

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 24 March 2021

**Proposed resolution to be moved by Hon Paul TSE
under Article 75 of the Basic Law to amend the Rules of Procedure**

The President has given permission for Hon Paul TSE to move the attached proposed resolution under Article 75 of the Basic Law at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

(Miranda HON)
for Clerk to the Legislative Council

Encl.

**Basic Law of the Hong Kong Special Administrative Region
of the People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

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

Resolved that the Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region be amended as set out in the
Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 16 amended (motions for the adjournment of the Council)

(1) Rule 16(2), after “two items of business” –

Add

“that are set out in Rule 18(1) (Order of Business at a Meeting)”.

(2) After Rule 16(2) –

Add

“(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) After Rule 16(7) –

Add

“(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.”.

2. Rule 18 amended (order of business at a meeting)

(1) Rule 18(1)(jb) –

Repeal the full stop

Substitute

“, excluding motions moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments).”.

(2) After Rule 18(1)(jb) –

Add

“(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).”.

(3) Rule 18(1)(l) –

Repeal

“motions other than those specified in paragraph (jb)”

Substitute

“other motions”.

(4) Rule 18(1) –

Repeal paragraph (m).

(5) Rule 18(2) –

Repeal

“(d), (e),”.

3. Rule 19 amended (the Agenda of the Council)

Rule 19(1A) –

Repeal the full stop

Substitute

“, and to set a time limit on the consideration of such motion or bill.”.

4. Rule 20 amended (presentation of petitions)

(1) Rule 20(2) –

Repeal

“inform the President not later than the day before the meeting”

Substitute

“give notice to the President not later than 3 clear days before the meeting”.

(2) Rule 20(2) –

Repeal

“so informing the President”

Substitute
“giving such notice”.

5. Rule 21 amended (presentation of papers)

(1) Rule 21(1) –

Repeal the full stop

Substitute

“, 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.”.

(2) Rule 21(1), Chinese text –

Repeal the semicolon

Substitute

“，而”。

(3) Rule 21(4), after “a Bills Committee” –

Add

“or of a committee to which a bill has been referred for consideration under Rule 54(4) (Second Reading)”.

(4) Rule 21(4A) –

Repeal

“the Member presenting a report of the Bills Committee on the bill”

Substitute

“the Member presenting a report of a Bills Committee or of a committee to which the bill has been referred for consideration”.

(5) Rule 21(5) –

Repeal

“, with the consent of the President,”.

(6) Rule 21(5) –

Repeal

“inform the President of his wish before the beginning of

that meeting”

Substitute

“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”.

6. Rule 26 amended (asking and answering of questions)

Rule 26(3) –

Repeal

“rise in his place and ask the question”

Substitute

“rise in his place and read out the question set out on the Agenda”.

7. Rule 29 amended (notice of motions and amendments)

After Rule 29(3) –

Add

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

8. Rule 37 amended (recommendations of House Committee as to time of speaking)

Rule 37 –

Repeal subrule (1)

Substitute

“(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.”.

9. Rule 40 amended (adjournment of debate or of proceedings of a committee of the whole Council)

(1) Rule 40(1) –

Repeal

“A”

Substitute

“Subject to subrules (1A) and (1B), a”.

(2) Rule 40(1), before “may move without notice” –

Add

“, and before he so speaks,”.

(3) After Rule 40(1) –

Add

“(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.”.

(4) Rule 40(8), after “(1)” –

Add

“, (1B)”.

10. Rule 45A added

Part I, after Rule 45 –

Add

“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.”.

11. Rule 49 amended (divisions)

- (1) Rule 49(6), after “Rule 29(2)(b)” –
Add
“or (3)”.
- (2) Rule 49(6) –
Repeal
“(excluding motions referred to in Rule 29(3))”.

12. Rule 51 amended (notice of presentation of bills)

- (1) Rule 51(1) –
Repeal
“A”
Substitute
“Subject to subrule (1A), a”.
- (2) After Rule 51(1) –

Add

“(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.”.

13. Rule 54 amended (second reading)

Rule 54(7) –

Repeal

“a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees)”

Substitute

“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)”.

14. Rule 56 amended (functions of committees on bills)

Rule 56(1) –

Repeal

“principles of the bill but only its details”

Substitute

“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”.

15. Rule 63 amended (third reading)

Rule 63(1) –

Repeal

“confined to the contents of the bill”

Substitute

“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,”.

16. Rule 79D added

After Rule 79C –

Add

“79D. Powers of Chairman and Deputy Chairman of a Committee 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.”.

17. Rule 91 amended (suspension of Rules)

(1) Rule 91, after “except” –

Add

“with the recommendation of the House Committee and”.

(2) Rule 91 –

Repeal

“or with”

Substitute
“together with”.

18. Rule 93 amended (interpretation)

(1) Rule 93(b), after “the expression “clear days”” –

Add
“as a period of time”.

(2) Rule 93(b) –

Repeal the semicolon

Substitute

“, and ends at 5 p.m. on the last day of that period;”.