

立法會
Legislative Council

LC Paper No. CROP 51/20-21

Ref: CB(2)/CROP/3/90

**Paper for the House Committee meeting
on 26 March 2021**

**Proposed consequential amendments to the House Rules in relation to
the first batch of amendments to the Rules of Procedure**

Purpose

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

Background

2. Upon the recommendation of CRoP, HC at its meeting on 26 February 2021 endorsed the first batch of amendments to RoP which might be divided into five groups (i.e. Proposals 1 to 5)¹ to better ensure the effective and efficient operation of the legislature while upholding the rights of Members to speak and to debate. To give effect to these amendments, the CRoP Chairman moved a resolution under Article 75 of the Basic Law ("the resolution") at the Council meeting of 24 March 2021 to amend the relevant provisions of RoP.²

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. Respective details of the proposals are set out in LC Paper No. CROP 46/20-21 issued on 25 February 2021.

² The resolution moved by Hon Paul TSE, CRoP Chairman, was issued to all Members vide LC Paper No. CB(3) 402/20-21 on 15 March 2021.

Proposed consequential amendments to the House Rules

3. At the above HC meeting, it was noted that subject to the passage of the resolution by the Council, proposed consequential amendments to the relevant provisions of HR would be submitted to HC for Members' consideration. After examining the first batch of amendments to RoP, consequential amendments are proposed to seven provisions of HR, namely rules 2, 9A, 13, 15, 17, 18 and 22. A marked-up version of these provisions incorporating the respective proposed consequential amendments as agreed by CRoP is in the **Appendix**.³

4. Amongst the proposed consequential amendments which are technical in nature and seek to make the relevant provisions of HR and RoP consistent, HR 17 is proposed to be amended to specify that the duration of debates (including voting on a motion and amendment(s) thereto) and speaking time limits of Members in debates at a Council meeting as set out in Appendix IIIA (which is proposed to be added to HR and reproduced in the **Annex to the Appendix**) shall be deemed to have been agreed by HC and recommended to the President of the Legislative Council ("the President") unless otherwise decided by HC. The amended HR 17 also provides 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.

Advice sought

5. Members are invited to approve the proposed consequential amendments to HR in the **Appendix** (including the **Annex**). Subject to HC's approval, the consequential amendments would take immediate effect thereafter and the relevant Chairmen's Handbooks will be amended accordingly in due course.

Council Business Division 2
Legislative Council Secretariat
25 March 2021

³ CRoP members were invited to provide their comments on the proposed consequential amendments to the House Rules vide LC Paper No. CROP 48/20-21 issued on 22 March 2021. By the deadline, of the 11 CRoP members who provided their returns to the Secretariat, 10 members expressed support for the amendments and one member had no comments.

Proposed consequential amendments to the House Rules in relation to the first batch of amendments to the Rules of Procedure

Marked-up version of the relevant provisions of the House Rules ("HR")	Objectives
<p>HR 2</p> <p>Address on Papers, Bills Committee Reports, Subsidiary Legislation and Instruments Tabled in the Council</p> <p>*****</p> <p>(a) a paper tabled in the Council;</p> <p>(b) a report of a Bills Committee on a bill <i>or of a committee to which a bill has been referred for consideration under Rule 54(4) of the Rules of Procedure</i> tabled in the Council and presented at the Council meeting at which the resumption of the second reading debate on the bill for the purpose of making an announcement for the withdrawal of the bill takes place; or</p> <p>(c) subsidiary legislation or an instrument tabled in the Council.</p>	<p>To include a reference to a committee to which a bill has been referred for consideration under Rule 54(4) of the Rules of Procedure ("RoP") in HR 2(b) to specify that a Member seeking the President's permission to address the Council on a report of such committee should provide an advance copy of the intended address.</p> <p><i>(Relevant provision(s) of RoP: RoP 21(4) and (4A) (Presentation of Papers) and RoP 54(7) (Second Reading) as amended)</i></p>
<p>HR 9A</p> <p>Time Limit on an Oral Question</p> <p>The time taken by an oral question (including any supplementary or follow-up question and all answers) should not exceed 22 minutes in total, of which not more than –</p> <p>(a) three minutes should be used to ask<i>read out</i> the main question set out<i>on the Agenda of the Council</i>;</p> <p>(b) seven minutes should be used to give the main reply; and</p> <p>(c) one minute should be used to ask a supplementary or follow-up question.</p>	<p>To align the wording of HR 9A(a) with that of RoP 26(3) (Asking and Answering of Questions) as amended.</p> <p><i>(Relevant provision(s) of RoP: RoP 26(3) (Asking and Answering of Questions) as amended)</i></p>
<p>HR 13</p> <p>(a) Not more than two motion debates</p>	<p>To include a reference to a debate on motion under RoP 91 in HR 13 and specify the requirement for</p>

<p>Marked-up version of the relevant provisions of the House Rules ("HR")</p>	<p>Objectives</p>
<p>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.</p> <p style="text-align: center;">*****</p> <p><i>(c) A debate on motion under Rule 91 of the Rules of Procedure shall not be held except with the recommendation of the House Committee and after written notice has been given and with the consent of the President.</i></p>	<p>the giving of written notice for moving such a motion.</p> <p><i>(Relevant provision(s) of RoP: RoP 91 (Suspension of Rules) as amended)</i></p>
<p>HR 15</p> <p>Order of Debates on Motions</p> <p>(a) Debates on motions such as those listed in rule 13(b)(i) to (vi)(v) and (viii) above shall 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.</p> <p><i>(aa) Debates on motions referred to in rule 13(b)(vi) 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.</i></p> <p>(aa)(ab) Unless with the prior agreement of the House Committee, debates on motions such as those listed in rule 13(b)(viia) and (viib) 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</p>	<p>To reflect that motions under RoP 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments) would be dealt with after Members' motions not intended to have legislative effect that are subject to allocation of slots to individual Members at a regular Council meeting.</p> <p><i>(Relevant provision(s) of RoP: RoP 18(1) (Order of Business at a Meeting) as amended)</i></p>

	Marked-up version of the relevant provisions of the House Rules ("HR")	Objectives						
	<p>accordance with rule 14 above.</p> <p>*****</p>							
<p>HR 17</p>	<p>Motion Debates</p> <p>*****</p> <p>(b) Unless otherwise decided by the House Committee, the following duration of debates (including voting on the motion and amendment(s) thereto) and speaking time limits for a motion debate of Members in debates set out in Appendix IIIA shall be deemed to have been agreed by the House Committee and shall be recommended to the President under Rule 37 of the Rules of Procedure—. <i>Notwithstanding this, 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.</i></p> <p style="text-align: right;"><u>Maximum time allowed</u></p> <p>For a debate on a motion on a report of the House Committee on the consideration of subsidiary legislation and other instruments</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Mover of the motion and other speakers</td> <td style="width: 30%;">15 mins- each</td> <td style="width: 30%;">15 mins- each for each session</td> </tr> <tr> <td></td> <td>(for a debate which is not divided into sessions)</td> <td>(for a debate which is divided into sessions)</td> </tr> </table> <p>For other motion debates</p> <p>Mover of the motion</p>	Mover of the motion and other speakers	15 mins- each	15 mins- each for each session		(for a debate which is not divided into sessions)	(for a debate which is divided into sessions)	<p>To specify that the duration of debates and speaking time limits of Members in debates are set out in Appendix IIIA to HR (please see the Annex).</p> <p><i>(Relevant provision(s) of RoP: RoP 37(1) (Recommendations of House Committee as to Time of Speaking) as amended)</i></p>
Mover of the motion and other speakers	15 mins- each	15 mins- each for each session						
	(for a debate which is not divided into sessions)	(for a debate which is divided into sessions)						

Marked-up version of the relevant provisions of the House Rules ("HR")	Objectives
<p>—introductory speech and reply— 15 mins (in total)</p> <p>—speech—on proposed amendment(s) 5 mins (in total)</p> <p>Mover—of amendment to the motion 10 mins</p> <p>Other speakers 7 mins each</p> <p>Member who has been given permission to reword his original proposed amendment to a motion which has been amended earlier on Additional 3 minutes</p> <p style="text-align: center;">*****</p>	
<p>HR 18</p> <p>Adjournment Debates</p> <p>(a) The subject matter and scope of an adjournment debate must be specified at the time of application. A proposer must not subsequently seek to change the subject matter of the debate.</p> <p><i>(aa) The duration of an adjournment debate held pursuant to Rule 16(2) of the Rules of Procedure will be kept within one and a half hours unless extended by the President. If the proposer is a Member, the Member may speak for up to five minutes for the introductory speech, and up to five minutes in reply, and any designated public officer attending the debate may speak for up to 15 minutes. If the proposer is a designated public officer, the designated public officer may speak for up to five minutes for the introductory speech, and up to 15 minutes in reply. Other Members may each speak for up to five minutes in the debate.</i></p>	<p>To expressly provide:</p> <ul style="list-style-type: none"> ➤ the duration of a debate on an adjournment motion under RoP 16(2) and the respective speaking time limits of Members and public officer(s) in the debate; and ➤ an adjournment debate pursuant to RoP 16(2) or (4) shall not stand over until the next Council meeting and the motion shall be taken as having been disposed of even if it is not commenced. <p><i>(Relevant provision(s) of RoP: RoP 16(2), (2A) and (8) (Motions for the Adjournment of the Council) and RoP 37(1) (Recommendations of House Committee as to Time of Speaking) as amended)</i></p>

Marked-up version of the relevant provisions of the House Rules ("HR")		Objectives
	<p>(b) The duration of an adjournment debate held pursuant to Rule 16(4) of the Rules of Procedure will be kept within one and a half hours (75 minutes for speeches by Members and 15 minutes for replies by designated public officers) unless extended by the President. Each Member, including the proposer, may speak for up to five minutes in the debate.</p> <p><i>(c) An adjournment debate that is to be held at a meeting of the Council pursuant to Rule 16(2) or (4) of the Rules of Procedure but is not commenced before the Council is adjourned shall not stand over until the next meeting, and the motion shall be taken as having been disposed of.</i></p>	
HR 22	<p>Panels</p> <p>*****</p> <p>(q) The relevant Panel should be consulted first before a major and/or potentially controversial legislative or financial proposal is introduced into the Council or the Finance Committee. In the event that the relevant Panel has not been consulted, the House Committee or Finance Committee shall decide whether to refer the proposal to the relevant Panel for consideration.</p> <p><i>(qa) A Member who intends to present a bill under Rule 51(1) of the Rules of Procedure may only do so after he has consulted the relevant Panel on a draft of the bill.</i></p> <p>*****</p>	<p>By making reference to the wording of new RoP 51(1A) (Notice of Presentation of Bills), to add HR 22(qa) to expressly provide 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.</p> <p><i>(Relevant provision(s) of RoP: new RoP 51(1A) (Notice of Presentation of Bills))</i></p>

Legend:

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

Texts proposed to be deleted are shown with deletion lines.

Annex to Appendix

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> <i>(including voting on the motion and amendment(s) thereto)</i>	<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 or the Chairman of a committee of the whole Council 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 	Not more than 4 hrs	1	5 mins
<ul style="list-style-type: none"> ◆ Motions under Rule 29(2) of the Rules of Procedure to amend subsidiary legislation and other instruments 			

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
(including voting on the motion and amendment(s) thereto)

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 <i>(including voting on the motion and amendment(s) thereto)</i>	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> <i>(including voting on the motion and amendment(s) thereto)</i>	<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>					
♦ 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 <i>(for whole debate if it is not divided into sessions)</i>	1 <i>(for each session when debate divided into sessions)</i>	5 mins <i>(for whole debate if it is not divided into sessions)</i>	5 mins <i>(for each session when debate divided into sessions)</i>
♦ 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					
➤ <i>Mover of the motion</i>	Not more than 4 hrs				
- introductory speech and reply		1		10 mins (in total)	
- speech on proposed amendment(s)		1		5 mins (in total)	
➤ <i>Mover of amendment to the motion/ Other speakers</i>					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
(including voting on the motion and amendment(s) thereto)

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) 	<p>Not more than 2 hrs</p>	<p>1⁸</p>	<p>3 mins</p>
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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.