

**立法會**  
***Legislative Council***

LC Paper No. CROP 90/20-21

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

**Paper for the House Committee meeting  
on 3 September 2021**

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

**Purpose**

This paper seeks the endorsement of the House Committee ("HC") on the third 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"). Following the first and second phases of the review,<sup>1</sup> CRoP at its meeting on 20 July 2021 agreed to take forward the consultation with Members on the third batch of proposed amendments to RoP and HR in relation to the following areas:<sup>2</sup>

- (a) Membership and election of the chairman and deputy chairman of the Finance Committee ("FC") and HC, and proposed amendments relating to the operation of HC ("Proposal 1" in paragraphs 5 to 10 refers); and

---

<sup>1</sup> Except for the amendments to RoP 75, 76 and 77 relating to the committee membership and election of the chairman and deputy chairman of a committee which are to come into operation on the day on which the Seventh LegCo begins, all other amendments came into operation in March and July 2021.

<sup>2</sup> The consultation exercise was conducted vide a circular (LC Paper No. CROP 82/20-21) issued on 26 July 2021.

- (b) Observance of silence at a Council meeting ("Proposal 2" in paragraph 11 refers).

3. Meanwhile, CRoP agreed to submit to HC for endorsement the proposed consequential amendments to RoP 46(2) relating to the split voting procedures for Members' bills and motions in Article 7 of Annex II to the Basic Law as amended by the Standing Committee of the National People's Congress ("NPCSC") on 30 March 2021 ("Proposal 3" in paragraphs 12 to 14 refers).

4. On 30 August 2021, CRoP considered the consultation results on Proposals 1 and 2 and also agreed to submit to HC for endorsement the proposed amendments to the relevant provisions of RoP and HR after having received sufficient support from Members during the consultation exercise. Summaries of Proposals 1, 2 and 3 are set out in the ensuing paragraphs.

**Proposal 1: Membership and election of the chairman and deputy chairman of the Finance Committee and House Committee, and proposed amendments relating to the operation of the House Committee**

*(i) Membership of the Finance Committee and House Committee*

5. CRoP has considered and discussed the proposal of Ir Dr Hon LO Wai-ki on the membership of FC and HC. Ir Dr Hon LO was of the view that it should no longer be mandatory for all the Members other than the President of LegCo ("the President") to be members of FC and HC, and instead, Members should be given the choice as to whether to join FC and/or HC. Having regard to the importance of FC<sup>3</sup> and HC<sup>4</sup> in performing the functions of LegCo, Ir Dr Hon LO also suggested that the two committees should each consist of not less than 50 members including the chairman. In the view of Ir Dr Hon LO, the proposed membership size could ensure that the decisions made or views expressed by the committee members would represent the majority view of Members of LegCo while also keeping the committee to a manageable size. An overwhelming majority of Members who responded to the consultation supported the proposed amendments.

---

<sup>3</sup> As stipulated in RoP 71(4) and (5), the functions of FC shall be such as are conferred upon it by the Public Finance Ordinance (Cap. 2), any other law and RoP, and such as may from time to time be referred to FC by LegCo. FC may appoint subcommittees ("SCs") for the purpose of assisting it in the performance of its functions.

<sup>4</sup> HC is responsible for making preparations for meetings of the Council and considering matters relating to the business of the Council. HC may form Bills Committees ("BCs") to scrutinize bills or appoint SCs for the purpose of assisting it in the performance of its functions including the study of subsidiary legislation.

6. Having regard to the consultation results, amendments to RoP 71(1), RoP 75(1), HR 20(a), and HR 23(a) and (d) are proposed to be made as marked up in **Appendix I**. If the proposal is adopted, when a new term commences, Members who intend to join FC and/or HC may do so by submission of returns to the Secretariat before a specified deadline. The term of office of a member of FC/HC shall be the whole term of the Council except in the case of resignation from that committee. For the second and each subsequent session of a term, a Member who wishes to join FC and/or HC may do so by submission of a return to the Secretariat by a specified deadline. The deadline for submission of return shall be taken as the time when the Member's membership of the committee takes effect.

7. Members are invited to note that CRoP has also agreed to the following arrangements: (a) if the above proposal for membership of FC and HC is taken forward, Members who are not members of FC or HC may attend their meetings and join the discussion of agenda items; and (b) under the proposed amended provisions of RoP and HR relating to committee membership that will take effect when the Seventh LegCo begins, membership of Bills Committees ("BCs") and subcommittees ("SCs") appointed by HC will be open to all Members other than the President, and recommendation should be made to FC to consider adopting the same arrangements for its two SCs.

(ii) *Procedure for the election of chairman and deputy chairman of the Finance Committee (and its two subcommittees) and House Committee*

8. At its meeting on 25 June 2021, HC endorsed the second batch of proposed amendments to RoP and HR as agreed by CRoP.<sup>5</sup> One of these proposals was to amend the existing election procedure to ensure that the election of chairman and deputy chairman of a committee could be conducted smoothly and be completed within a reasonable period of time. In gist, starting from the Seventh LegCo, all nominations for chairmanship and deputy chairmanship are required to be submitted through electronic means before a specified deadline. If there is no valid nomination for the chairmanship, the member who has the highest precedence shall be deemed to be elected as chairman. If there is only one valid nomination for the chairmanship, the nominee will be deemed to be elected as chairman. The

---

<sup>5</sup> For details, please refer to the CRoP Paper for the HC meeting on 25 June 2021 (LC Paper No. CROP 71/20-21).

election, if held, shall be completed within a specified time limit.<sup>6</sup>

9. Given that FC (and its two SCs) and HC have all along adopted the same election procedure as Panels, BCs and SCs, it is proposed that the aforesaid election procedure should also apply to HC, with modifications. CRoP has also agreed that FC be recommended to adopt a similar election procedure for FC and its two SCs. Having regard to the consultation results, amendments to RoP 71(2A), RoP 75(2A), and HR 20(a) to (d) are proposed to be made as marked up in **Appendix I**. The proposed procedure for election of the chairman and deputy chairman of a committee<sup>7</sup> (i.e. the revised Appendix IV to HR) is set out in **Appendix II**.

*(iii) Proposed amendments relating to the operation of the House Committee*

10. If the proposed amendments to RoP and HR in relation to the membership of FC and HC as set out in **Appendix I** are passed, HC may not consist of all the Members other than the President starting from the Seventh LegCo. To ensure that any business required to be considered and/or decided by HC can be dealt with in an efficient and timely manner, it is proposed that the relevant provisions of HR be amended to the effect that:

- (a) a Member, irrespective of whether or not he/she is a member of HC, who wishes to seek HC's agreement or recommendation on matters relating to Council business (such as those referred to in HR 13(c), 14(i), 14(k)(ii) and 15(ab)) should make a request in writing to the HC Chairman for it to be considered at an HC meeting. The deadline for submitting such request is the deadline for proposing agenda items for an HC meeting as stated in HR 20(f)(i) (i.e. normally 5:00 pm on the Tuesday before the HC meeting);
- (b) the HC Chairman shall have power to decide the agenda of a meeting, and also the power to decide the time and arrangements of a meeting, and to set time limits for dealing with agenda items of a meeting. The purpose of the proposed amendment is to state clearly that the HC Chairman shall have power to decide meeting arrangements for HC, e.g.

---

<sup>6</sup> When presiding at the election concerned, the presiding member is required to proceed straight to balloting, 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.

<sup>7</sup> "Committee" refers to HC, a Panel, a BC and an SC appointed by HC, a Panel, two or more Panels or a BC in the revised Appendix IV to HR.

inviting Members who are not HC members to speak on their requests at an HC meeting, inviting chairmen of BCs/SCs who are not HC members to report to HC the deliberations of the committees concerned, and the order of speaking; and

- (c) Members may indicate their intention to join a BC by a show of hands at the HC meeting at which a bill is allocated to that BC, or by informing the HC Chairman of such intention before the close of that HC meeting. If not less than three Members have so indicated, or informed the HC Chairman of, such intention, the BC will be formed. By virtue of HR 26(f), this proposed amendment would also apply to SCs appointed by HC to study subsidiary legislation and other instruments.

HR 20(fa) and (fb) are proposed to be added and HR 21(c) is proposed to be amended as marked up in **Appendix I**.

### **Proposal 2: Observance of silence at a Council meeting**

11. Under the established practice, the President may order or allow the observance of silence at the beginning of a Council meeting. Over the past years, some of the observances were proposed by Members. In order to give the President sufficient time to consider the merits of such proposals, a substantial majority of Members who responded to the consultation supported the proposal of adding the proposed new rule 1C of HR as set out in **Appendix III** to provide that: (a) should a Member wish to initiate an observance of silence at a Council meeting, prior permission of the President shall be obtained before that meeting; and (b) the observance of silence shall take place only at the beginning of a Council meeting.

### **Proposal 3: Proposed consequential amendments to Rule 46(2) of the Rules of Procedure relating to the split voting procedures for Members' bills and motions**

12. On 11 March 2021, the National People's Congress made the Decision on Improving the Electoral System of the Hong Kong Special Administrative Region<sup>8</sup> and authorized NPCSC to amend Annex I: Method

---

<sup>8</sup> The article entitled "China adopts decision to improve Hong Kong electoral system" issued by Xinhua on 11 March 2021 can be accessed at the official website of The National People's Congress of the People's Republic of China: <http://www.npc.gov.cn/englishnpc/c23934/202103/8343acdf80ba4a8c898441ff89770398.shtml>.

for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and Annex II: Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures, to the Basic Law. The amended Annexes I and II to the Basic Law were adopted by NPCSC on 30 March 2021.

13. Pursuant to the amended Annex II to the Basic Law, the Seventh LegCo shall be composed of 90 Members, comprising 40 Members returned by the Election Committee, 30 Members returned by functional constituencies, and the remaining 20 Members returned by geographical constituencies through direct elections. Under Article 7 of the amended Annex II to the Basic Law, the passage of motions, bills or amendments thereto introduced by individual Members shall require a **simple majority vote of each of the TWO groups of Members present: (a) Members returned by the Election Committee; and (b) Members returned by functional constituencies and by geographical constituencies through direct elections.**

14. Given the above, consequential amendments to RoP 46(2)<sup>9</sup> are proposed to be made as marked up in **Appendix IV** to align with the above split voting procedures for the passage of a motion<sup>10</sup> or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill. According to the Administration, while the amended Annex II to the Basic Law made by NPCSC came into effect on 31 March 2021, it is concerned with the formation and voting procedures of the Seventh LegCo and beyond.<sup>11</sup> Accordingly, the proposed consequential amendments to RoP 46(2) should take effect when the Seventh LegCo begins.

### **Advice sought**

15. Members are invited to consider the following:

- (a) endorsement of **Proposals 1 and 3**, and the related proposed amendments to the relevant provisions of RoP and HR in **Appendices I, II and IV**. Subject to HC's endorsement, the

---

<sup>9</sup> At present, RoP 46(2) provides that the passage of a motion or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present: (a) Members returned by functional constituencies (Group I); and (b) Members returned by geographical constituencies through direct elections (Group II).

<sup>10</sup> Excluding a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in RoP 46(1).

<sup>11</sup> Paragraph 83 of the report of the Bills Committee on Improving Electoral System (Consolidated Amendments) Bill 2021 (LC Paper No. CB(4)1008/20-21) refers.

CRoP Chairman will move a resolution under Article 75 of the Basic Law at a Council meeting to amend the relevant provisions of RoP. If the resolution is passed by LegCo, it would be published in the Gazette and the relevant amended provisions of RoP and HR would come into operation on the day on which the Seventh LegCo begins; and

- (b) approval of **Proposal 2** and the proposed new rule 1C of HR in **Appendix III**. Subject to HC's approval, the new rule would take immediate effect thereafter.

Council Business Division 2  
Legislative Council Secretariat  
2 September 2021

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

**Rules of Procedure**

**71. Finance Committee**

(1) There shall be a standing committee, to be called the Finance Committee, the members of which shall be ~~all the~~*those* Members (other than the President) *who signify membership in accordance with the procedure determined by the committee. The committee shall consist of not less than 50 members including the chairman. The term of office of the members of the committee shall be the whole term of the Council except in the case of resignation from the committee.*

(2) The chairman and deputy chairman of the committee shall be elected by and 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 chairman and deputy chairman of the committee shall be elected in accordance with the procedure decided by the committee. Except as otherwise provided in that procedure -*

(a) ~~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; *and*

(b) ~~For~~ the second or each subsequent session of the term, the election *of the chairman and deputy chairman of the committee* may take place at a meeting *of the committee* held before that session commences.

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

(4) The functions of the Finance Committee shall be such as are conferred upon the committee by the Public Finance Ordinance (Cap. 2), any other law and these Rules of Procedure, and such as may from time to time be referred to the committee by the Council.



(5) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of such functions of the committee as the committee may determine.

x x x x x x

## 75. House Committee

(1) There shall be a committee, to be called the House Committee, the members of which shall be ~~all the~~*those* Members (other than the President) *who signify membership in accordance with the procedure determined by the committee. The committee shall consist of not less than 50 members including the chairman. The term of office of the members of the committee shall be the whole term of the Council except in the case of resignation from the committee.*

(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 chairman and deputy chairman of the committee shall be elected in accordance with the procedure decided by the committee. Except as otherwise provided in that procedure -*

- (a) ~~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; *and*
- (b) ~~F~~or the second or each subsequent session of the term, the election *of the chairman and deputy chairman of the committee* may take place at a meeting *of the committee* 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.

X X X X X X

## House Rules

### **20. House Committee**

- (a) The House Committee shall consist of not less than 50 members including the chairman.*
- (aa) Members may join the House Committee by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of a new term. The term of office of a member of the House Committee shall be the whole term of the Council except in the case of resignation from the House Committee. However, a Member shall immediately cease to be a member of the House Committee when that Member is elected as the President. For the second or each subsequent session of a term, a Member who wishes to join the House Committee may do so by submission of a return to the Secretariat by noon on the penultimate Friday 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 takes effect. 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.*
- (ab) In the event that less than 50 Members have joined the House Committee by the deadline for submission of returns, the deadline for submission of returns will automatically be extended to noon on the next day which is not a Saturday or a public holiday. If, upon the expiry of the extended deadline, less than 50 Members have joined the House Committee, the deadline will automatically be further extended for one day each time until not less than 50 Members have joined the House Committee.*
- (ac) In the event that a change of membership of the House Committee or the Council occurs such that the House Committee consists of less than 50 members including the chairman, the President may direct that Members be invited to join the House Committee by submission of returns to the Secretariat by a specified deadline.*
- (ad) A Member who joins the Council after the start of a session may join the House Committee 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. His membership of the*

*House Committee shall take effect from the time his return is received by the Secretariat.*

- (ab) 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.
- (bc) *Except as otherwise provided in the procedure for the election of the chairman and deputy chairman of the House Committee set out in Appendix IV, ¶*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.
- (ed) *Except as otherwise provided in the procedure for the election of the chairman and deputy chairman of the House Committee set out in Appendix IV, ¶*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.
- (fa) A Member who wishes to seek the agreement or recommendation of the House Committee on matters relating to Council business such as those referred to in rules 13(c), 14(i), 14(k)(ii) and 15(ab) should make a request in writing to the chairman of the House Committee for it to be considered at a meeting. Such request shall be submitted before the deadline for proposing agenda items for a meeting of the House Committee as stated in rule 20(f)(i).*
- (fb) The chairman of the House Committee shall have the power to decide the agenda of a meeting, and also the power to decide the time and arrangements of a meeting, and to set time limits for dealing with agenda items of a meeting.*
- (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~~3 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. *Members may also inform the chairman of the House Committee of their intention to join a Bills Committee before the close of that House Committee meeting.*
- (ca) If not less than three Members ~~so have~~ *indicated or informed the chairman of the House Committee of their intention to join a Bills Committee in accordance with (c), ~~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.
- (cb) *Following the formation of the Bills Committee under (ca), Members (including those who have indicated their intention to join a Bills Committee in accordance with (c)) 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 ~~one~~not less than 2 clear days before the day of the first meeting of the Bills Committee.*
- (cc) *If the number of Members who have signified membership for a Bills Committee 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 ~~should~~*may* 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.~~

X X X X X X

### 23. Application for Late Membership

- (a) An application for late membership of *the House Committee*, 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 (if any) 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.~~
- ~~(c)(b) If the ground for application for late membership is other than that referred to in (b), i/t 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 (except the House Committee)* may put the case to the House Committee for decision.

**Notes:**

Second batch of amendments to come into operation on the day on which the Seventh Legislative Council begins *in green*

1. Texts added are shown in *italics*.
2. Texts deleted are shown with *deletion lines*.

Third batch of proposed amendments to be considered by the House Committee *in red*

1. Texts proposed to be added are shown in *italics*.
2. Texts proposed to be deleted are shown with *deletion lines*.

**Procedure for Election of the Chairman and  
Deputy Chairman of a Committee**

The election of the chairman and deputy chairman of a committee shall follow the procedures set out below. “Committee” refers to the House Committee, a Panel, a Bills Committee and a subcommittee appointed by the House Committee, a Panel, two or more Panels or a Bills Committee.

Nomination procedure

*Submission of nominations*

2. After the membership list of a committee has been confirmed, the clerk shall issue the membership list to members of the committee and invite them to submit nominations for the offices of chairman and deputy chairman.

3. Nominations for the office of chairman shall be submitted via electronic means specified by the Secretariat. A valid nomination shall be made by a member, seconded by at least one other member, and accepted by the member being nominated. A member may nominate himself for the office of chairman (“the member concerned”), provided that such nomination is seconded by at least one other member. In such case, the name of the member concerned will appear on a submission of nomination in the capacities as a member making nomination and a member being nominated.

4. The name of a member shall not appear on more than one submission of nomination for the office of chairman, whether in the capacity as a member being nominated, or as a member making the nomination, or as a member seconding the nomination. In the event that a member’s name appears on more than one submission of nomination (whether in the capacity as a member being nominated or as a member making the nomination, or as a member seconding the nomination), only the first such submission of nomination received by the Secretariat shall be valid. The Secretariat shall notify the member who submitted any invalid nomination(s).

5. Nominations for the office of chairman shall reach the Secretariat at least one clear day before the meeting at which the election is scheduled to be conducted (“scheduled meeting”). However, in the cases of Bills Committees and subcommittees appointed by the House Committee for purposes set out in rule 20(j)(i) of the House Rules, the deadline for submission of nomination may be set at 5:00 pm on the day before the scheduled meeting if circumstances so require. If the deadline for submission of nomination falls on a Saturday or public holiday, such deadline shall be advanced to the first preceding day that is not a Saturday or public holiday.

6. The same requirements set out in paragraphs 3 to 5 above shall also apply to submission of nominations for the office of deputy chairman (if any).

*After the close of nominations*

7. Upon the close of the nomination period, the clerk shall prepare a list of valid nominations for the offices of chairman and deputy chairman (if any) in the order of receipt by the Secretariat and shall distribute the list to members of the committee before the scheduled meeting. If there are two or more valid nominations for the office of chairman and/or deputy chairman, the election shall be arranged in accordance with the relevant arrangements set out in paragraphs 10 to 31.

8. Subject to paragraph 9 below, in the cases set out in (a) to (d) below, the election of the chairman and/or deputy chairman will not be required to be conducted at the scheduled meeting -

- (a) if there is only one valid nomination for the office of chairman, the nominee shall be deemed to be elected as chairman. However, if there is no valid nomination for the office of chairman, the member who has the highest precedence in the committee shall be deemed to be elected as chairman, except in the case of Panels which is subject to the conditions set out in Rule 77(6) and (7) of the Rules of Procedure; or
- (b) for the House Committee and Panels, if there is only one valid nomination for the office of deputy chairman, the nominee shall be deemed to be elected as deputy chairman. However, if the election of chairman is required to be held at a meeting, the only valid nominee for the office of deputy chairman shall be declared elected as deputy chairman after the chairman is elected; or

- (c) for the House Committee and Panels, if there is no valid nomination for the office of deputy chairman, after the chairman is elected or deemed elected, the chairman shall direct that another meeting be scheduled for conducting the election of the deputy chairman in accordance with the procedures set out in this Appendix; or
- (d) for Bills Committees and subcommittees, if any valid nomination is received for the office of deputy chairman, the committee may, after the chairman is elected or deemed elected, decide at a meeting whether there is a need to elect a deputy chairman. If the committee so decides, in the case where there is only one valid nomination for the office of deputy chairman, the nominee shall be declared elected as deputy chairman. However, if there is no valid nomination for the office of deputy chairman, the committee shall be deemed to have decided that there is no need to elect a deputy chairman. In any case, the nomination shall not be reopened.

The clerk shall notify members of the committee of the election result(s) and updated meeting arrangements where appropriate. In the case where neither the election of chairman nor the election of deputy chairman is required to be conducted at a meeting of the committee, the meeting which is scheduled for the sole purpose of conducting the election shall be deemed to be cancelled.

9. In the case of Panels, irrespective of the number of nominations received for the offices of chairman and/or deputy chairman, the meeting scheduled for the election shall be held. Any matter which may arise in relation to the requirements for the chairmanship and deputy chairmanship provided in Rule 77(6) and (7) of the Rules of Procedure shall be considered by the Panel at the meeting, and -

- (a) if any such matter arises, the presiding member (or the chairman if he presides at the election of the deputy chairman) shall deal with such matter before starting the remaining proceedings of the election, and he may, on his own motion or upon request of a member of the committee, put the matter to vote. The committee shall proceed to vote forthwith immediately; or

- (b) if no such matter arises or such matter has been dealt with, in the case where there is - (i) no valid nomination for the office of chairman; (ii) only one valid nomination for the office of chairman; or (iii) only one valid nomination for the office of deputy chairman, the presiding member (or the chairman if he presides at the election of the deputy chairman) shall declare the election results in accordance with paragraph 8(a) or (b) above.

### Election of chairman

10. If there are two or more valid nominations for the office of chairman, the election shall be conducted at a meeting of the committee.

### *Presiding member*

11. For the House Committee and Panels -

- (a) where the election of chairman takes place at the first meeting of the House Committee or a Panel in a term of the Legislative Council, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside; and
- (b) at any other election of chairman, the member who was the chairman of the House Committee or the Panel before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was the deputy chairman of the House Committee or the Panel before the election shall preside. If both members who were chairman and deputy chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

12. For Bills Committees and subcommittees -

- (a) for the election of chairman at the first meeting of the committee concerned, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has

the highest precedence among the members not nominated for the office shall preside; and

- (b) for the election to fill a vacancy in the office of chairman, the deputy chairman, if any, shall preside at the election. If the committee concerned does not have a deputy chairman or if the deputy chairman is absent or being nominated for the office, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

13. The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 14 to 19 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

#### *Balloting process*

14. The presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.

15. A member present who wishes to vote shall mark on a ballot paper using a chop with a “✓” in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a “✓” in the respective boxes opposite two or more nominee numbers shall be discarded.

16. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

17. The presiding member shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees.



18. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

19. The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as chairman.

20. If an election of the chairman of a committee cannot be completed within 30 minutes from the starting time appointed for the meeting, the presiding member shall forthwith adjourn the meeting without question put and shall not extend the meeting pursuant to rule 24A(a) or (b) of the House Rules.

21. In the event that a meeting of a committee is adjourned in accordance with paragraph 20 above –

- (a) for the House Committee, the President shall have the power to appoint a member of the House Committee to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the President may specify a time limit for the election having regard to the actual circumstances; or
- (b) for Panels, Bills Committees and subcommittees, the chairman of the House Committee shall have the power to appoint a member of the committee concerned to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the chairman of the House Committee may specify a time limit for the election having regard to the actual circumstances.

#### Election of deputy chairman

##### *Presiding member*

22. If the election of the deputy chairman is conducted at a meeting of a committee, the chairman of the committee concerned shall preside at the election. If he is absent, the member who was the deputy chairman before the election, if any, shall preside. If no deputy chairman is present or if the deputy chairman is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

23. For the House Committee and Panels –

- (a) if there is only one valid nomination for the office of deputy chairman and the election of chairman is held at a meeting, after the chairman is elected, the chairman shall declare the nominee elected as deputy chairman; or
- (b) if there are two or more valid nominations for the office of deputy chairman, the election of the deputy chairman shall be conducted at a meeting of the committee.

24. For Bills Committees and subcommittees, if the committee decides that there is a need to elect a deputy chairman –

- (a) in the case where there is only one valid nomination for the office of deputy chairman, the chairman shall declare the nominee elected as deputy chairman; or
- (b) in the case where there are two or more valid nominations for the office of deputy chairman, the election shall be conducted at a meeting of the committee.

25. If the election of the deputy chairman is conducted at a meeting of the committee, the chairman shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 26 to 31 below. The chairman may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

*Balloting process*

26. The chairman shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the chairman. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.

27. A member present who wishes to vote shall mark on a ballot paper using a chop with a “✓” in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a “✓” in the respective boxes opposite two or more nominee numbers shall be discarded.

28. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the chairman who shall check the result for confirmation. The chairman shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

29. The chairman shall declare elected as deputy chairman the nominee who receives the highest number of valid votes among all the nominees.

30. If two or more nominees receive the same highest number of valid votes, the chairman shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

31. The chairman shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as deputy chairman.

《內務守則》擬議新訂第 1C 條  
Proposed new rule 1C of the House Rules

**1C. 默哀**

- (a) 立法會主席可命令或容許在立法會會議上進行默哀。議員如擬在某次立法會會議上提出進行默哀，須在該次會議前先取得立法會主席批准。
- (b) 默哀只可在立法會會議開始時進行。

**1C. Observance of Silence**

- (a) The President may order or allow an observance of silence at a Council meeting. Should a Member wish to initiate an observance of silence at a Council meeting, prior permission of the President shall be obtained before that meeting.
- (b) An observance of silence shall take place only at the beginning of a Council meeting.

**Marked-up version of the proposed consequential amendments to  
Rule 46 of the Rules of Procedure**

**46. Decision on Motions**

(1) Except as otherwise provided in Rules 49B (Disqualification of Member from Office) and 66 (Bills Returned for Reconsideration) and Articles 52(2), 73(9) (in respect of a motion of impeachment) and 159 of and Annex I and Annex II to the Basic Law, the passage of all motions before the Council or a committee of the whole Council shall, subject to subrule (2), require a majority vote of the Members present.

(2) The passage of a motion (other than a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in subrule (1)) or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present –

(a) Members returned by *the Election Committee* ~~functional constituencies (Group I)~~; and

(b) Members returned by *functional constituencies and by* geographical constituencies through direct elections ~~(Group II)~~.

(3) Any motion not passed shall be deemed to be decided in the negative.

(4) There is a majority vote when the Members voting in favour of a question exceed half of the number of Members present at the time of voting.

Legend:

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

Texts proposed to be deleted are shown with **deletion lines**.