the bill could be given precedence to speak at the resumption of the Second Reading debate on the bill.
13.	It is proposed that RoP 21(5) be amended to provide that a Member or a designated public officer who wishes to address the Council should give a written notice to the President before the beginning of a Council meeting, and may only address the Council if the President's consent is obtained.
14.	It is proposed that RoP 51 be amended to specify that a Member who intends to present a bill under RoP 51(1) may only do so after he/she has consulted the relevant Panel on a draft of the bill.
15.	It is proposed that the definition of "clear days" under RoP 93(b) be 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.

Other information for Members' reference:

As agreed by the Committee on Rules of Procedure, the other suggestions/views expressed by Members during the consultation exercise conducted vide LC Paper No. CROP 43/20-21 issued on 11 February 2021 are provided below:

- ◆ It would be a good practice to set a limit of one motion per political party to deter possible instances of abuse of procedure.
- ◆ Regarding item 6, as the proposed amendment has failed to specify clearly the areas Members may speak on during the Third Reading debate, it is suggested that elaboration or clear guidelines be made in this regard to enable Members to have a better grasp of what they can speak on during the Third Reading debate, and to assist the President in making relevant rulings.
- ◆ Regarding item 14, if the relevant Panel has long been unable to discuss the Member's bill concerned due to time constraints, packed agendas or other reasons, the Member introducing the bill should have the right to request the President to exercise his discretion to allow him/her to present the bill directly to the Council.

Marked-up version of the proposed amendments to
rule 22(p) of the House Rules

22. Panels

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- (p) ~~During a Panel meeting, a~~ *A member who wishes to move a motion to express a view or stance on a specific issue at a meeting of a Panel or a subcommittee appointed by the House Committee or a Panel(s) to study policy issues should give notice in writing not less than 2 clear days before the meeting. The* motion may be proposed if it is considered by the chairman of the Panel *or subcommittee* as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting. Any proposed ~~motion or~~ amendment to a motion should be presented to the Panel *or subcommittee* in written form.

* * * * *

Legend:

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

Texts proposed to be deleted are shown with deletion lines.

**Marked-up version of the proposed amendments to
rules 13(b) and 15 of the House Rules**

13. Number of Debates Initiated by Members

- (a) Not more than two motion debates initiated by Members should be held at each regular Council meeting. However, the holding of more than two such motion debates or an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure in addition to not less than two such motion debates may be allowed by the President under special circumstances upon the recommendation of the House Committee.
- (b) The motion debates mentioned in (a) above do not include debates on the following types of motions –
 - (i) particular motions (Part JA of the Rules of Procedure);
 - (ii) motions relating to bills (Part K of the Rules of Procedure);
 - (iii) motions to appoint a select committee and refer matters to it (Rules 78 and 79 of the Rules of Procedure), *other than those mentioned in item (viib) below*;
 - (iv) motions to amend or suspend the Rules of Procedure;
 - (v) motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council’s power on subsidiary legislation));
 - (vi) motions on reports of the House Committee on the consideration of subsidiary legislation and other instruments (Rule 49E of the Rules of Procedure);
 - (vii) motions for the adjournment of the Council (Rule 16(2) and (4) of the Rules of Procedure);~~and~~
 - (viii) motions moved under Article 73(5) and (10) of the Basic Law;*
 - (ix) motions moved under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382); and*
 - (x) motions other than those mentioned above which, if carried, empower the Council, a committee, the President or other person(s) to do a certain act, or invoke certain provisions under the laws or the Rules of Procedure.

15. Order of Debates on Motions

- (a) Debates on motions such as those listed in rule 13(b)(i) to (vi) and (viii) above shall take place before debates on ~~individual Member's~~ motions *not intended to have legislative effect moved by individual Members who have been allocated debate slots in accordance with rule 14 above.*
- (aa) *Unless with the prior agreement of the House Committee, debates on motions such as those listed in rule 13(b)(viiia) and (viiib) above shall not take place before debates on motions not intended to have legislative effect moved by individual Members who have been allocated debate slots in accordance with rule 14 above.*
- (b) Where two individual Member's motion debates are scheduled for the same meeting, the order of debating these motions will be determined by drawing lots unless otherwise agreed between the two Members concerned.
- (c) The debate on a motion to be moved by the chairman of a Panel, committee or subcommittee who has secured the debate slot in accordance with rule 14A above shall take place before the other individual Member's motion to be debated at the same Council meeting.

* * * * *

Legend:

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

Texts proposed to be deleted are shown with deletion lines.

**Marked-up version of the proposed amendments to
rules 10, 19, 20(e), 20(f), 21(c), 21(h), 24A(a), 25(g), 26(c), 28(b) and 31
of the House Rules**

10. Urgent Questions

To assist the President in considering requests for asking urgent questions without the required notice, the Member concerned should, where practicable, first seek the agreement of the House Committee before submitting an urgent question to the Clerk to the Legislative Council, together with a statement setting out the reasons for the request. A sample statement is in Appendix III. *A Member who wishes to seek the agreement of the House Committee for such a request should notify the chairman of the House Committee before the deadline for proposing agenda items for a meeting as stated in rule 20(f)(i), unless otherwise decided by the chairman of the House Committee.*

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19. Moving of Motion to Shorten the Duration of Division Bell

(a) If frequent divisions at a Council meeting are anticipated, the *chairman of the* House Committee may ~~decide whether or not~~ *move* a motion ~~be moved~~ to shorten the duration of the division bell to one minute in respect of certain divisions at that meeting. ~~Should the House Committee agree, the chairman of the House Committee will move the motion on behalf of Members.~~

(b) In the event that *the chairman of the House Committee is not present at the Council meeting, the deputy chairman of the House Committee, or in his absence, the Member present who has the highest precedence may move such a motion* ~~an individual Member wishes to move such a motion, he is advised to inform the House Committee in advance, so as to avoid the Council having to debate the motion when it is moved.~~

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20. House Committee

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- (e) When the Council is in session, the House Committee normally meets every Friday afternoon at 2:30 pm. When a Finance Committee meeting is scheduled to be held in the same afternoon, the House Committee meeting will, if necessary, be suspended at such time when the Finance Committee meeting is scheduled to begin and resumed to deal with the unfinished business on the agenda after the Finance Committee meeting. *The chairman of the House Committee may, with the consent of the chairman of the Finance Committee, allow the House Committee meeting to continue for not more than 15 minutes after such time when the Finance Committee meeting is scheduled to begin.* Any other committees which need to meet on a Friday afternoon should schedule their meetings after the House Committee and Finance Committee meetings. The Secretariat shall issue written notice to members stating the date, time and place at which the House Committee meeting is to be held.
- (f) (i) The deadline for proposing agenda items for a meeting is normally 5:00 pm on the Tuesday before the meeting. A member wishing to raise an urgent item after the deadline may make a request to the chairman of the House Committee for it to be discussed at the meeting, under Any Other Business. The chairman shall decide whether to accede to the request.
- (ii) *A member who wishes to move a motion at a special meeting of the House Committee held for the discussion of a substantive issue should make a request in writing to the chairman of the House Committee not less than 2 clear days before the meeting. The chairman shall decide whether the proposed motion is directly related to the agenda item and whether the proposed motion should be dealt with by the House Committee. No motion shall be moved at a regular meeting of the House Committee which deals with matters relating to the business of the Council and procedural matters.*

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21. Bills Committees

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- (c) Members may join a Bills Committee by a show of hands at the House Committee meeting at which a bill is allocated to that Bills Committee. *If not less than three Members so indicate at the House Committee meeting, the Bills Committee will be formed* and the Member who has the highest precedence among these Members is responsible for calling the first meeting of the Bills Committee. Members may also join ~~a~~*the* Bills Committee by submission of returns to the Secretariat by the deadline set by the clerk to the Bills Committee. Except in special circumstances, such a deadline shall normally be one clear day before the day of the first meeting of the Bills Committee.

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- (h) The scrutiny of a bill should be conducted quickly and, whenever possible, be completed within three months of its commencement. Should there be the need for a Bills Committee to work beyond this period, ~~the chairman should report to the House Committee~~ *should be informed of* ~~for~~ an extension of the period.

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24A. Extension of Meetings

- (a) Subject to the availability of the meeting venue, the chairman of a committee may, *before the appointed ending time of the meeting, decide to* ~~with or without making an announcement,~~ extend a meeting of the committee, or allow a meeting of the committee to continue, for not more than 15 minutes beyond the appointed ending time of the meeting.

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25. Minutes of Meetings and Verbatim Records

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- (g) ~~All meetings will be tape recorded and the recording may be erased in one year's time unless directed otherwise by the respective committees~~*Live broadcasting and archives of meetings held in public will be available for public access via the Legislative Council Webcast system.*

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26. Activation and Operation of Subcommittees

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- (c) A subcommittee referred to in (a) should complete its work within 12 months of its commencement and report to the House Committee or the relevant Panel(s). Should such a subcommittee consider it necessary for it to work beyond that 12 months, the subcommittee should, after obtaining the endorsement of the relevant Panel(s) if it is appointed by a Panel(s), report to the House Committee and give justifications for an extension of the 12-month period. *A subcommittee should not hold any meeting after the expiry of the 12-month working period or the extended working period, unless otherwise decided by the House Committee.*

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28. Arrangements during Tropical Cyclone Warning Signals and Rainstorm Warning Signals

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- (b) Unless directed otherwise by the chairmen concerned, all meetings shall be cancelled if a Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal *or a territory-wide extreme conditions announcement* is issued or in force within two hours before the appointed time of the meeting.

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31. Briefings by Policy Secretaries on the Chief Executive's Policy Address

Briefings for Members in the session by policy secretaries are ~~normally~~ held ~~within the first week of~~ *after the delivery of* the Policy Address. Such briefings are open to all Members.

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Legend:

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

Texts proposed to be deleted are shown with deletion lines.