

**立法會**  
*Legislative Council*

LC Paper No. CROP 98/20-21

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

**Paper for the House Committee meeting  
on 24 September 2021**

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

**Purpose**

This paper seeks the endorsement of the House Committee ("HC") on the fourth 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"). Subsequent to the completion of the first three phases of the review,<sup>1</sup> CRoP immediately launched phase four of the review. At its meeting on 20 September 2021, CRoP agreed to submit to HC for endorsement the following **three groups of proposed amendments to RoP and HR:**

- (a) Hon CHAN Hak-kan's proposals to amend RoP and HR in relation to the operation of committees and the consultation requirement for the resumption of the Second Reading debate on a bill in the Council ("resumption of debate") (hereafter referred to as "**Proposal 1**") which include:

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<sup>1</sup> Except for the amendments to RoP and HR regarding committee membership, election of the chairman and deputy chairman of a committee and split voting procedures for Members' bills and motions which are to come into operation on the day on which the Seventh LegCo begins, all the other amended provisions of RoP and HR commenced operation in March, July and September 2021 upon the passage of the relevant resolutions under Article 75 of the Basic Law by the Council respectively.

- (i) Proposed amendments to RoP 75(8), 76(11) and 77(15) in relation to HC's power to give directions on committee matters (paragraph 4 refers);
  - (ii) Proposed amendments to HR 20(j)(ii) and 22(t) in relation to the appointment of joint subcommittees by more than two Panels (paragraph 5 refers); and
  - (iii) Proposed amendments to RoP 54 and HR 20(g) and 21(j) in relation to the consultation requirement for resumption of debate (paragraphs 6, 7 and 8 refer);
- (b) Proposed consequential amendments to RoP and HR arising from the enactment of the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 (hereafter referred to as "**Proposal 2**") (paragraphs 9 and 10 refer); and
- (c) Proposed consequential amendments to RoP and HR arising from the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Ordinance 2021 (hereafter referred to as "**Proposal 3**") (paragraphs 11 to 17 refer).

***Proposal 1: Hon CHAN Hak-kan's proposals to amend the Rules of Procedure and House Rules in relation to the operation of committees and the consultation requirement for the resumption of the Second Reading debate on a bill in the Council***

3. At its meeting on 30 August 2021, CRoP considered and agreed to conduct a consultation exercise<sup>2</sup> on Hon CHAN Hak-kan's proposed amendments to RoP and HR in relation to the operation of committees and the consultation requirement for resumption of debate. The consultation outcome showed that an overwhelming majority of Members who responded to the consultation supported the proposed amendments. On 20 September 2021, CRoP agreed to submit to HC for endorsement the proposed amendments that have received sufficient support from Members. Summaries of the proposed amendments which may be divided into three groups based on their purposes and objectives are provided in the ensuing paragraphs.

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<sup>2</sup> The consultation exercise on Hon CHAN Hak-kan's proposals was conducted vide a circular (LC Paper No. CROP 91/20-21) issued on 7 September 2021.

(i) *Proposed amendments to Rules 75(8), 76(11) and 77(15) of the Rules of Procedure*

4. To ensure smooth operation of committees, the proposal seeks to amend RoP 75(8), 76(11) and 77(15) to explicitly provide that **HC has the power to give directions**, in addition to providing guidelines, on matters relating to membership of committees/subcommittees, election of the chairman and deputy chairman of a committee and on the handling of matters referred to it by the Council or its committees or the President of LegCo ("the President") or raised by any of its own members. The proposed amendments to the aforementioned provisions of RoP are marked up in **Appendix I**.

(ii) *Proposed amendments to rules 20(j)(ii) and 22(t) of the House Rules*

5. Having considered that procedural difficulties and extensive discussions on arrangements may arise under the current practice when more than two Panels appoint a joint subcommittee to study matters of common interest, a vast majority of Members who responded to the consultation expressed support for the proposal to amend HR 20(j)(ii) and 22(t) to specify that: (a) HC may appoint a subcommittee<sup>3</sup> to study an issue of public concern which **straddles the purview of a number of Panels**; and (b) where **more than two Panels** wish to appoint a joint subcommittee, **a proposal shall be made to HC for that subcommittee<sup>3</sup> to be formed under HC**.<sup>4</sup> The marked-up version of the proposed amendments to HR 20(j)(ii) and 22(t) together with the consequential amendments to the related provisions of RoP and HR are set out in **Appendix II**.

(iii) *Proposed amendments to Rule 54 of the Rules of Procedure and rules 20(g) and 21(j) of the House Rules*

6. At present, RoP 54(5) provides that the Member or public officer in charge of a bill **should consult the HC chairman before he gives notice** to the Clerk to LegCo for resumption of debate.<sup>5</sup> HC normally will consider

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<sup>3</sup> The 20 seats of the subcommittee would be allocated in accordance with the "Mechanism for allocation of committee seats" to be set out in HR which will come into effect when the Seventh LegCo commences.

<sup>4</sup> At present, HC may set up a subcommittee for the purpose of studying a major issue if the subject matter of the issue straddles the portfolios of a number of Panels and Members who are not members of those Panels may join the subcommittee to study the issue. In the 2020-2021 session, HC has endorsed four such proposed appointments.

<sup>5</sup> According to paragraph 11.91 of *A Companion to the history, rules and practices of the Legislative Council of the Hong Kong Special Administrative Region*, the consultation requirement is an important step to confirm that the bill is ready for further proceedings in the Council.

the report of a bills committee ("BC") at an HC meeting where if Members raise **no objection** to the resumption of debate, the HC chairman **shall arrange** for the Member or public officer in charge of the bill to be so notified. If no BC is formed to study a bill, HR 20(h)(i) provides that HC may, having considered the Legal Adviser's report (and further reports where necessary) on the legal aspects of the bill, agree to support the bills' resumption of debate.

7. According to the consultation outcome, a great majority of Members supported Hon CHAN Hak-kan's proposal to:

- (a) **remove the existing requirement** for the Member or public officer in charge of a bill **to consult the HC chairman** under RoP 54(5) before he gives notice to the Clerk to LegCo for resumption of debate;
- (b) make it clear that if a BC indicates in its report that it has **completed consideration of the bill** allocated to it and the report has been **received by HC**, unless otherwise decided by HC, the bill is regarded as **ready for resumption of debate** and the HC chairman or, in his absence, the deputy chairman, shall arrange for the Member or public officer in charge of the bill to be so notified whereupon the Member or public officer may give notice in writing to the Clerk to LegCo for resumption of debate in accordance with RoP 54(5); and
- (c) amend HR 21 to: (i) require a BC to indicate in its report that it has **completed consideration of the bill** allocated to it, and (ii) **remove** the reference to "whether or not the Bills Committee supports the bill" from the provision.

8. In order to cater for special cases like where no HC meeting is held after a BC report has been received, the Members who supported Hon CHAN's proposal in paragraph 7 above also expressed support for the proposed procedures in **Appendix III** which are recommended by CRoP for adoption by HC to deal with the resumption of debate. The proposed amendments to the related provisions of RoP and HR are marked-up in **Appendix IV**.

***Proposal 2: Proposed consequential amendments to the Rules of Procedure and House Rules arising from the enactment of the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021***

9. The Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 ("the Ordinance") was enacted in May 2021 to implement the requirements on oath-taking by public officers as stipulated in Article 104 of the Basic Law ("BL"),<sup>6</sup> the "Interpretation of Article 104 of the Basic Law" adopted by the Standing Committee of the National People's Congress on 7 November 2016 and Article 6 of the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" promulgated on 30 June 2020.<sup>7</sup> The Ordinance amends, among others, section 19 of the Oaths and Declaration Ordinance (Cap. 11) to remove the requirement for LegCo Oath to be taken at a meeting of LegCo, and to provide that the LegCo Oath must be administered by the Chief Executive ("CE") or a person authorized by CE.<sup>8</sup>

10. Having regard to the above legislative amendments, consequential amendments to the related provisions of RoP and HR as set out in **Appendix V** are proposed to be made to comply with the new requirements for oath taking by LegCo Members and to enhance clarity of the related provisions. Amongst them, RoP 1<sup>9</sup> is proposed to be amended to provide that a Member who **has not made or subscribed an oath or affirmation** in accordance with Cap. 11 **shall not exercise the powers or functions of a Member**.<sup>10</sup> Further, given that Members will **no longer** make or subscribe an oath or affirmation at the first meeting of a term starting from the Seventh

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<sup>6</sup> BL 104 specifies five categories of public officers including Members of LegCo who must, in accordance with law, swear to uphold the Basic Law of the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China ("PRC") and swear allegiance to HKSAR of PRC when assuming office.

<sup>7</sup> Article 6 of the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" stipulates that a resident of HKSAR who stands for election or assumes public office must confirm in writing or take an oath to uphold the Basic Law of HKSAR of PRC and to swear allegiance to HKSAR of PRC in accordance with the law.

<sup>8</sup> Before the enactment of the Ordinance, the oath administrators for LegCo Members were: (a) Clerk to LegCo (if an oath is taken at the first sitting of the session of the LegCo immediately after a general election of all LegCo Members and before the election of the President); or (b) President or any Member acting in his/her place (if it is taken at any other sitting of LegCo).

<sup>9</sup> At present, RoP 1 stipulates that no Member shall attend a meeting or vote in a meeting until he has made or subscribed the LegCo Oath (or affirmation) in accordance with Cap. 11.

<sup>10</sup> Including being present or voting at the election of the President and attending or voting at a meeting of the Council or any committee.

LegCo, consequential amendments to RoP 12 are proposed to be made to specify that **the election of the President** (which, according to the existing RoP 12(2), shall be held after the first meeting of a term at which all Members present shall make or subscribe an oath or affirmation)<sup>11</sup> shall be held **before the first meeting of a term**.

***Proposal 3: Proposed consequential amendments to the Rules of Procedure and House Rules arising from the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Ordinance 2021***

11. Among the first and second batches of amendments to RoP which were respectively passed by the Council at its meetings of 24 March and 14 July 2021, there are measures involving imposition of financial penalties on a Member who is: (a) suspended from the service of LegCo under RoP 45A due to his/her grossly disorderly conduct ("suspended Member"); or (b) absent without valid reasons from a Council meeting which is adjourned due to a lack of quorum under RoP 17(2) or (3) ("absent Member").

12. With the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Ordinance 2021 in September 2021, LegCo has the express statutory authority to impose financial penalties on suspended Members and absent Members. The proposed consequential amendments to the related provisions of RoP and HR to provide for matters relating to the imposition of the financial penalties are outlined in paragraphs 13 to 17 below.

***(i) Sanction under Rule 45A of the Rules of Procedure against grossly disorderly conduct of Members***

13. Endorsed by HC on 26 February 2021,<sup>12</sup> the first batch of amendments to RoP and HR include, among others, the mechanism under RoP 45A which sets out the procedures for dealing with Members' grossly disorderly conduct in Council, a committee of the whole Council, the Finance Committee or HC. Under this mechanism, a Member who has committed grossly disorderly conduct may be named by the President if the

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<sup>11</sup> At present, RoP 12(1) provides that Members shall make or subscribe an oath or affirmation at the first meeting of a term.

<sup>12</sup> Details of the first batch of amendments to RoP and HR endorsed by HC are set out in the CROP paper for the HC meeting on 26 February 2021 (LC Paper No. CROP 46/20- 21).

President considers the sanction under RoP 45(2)<sup>13</sup> inadequate with respect to such conduct. If a motion<sup>14</sup> moved by the President's deputy is carried, the Member will be suspended from the service of LegCo for a period specified in the motion, and will be excluded from participation in the exercise of the Council's powers and functions under BL 73 during the specified period.<sup>15</sup> The duration of suspension is subject to an escalating scale of severity.<sup>16</sup>

14. HC also endorsed the recommendation by CRoP that a financial penalty would be imposed on the suspended Member by depriving the Member of his/her remuneration (which includes allowances and end-of-service gratuity)<sup>17</sup> on a pro-rata basis during the period of suspension. In other words, a pro-rata portion of the remuneration of the Member concerned for the suspension period will be deducted as a penalty for his/her grossly disorderly conduct. Nevertheless, suspended Members are still entitled to be reimbursed the operating expenses incurred in respect of the suspension period. Consequential amendments to RoP 45A are marked up in **Appendix VI** to reflect the provision on imposing financial penalties on suspended Members.

(ii) *Financial penalties on Members absent without valid reasons from a Council meeting which is adjourned due to a lack of quorum*

15. As endorsed by HC at its meeting on 25 June 2021,<sup>18</sup> financial penalties shall be imposed on Members on each occasion that they are absent

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<sup>13</sup> RoP 45(2) empowers the President, the Chairman of a committee of the whole Council or the chairman of any committee to order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting.

<sup>14</sup> The motion shall be voted on forthwith without amendment or debate.

<sup>15</sup> Including, among others, meetings of the Council and all its committees as well as handling of complaints under the LegCo Redress System.

<sup>16</sup> On the first occasion, the Member concerned will be suspended for one week while on the second occasion during the same term of the Council, he/she will be suspended for two weeks. On any subsequent occasion during the same term of the Council, the duration of suspension will be twice that of the previous occasion provided that such duration should not extend beyond the end date of the term concerned.

<sup>17</sup> Remuneration is paid to each Member monthly through autopay. Members are also provided with an annual medical allowance for reimbursement of medical expenses (which include actual medical and dental expenses as well as premiums for personal medical and dental insurance cover). Members' monthly remuneration and medical allowance are subject to annual adjustment in October according to the movement of Consumer Price Index (C). An end-of-service gratuity equivalent to 15% of the remuneration that a Member receives during the LegCo term will also be payable to the Member upon the completion of his/her term of office. For details, please refer to the "Explanatory note on Remuneration Package for Legislative Council Members" ([https://www.legco.gov.hk/general/english/sec/corg\\_ser/admin\\_benefit.pdf](https://www.legco.gov.hk/general/english/sec/corg_ser/admin_benefit.pdf)).

<sup>18</sup> Details of the second batch of amendments to RoP and HR are set out in the CRoP paper for the HC meeting on 25 June 2021 (LC Paper No. CROP 71/20-21).

without valid reasons<sup>19</sup> from a Council meeting which is adjourned due to a lack of quorum under RoP 17(2) or (3), irrespective of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and may be resumed for continuation of any unfinished business under RoP 17(6) and 14(4). While Members are not required to submit prior applications for leave of absence from a Council meeting, the President may, after a Council meeting is adjourned due to a lack of quorum, exercise his 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.

16. As regards the amount of the financial penalty to be imposed on an absent Member, it has been agreed that the penalty be set at an amount equivalent to one day's remuneration currently payable to a Member who does not serve on the Executive Council ("ExCo"), regardless of whether the absent Member is an ExCo Member, and be deducted from the absent Member's remuneration. The following formula is to be used for calculating the amount of the financial penalty<sup>20</sup> (on a 30-calendar-day basis):

$$\frac{\text{Amount of financial penalty}^\#}{\text{(i.e. 1-day remuneration of a Member}^\Delta)} = \frac{\text{Prevailing monthly remuneration of a Member}^\Delta}{\div 30}$$

<sup>#</sup> Number rounded to the nearest hundred  
<sup>Δ</sup> "Member" refers to "a Member who does not serve on ExCo"

17. A marked-up version of the proposed consequential amendments to RoP 17 and a proposed new rule 19C of HR which set out the details of the financial penalties imposed on absent Members are provided in **Appendix VII**.

### **Advice sought**

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

- (a) **Proposals 1 to 3** and the proposed amendments to the related provisions of RoP and HR as marked up in **Appendices I, II and IV to VII**; and

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<sup>19</sup> Valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.

<sup>20</sup> The amount of the financial penalty is subject to adjustment based on changes to the prevailing monthly remuneration of a Member who does not serve on ExCo.



- (b) the **proposed procedures** in **Appendix III** as recommended by CROp for adoption by HC to deal with the resumption of debate.

19. Subject to HC's endorsement, the CROp Chairman will move a resolution under BL 75 at a Council meeting to amend the related provisions of RoP. Subject to the passage of the resolution, the amended provisions of RoP and HR will come into operation on the day on which the Seventh LegCo begins.

Council Business Division 2  
Legislative Council Secretariat  
23 September 2021

**Marked-up version of the proposed amendments to  
Rules 75(8), 76(11) and 77(15) of the Rules of Procedure**

**75. House Committee**

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(8) The committee may *give directions or* provide guidelines ~~relating to~~ the procedure of the Bills Committees, subcommittees constituted under subrule (12) and Panels constituted under Rule 77 (Panels), *matters mentioned in subrule (3A), and any other matters referred to it by the Council or its committees, or by the President, or raised by its own members.*

*Remarks: Please refer to Appendix II for the amendments proposed to be made to the above-mentioned Rule 75(3A) of the Rules of Procedure.*

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**76. Bills Committees**

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(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 *directions or* guidelines provided under Rule 75(8) (House Committee).

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**77. Panels**

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(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 *directions or* guidelines provided under Rule 75(8) (House Committee).

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**Notes:**

*Proposed amendments to be considered by the House Committee are in red*

- Texts added are shown in *italics*.
- Texts deleted are shown with ~~deletion lines~~.

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

**Rules of Procedure**

**75. House Committee**

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*(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 one or two Panels~~ or a Bills Committee, and the procedure for election of the chairman and deputy chairman of such committees. (L.N. 125 of 2021)*

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*(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 straddles the purview of a number of Panels, or any other item relating to the business of the Council. (L.N. 125 of 2021)*

*(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). (L.N. 125 of 2021)*

*(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). (L.N. 125 of 2021)*

*(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. (L.N. 125 of 2021)*

*(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 or straddles the purview of a number of Panels, such*

*subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman. (L.N. 125 of 2021)*

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**77. Panels**

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(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. (L.N. 176 of 2005; L.N. 125 of 2021)*

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**House Rules**

**20. House Committee**

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- (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 straddles the purview of a number 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.*

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## 22. Panels

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- (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. *Where the number of Panels which wish to appoint a joint subcommittee exceeds two, a proposal shall be made to the House Committee for a subcommittee to be formed under the House Committee. 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).*

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## 23. Application for Late Membership

- (a) An application for late membership of *the House Committee*, a Bills Committee, Panel, subcommittee ~~underappointed 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.

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## 26. Activation and Operation of Subcommittees

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- (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).

### Paragraph 2(a) and (c) of the new Appendix IIIB "Mechanism for allocation of committee seats"

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#### 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~~ one or two 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.*

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- (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~~ one or two 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.*

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## **Paragraph 1 of the revised Appendix IV "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 one or two Panels~~ or a Bills Committee.*

### **Notes:**

*Proposed amendments to be considered by the House Committee are **in red***

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

*Second batch of amendments to the Rules of Procedure and House Rules passed by the Council which will come into operation on the day on which the Seventh Legislative Council begins are **in green***

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

*Third batch of amendments to the House Rules endorsed by the House Committee on 3 September 2021 are **in blue***

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- Texts added are shown in *italics*.

**Proposed procedures recommended by  
the Committee on Rules of Procedure for adoption by the House Committee  
to deal with the resumption of Second Reading debate on a bill in the Council**

- In general, the report of a Bills Committee ("BC") (including the verbal report made by a BC) will be received by the House Committee ("HC") at an HC meeting. Unless HC regards the bill as not ready for resumption of Second Reading debate in the Council, the HC chairman will continue the existing practice of notifying the Member or public officer in charge of the bill of the readiness for resumption whereupon the Member or public officer may give notice in writing to resume the Second Reading debate on the bill in accordance with Rule 54(5) of the Rules of Procedure ("RoP").
- If considered necessary in special circumstances like where no HC meeting is held after a BC report has been received, the HC chairman may ascertain the collective view of HC by circulation of papers. Unless a majority of all HC members raise objection to the proposed resumption of Second Reading debate by a deadline specified by the HC chairman, the bill will be considered ready for resumption of Second Reading debate and the HC chairman will notify the Member or public officer concerned accordingly.  
*(Remarks: Under RoP 75(17), where the HC chairman orders a matter for the decision of HC by circulation of papers, the matter shall be deemed to be approved by HC only if no member has signified disapproval of the matter or requested the matter be referred for decision at an HC meeting; whereas under the proposed new RoP 75(17A), unless a majority of all HC members have raised objection to the resumption of the Second Reading debate on a bill by a specified deadline, the bill is regarded as ready for the proposed resumption of Second Reading debate in the Council.)*
- If HC, in considering a bill referred to it in accordance with RoP 54(4), agrees that it is not necessary to form a BC to study the bill and the Legal Adviser has confirmed that no difficulties have been identified in the legal and drafting aspects of the bill, the HC chairman or, in his absence, the deputy chairman, shall notify the Member or public officer in charge of the bill whereupon the Member or public officer may give notice in writing to resume the Second Reading debate on the bill in accordance with RoP 54(5). Further report(s) on the bill, if any, prepared by the Legal Service Division of the Legislative Council Secretariat may be issued to members by circulation. If no difficulties have been identified in the legal and drafting aspects of the bill in the further report, the HC chairman or, in his absence, the deputy chairman, shall notify the Member or public officer in charge of the bill whereupon the Member or public officer may give notice of resumption of debate. If the Legal Adviser has identified any difficulty in the legal or drafting aspect of a bill in the further report, HC should consider such report at an HC meeting. If considered necessary, the HC chairman may ascertain the collective view of HC by circulation of papers under the proposed new RoP 75(17A).



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

**Rules of Procedure**

**54. Second Reading**

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(5) When a debate has been adjourned under subrule (4), it may be resumed on notice by the Member or public officer in charge of the bill, given by him in writing delivered to the office of the Clerk, ~~after consultation with the chairman of the House Committee,~~ **after** subject to the following –

- (a) subject to paragraphs (b) and (c), resumption of debate shall not take place earlier than 9 clear days after the meeting of House Committee at which the bill was considered ~~in preparation~~ **ready** for resumption of debate;
- (b) if at the meeting of House Committee to consider ~~whether~~ **whether** the bill ~~in preparation is ready~~ **in preparation is ready** for resumption of debate the committee recommends a period longer than 9 clear days before resumption then resumption shall not take place earlier than 12 clear days after that meeting;
- (c) if at the meeting of House Committee to consider ~~whether~~ **whether** the bill ~~in preparation is ready~~ **in preparation is ready** for resumption of debate the committee recommends that the second reading debate be resumed at the next meeting of the Council then resumption may take place at that meeting with the permission of the President provided that due notice has been given under paragraph (e);
- (d) subject to paragraph (e), notice of resumption of debate shall be given by the Member or public officer in charge of the bill not less than 12 clear days before the day on which the debate is to be resumed;
- (e) where resumption of debate is to take place 9 clear days or less after the meeting of House Committee at which

the bill was considered ~~in preparation~~ *as ready* for resumption, then notice of resumption of debate shall be given no later than 2 clear days after that meeting:

Provided that the President may in his discretion dispense with such notice.

(5A) ~~In subrule (5), “the chairman of the House Committee” shall mean “the deputy chairman of the House Committee” if the former is not available for consultation because of his absence from Hong Kong or of other reasons when the Member or public officer in charge of the bill seeks to consult him.——(L.N. 118 of 2003)~~

.....

## 75. House Committee

.....

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

.....

(17) ~~Except as otherwise provided in subrule (17A), W~~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.

*(17A) On whether a bill is regarded as ready for resumption of the second reading debate in the Council, the chairman may ascertain the collective views of the members of the committee by circulation of papers. Unless a majority of the members have in writing submitted to the chairman raised objection to the proposed resumption arrangement before the expiry of the period specified by the chairman, the bill is regarded as ready for resumption of the second reading debate in the Council.*

.....

## 76. Bills Committees

.....

(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. *A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill under Rule 57(2) (Amendments to Bills).*

(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~~ the 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.

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## House Rules

### 20. House Committee

.....

(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 the report of a Bills Committee stating that the Bills Committee has completed consideration of the bill allocated to it is received by the House Committee, subject to Rule 75(17A) of the Rules of Procedure, the bill is regarded as ready for resumption of second reading debate in the Council, and the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall arrange for the Member or public officer in charge of the bill to be notified whereupon the Member or public officer may give notice in writing to the office of*

*the Clerk to the Legislative Council to resume the second reading debate on the bill in accordance with Rule 54(5) of the Rules of Procedure.*

- (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 *and drafting* aspects of a bill, ~~agree to support~~ *raise no objection to the bill's resumption of second reading debate; and if no objection is raised by the House Committee, the bill is regarded as ready for resumption of the second reading debate in the Council, and the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall, where practicable, make such notification as provided under (g) no later than one clear day after no objection has been raised by the House Committee; 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. *Such further report(s) on the bill, if any, may be issued to members by circulation. If no difficulties have been identified in the legal and drafting aspects of the bill in the further report, the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall notify the Member or public officer in charge of the bill whereupon the Member or public officer may give notice of resumption of debate. If the Legal Adviser has identified any difficulty in the legal or drafting aspect of a bill in the further report, the House Committee should consider such report at a meeting of the House Committee. If considered necessary, the chairman of the House Committee may ascertain the collective view of the House Committee by circulation of papers under Rule 75(17A) of the Rules of Procedure.*

.....

## 21. Bills Committees

.....

- (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~~ *confirm that it has completed its consideration of the bill. A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill under Rule 57(2) of the Rules of Procedure.* The Bills Committee shall then further report to the Council.

.....

### Notes:

Proposed amendments to be considered by the House Committee are *in red*

- Texts added are shown in *italics*.
- Texts deleted are shown with ~~deletion lines~~.

**Proposed consequential amendments to the Rules of Procedure and House Rules  
arising from the enactment of the Public Offices (Candidacy and Taking Up Offices)  
(Miscellaneous Amendments) Ordinance 2021**

	Marked-up version of the relevant provision of the Rules of Procedure ("RoP") and House Rules ("HR")	Objective
RoP 1	<p><b>Oath or Affirmation</b></p> <p><i>(1) <del>Except for the purpose of enabling this Rule to be complied with, n</del>No Member of the Council shall –</i></p> <p><i>(a) be present or vote at the election of the President; or</i></p> <p><i>(b) attend or vote at a meeting of the Council or any committee, or exercise any other power or function of a Member, or vote therein,</i></p> <p>until <del>he</del><i>the Member</i> has made or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11).</p> <p><i>(2) Where a general election is held, a Member who had previously made or subscribed <del>such oath or affirmation shall again do so in compliance with this Rule before he attends a meeting or votes in the Council.</del>an oath or affirmation under the Oaths and Declarations Ordinance (Cap. 11) shall make or subscribe the oath or affirmation again before the Member is present or votes at the election of the President, or exercises any power or function of a Member.</i></p>	<p>RoP 1 be amended to provide that a Member who <b>has not</b> made or subscribed an oath or affirmation in accordance with the Oaths and Declarations Ordinance (Cap. 11) <b>shall not</b> be present or vote at the election of the President, or exercise the powers or functions of a Member, including attending or voting at a meeting of the Council or any committee. Such oath or affirmation shall be made or subscribed <b>again</b> before a Member is present or votes at the election of the President, or exercises the powers or functions of a Member where a general election is held, irrespective of whether the Member has previously made or subscribed an oath or affirmation.</p>
RoP 12	<p><b>First Meeting of Term</b></p> <p><i>(1) <del>At the first meeting of a term, Members shall make or subscribe an oath or affirmation as provided for under Rule 1 (Oath or Affirmation).</del>The date and time for holding the first meeting of a term shall be specified by the Chief Executive in accordance with section 10(1) of the Legislative Council Ordinance (Cap. 542).</i></p> <p><i>(2) <del>After all Members present have made or subscribed an oath or affirmation, the election of the President shall be conducted in accordance with the procedure as provided for under Rule 4 (Election of President).</del>The election of the President conducted under Rule 4 (Election of President) shall be held before the first meeting of a term.</i></p>	<p>Given that starting from the Seventh Legislative Council ("LegCo"), Members will no longer make or subscribe an oath or affirmation in accordance with Cap. 11 at the first meeting of a term, RoP 12 be amended to specify that the election of the President shall be held before the first meeting of a term.</p>

	Marked-up version of the relevant provision of the Rules of Procedure ("RoP") and House Rules ("HR")	Objective
	<p>(3) <del>The meeting shall be adjourned after all Members present have made or subscribed an oath or affirmation. (L.N. 187 of 2017).</del></p>	
<p><b>RoP 18</b></p>	<p><b>Order of Business at a Meeting</b></p> <p>(1) The business of each meeting other than a meeting under Rule 8 (Attendance of the Chief Executive) or Rule 13 (The Chief Executive's Policy Address), <del>or the first meeting of a term or a meeting to elect the President</del> shall be transacted in the following order:</p> <p style="padding-left: 40px;">(a) <del>Administration of oath or affirmation.</del></p> <p style="text-align: center;">*****</p> <p>(2) The items of business mentioned in paragraphs <del>(a)</del>; (b), (c), (g) and (h) of subrule (1) shall not require notice; but with the exception of items <del>(a) and</del> (c) they shall not be entered upon save with the previous leave of the President. (L.N. 47 of 2021)</p>	<p>RoP 18 be amended as below:</p> <ul style="list-style-type: none"> <li>➤ the reference to "the first meeting of a term" be deleted;</li> <li>➤ as the election of the President is <b>not</b> conducted at a <b>Council meeting</b>, the reference to "a meeting to elect the President" be deleted to avoid confusion; and</li> <li>➤ the references to "Administration of oath or affirmation" in RoP 18(1)(a) and to paragraph "(a)" in RoP 18(2) be deleted as Members will <b>no longer</b> make or subscribe an oath or affirmation at a Council meeting.</li> </ul>
<p><b>RoP 19</b></p>	<p><b>The Agenda of the Council</b></p> <p style="text-align: center;">*****</p> <p>(3) This Rule does not apply to a meeting under Rule 8 (Attendance of the Chief Executive) or Rule 13 (The Chief Executive's Policy Address) <del>or the first meeting of a term or a meeting to elect the President.</del></p>	<p>RoP 19(3) be amended as below:</p> <ul style="list-style-type: none"> <li>➤ as the election of the President is <b>not</b> conducted at a <b>Council meeting</b>, the reference to "a meeting to elect the President" be deleted to avoid confusion; and</li> <li>➤ the reference to "the first meeting of a term" be deleted.</li> </ul>

Marked-up version of the relevant provision of the Rules of Procedure ("RoP") and House Rules ("HR")		Objective
RoP 23	<p><b>Question Time</b></p> <p>(1) Questions may be asked at any meeting except <del>the first meeting of a term or</del> a meeting at which <del>the President is elected or</del> the Chief Executive delivers a Policy Address to the Council. (<i>L.N. 46 of 2013</i>)</p> <p>*****</p>	RoP 23(1) be amended to make it clear that questions may be asked at any meeting other than a meeting at which the Chief Executive delivers a Policy Address to the Council.
Schedule 1 to RoP <i>(Chinese text amended only)</i>	<p><b>選舉立法會主席的程序</b></p> <p>*****</p> <p><b>選舉</b></p> <p>*****</p> <p>9. 如有兩項或更多的有效提名，則立法會秘書須宣布以不記名的方式進行投票，並須發給每名出席會議的議員一張選票，選票的格式如附件 II 所示。所有候選人的姓名須按立法會秘書辦事處接獲提名的先後次序，列於選票上。</p> <p>10. 出席會議並有意投票的議員只須在選票上其屬意的候選人姓名旁邊的空格內劃上“✓”號，並將選票放進投票箱。任何未劃上“✓”號、未妥為劃上“✓”號或劃有多於一個“✓”號的選票，將會作廢。</p> <p>11. 所有出席會議並有意投票的議員投票後，立法會秘書須在全體出席會議的議員面前點算選票。</p> <p>*****</p>	Textual amendments be made to the Chinese text of paragraphs 9, 10 and 11 of Schedule 1 to RoP to make it clear that the election of the President is <b>not a Council meeting</b> .
HR 1A	<p><b>Election of the President of the Legislative Council</b></p> <p>*****</p> <p>(b) The election of the President shall be conducted as soon as practicable <del>following the adjournment of the first Council meeting of a term under Rule 12(3) of the Rules of Procedure after Members have made or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11).</del></p> <p>*****</p>	HR 1A be amended to provide that the election of the President shall be conducted <b>after</b> Members have made or subscribed an oath or affirmation in accordance with Cap. 11.

**Notes:**

*Proposed amendments to be considered by the House Committee are in red*

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



**Marked-up version of the proposed amendments to  
Rule 45A of the Rules of Procedure**

Rule 45A of the Rules of Procedure

**45A. Naming and Suspending**

.....

(6) Any Member who is suspended from the service of the Council under this Rule shall immediately leave the Chamber. The suspended Member shall, for the duration of his suspension, be excluded from participation in the exercise of the Council's powers and functions under Article 73 of the Basic Law.

(7) If the suspended Member refuses to comply with subrule (6), the President shall order the Clerk to take such action as may be necessary to ensure compliance.

*(8) The suspended Member shall not be entitled to receive any remuneration or allowance (including end-of-service gratuity) in respect of the period of suspension, but the suspended Member shall be entitled to be reimbursed the operating expenses incurred by him in respect of that period.*

**Note:**

Proposed amendments to be considered by the House Committee are *in red*

➤ Texts added are shown in *italics*.

**Marked-up version of proposed amendments to  
Rule 17 of the Rules of Procedure and  
the proposed new rule 19C of the House Rules**

Rule 17 of the Rules of Procedure

**17. Quorum**

(1) The quorum of the Council shall be not less than one half of all its Members including the President. *(L.N. 187 of 2017)*

(1A) The quorum of a committee of the whole Council shall be 20 members including the Chairman. *(L.N. 187 of 2017)*

(2) If the attention of the President is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired a quorum is not present, he shall adjourn the Council without question put.

(3) If the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired, a quorum is not then present the Council shall be resumed and the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present the President shall adjourn the Council without question put.  
*(L.N. 136 of 2014; L.N. 187 of 2017)*

(4) If from the number of Members present at a division, including those who abstained from voting, it appears that a quorum is not present, the division shall be invalid, and the procedure prescribed in subrule (2) or (3) shall be followed.

(5) The question on which the Council is adjourned under subrules (2), (3) and (4) shall stand over until the next meeting.

(6) The President may call a meeting to complete the unfinished business on the Agenda after the Council has been so adjourned under subrule (2) or (3), and should the President consider that such a meeting has to be called the adjournment of the Council under subrule (2) or (3) shall be deemed to be a meeting ordered to be suspended and may be resumed for the continuation of business at such hour or on such day pursuant to Rule 14(4) (Days and Hours of Meetings). *(L.N. 187 of 2017)*

(7) *Where a Member is absent from a meeting of the Council adjourned under subrule (2) or (3) and the President is not satisfied that there is a valid reason for the Member's absence, the Member shall be liable to pay a financial penalty on each occasion that the Council is so adjourned, irrespective of whether the Council adjourned is subsequently resumed for the continuation of any unfinished business under subrule (6).*

(8) *The financial penalty under subrule (7) shall be determined in accordance with rule 19C of the House Rules and shall be deducted from the Member's remuneration to which the Member is entitled.*

### Proposed new provision of the House Rules

#### **19C. *Financial Penalty Imposed on a Member whose Absence without a Valid Reason Causes Adjournment of the Council***

*The financial penalty imposed on a Member whose absence without a valid reason causes an adjournment of the Council under Rule 17(2) or (3) of the Rules of Procedure shall be calculated according to the following formula (on a 30-calendar-day basis):*

$$\begin{array}{l} \text{Amount of financial penalty} \\ \text{imposed on a Member whose} \\ \text{absence without a valid reason} \\ \text{causes adjournment of the Council} \end{array} = \begin{array}{l} \text{Prevailing monthly remuneration} \\ \text{of a Member who does not serve} \\ \text{on the Executive Council of the} \\ \text{Hong Kong Special} \\ \text{Administrative Region} \div 30 \end{array}$$

*(Number rounded to the nearest hundred)*

#### **Note:**

*Proposed amendments to be considered by the House Committee are in red*

- Texts added are shown in *italics*.