

**立法會**  
**Legislative Council**

LC Paper No. CROP 65/20-21

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Tel : 3919 3204  
Date : 21 May 2021  
From : Clerk to Committee on Rules of Procedure  
To : All Members of the Legislative Council

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**Committee on Rules of Procedure**

**Consultation on proposals to amend the Rules of Procedure and House Rules  
Second batch of proposed amendments**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on the proposals to amend the Rules of Procedure ("RoP") and House Rules ("HR") in the following areas:

- (a) Committee membership and election of the chairman and deputy chairman of a committee<sup>1</sup> (*paragraphs 3 to 6 refer*);
- (b) Procedures for dealing with quorum calls and points of order (*paragraphs 7 to 14 refer*);
- (c) Attire for Members attending Council meetings (*paragraph 15 refers*); and
- (d) Display of objects by Members at Council meetings (*paragraph 16 refers*).

**Background**

2. Since the commencement of the 2020-2021 session, CRoP has been reviewing the rules and practices of the Legislative Council ("LegCo") and examining proposals submitted by Members to amend RoP and HR with a view to achieving the orderly, efficient and fair disposition of Council

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

business. Following the implementation of the first batch of amendments to RoP and HR in February and March 2021, CRoP proceeded to the second phase of the review. At its meetings on 11 and 20 May, CRoP agreed to take forward the proposals which may be divided into four groups according to the areas specified in paragraph 1 (hereafter referred to as "Proposals 1 to 4") and to invite Members' views on the proposals. The objectives and details of the proposals are set out in the ensuing paragraphs.

**Proposal 1: Committee membership and election of the chairman and deputy chairman of a committee** (*Items 1 to 3 of Appendix VI*)

3. CRoP considered and discussed the following proposals relating to committee membership and election of the chairman and deputy chairman of a committee which were drawn up by making reference to the relevant proposals of Hon CHAN Hak-kan (**Appendix I** refers) and the practice adopted by selected overseas legislatures (**Appendix II** refers) while giving regard to the composition of the Seventh LegCo under Annex II to the Basic Law ("BL") as amended by the Standing Committee of the National People's Congress on 30 March 2021: (i) setting a cap on the membership size of committees; (ii) a proposed mechanism for allocation of committee seats; and (iii) a proposed procedure for election of the chairman and deputy chairman of a committee.

(i) *Setting a cap on the membership size of committees* (*Item 1 of Appendix VI*)

4. To facilitate the effective and efficient operation of committees of LegCo after the increase in the number of seats from 70 to 90 in the Seventh LegCo, it is proposed to set a cap on the membership size for committees currently with no specified membership size in RoP:

- (a) for committees which monitor and examine policy matters (namely, **Panels and subcommittees ("SCs") appointed by the House Committee ("HC") or Panels to study policy issues**), their membership size be **capped at 20 members;**<sup>2</sup> and

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<sup>2</sup> The annual average membership size of the 18 Panels in the Fourth Legislative Council ("LegCo"), the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session) ranged from 17 to 19, 22 to 24, and 25 to 30 members respectively. For a two-hour meeting with two discussion items, a committee comprising more than 20 members can only allow each member less than three minutes' speaking time for each discussion item.

- (b) for committees which are formed to consider legislative proposals (namely, **Bills Committees ("BCs") (and its SCs) and SCs appointed by HC to study subsidiary legislation and other instruments)** as well as **SCs appointed by HC to consider other matters relating to Council business**, their membership size be **capped at 15 members**,<sup>3</sup> unless otherwise decided by HC.

(ii) *Proposed mechanism for allocation of committee seats (Item 2 of Appendix VI)*

5. If a cap is set on the membership size of committees mentioned above, a new mechanism should be put in place to allocate committee seats among Members, as detailed in **Appendix III**. Given that a considerable number of Members do not belong to any political parties, to ensure that committee membership reflects the relative strengths of the political groupings in LegCo and to allow flexibility, it is proposed that in each session, Members will be invited to coordinate among themselves to form lists for the purpose of allocation of committee seats for that session.<sup>4</sup> The allocation of committee seats for that session will be based on the number of Members on a list (**Annex I to Appendix III refers**). Any Member not intending to form any list with other Member(s) may signify membership as an individual Member. It is also proposed to specify that the maximum number of Panels that each Member can serve on at the same time is six (i.e. one third of all Panels), with a view to achieving a more balanced allocation of work among Members.

(iii) *Proposed procedure for election of the chairman and deputy chairman of a committee (Item 3 of Appendix VI)*

6. To ensure that election of the chairman and deputy chairman of a committee can be conducted smoothly and be completed within a reasonable time, it is proposed to amend the existing nomination and election procedure to the effect that all nominations for chairmanship and deputy chairmanship are required to be submitted through electronic means before a specified

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<sup>3</sup> In the Fourth LegCo, the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session), the annual average number of BCs formed was 18, 19 and 16 respectively, and that of SCs on subsidiary legislation was 23, 30 and 26 respectively. In view of the availability of Members in joining such committees and the limit of Members' time in coping with the relevant scrutiny work, which is expected to be completed within a relatively tight timeframe, it is proposed that the membership size of such committees be capped at 15 members.

<sup>4</sup> If the proposed amendment is endorsed, amendments will be made to the relevant provisions in the House Rules to specify that a Member's membership of a Panel shall last for one session unless the Member resigns from that Panel.

deadline, and that the list of valid nominations will be issued to members before the meeting at which the election of chairman and deputy chairman is scheduled to take place. If there is no valid nomination for chairmanship, the member who has the highest precedence shall be deemed to be elected as chairman.<sup>5</sup> It is also proposed that the election shall be completed within a specified time limit and that when presiding at the election concerned, the presiding member is required to proceed straight to balloting in accordance with the procedures prescribed in paragraphs 7 to 12 of Appendix IV to HR, 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. Details of the proposed amendments to the procedures for election of chairman and deputy chairman of a committee are set out in **Appendix IV**.

**Proposal 2: Procedures for dealing with quorum calls and points of order** (*Items 4 to 7 of Appendix VI*)

Quorum of the Council

7. Following the implementation of the amendments to RoP in 2017,<sup>6</sup> the problem of incessant quorum calls leading to disrupted Council proceedings and business not being dealt with by the Council in time persists. Having regard to the past deliberations of CRoP, external legal advice on quorum issues and Hon CHAN Hak-kan's relevant proposal submitted to CRoP in January 2021, the following procedures are proposed to deal with incessant quorum calls at meetings of the Council and a committee of the whole Council ("CoWC"):

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<sup>5</sup> In the case of Panels, this proposed amendment will be subject to the conditions set out in Rule 77(6) of the Rules of Procedure ("RoP") (i.e. a Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel) and RoP 77(7) (i.e. a Member shall not be chairman or deputy chairman of more than one Panel at the same time).

<sup>6</sup> In December 2017, the Council approved a number of amendments proposed by Members which included, among others, amendments to RoP 17 for the purposes of (a) specifying the quorum of a committee of the whole Council to be 20 members including the Chairman of that committee; and (b) empowering the President to convene a Council meeting to complete the unfinished business on the Council Agenda before the next scheduled Council meeting.

(i) ***Imposing financial penalties on Members absent without valid reasons when a Council meeting is adjourned due to a lack of quorum (Item 4 of Appendix VI)***

8. It is proposed that a Member would be subject to a **financial penalty** if he/she is absent without valid reasons<sup>7</sup> from a Council meeting adjourned due to a lack of quorum under RoP 17(2) or (3), regardless of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and may be resumed for continuation of any unfinished business under RoP 17(6) and 14(4).<sup>8</sup> The President would have the discretion to decide whether the absence of a Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances, experience of overseas legislatures, etc. The financial penalty to be imposed each and every time that a Member is absent without valid reasons when the Council is adjourned due to a lack of quorum is proposed to 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")**.<sup>9</sup> In other words, the amount of the financial penalty is subject to adjustment based on changes in the prevailing monthly remuneration of a Member not serving on ExCo.<sup>10</sup>

(ii) ***President not dealing with a point of quorum taken abusively (Items 6 and 7 of Appendix VI)***

9. Amendments to RoP are proposed to be made to provide that the President in Council or the Chairman in CoWC may, for the purpose of ensuring orderly, efficient and fair disposition of LegCo business, exercise his power under BL 72 to decide when and how to deal with a point of quorum if he is of the opinion that the raising of such quorum point is an abuse of procedure. Details of the proposed arrangements are set out in **paragraphs 12 and 13** below.

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<sup>7</sup> With reference to the relevant practices of some overseas legislatures, valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.

<sup>8</sup> Express statutory authority will be sought through making new legislation or amending relevant existing legislation for imposing such financial penalties on Members.

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

$$\text{Amount of financial penalty}^{\#} = \text{Prevailing monthly remuneration of a Member}^* \div 30$$

(i.e. 1-day remuneration of a Member\*)

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

\*Member not serving on the Executive Council

<sup>10</sup> With effect from 1 October 2020, the monthly remuneration payable to a Member who does not serve on the Executive Council is \$102,820. Accordingly, as of now, the amount of the financial penalty shall be \$3,400.

(iii) ***Prohibiting Members from leaving the Chamber during quorum calls (Item 5 of Appendix VI)***

10. Amendments are proposed to be made to RoP 17 to provide that after a quorum call has been made, **no Member may leave the Chamber** until a quorum is present or the Council is adjourned.

Points of order

11. Since the commencement of the Sixth LegCo, there has been a tendency for some Members to abuse the raising of a point of order for the purpose of filibustering. To prevent an abuse of the procedure, Hon CHAN Hak-kan has proposed the following amendments to RoP 39 and 44 to provide the President in Council or the Chairman in CoWC with a discretion in dealing with points of order (including quorum calls) that are abusive in nature:

(iv) ***Proposed amendments to Rule 39 of the Rules of Procedure (Item 6 of Appendix VI)***

12. RoP 39 is proposed to be amended to the effect that: (a) a Member shall not interrupt another Member except by rising to a point of order and **if called** by the President in Council or the Chairman in CoWC to speak; and (b) the Member interrupting may be directed to **discontinue speaking** if the President in Council or the Chairman in CoWC is of the opinion that the interruption is an abuse of procedure. Members are invited to consider whether the proposed amendments should also apply to a committee such that a **committee chairman would be given the same discretion** in dealing with points of order raised at a committee meeting.

(v) ***Proposed amendments to Rule 44 of the Rules of Procedure (Item 7 of Appendix VI)***

13. Amendments to RoP 44 are proposed to be made to the effect that the President, the Chairman in CoWC or the chairman of any committee (**excluding** any Member presiding over a meeting) may decide **when and how to deal with a point of order** if he is of the opinion that the raising of such a point of order is **an abuse of procedure**.

14. According to RoP 3(3),<sup>11</sup> the Member presiding in Council and in CoWC, when the President or the President's deputy is absent or in his opinion unable to act, shall enjoy all those powers conferred by RoP on the President or the Chairman in CoWC that are exercisable in respect of that meeting or that part of meeting. Members are invited to consider whether the **Member presiding in Council and in CoWC should have the same discretion** as the President or the Chairman in CoWC to decide **when and how to deal with a point of order** if he is of the opinion that the raising of such a point of order is **an abuse of procedure**. In other words, the Member presiding in Council and in CoWC would **continue to enjoy all the powers** of the President or the Chairman in CoWC at a meeting or part of a meeting.

**Proposal 3: Attire for Members attending Council meetings** (*Items 8 to 10 of Appendix VI*)

15. RoP 42(a) provides that during a meeting of the Council, all Members shall enter or leave the Council properly attired and with decorum. However, there are neither explicit provisions in RoP nor separate guidelines to prescribe the proper dress code for Members attending Council meetings, making it difficult for Members, particularly new Members, to be aware of the appropriate attire for attending Council meetings. To safeguard the dignity and uphold the image of the Council, the opportunity is taken to: (a) **amend RoP 42(a)** to expressly provide that Members attending Council meetings shall dress in **business attire**; and (b) **provide attire guidance** (**Appendix V** refers).

**Proposal 4: Display of objects by Members at Council meetings** (*Items 11 to 13 of Appendix VI*)

16. At present, there is no provision in RoP regulating the display of objects by Members at Council meetings. Considering that the display of objects by Members at Council meetings has become more frequent since the commencement of the Fifth LegCo, it is proposed to: (a) **amend RoP 42** to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object for illustrating the point(s) in his/her speech only while he/she is

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<sup>11</sup> RoP 3(3) provides that "[t]he President's deputy or other Member presiding shall enjoy all those powers conferred by these Rules of Procedure on the President or Chairman that are exercisable in respect of the meeting, or part of the meeting, of the Council or a committee of the whole Council at which the President's deputy or that Member presides or is Chairman, or in respect of which the President has requested that he preside or be Chairman".

speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41; and (b) **add a new provision to HR** to set out the relevant conditions.

## **Questionnaire**

17. Members are invited to give their views on the four groups of proposals above by completing and returning the questionnaire in **Appendix VI by Friday, 28 May 2021**. Subject to the concurrence of Hon Paul TSE, Chairman of CRoP, necessary and suitable modifications may be made to help finetune the proposed amendments having regard to Members' views received and operational needs. Subject to CRoP's agreement, those proposed amendments that receive sufficient support will be submitted to HC for endorsement thereafter.

(Lilian MOK)  
Clerk to  
Committee on Rules of Procedure

### Encls.

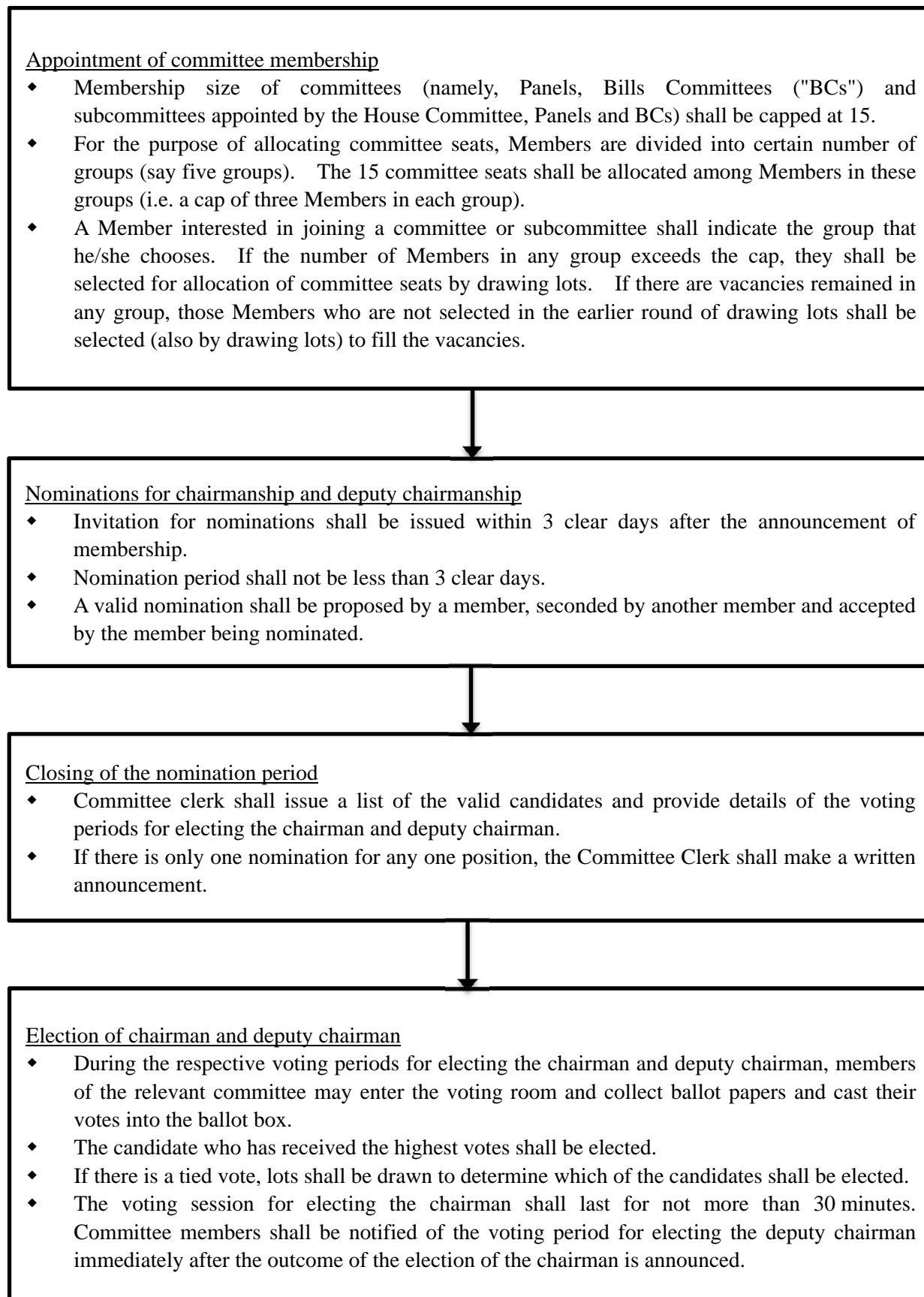
c.c. Hon Andrew LEUNG Kwan-yuen, GBM, GBS, JP (President of the  
Legislative Council)

Hon Paul TSE Wai-chun, JP (Chairman)

SG, LA, DSG(CCS), DSG(DRM), ASG1, ASG3, ASG4, SALA1,  
SALA3, H(PI), ALA2, CCS(2)5



### A flowchart summarizing Hon CHAN Hak-kan's proposals for determining the committee membership and election of the chairman and deputy chairman of a committee<sup>1</sup>



<sup>1</sup> The flowchart is prepared with reference to the relevant proposals of Hon CHAN Hak-kan which are set out in his letter to the Committee on Rules of Procedure dated 18 January 2021.

### **Committee membership and appointment of committee chairs and deputy chairs in selected overseas legislatures**

The findings of the study on the committee membership and the appointment of committee chairs in selected overseas legislatures, (namely, the House of Commons of the United Kingdom Parliament ("UKHC"), the House of Representatives of New Zealand ("NZ Parliament"), the Bundestag of Germany ("Bundestag") and the National Assembly of France ("the French National Assembly")) are briefly summarized below:

2. Most of the selected Parliaments tie the committee membership and the appointment of committee chairs with the composition of the House or the relative strengths of the political parties or parliamentary groups represented in the House. **Generally speaking, the membership size of committees in the selected Parliaments is capped at a fixed number or subject to a ceiling in the form of a fixed number or a percentage/fraction of the overall size of the House.**

3. **All the selected Parliaments adopt the practice of allocating committee seats based on the relative strengths of political parties or parliamentary groups<sup>1</sup> represented in the House.** In UKHC, committee seats of the Select Committees are divided among political parties by negotiation, taking into account the party balance in the House. In the NZ Parliament, the membership of the Select Committees must be proportional to party strengths. In the Bundestag and the French National Assembly, the parliamentary groups agree among themselves to divide committee seats based on their numerical strengths in the House. **After allocation of committee seats, the political parties or the parliamentary groups concerned may then decide on their own how to select individual Members from their parties or groups to fill the committee seats.**

4. Most of the committee chairs in **UKHC** are elected by **secret ballot by the House**. Members may nominate candidates by a specified time on the day before the ballot and file the nomination in writing with the Clerk of the House.<sup>2</sup> In **the NZ Parliament and the French National Assembly**, the chairs are elected by **secret ballot by committees**. In the **Bundestag**, committee chairs are allocated to and **appointed by the parliamentary groups**.

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<sup>1</sup> In the Bundestag and the French National Assembly, a parliamentary group usually refers to the alliance of Members sharing similar political objectives and organizing their parliamentary activities as a group in the Parliament.

<sup>2</sup> Parties negotiate the allocation of each committee chair post among themselves on the basis of advice from the Speaker on the composition of the House. Only Members from the party allocated with the post of a particular committee chair are eligible to be candidates for the chairmanship of that particular committee.

### **The proposed procedures for allocating committee seats**

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

- (a) **in each session, Members will be invited to coordinate among themselves to form lists for the purpose of allocation of committee seats for that session.**<sup>1</sup> A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list ("designated quota") is in **Annex I**. Members who intend to form lists should submit those lists by electronic means to the Secretariat. **Any Member not intending to form any list with other Member(s) may signify membership as an individual Member for that session;**
- (b) before the deadline for signification of membership<sup>2</sup>, **Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota;**
- (c) after the deadline for signification of membership, if **the total number of Members signifying membership does not exceed the number of committee seats available for allocation, each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the "oversubscription list";**
- (d) **among Members on the "oversubscription list", in the case of the 18 Panels, priority will be given to those Members who**

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

<sup>2</sup> A Member who joins the Council after the start of the first session of a new term may signify membership for the committees of his choice, provided that the number of members of those committees has not reached the specified cap, within one month of the date on which he is declared elected as Member of the Council.

**have been allocated the fewest number of Panel seats.**<sup>3</sup> If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the Chairman of the House Committee ("HC") or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of the seat(s) in that Panel. In the event that both the Chairman and Deputy Chairman of HC are not available, an Assistant Secretary General will draw the lots. **In the case of Bills Committees ("BCs") and subcommittees ("SCs") appointed by HC, Panels or BCs, lots will be drawn by the Chairman of HC or (if the Chairman is not available) Deputy Chairman of HC for determining the allocation of committee seats among Members on the "oversubscription list", irrespective of how many other committees these Members have already joined.** In the event that both the Chairman and Deputy Chairman of HC are not available, the committee clerk will draw the lots;

- (e) as long as the number of members of a committee has not reached the specified cap, any Member may submit an application for late membership, and it is for the relevant committee to decide whether such application should be accepted;
- (f) **In the event that a vacancy in a Panel arises before the end of the session,** (e.g. a Member resigns from the Panel or a member of the Panel ceases to hold office as a member of the Legislative Council ("LegCo")), priority for filling the vacancy will be given to another Member on the same list. If the number of Members on the list is no longer sufficient for obtaining the designated quota<sup>4</sup> or the resigning Member was originally on the "oversubscription list", then a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members who signify membership exceeds the number of vacancy that is required to be filled, a poll will be conducted by the Panel concerned by using the Electronic Voting

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<sup>3</sup> The order for the 18 Panels to allocate committee seats shall be determined according to the descending order of the annual average membership size of 18 Panels in the Fourth LegCo, the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session), as set out in **Annex II**.

<sup>4</sup> For instance, if a member of the Panel ceases to hold office as a member of LegCo, the number of Members on the list which this Member originally formed with other Members may no longer be sufficient for obtaining the designated quota.

System to determine which Member is to fill the vacancy.<sup>5</sup> However, **in the case of BCs and SCs appointed by HC, Panels or BCs**, vacancies are not required to be filled; and

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

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<sup>5</sup> Similar procedures have been used by HC in election of Members to fill vacancies in the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure.

## Annex I to Appendix III

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

The number of committee seats to be allocated	The number of Members on a list required for allocating the specified number of seats	
	<u>Committees with 15 seats available for allocation<sup>1</sup></u>	<u>Committees with 20 seats available for allocation<sup>2</sup></u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16	96	72
17	102	77
18	108	81
19	114	86
20	120	90

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

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

## Annex II to Appendix III

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

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

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

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

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

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

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

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



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

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

#### Overall attire

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

#### Tops

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

#### Bottoms

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

#### Headwear

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

#### Footwear

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

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

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

**Questionnaire**  
(to be returned by Friday, 28 May 2021)

Email : rp\_c@legco.gov.hk

To : Miss Lilian MOK  
Clerk to Committee on Rules of Procedure  
Legislative Council

**Committee on Rules of Procedure**

**Consultation with all Members**

My views on the proposals to amend the Rules of Procedure ("RoP") and House Rules ("HR") as set out in LC Paper No. CROP 65/20-21 are as follows:

(\*Please *circle* as appropriate. If necessary, please provide your comments in separate sheets.)

**Proposal 1: Committee membership and election of the chairman and deputy chairman of a committee<sup>1</sup> (paragraphs 3 to 6 of LC Paper No. CROP 65/20-21)**

Item	Proposed amendments/arrangements	*My views
1.	<u>Setting a cap on the membership size of committees</u>	<b>Support / Not support / No comment</b>
	(a) for committees which monitor and examine policy matters (namely, Panels and subcommittees ("SCs") appointed by the House Committee ("HC") or Panels to study policy issues), their membership size be <b>capped at 20 members</b> ; and	<i>Other views/proposals, if any:</i>
	(b) for committees which are formed to consider legislative proposals (namely, Bills Committees ("BCs") (and its SCs) and SCs appointed by HC to study subsidiary legislation and other instruments) as well as SCs appointed by HC to consider other matters relating to Council business, their membership size <b>be capped at 15 members, unless otherwise decided by HC.</b>	<b>Support / Not support / No comment</b>
		<i>Other views/proposals, if any:</i>

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

Item	Proposed amendments/arrangements	*My views
2.	<p><u>Proposed mechanism for allocation of committee seats</u></p> <p>(a) If a cap is set on the membership size of committees, a new mechanism should be put in place to allocate committee seats among Members, as detailed in paragraph 1(a) to (f) of <b>Appendix III</b> to LC Paper No. CROP 65/20-21.</p> <p>(b) It is proposed that <b>the maximum number of Panels</b> that each Member can <b>serve on at the same time is six</b>.</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p> <hr/> <p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>
3.	<p><u>Proposed procedure for election of the chairman and deputy chairman of a committee</u></p> <p>It is proposed to amend the existing nomination and election procedure to ensure that election of the chairman and deputy chairman of a committee can be conducted smoothly and be completed within a reasonable time, as detailed in <b>Appendix IV</b> to LC Paper No. CROP 65/20-21.</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>

**Proposal 2: Procedures for dealing with quorum calls and points of order**  
(paragraphs 7 to 14 of LC Paper No. CROP 65/20-21)

Item	Proposed amendments/arrangements	*My views
4(a).	<p><b>A financial penalty</b> be imposed on a Member if he/she is <b>absent without valid reasons</b> from a Council meeting adjourned due to a lack of quorum under Rule 17(2) or (3) of the Rules of Procedure ("RoP"), regardless 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).</p> <p><i>(Valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc. The President would have the discretion to decide whether the absence of a Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances, experience of overseas legislatures, etc.)</i></p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>
4(b).	<p>The financial penalty to be imposed each and every time a Member absent without valid reasons from a Council meeting adjourned due to a lack of quorum be set at <b>an amount equivalent to one day's remuneration currently payable to a Member who does not serve on the Executive Council</b> in accordance with the formula below:<sup>2</sup></p> <p><i>Formula for calculating the amount of financial penalty (on a 30-calendar-day basis)</i></p> <p>Amount of financial penalty<sup>#</sup> = Prevailing monthly remuneration of a Member* ÷ 30 <i>(i.e. 1-day remuneration of a Member*)</i></p> <p><sup>#</sup> Number rounded to the nearest hundred <sup>*</sup>Member not serving on the Executive Council</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>
5.	<p><b>Amendments be made to RoP 17</b> to provide that after a quorum call has been made, <b>no Member may leave the Chamber</b> until a quorum is present or the Council is adjourned.</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>

<sup>2</sup> The amount of the financial penalty to be imposed is subject to adjustment based on changes in the prevailing monthly remuneration of a Member not serving on the Executive Council. With effect from 1 October 2020, the monthly remuneration payable to such Member is \$102,820. Accordingly, as of now, the amount of the financial penalty shall be \$3,400.

Item	Proposed amendments/arrangements	*My views
6.	<p><b>Amendments be made to RoP 39</b> to the effect that:</p> <ul style="list-style-type: none"> <li>➤ a Member shall not interrupt another Member except by rising to a point of order, and <b>if called</b> by the President in Council or the Chairman in a committee of the whole Council ("CoWC") to speak; and</li> <li>➤ the Member interrupting may be directed to <b>discontinue speaking</b> if the President in Council or the Chairman in CoWC is of the opinion that the interruption is an abuse of procedure.</li> </ul> <p><b><u>Further views to be sought:</u></b></p> <p>The above proposed arrangements to apply to a committee such that a <b>committee chairman would be given the same discretion</b> in dealing with points of order raised at a committee meeting.</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p> <hr/> <p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>
7.	<p><b>Amendments be made to RoP 44</b> to the effect that the President, the Chairman in CoWC or the chairman of any committee (<b>excluding</b> any Member presiding over a meeting) may decide <b>when and how to deal with a point of order</b> if he is of the opinion that the raising of such point of order is <b>an abuse of procedure</b>.</p> <p><b><u>Further views to be sought:</u></b></p> <p><b>Member presiding in Council and in CoWC<sup>3</sup></b> to have the <b>same discretion</b> as the President or the Chairman in CoWC in dealing with points of order as proposed above.</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p> <hr/> <p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>

<sup>3</sup> RoP 3(3) provides that "[t]he President's deputy or other Member presiding shall enjoy all those powers conferred by these Rules of Procedure on the President or Chairman that are exercisable in respect of the meeting, or part of the meeting, of the Council or a committee of the whole Council at which the President's deputy or that Member presides or is Chairman, or in respect of which the President has requested that he preside or be Chairman".

**Proposal 3: Attire for Members attending Council meetings** (*paragraph 15 of LC Paper No. CROP 65/20-21*)

Item	Proposed amendments/arrangements	*My views
8.	<b>Amendments be made to RoP 42(a)</b> to expressly provide that Members attending Council meetings shall dress in <b>business attire</b> .	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>
9.	"Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in <b>Appendix V</b> be adopted.	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>
10.	<b>Business attire only</b> be adopted as the standard of dress for Members attending <b>Council meetings (including meetings of CoWC)</b> but <u>not</u> other committee meetings.	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>

**Proposal 4: Display of objects by Members at Council meetings** (*paragraph 16 of LC Paper No. CROP 65/20-21*)

Item	Proposed amendments/arrangements	*My views
11.	<b>Amendments be made to RoP 42</b> to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object <b>for illustrating the point(s) in his/her speech only</b> while he/she is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41.	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>

Item	Proposed amendments/arrangements	*My views
12.	<p>A <b>new provision 19B</b> be added to <b>HR</b> to set out the following conditions under which a Member may display an object while he/she is speaking during a Council meeting:</p> <p>(a) the display of the object is related to the item(s) of business set out in the relevant Agenda of the Council;</p> <p>(b) the display of the object does not and will not disturb the proceedings of the meeting or cause obstruction to other Members or designated public officers in their participation in the proceedings, or block the President's view of those present in the Chamber;</p> <p>(c) the display of the object does not and will not pose danger or nuisance to any person attending the meeting;</p> <p>(d) the display of the object is confined to the seating area of the Member displaying the object; and</p> <p>(e) the display of the object does not and will not have a negative impact on the public's perception of the Council, tarnish the dignity of the Council, or bring discredit upon the Council.</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>
13.	<p>The proposed arrangements set out in items 11 and 12 to <b>apply to the proceedings in a committee</b> unless the chairman of the committee orders otherwise.</p>	<p><b>Support / Not support / No comment</b></p> <p><i>Other views/proposals, if any:</i></p>

Signature : \_\_\_\_\_

Name of Member : \_\_\_\_\_

Date : \_\_\_\_\_