

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 20 October 2021

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

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

(Miranda HON)
for Clerk to the Legislative Council

Encl.

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

Resolution

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

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

Resolved that—

- (a) the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule; and
 - (b) this Resolution is to come into operation on the day on which the seventh term of office of the Legislative Council begins.
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Schedule

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

1. Rule 1 substituted

Rule 1—

**Repeal the Rule
Substitute**

“1. Oath or Affirmation

(1) No Member of the Council shall —

(a) be present or vote at the election of the President;
or

(b) attend or vote at a meeting of the Council or any
committee, or exercise any other power or
function of a Member,

until the Member has made or subscribed an oath or
affirmation in accordance with the provisions of the
Oaths and Declarations Ordinance (Cap. 11).

(2) Where a general election is held, a Member who had
previously made or subscribed 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.”.

2. Rule 12 substituted

Rule 12—

**Repeal the Rule
Substitute**

“12. First Meeting of Term

- (1) 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).
- (2) The election of the President conducted under Rule 4 (Election of President) shall be held before the first meeting of a term.”.

3. Rule 17 amended (quorum)

After Rule 17(6)—

Add

“(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.”.

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

(1) Rule 18(1)—

Repeal

“, or the first meeting of a term or a meeting to elect the President”.

(2) Rule 18(1)—

Repeal paragraph (a).

(3) Rule 18(2)—

Repeal

everything after “paragraphs”

Substitute

“(b), (c), (g) and (h) of subrule (1) shall not require notice; but with the exception of the item of business mentioned in paragraph (c) they shall not be entered upon save with the previous leave of the President.”.

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

Rule 19(3)—

Repeal

“or the first meeting of a term or a meeting to elect the President”.

6. Rule 23 amended (question time)

Rule 23(1)—

Repeal

everything after “except”

Substitute

“a meeting at which the Chief Executive delivers a Policy Address to the Council.”.

7. Rule 45A amended (naming and suspending)

After Rule 45A(7)—

Add

“(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.”.

8. Rule 46 amended (decision on motions)

(1) Rule 46(2)(a)—

Repeal

“functional constituencies (Group I)”

Substitute

“the Election Committee”.

- (2) Rule 46(2)(b)—

Repeal

everything after “by”

Substitute

“functional constituencies and by geographical constituencies through direct elections.”.

9. Rule 54 amended (second reading)

- (1) Rule 54(5)—

Repeal

“after consultation with the chairman of the House Committee,”.

- (2) Rule 54(5)(a)—

Repeal

“in preparation”

Substitute

“as ready”.

- (3) Rule 54(5)(b)—

Repeal

“the bill in preparation”

Substitute

“whether the bill is ready”.

- (4) Rule 54(5)(c)—

Repeal

“the bill in preparation”

Substitute

“whether the bill is ready”.

- (5) Rule 54(5)(e)—

Repeal

“in preparation”

Substitute

“as ready”.

(6) Rule 54—

Repeal subrule (5A).

10. Rule 71 amended (Finance Committee)

(1) Rule 71(1)—

Repeal

everything after “the members of which shall be”

Substitute

“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) Rule 71—

Repeal subrule (2A)

Substitute

“(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.”.

11. Rule 75 amended (House Committee)

(1) Rule 75(1)—

Repeal

everything after “the members of which shall be”

Substitute

“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) Rule 75—

Repeal subrule (2A)

Substitute

“(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) Rule 75(3A)—

Repeal

“a Panel, two or more”

Substitute

“one or two”.

(4) Rule 75—

Repeal subrule (8)

Substitute

“(8) The committee may give directions or provide guidelines on 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.”.

(5) Rule 75(9)—

Repeal

“assisting members in preparation for”

Substitute

“informing members of the”.

(6) Rule 75(11), after “Panels or”—

Add

“straddles the purview of a number of Panels, or”.

(7) Rule 75(12)(d), before “, such subcommittee”—

Add

“or straddles the purview of a number of Panels”.

(8) Rule 75(17)—

Repeal

“Where”

Substitute

“Except as otherwise provided in subrule (17A), where”.

(9) After Rule 75(17)—

Add

“(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.”.

12. Rule 76 amended (Bills Committees)

(1) Rule 76(9)—

Repeal

everything after “the committee”

Substitute

“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).”.

(2) Rule 76(10)—

Repeal

“in preparation for”

Substitute

“of the”.

(3) Rule 76(11)—

Repeal

“guidelines”

Substitute

“directions or guidelines given or”.

13. Rule 77 amended (Panels)

(1) Rule 77—

Repeal subrule (9A)

Substitute

“(9A) Two Panels may, if they consider appropriate, appoint joint subcommittees to study any matter of

common interest to the Panels and to report to the Panels. The members of a joint subcommittee shall be those members of the 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.”.

(2) Rule 77(15)—

Repeal

Everything after “that Panel.”

Substitute

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

14. Schedule 1 amended (procedure for the election of the President of the Legislative Council)

(1) Schedule 1, Chinese text, paragraph 9—

Repeal

“會議”.

(2) Schedule 1, Chinese text, paragraph 10—

Repeal

“會議”.

(3) Schedule 1, Chinese text, paragraph 11—

Repeal

“會議” (wherever appearing).