

# **立法會**

## ***Legislative Council***

LC Paper No. CROP 71/20-21

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

### **Paper for the House Committee meeting on 25 June 2021**

### **Review of the Rules of Procedure and House Rules – Second batch of proposed amendments**

#### **Purpose**

This paper seeks endorsement of the House Committee ("HC") on the second 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. Since the commencement of the 2020-2021 session, CRoP has been reviewing the rules and practices of the Legislative Council ("LegCo") and examining proposals submitted by Members to amend RoP and HR with a view to achieving the orderly, efficient and fair disposition of Council business. Following the implementation of the first batch of amendments to RoP and HR in February and March 2021, CRoP proceeded to the second phase of the review.

3. At its meetings on 11 and 20 May 2021, CRoP agreed to take forward the proposals to amend RoP and HR in the following areas and invite Members' views on these proposals:

- (a) Committee membership and election of the chairman and deputy chairman of a committee<sup>1</sup> (*paragraphs 5 to 7 refer*);

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<sup>1</sup> In the context of item (a), "committee" refers to a Panel, a Bills Committee ("BC") and a subcommittee appointed by the House Committee, a Panel, two or more Panels or a BC.

- (b) Procedures for dealing with quorum calls and points of order (*paragraphs 8 to 13 refer*);
- (c) Attire for Members attending Council meetings (*paragraph 14 refers*); and
- (d) Display of objects by Members at Council meetings (*paragraphs 15 to 16 refer*).

4. CROp at its meeting on 8 June 2021 considered the consultation outcome<sup>2</sup> and agreed to submit to HC for endorsement the proposals and the related proposed amendments to the relevant provisions of RoP and HR that received sufficient support from Members. Summaries of the proposals which may be divided into four groups according to the areas specified in paragraph 3 (hereafter referred to as "Proposals 1 to 4") are set out in the ensuing paragraphs.

#### **Proposal 1: Committee membership and election of the chairman and deputy chairman of a committee**

5. CROp has studied the proposals of Hon CHAN Hak-kan relating to committee membership and election of the chairman and deputy chairman of a committee as well as information on relevant practices in selected overseas legislatures.<sup>3</sup> After deliberations, CROp has agreed that a cap should be set on the membership size for committees currently with no specified membership size, and that a new mechanism should be put in place to allocate committee seats among Members. Given that a considerable number of Members may not belong to any political parties, CROp has considered that the new mechanism should ensure that committee membership reflects the relative strengths of the political groupings in LegCo while allowing flexibility. CROp has also agreed that the existing nomination and election procedures be amended to ensure that election of the chairman and deputy chairman of a committee could be conducted smoothly and be completed within a reasonable time.

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<sup>2</sup> The consultation exercise was conducted vide a circular (LC Paper No. CROP 65/20-21) issued on 21 May 2021.

<sup>3</sup> The selected overseas legislatures are the House of Commons of the United Kingdom Parliament, the House of Representatives of New Zealand, the Bundestag of Germany and the National Assembly of France.

6. The consultation outcome showed that a majority of Members supported each of the following proposed amendments:

- (a) setting a cap on the membership size of Panels and subcommittees ("SCs") appointed by HC or Panels to study policy issues at 20 members,<sup>4</sup> and that of Bills Committees (and their SCs) and SCs appointed by HC to study subsidiary legislation and other instruments as well as SCs appointed by HC to consider other matters relating to Council business at 15 members unless otherwise decided by HC;
- (b) putting in place a new mechanism to allocate committee seats among Members as detailed in **Appendix I**, as well as specifying that each Member can serve on a maximum of six Panels at the same time;<sup>5</sup> and
- (c) amending the procedure for the election of the chairman and deputy chairman of a committee as detailed in **Appendix II**.

7. Given the above, the relevant provisions of RoP and HR are proposed to be amended as set out in **Appendix III**. If passed, the amended provisions would take effect at the beginning of the Seventh LegCo. Members may wish to note that CRoP will consider at a later date whether the proposed election procedure as detailed in Appendix II should also apply to HC, with modifications, and whether recommendation be made to the Finance Committee and its two SCs to consider adopting a similar election procedure. In light of this, the proposed amendments to

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<sup>4</sup> There was a view that the membership size of a Panel should be capped at 30 so that there would be 540 seats (i.e. 18 x 30 seats) to be allocated among 90 Members of the Legislative Council ("LegCo"), with each Member being able to serve on a maximum of six Panels on average.

<sup>5</sup> Other views expressed by some Members were as follows:

- (a) if the number of members of a committee has not reached the cap, any Member's request for joining the committee should be considered;
- (b) if there is still a vacant seat on an individual Panel after multiple rounds of seat allocation, discretion should be exercised to allow a Member who has already joined six Panels to join this Panel. In the event of more than one Member applying to join this Panel at the same time, any Member who has joined less than six Panels should be given priority, and if there are Members who have equal priority for allocation, lots should be drawn to determine which of them should get the seat; and
- (c) it would be more practicable and reasonable for the maximum number of Panels that each Member can serve on at the same time to be set at five, instead of six as proposed.

Appendix IV to HR, which sets out the procedure for election of the chairman and deputy chairman of a committee including HC for implementation in the Seventh LegCo, will be provided for HC's consideration later.

## **Proposal 2: Procedures for dealing with quorum calls and points of order**

8. Since the commencement of the Sixth LegCo, the problem of incessant quorum calls leading to disrupted Council proceedings had persisted for several years. Additionally, there had been a tendency for some Members to abuse the raising of a point of order for the purpose of filibustering. The proposed procedures, supported by a majority of Members who responded to the consultation, to deal with repeated quorum calls and points of order that are abusive in nature are set out in paragraphs 9 to 13 below.<sup>6</sup>

### **(i) *Imposing financial penalties on Members absent without valid reasons when a Council meeting is adjourned due to a lack of quorum***

9. The proposal seeks to impose a financial penalty on a Member absent without valid reasons from a Council meeting adjourned due to a lack of quorum under RoP 17(2) or (3), regardless of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and might be resumed for continuation of any unfinished business under RoP 17(6) and 14(4). Valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.<sup>7</sup> The

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<sup>6</sup> These procedures apart, Members expressed diverse views on the proposal that no Member might leave the Chamber after a quorum call had been made until a quorum was present or the Council was adjourned. Some of them raised concerns about the feasibility and implementation of the proposal, consequences of non-compliance, possible contraventions of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), etc. There were also views that only the Member who requested a quorum call might not leave the Chamber during the call and the number of quorum calls that could be made in the Council by a specified number of Members should be limited during a period of time. Given the diverse views and lack of consensus on the issue, the proposal would not be taken forward at this stage.

<sup>7</sup> Some Members expressed in the consultation exercise the view that valid reasons should include certain important official duties and the submission of a prior application for leave in writing to the President of LegCo ("the President") other than those specified in paragraph 9.

President of LegCo ("the President") would have the discretion to decide whether the absence of a Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances, experience of overseas legislatures, etc.

10. As regards the amount of the financial penalty to be imposed each and every time on a Member so absent,<sup>8</sup> an across-the-board penalty which is equivalent to one day's remuneration of a Member not serving on the Executive Council ("ExCo"), irrespective of whether the Member so absent is an ExCo Member, is proposed to be adopted.<sup>9</sup>

11. Members are invited to note that express statutory authority will be sought through amending relevant existing legislation to provide for the power of LegCo to impose such financial penalties on Members, whereas the actual calculation or determination of the amount of the financial penalty would be provided in RoP. The provision in RoP on the calculation or determination of the amount of the financial penalty may be added to RoP at a later stage after the relevant amending legislation is passed by LegCo.<sup>10</sup>

**(ii) *President not dealing with a point of quorum taken abusively***

12. The proposed procedures for dealing with incessant quorum calls are set out in paragraph 13 below.

**(iii)&(iv) *Proposed amendments to Rules 39 and 44 of the Rules of Procedure to deal with points of order that are abusive in nature***

13. Hon CHAN Hak-kan proposed to amend, among others, RoP 39 and 44 to provide procedures for dealing with points of order (including

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<sup>8</sup> A suggestion received in the consultation exercise was that consideration might be given to introducing a progressive penalty system, whereby the more occasions on which a Member was absent without valid reasons, the heavier the financial penalty would be imposed on the Member. There was also an enquiry about the calculation of the penalty amount to be imposed on a Member serving on the Executive Council.

<sup>9</sup> The formula for calculating the amount of the financial penalty (on a 30-calendar-day basis):

Amount of financial penalty<sup>#</sup> = Prevailing monthly remuneration of a Member\* ÷ 30  
(i.e. 1-day remuneration of a Member\*)

<sup>#</sup> Number rounded to the nearest hundred

\*"Member" refers to "a Member not serving on the Executive Council"

<sup>10</sup> According to the Administration, it would strive to present the relevant amendment bill to LegCo in August 2021.

quorum calls) that are abusive in nature. According to his proposal, it is proposed that:

- (a) RoP 39 be amended to the effect that:
  - (i) a Member shall not interrupt another Member except by rising to a point of order and if called by the President in Council or the Chairman in a committee of the whole Council ("CoWC") to speak; and
  - (ii) the Member interrupting may be directed to discontinue speaking if the President in Council or the Chairman in CoWC is of the opinion that the interruption is an abuse of procedure.

With the support of an overwhelming majority of Members who responded to the consultation, the above proposed amendments to RoP 39 would apply to a committee such that a committee chairman would have the proposed discretion to deal with points of order raised at a committee meeting; and

- (b) RoP 44 be amended to the effect that the President in Council, the Chairman in CoWC, or the chairman of any committee (excluding any member presiding over a meeting of such committee) may decide when and how he would deal with a point of order if he is of the opinion that the raising of such a point of order is an abuse of procedure. Further, the vast majority of Members who took part in the consultation exercise supported that the Member presiding in Council and in CoWC might exercise the proposed discretion whereas any member presiding at any other committee should not.

The proposed amendments to RoP 39 and 44 are marked up in **Appendix IV**.

### **Proposal 3: Attire for Members attending Council meetings**

14. RoP 42(a) provides that during a meeting of the Council, all Members shall enter or leave the Council properly attired and with decorum. However, there are neither explicit provisions in RoP nor separate guidelines to prescribe the proper dress code for Members attending Council or CoWC meetings, making it difficult for Members,

particularly new Members, to know the appropriate attire for attending Council or CoWC meetings. To safeguard the dignity and uphold the image of the Council, a substantial majority of Members<sup>11</sup> responding to the consultation supported the proposal to:

- (a) amend RoP 42(a) and 43 (with amendments marked up in **Appendix V**) to expressly provide that Members shall dress in business attire when attending Council meetings including meetings of CoWC, and that the requirement does not apply to meetings of other committees; and
- (b) provide for Members' reference the "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in **Appendix VI** which may be revised/updated as and when directed by the President.

#### **Proposal 4: Display of objects by Members at Council meetings**

15. Taking into consideration that the display of objects by Members at Council or committee meetings has become more frequent since the Fifth LegCo and there is no provision in RoP regulating such display, a great majority of Members expressed support in the consultation exercise<sup>12</sup> for the proposal to:

- (a) amend RoP 42 to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object for illustrating the point(s) in his/her speech only while he/she is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41 regulating the contents of speeches made by Members; and
- (b) add a new provision to HR (i.e. new HR 19B) to set out the requirements or restrictions recommended by HC.

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<sup>11</sup> Some of these Members opined that traditional ethnic costumes/modest cheongsams were acceptable attire and the wearing of trainers and sports shoes for health reasons should not be deemed inappropriate for attending Council meetings.

<sup>12</sup> Other views received in the consultation exercise include: any display of objects at meetings should be strictly prohibited; and the President should have the right of final decision on the issue.

16. The proposed amendments to RoP 42 and the proposed new HR 19B are marked up in **Appendix VII**. By virtue of RoP 43, the proposed amendments to RoP 42, if passed, would also apply to the proceedings of a committee.<sup>13</sup>

### **Advice sought**

17. Members are invited to consider and endorse the following:

- (a) **Proposals 1 to 4** and the related proposed amendments to the relevant provisions of RoP and HR in **Appendices III, IV, V and VII**; and
- (b) the "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in **Appendix VI**.

18. Subject to HC's endorsement, the CRoP Chairman will move a resolution under Article 75 of the Basic Law at a Council meeting to amend the relevant provisions of RoP. Subject to its passage, the resolution will be published on the Government Gazette whereupon the amendments to RoP set forth therein (except those relating to the membership and election of chairmen of committees) will come into operation.<sup>14</sup> As regards the amended provisions of RoP and HR in **Appendix III** under Proposal 1 "Committee membership and election of the chairman and deputy chairman of a committee", they will come into operation on the day on which the Seventh LegCo begins.

Council Business Division 2  
Legislative Council Secretariat  
24 June 2021

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<sup>13</sup> Rule 43 of the Rules of Procedure provides that "[t]he Rules in this Part shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise".

<sup>14</sup> Accordingly, the new rule 19B of the House Rules which sets out the requirements or restrictions in relation to the display of objects by Members will also take effect upon the gazettal of the resolution.



### The proposed procedures for allocating committee seats

The following procedures are proposed to be adopted for allocating committee seats:

- (a) **in each session, Members will be invited to coordinate among themselves to form lists for the purpose of allocation of committee seats for that session.**<sup>1</sup> A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list ("designated quota") will be provided to Members.<sup>2</sup> Members who intend to form lists should submit those lists by electronic means to the Secretariat. **Any Member not intending to form any list with other Member(s) may signify membership as an individual Member for that session;**
- (b) before the deadline for signification of membership,<sup>3</sup> **Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota;**
- (c) after the deadline for signification of membership, if **the total number of Members signifying membership does not exceed the number of committee seats available for allocation, each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the "oversubscription list";**

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<sup>1</sup> Members may form lists among themselves at the time the Panels invite Members to signify membership in each session.

<sup>2</sup> For details, please refer to the proposed new rule 20(ka) of the House Rules ("HR") as detailed in Appendix III.

<sup>3</sup> A Member who joins the Council after the start of the first session of a new term may signify membership for the committees of his choice, provided that the number of members of those committees has not reached the specified cap, within one month of the date on which he is declared elected as Member of the Council.

- (d) **among Members on the "oversubscription list", in the case of the 18 Panels, priority will be given to those Members who have been allocated the fewest number of Panel seats.**<sup>4</sup> If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the Chairman of the House Committee ("HC") or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of the seat(s) in that Panel. In the event that both the Chairman and Deputy Chairman of HC are not available, an Assistant Secretary General will draw the lots. **In the case of Bills Committees ("BCs") and subcommittees ("SCs") appointed by HC, Panels or BCs, lots will be drawn by the Chairman of HC or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of committee seats among Members on the "oversubscription list", irrespective of how many other committees these Members have already joined.** In the event that both the Chairman and Deputy Chairman of HC are not available, the committee clerk will draw the lots;
- (e) as long as the number of members of a committee has not reached the specified cap, any Member may submit an application for late membership, and it is for the relevant committee to decide whether such application should be accepted;
- (f) **In the event that a vacancy in a Panel arises before the end of the session,** (e.g. a Member resigns from the Panel or a member of the Panel ceases to hold office as a member of the Legislative Council ("LegCo")), priority for filling the vacancy will be given to another Member on the same list. If the number of Members on the list is no longer sufficient for obtaining the designated quota<sup>5</sup> or the resigning Member was originally on the "oversubscription list", then a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members who signify membership exceeds the number of vacancy that is required to be filled, a poll will be

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<sup>4</sup> The order for the 18 Panels to allocate committee seats shall be determined according to the descending order of the annual average membership size of 18 Panels in the Fourth LegCo, the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session). For details, please refer to the proposed new HR 20(ka) as detailed in Appendix III.

<sup>5</sup> For instance, if a member of the Panel ceases to hold office as a member of LegCo, the number of Members on the list which this Member originally formed with other Members may no longer be sufficient for obtaining the designated quota.

conducted by the Panel concerned by using the Electronic Voting System to determine which Member is to fill the vacancy.<sup>6</sup> However, **in the case of BCs and SCs appointed by HC, Panels or BCs**, vacancies are not required to be filled; and

- (g) it is proposed to specify that **the maximum number of Panels that each Member can serve on at the same time is six** (i.e. one third of all Panels), with a view to achieving a more balanced allocation of work among Members.

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<sup>6</sup> Similar procedures have been used by HC in election of Members to fill vacancies in the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure.

### Proposed amendments to the Election of chairman and deputy chairman of a committee

To ensure that election of the chairman and deputy chairman of a committee can be conducted smoothly and be completed within a reasonable time, consideration may be given to amending the existing nomination and election procedure to the effect that:

- (a) **all nominations** for chairmanship and deputy chairmanship are required to be **submitted** through electronic means **before a specified deadline**, say, one clear day before the meeting at which the election is scheduled to be held. **The list of valid nominations will be issued to members before the meeting. If there is no valid nomination for chairmanship, the member who has the highest precedence shall be deemed to be elected as chairman;**<sup>1</sup>
- (b) when presiding at the election concerned, the presiding member<sup>2</sup> is required to **proceed straight to balloting** in accordance with the procedures prescribed in paragraphs 7 to 12 of Appendix IV to the House Rules, and should not hear points of order or entertain any motion including a motion to establish the manner in which the committee wishes to proceed with the election. **Candidates will not be allowed to present their platforms or answer questions from members;** and
- (c) **if the election cannot be completed** at the meeting within a specified time limit, say 30 minutes, **a member of the committee concerned to be specified by the Chairman of the House Committee ("HC") will call another meeting** to conduct the election and preside at the remaining proceedings of the election. In such cases, the HC Chairman will have the discretion to decide whether to set a time limit for the election having regard to the actual circumstances of each case.

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<sup>1</sup> In the case of Panels, this proposed amendment will be subject to the conditions set out in Rule 77(6) of the Rules of Procedure ("RoP") (i.e. a Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel) and RoP 77(7) (i.e. a Member shall not be chairman or deputy chairman of more than one Panel at the same time).

<sup>2</sup> Please refer to paragraphs 2 and 3 of Appendix IV to the House Rules for the meaning of the term "presiding member".

**Marked-up version of the proposed amendments  
to the Rules of Procedure and House Rules**

**Rules of Procedure**

**75. House Committee**

(1) There shall be a committee, to be called the House Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by the committee from among its members and shall hold office until the chairman and deputy chairman of the committee for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence.

(2A) The election of the chairman and deputy chairman of the committee for the first session of a term shall take place at the first meeting of the committee in the session. For the second or each subsequent session of the term, the election may take place at a meeting held before that session commences.

(3) *(Repealed L.N. 107 of 1999)*

*(3A) The committee shall decide the mechanism for allocation of committee seats of Panels, Bills Committees and subcommittees appointed by the committee, a Panel, two or more Panels or a Bills Committee, and the procedure for election of the chairman and deputy chairman of such committees.*

(4) At any time after a bill has been referred to the committee under Rule 54(4) (Second Reading), the committee may allocate it to a Bills Committee for consideration, or may cause it to be considered in such other manner as the committee thinks fit.

(5) In deciding upon the timing and order of allocation of bills to a Bills Committee, the committee may take into account the number and relative priority of other bills currently referred to the committee under Rule 54(4) (Second Reading), and may at any time vary any decision as to the timing and order of allocation of any bill.

(6) Following allocation of a bill to a Bills Committee, the committee, after consultation with that Bills Committee, may decide the date for completion of consideration of the bill by the Bills Committee. Any such decision may be varied at any time, after consultation with the Bills Committee.

(7) Upon the allocation of a bill to a Bills Committee, the members of that Bills Committee shall be those Members (other than the President) who ~~signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the committee.~~ *have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).*

(8) The committee may provide guidelines relating to the procedure of the Bills Committees, subcommittees constituted under subrule (12) and Panels constituted under Rule 77 (Panels).

(9) The committee may discuss any deliberations of a Bills Committee for the purpose of assisting members in preparation for resumption of second reading debate in the Council.

(10) The committee shall decide the manner of consideration of the following matters –

- (a) any subsidiary legislation, whether or not such subsidiary legislation is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1);
- (b) any other instrument made under any Ordinance;
- (c) any draft of subsidiary legislation or instrument referred to in paragraph (a) or (b); or
- (d) a petition referred to it under Rule 20(6) (Presentation of Petitions).

(10A) After the consideration of the subsidiary legislation, other instruments and petitions referred to in subrule (10), the committee may present a report to the Council.

(11) The committee may consider, in such manner as it thinks fit, *an issue of public concern which falls outside the purview of Panels or* any other item relating to the business of the Council.

(12) (a) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions under subrules (10) and (11).

(b) *The members of a subcommittee appointed under paragraph (a) shall be those Members (other than the President) who have signified membership and are allocated committee seats in accordance with the mechanism decided by the committee under subrule (3A).*

(c) *Subject to paragraph (d), a subcommittee appointed under paragraph (a) shall consist of not less than 3 members and (unless otherwise decided by the committee) not more than 15 members including the chairman.*

(d) *Where a subcommittee is appointed for the purpose of assisting the committee to consider an issue of public concern which falls outside the purview of Panels, such subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*

(12A) 20 members, including the chairman, shall form a quorum of the committee.

(12AA) All matters for the decision of the committee or its subcommittees shall be decided by a majority of the members voting.

(12B) The chairman of, or any other member presiding at, the committee or its subcommittees (other than those appointed under subrule (12) for the purpose of assisting the committee in the consideration of a matter referred to in subrule (10)) shall not vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote.

(12C) The chairman of, or any other member presiding at, a subcommittee appointed under subrule (12) for the purpose of assisting the committee in the consideration of a matter referred to in subrule (10) shall have an original vote but not a casting vote.

(12D) *(Repealed L.N. 214 of 2005)*

(12E) Notwithstanding the provisions in subrules (12B) and (12C), the chairman or the member presiding, as the case may be, shall have both an original vote and a casting vote in the election of the chairman or deputy chairman of the committee or its subcommittees. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.

(13) The committee may refer any policy matter relating to the business of the Council to a Panel constituted under Rule 77 (Panels), may make recommendation on the terms of reference for the consideration of such matter after consultation with the Panel and may request and receive report on the policy matter from the Panel and then report further to the Council as appropriate.

(14) The committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(15) Meetings of the committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(16) *(Repealed L.N. 177 of 2005)*

(17) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.



(18) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

## **76. Bills Committees**

(1) There shall be such number of committees, to be called Bills Committees, as the House Committee considers appropriate.

(1A) The members of a Bills Committee shall be those Members (other than the President) who ~~signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee~~ *have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee).*

(2) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman, the committee may elect a chairman to act during such absence.

(3) A Bills Committee shall consist of not less than 3 members *and (unless otherwise decided by the House Committee) not more than 15 members* including the chairman. The quorum of a Bills Committee shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(4) A Bills Committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions. *The members of a subcommittee shall be those members of the Bills Committee who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman.*

(5) A Bills Committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(6) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(7) A Bills Committee shall consider the general merits and principles, and the detailed provisions, of the bill allocated to it; and may also consider any amendments relevant to the bill.

(8) All matters for the decision of a Bills Committee or its subcommittees shall be decided by a majority of the members voting. The chairman or any other member presiding shall have an original vote but not a casting vote.

(8A) *(Repealed L.N. 214 of 2005)*

(8B) Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have a casting vote in addition to his original vote in the election of the chairman or deputy chairman of a Bills Committee or its subcommittees. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.

(9) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of its deliberations and then report further to the Council.

(10) The deliberations of a Bills Committee on a bill may be discussed by the House Committee for the purposes of informing Members in preparation for resumption of the second reading debate on the bill in Council. Such deliberations shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(11) Subject to these Rules of Procedure, the practice and procedure of a Bills Committee and its subcommittees shall be determined by that Bills Committee. In any such determination, a Bills Committee shall take into account any guidelines provided under Rule 75(8) (House Committee).

## **77. Panels**

(1) There shall be such number of committees, to be called Panels, as the House Committee considers appropriate and as the Council may approve.

(2) The terms of reference of a Panel shall be recommended by the House Committee and approved by the Council.

(3) A Panel shall monitor and examine, to the extent it considers necessary, policy matters referred to it by a member of the Panel or by the House Committee.

(4) The members of a Panel shall be those Members (other than the President) who ~~signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee.~~*have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). The term of office of the members of a Panel shall be one session.*

(5) The chairman of a Panel shall be elected by the Panel from among its members. The Panel may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman, the Panel may elect a chairman to act during such absence. The chairman and deputy chairman of a Panel shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected.

(6) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.

(7) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.

(8) A Panel shall consist of not less than 6 members *and not more than 20 members* including the chairman. The quorum of a Panel shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(9) A Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel. *The members of a subcommittee shall be those members of the Panel who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*

(9A) Two or more Panels may, if they consider appropriate, appoint joint subcommittees to study any matter of common interest to the relevant Panels and to report to the Panels. *The members of a joint subcommittee shall be those members of the relevant Panels who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee under Rule 75(3A) (House Committee). A joint subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*

(10) A Panel or its subcommittee may, if it considers appropriate, meet jointly with any other Panel or its subcommittee for the purpose of considering any matter of common interest to the Panels. The quorum of a joint meeting shall be one third of the members of all the relevant panels or subcommittees including the chairman (a fraction of the whole number being disregarded).

(11) A Panel shall meet at the time and the place determined by the chairman of the Panel. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(12) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the Panel.

(13) All matters for the decision of a Panel, a subcommittee appointed under subrule (9) or a joint subcommittee appointed under subrule (9A), and all matters for decision at a joint meeting referred to in subrule (10) shall be decided by a majority of the members voting. The chairman or any other member presiding shall have an original vote but not a casting vote. Such voting shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(13A) *(Repealed L.N. 214 of 2005)*

(13B) Notwithstanding the provision in subrule (13), the chairman of, or the member presiding at, a Panel, a subcommittee appointed under subrule (9), a joint subcommittee appointed under subrule (9A) or a joint meeting referred to in subrule (10), as the case may be, shall have a casting vote in addition to his original vote in the election of its chairman or deputy chairman. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.

(14) A Panel may make such reports as it considers appropriate to the Council provided that there shall be at least one report during a session and where requested by the House Committee or on its own motion, make a report in writing to the House Committee on a particular matter.

(15) Subject to these Rules of Procedure, the practice and procedure of a Panel or its subcommittee shall be determined by that Panel. The practice and procedure of a joint subcommittee appointed by two or more Panels shall, subject to these Rules of Procedure, be determined by the relevant Panels. In any such determination, a Panel or, in the case of a joint subcommittee appointed by two or more Panels, the relevant Panels shall take into account any guidelines provided under Rule 75(8) (House Committee).

## **House Rules**

### **20. House Committee**

- (a) The chairman and the deputy chairman of the House Committee shall be elected from among its members at an open meeting and shall hold office until the chairman and deputy chairman of the committee for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement.
- (b) The election of the chairman and deputy chairman of the House Committee for the first session of a term shall take place at the first meeting of the committee in the session. The Member who has the highest precedence in the Council is responsible for calling the first meeting of a term of the House Committee.
- (c) For the second or each subsequent session of a term, the election of the chairman and deputy chairman of the House Committee may take place at a meeting held before that session commences. The meeting shall be called by the chairman in office. If both the chairman and deputy chairman in office before the election are being nominated for the office of the chairman, the member present who has the highest precedence shall preside at the election.
- (d) The procedure for the election of the chairman and deputy chairman of the House Committee is in Appendix IV. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination for office has been secured.
- (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.
- (g) The House Committee decides on the setting up of a Bills Committee and the order of priority for a Bills Committee to be activated, having regard to information provided by the Administration, advice by the Legal Adviser, the number of Bills Committees, and the urgency of the bill, etc. When a bill is ready for resumption of Second Reading debate in the Council, the chairman of the House Committee shall arrange for the Member or public officer in charge of the bill to be notified.

- (h) Not all bills require the formation of Bills Committees. The House Committee may -
  - (i) having considered the Legal Adviser's report (and further reports where necessary) on the legal aspects of a bill, agree to support the bill's resumption of Second Reading debate; or
  - (ii) in response to the request of individual member(s) for information or clarification on certain aspects of a bill, direct the Legal Adviser or other relevant staff of the Secretariat, to take these up with the Administration and submit further report(s) on the bill to the member(s) concerned and the House Committee.
- (i) The House Committee recommends the number, names and terms of reference of Panels to be established. It may also refer to relevant Panels for consideration any policy matters related to the business of the Council, and may request and receive reports from the Panels on matters relevant to their terms of reference.
- (j) The House Committee may appoint a subcommittee to assist the committee's consideration of -
  - (i) an item of subsidiary legislation, an instrument (which is not subsidiary legislation) made under an Ordinance, a draft of subsidiary legislation or such an instrument, or a proposed endorsement of the appointment or removal of senior judges made under the Basic Law; ~~and~~
  - (ii) an issue of public concern which falls outside the purview of Panels ~~or any other matter relating to the business of the Council;~~ *and*
  - (iii) *any other matter relating to the business of the Council.*
- (ja) *A subcommittee referred to in (j)(i) and (iii) shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman, and a subcommittee referred to in (j)(ii) shall consist of not less than 3 members and not more than 20 members including the chairman.*



(k) The following paragraphs apply to the appointment of subcommittees by the House Committee for purposes set out in (j)(ii) *and (iii)* -

- (i) their terms of reference shall be decided by the House Committee, and should be issue-specific or project-specific;
- (ii) a proposal to appoint such subcommittees should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the House Committee;
- (iii) they may report to the House Committee at any time when they consider appropriate, but should do so as soon as they have completed their work; and
- (iv) their activation is determined in accordance with the mechanism set out in rule 26.

*(ka) Unless otherwise decided by the House Committee, the mechanism for allocation of committee seats set out in Appendix IIIB and the procedure for the election of the chairman and deputy chairman of a committee set out in Appendix IV shall be deemed to have been decided by the House Committee under Rule 75(3A) of the Rules of Procedure.*

(l) If a subcommittee has been formed to study any subsidiary legislation or instrument referred to in a motion to take note of a report of the House Committee on the consideration of subsidiary legislation and other instruments under Rule 49D of the Rules of Procedure, the chairman of the subcommittee, if he wishes to speak on the subsidiary legislation or instrument, may speak immediately after the mover has moved and spoken on the motion and, if the debate is divided into sessions, he may speak at the start of the session which relates to that subsidiary legislation or instrument.

## 21. Bills Committees

- (a) The maximum number of Bills Committees should be limited to 16 at any one time. When more than 16 Bills Committees are formed, a queuing system will automatically be activated.
- (b) A Bills Committee shall consist of not less than ~~three~~<sup>3</sup> members *and (unless otherwise decided by the House Committee) not more than 15 members* including the chairman.
- (c) Members may *indicate their intention to* 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 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 *not less than 2 one* clear days before the day of the first meeting of the Bills Committee. *If the number of Members who have signified membership exceeds the number specified in (b) above, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB. The clerk to the Bills Committee shall issue the membership list of the Bills Committee and invite nominations for the offices of chairman and deputy chairman in accordance with the procedure for the election of the chairman and deputy chairman set out in Appendix IV.*
- (d) A Member who joins the Council after the start of a session *may* ~~should~~ signify membership for the Bills Committees of his choice within one month of the date on which he is declared elected as Member of the Council, *provided that the number of members of the Bills Committees does not exceed the number specified in (b) above.*

- (e) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. Tenure of chairmanship and deputy chairmanship should be for the life of the Bills Committee. The procedure for the election of the chairman and deputy chairman is in Appendix IV. ~~A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.~~
- (f) The order of Bills Committees on the waiting list is in the order of the introduction of the relevant bills into the Council. In acceding to a request of the Administration for priority activation of a Bills Committee on a Government bill, the order of the Bills Committees on Member's bills should not be affected as a result. Similarly, should a Member's bill be dealt with ahead of other bills, the order of Government bills should not be altered. The decision on whether a bill is urgent rests with the House Committee.
- (g) Where a Bills Committee decides to hold in abeyance the consideration of a bill (such decision may be invited by circulation and signified in writing), it should notify the House Committee which will decide whether the next Bills Committee in the queue should be activated. A Bills Committee held in abeyance will not normally be reactivated until a vacant slot arises to accommodate its reactivation.
- (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 House Committee should be informed of an extension of the period.
- (i) The following guidelines in the processing of bills should be followed -
  - (i) whenever feasible, committees should meet frequently;
  - (ii) members of a committee should try to attend all meetings and stay through each meeting;

- (iii) reopening of discussion on issues on which there has been full deliberation should not be allowed;
  - (iv) chairmen should monitor closely the progress of bills under their consideration. Should there be the need to hold a bill in abeyance, a report should be made to the House Committee;
  - (v) when the scrutiny of a bill has reached the report stage, and upon the recommendation of the Legal Adviser and the committee concerned, the House Committee may decide to vacate the slot for examination of the next bill in the queue.
- (j) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of the Bills Committee's deliberations and where appropriate, the majority and minority views, and whether or not the Bills Committee supports the bill. The Bills Committee shall then further report to the Council.
- (k) Subject to (n), the chairman or any member of a Bills Committee, when reporting to the Council on the work of the Bills Committee, shall address the Council at the resumption of the second reading debate on the bill.
- (l) Where a Bills Committee determines that a written report shall be laid on the table of the Council when reporting to the Council on the work of the Bills Committee, the report shall be presented at the same meeting at which the resumption of the second reading debate on the bill takes place.
- (m) Subject to (n), the chairman or any member of a Bills Committee presenting a written report referred to in (l) 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.

- (n) 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, the chairman or any member of the Bills Committee concerned, who is to present the Bills Committee report at the Council meeting at which such an announcement is to be made, may, with the permission of the President, address the Council at the time when the report is laid on the Table of the Council.
- (o) 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), the chairman or any member of a Bills Committee reporting to the Council on the work of the Bills Committee under (k) or (m) may, with the permission of the President, be the first Member to speak.
- (p) An address made under (k), (m) or (n) is not subject to the 15-minute restriction on speaking time.
- (q) In the situation where there is no indication that the second reading debate on a bill will resume within a reasonable time after completion of the Bills Committee's work, the chairman or any member representing the Bills Committee shall, if the Bills Committee so determines, table a written report in the Council and seek the President's permission to address the Council thereon under Rule 21(3) of the Rules of Procedure.
- (r) A Bills Committee will be dissolved as soon as the bill it has considered passes through the Council, or when the House Committee so decides.

## **22. Panels**

- (a) The number, names and terms of reference of Panels shall be recommended by the House Committee for the approval of the Council.
- (b) A Panel shall consist of not less than ~~six~~6 members *and not more than 20 members* including the chairman.

- (c) Members may join a Panel by submission of ~~a~~ returns to the Secretariat by noon on the ~~Friday~~ ~~Saturday~~ immediately following the first Council meeting of a new term, *and for the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. If the number of Members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB. A Member's membership of a Panel lasts for the whole term one session unless the Member resigns from that Panel. For each of the remaining sessions of the term, a Member who wishes to join any Panel(s) in addition to those he has joined may do so by submission of a return to the Secretariat by noon on the Saturday immediately prior to the first Council meeting of that session and the deadline for submission of return shall be taken as the time when the Member's membership of the additional Panel(s) takes effect.*
- (ca) *No Member shall be a member of more than six Panels at the same time.*
- (cb) *In the event that a vacancy in a Panel arises before the end of a session, the vacancy is to be filled in accordance with the mechanism set out in Appendix IIIB.*
- (d) A Member who joins the Council after the start of a session may join a Panel by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, *provided that the number of members of the Panel does not exceed 20*. His membership of the Panel shall take effect ~~from the time his return is received~~ *upon confirmation* by the Secretariat.
- (e) The Member who has the highest precedence in the Council among those who have joined a Panel is responsible for calling the first meeting of the Panel during the first session of a term of the Council, for the purpose of electing the chairman of the Panel. All other subsequent meetings will be called by the chairman in office.

- (f) The chairman and the deputy chairman of a Panel shall be elected from among its members and shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected. The procedure for the election of the chairman and deputy chairman is in Appendix IV. ~~A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.~~
- (g) Election of chairman and deputy chairman of a Panel should normally take place at the first meeting of the Panel in the session.
- (h) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.
- (i) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.
- (j) In the event of the temporary absence of the chairman and deputy chairman, the Panel may elect a chairman to act during such absence.
- (k) When a Panel sits jointly with any other Panel for the purpose of considering any matter of common interest, the Panels shall decide which chairman should chair that meeting.
- (l) If the chairmen of two Panels cannot agree on how an issue straddling the work of the Panels should be handled, the chairman or, in his absence, the deputy chairman of the House Committee should be consulted on whether one of the Panels should take up the issue, or whether the Panels should hold a joint meeting.
- (m) If more than two Panels meet jointly on a subject of common interest, and if it is necessary, the chairman or, in his absence, the deputy chairman of the House Committee may be consulted as to whether the Panel having a prominent interest in the subject matter should convene a meeting with members

of other interested Panels invited to attend, or whether informal briefings for all interested Members should be held. If the latter option is adopted, a convenor should be elected by and from among those Members present, and Members should be reminded at the beginning of the briefings that they are not covered by the Legislative Council (Powers and Privileges) Ordinance at such briefings as if they are covered at meetings of the Panels.

- (n) For the calculation of quorum, a Member who is member of both Panels at a joint meeting should be counted as one member of the joint meeting. The quorum will be one-third of the membership of the joint meeting including the chairman (a fraction of the whole number being disregarded) i.e. each Member will be counted only once in terms of membership and quorum.
- (o) All matters for decision at a joint Panel meeting shall be decided by a majority of the members voting. Dissenting views expressed by members of different Panels should be recorded.
- (p) 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 amendment to a motion should be presented to the Panel or subcommittee in written form.
- (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.



- (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.
- (r) Panels should not normally deal with individual cases handled under the Redress System of the Council except in respect of the policy issues arising therefrom.
- (s) A Panel may appoint subcommittees to study specific issues. ~~Members of the subcommittees shall consist of members of that Panel.~~ *Only members of the Panel may join the subcommittees. A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.*
- (t) Two or more Panels may appoint joint subcommittees to study any matter of common interest to the relevant Panels. Only members of the relevant Panels may join the subcommittees. *A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman. If the number of members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB.* The quorum of a subcommittee so appointed will be one-third of the membership of the subcommittee including the chairman (a fraction of the whole number being disregarded).
- (u) The following paragraphs apply to subcommittees appointed for purposes set out in (s) or joint subcommittees appointed for purposes set out in (t) -
  - (i) their terms of reference shall be decided by the Panel(s) concerned, and should be issue-specific or project-specific;
  - (ii) a proposal to appoint such subcommittees should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the Panel(s) concerned;
  - (iii) they may report to the Panel(s) at any time when they

consider appropriate, but should do so as soon as they have completed their work; and

- (iv) their activation is determined in accordance with the mechanism set out in rule 26.
- (v) Should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee shall be sought in accordance with the procedures set out in rule 29A.
- (w) A Panel shall make at least one report on its work to the Council in the session. If a particular matter is referred to a Panel for study, or a Panel is authorized to summon persons concerned to testify or give evidence, the Panel shall make a report to the Council after it has completed its consideration. The method of tabling a report in the Council is provided in rule 2. A Panel may as required seek the views of the House Committee on a particular matter, or inform the House Committee of the contents of its study report.

## 23. Application for Late Membership

- (a) An application for late membership of a Bills Committee, Panel, subcommittee ~~under-appointed by the House Committee,~~ a Bills Committee or Panel; ~~or a joint subcommittee formed by two or more Panels, or subcommittee on subsidiary legislation~~ (the relevant committee) shall be considered in accordance with this rule after the election of the chairman and deputy chairman, if any, of the relevant committee, *provided that the number of committee members does not exceed the specified maximum number of members of the relevant committee.* The raising of questions which relate to the signification of membership of a relevant committee, after the time when a Member should signify his membership, shall be deemed to be an application for late membership.
- ~~(b) If the ground for application for late membership is indisposition, or absence from Hong Kong, during the time when a Member should signify his membership, it is for the chairman of the relevant committee to decide whether such~~

~~application should be accepted.~~

~~(e)(b)~~ If the ground for application for late membership is other than that referred to in (b), ~~i/~~It is for the relevant committee to decide whether ~~such an~~ application *for late membership* should be accepted and such application shall only be accepted if there exist sufficient grounds for doing so.

~~(d)(c)~~ A Member who is admitted as a member of the relevant committee under this rule may not seek a re-election of the chairman or deputy chairman of that committee by reason only of his admission.

~~(e)(d)~~ Any Member who has failed to be admitted as a member of the relevant committee ~~under this rule referred to in (a) above~~ may put the case to the House Committee for decision.

## **26. Activation and Operation of Subcommittees**

(a) Subject to (b) and (e), the maximum number of subcommittees appointed by the House Committee for purposes set out in rule 20(j)(ii) *and (iii)* and subcommittees appointed by Panels for purposes set out in rule 22(s) or (t) that may be in operation at any one time is 10.

(b) Where the number of subcommittees referred to in (a) has reached the maximum number provided in (a), a queuing system will automatically be activated with a waiting list formed. The order of subcommittees on the waiting list is in the order of their appointment. Where the number of Bills Committees in operation is less than that referred to in rule 21(a), the House Committee may activate subcommittees on the waiting list after having considered the following -

- (i) the number of vacant slots for Bills Committees;
- (ii) the number of bills likely to be introduced to the Council in the next three months;
- (iii) the number of subcommittees already or likely to be appointed by the House Committee for purposes referred to in rule 20(j)(i) and by Bills Committees; and

- (iv) the availability of resources in the Secretariat.
- (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.
- (d) There is no restriction on the maximum number of subcommittees appointed by the House Committee for purposes set out in rule 20(j)(i) that may be in operation at any one time.
- (e) Notwithstanding (a), (b) and (c), exceptions to these subrules may be made by the House Committee where it considers appropriate.
- (f) The practices and procedures set out in rules 20 to 25 shall apply, where appropriate, to subcommittees of the House Committee, Bills Committees or Panels (including joint subcommittees appointed by two or more Panels).

Legend:

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

Texts proposed to be deleted are shown with deletion lines.

### **Mechanism for allocation of committee seats**

Detailed procedures of the mechanism are –

1. For Panels –

- (a) No Member shall be a member of more than six Panels at the same time.
- (b) Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately following the first Council meeting of a new term. For the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. A Member's membership of a Panel lasts for one session unless the Member resigns from that Panel.
- (c) Members may coordinate among themselves to form lists for the purpose of allocation of committee seats provided that a Member's name should not appear on more than one such list. Any list formed by Members should reach the Secretariat before the deadline set for submitting such lists. Any Member not intending to form any list with other Member(s) may signify membership as an individual Member.
- (d) The maximum number of members of a Panel is 20 members including the chairman as stated in Rule 77(8) of the Rules of Procedure. The allocation of committee seats of a Panel will be based on the number of Members on a list if the total number of Members signifying membership exceeds the specified number of members as stated above. A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list ("designated quota") is in Annex I.
- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they

signify membership using the designated quota referred to in 1(d) or signify as an individual Member without any designated quota.

- (f) After the deadline for signification of membership specified in 1(b), if the total number of Members signifying membership does not exceed the number of committee seats as stated in 1(d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.
- (g) Among Members on the “oversubscription list”, priority will be given to those Members who have been allocated the fewest number of committee seats of Panels. If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.
- (h) The order for the Panels to allocate committee seats shall be in the order set out in Annex II.
- (i) In the event that a vacancy in a Panel arises before the end of a session, priority for filling the seat vacated by a Member on a list will be given to another Member on the same list as long as the number of Members on the list is still sufficient for obtaining the designated quota. In the case where:
  - (i) no other Member from the same list fills the vacancy;
  - (ii) the number of Members on the same list is no longer sufficient for obtaining the designated quota; or
  - (iii) the seat concerned was allocated by means other than through the designated quota,

a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members signifying membership exceeds the number of seat(s) vacated by Member(s), a poll will be conducted by the Panel concerned by using the Electronic Voting System to determine which Member is to fill the vacancy.

- (j) A Member who joins the Council after the start of a session may join a Panel by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of the Panel does not exceed 20. His membership of the Panel shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a Panel exceeds the number of committee seat(s) of that Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the committee seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.

## 2. For Bills Committees and subcommittees –

- (a) Members may join a Bills Committee or its subcommittee(s) appointed under Rule 76(4) of the Rules of Procedure or a subcommittee appointed by the House Committee for purposes set out in rule 20(j)(i) to (iii) of the House Rules or by a Panel or two or more Panels for purposes set out in rule 22(s) or (t) of the House Rules by submission of returns to the Secretariat by a date as specified by the Secretariat.
- (b) The lists which Members have formed for the purpose of allocation of committee seats of Panels in a session are applicable to the allocation of seats of the committees specified in 2(a) in the same session if the total number of Members signifying membership exceeds the specified number of members of the committee or subcommittee as stated in 2(c) and (d). A conversion table between the number of Members on a list and the designated quota is in Annex I.

- (c) A subcommittee appointed by the House Committee for the purpose set out in rule 20(j)(ii) of the House Rules or by a Panel or two or more Panels for purposes set out in rule 22(s) or (t) of the House Rules is to consist of no more than 20 members including the chairman.
- (d) Unless otherwise decided by the House Committee, a Bills Committee, or a subcommittee appointed under Rule 76(4) of the Rules of Procedure or by the House Committee for purposes set out in rule 20(j)(i) or (iii) of the House Rules, is to consist of no more than 15 members including the chairman.
- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota.
- (f) After the specified deadline for signification of membership, if the total number of Members signifying membership does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.
- (g) Among Members on the “oversubscription list”, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk to a committee will draw the lots.
- (h) In the event that a vacancy in a Bills Committee or a subcommittee arises before its completion of work, such vacancy will not be filled.



- (i) A Member who joins the Council after the start of a session may join a Bills Committee or a subcommittee by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of that committee does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d). His membership of the committee shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a committee exceeds the number of committee seat(s) of that committee available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk to a committee will draw the lots.

## Annex I to Appendix IIIB

### Conversion table between the number of committee seats to be allocated and the number of Members on a list

The number of committee seats to be allocated	The number of Members on a list required for allocating the specified number of seats	
	<u>Committees with 15 seats available for allocation<sup>1</sup></u>	<u>Committees with 20 seats available for allocation<sup>2</sup></u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16		72
17		77
18		81
19		86
20		90

<sup>1</sup> The threshold for allocating each seat is calculated on the basis of a multiple of six (i.e. six Members be allocated one seat, 12 Members be allocated two seats, 18 Members be allocated three seats, so on and so forth).

<sup>2</sup> The threshold for allocating each seat is calculated on the basis of a multiple of 4.5 (rounding up to the nearest integer) (i.e. five Members be allocated one seat, nine Members be allocated two seats, 14 Members be allocated three seats, so on and so forth).

## **Annex II to Appendix IIIB**

### **The order for the 18 Panels to allocate committee seats<sup>1</sup>**

1. Panel on Constitutional Affairs
2. Panel on Security
3. Panel on Development
4. Panel on Education
5. Panel on Transport
6. Panel on Housing
7. Panel on Economic Development
8. Panel on Home Affairs
9. Panel on Food Safety and Environment Hygiene
10. Panel on Environmental Affairs
11. Panel on Administration of Justice and Legal Services
12. Panel on Financial Affairs
13. Panel on Manpower
14. Panel on Health Services
15. Panel on Information Technology and Broadcasting
16. Panel on Welfare Services
17. Panel on Commerce and Industry
18. Panel on Public Service

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<sup>1</sup> The order for the 18 Panels to allocate committee seats is determined according to the descending order of the annual average membership size of 18 Panels in the Fourth Legislative Council ("LegCo"), the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session).

**Marked-up version of the proposed amendments to  
Rules 39 and 44 of the Rules of Procedure**

### **39. Interruptions**

- (1) A Member shall not interrupt another Member, except –
- (a) by rising to a point of order, ~~when the Member speaking shall resume his seat and~~ *and if called by the President or Chairman, when the Member speaking shall resume his seat and, subject to subrule (2),* the Member interrupting shall direct attention to the point which he wishes to bring to notice and submit it to the President or Chairman for decision; or
  - (b) to seek elucidation of some matter raised by that Member in the course of his speech, if the Member speaking is willing to give way and resume his seat and the Member wishing to interrupt is called by the President or Chairman.

*(2) The President or Chairman may direct the Member who is interrupting another Member under subrule (1)(a) to discontinue speaking if the President or Chairman is of the opinion that the interruption is an abuse of procedure.*

### **44. Decision of ~~Chair Final~~ *the Chair***

(1) The President in Council, the Chairman in a committee of the whole Council or the chairman of any committee shall be responsible for the observance of the rules of order in the Council and committee respectively. His decision on a point of order shall be final.

*(2) Where the President in Council or the Chairman in a committee of the whole Council is of the opinion that the raising of a point of order is an abuse of procedure, he may decide when and how he would deal with the point of order so raised.*

*(3) The power conferred on the President in Council or the Chairman in a committee of the whole Council by subrule (2) may be exercised by the chairman or deputy chairman of any other committee, but not by any other member presiding at that committee, in dealing with a point of order.*

**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 42 and 43 of the Rules of Procedure**

**42. Behaviour of Members during Meeting**

During a meeting of the Council –

- (a) all Members shall ~~enter or leave the Council properly attired and dress in business attire and behave~~ with decorum;
- (b) no Member shall cross the floor of the Council unnecessarily;
- (c) Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business of the Council; and
- (d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruptions.

**43. Application of Rules to Committees**

The Rules in this Part, *except the attire requirement laid down in Rule 42(a) (Behaviour of Members during Meeting) which shall only apply to the proceedings of the Council and a committee of the whole Council*, shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise.

Legend :

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

Texts proposed to be deleted are shown with deletion lines.

### **Guidance on Members' attire which might be deemed inappropriate for attending Council meetings**

In accordance with Rule 42(a) of the Rules of Procedure, all Members shall be in **business attire** and with decorum during a meeting of the Council.\* While attire with/of the following features/types might be deemed inappropriate, **the President may exercise his discretion over Members' standard of dress.**

#### Overall attire

- Clothing/accessories displaying signs, slogans or messages;
- Clothing displaying advertising of commercial cause (including the promotion and advertising of sports teams, leagues, tournaments, etc.);
- Clothing that is torn or with holes;
- Uniforms of any kind;
- Casual and sports wears; and
- Swimwear.

#### Tops

- T-shirts;
- Singlets/sleeveless tops;
- Sport tops;
- Sweatshirts;
- Tracksuits; and
- Overalls.

#### Bottoms

- Shorts;
- Jeans/denim; and
- Sweatpants/sportswear leggings/yoga pants.

#### Headwear

- Hats and caps; and
- Headwear of any kind (except for religious or medical reasons).

#### Footwear

- Flip-flops, sandals/slides, mules;
- Trainers and sports shoes;
- Work boots, hiking boots or rain boots; and
- Any kind of shoes showing toes.

*Note: This Guidance may be revised/updated as and when directed by the President of the Legislative Council.*

\* *Subject to whether business attire is to be adopted as the standard of dress for Members attending Council meetings (including meetings of the committee of whole Council but not other committee meetings).*

**Marked-up version of the proposed amendments to  
Rule 42 of the Rules of Procedure  
and proposed new provision 19B of the House Rules**

Rule 42 of the Rules of Procedure

**42. Behaviour of Members during Meeting**

During a meeting of the Council –

- (a) all Members shall enter or leave the Council properly attired and with decorum;
- (b) no Member shall cross the floor of the Council unnecessarily;
- (c) Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business of the Council;  
~~and~~
- (d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruptions~~;~~; *and*
- (e) *a Member may, subject to any such requirements or restrictions as may from time to time be recommended by the House Committee, display an object for illustrating a point in his speech only while he is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to Rule 41 (Contents of Speeches).*

New provision of the House Rules

***19B. Display of Objects***

*Under Rule 42(e) of the Rules of Procedure, a Member may display an object for illustrating a point in his speech while he is speaking during a Council meeting if:*

- (a) *the display of the object is related to the item(s) of business set out in the relevant Agenda of the Council;*
- (b) *the display of the object does not and will not disturb the proceedings of the meeting or cause obstruction to other Members or designated public officers in their participation in the proceedings, or block the President's view of those present in the Chamber;*
- (c) *the display of the object does not and will not pose danger or nuisance to any person present in the Chamber;*
- (d) *the display of the object is confined to the seating area of the Member displaying the object; and*
- (e) *the display of the object does not and will not have a negative impact on the public's perception of the Council, tarnish the dignity of the Council, or bring discredit upon the Council.*

Legend :

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

Texts proposed to be deleted are shown with deletion lines.