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Tel : 3919 3403

Date : 9 November 2020

From : Clerk to Committee on Rules of Procedure

To : All Members of the Legislative Council

Committee on Rules of Procedure

**Consultation on Hon CHEUNG Kwok-kwan's proposals
to amend the House Rules**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on Hon CHEUNG Kwok-kwan's proposals to amend the House Rules ("HR").

Background

Election of chairman and deputy chairman of a committee

2. Arising from a prolonged delay in the election of the Chairman of the House Committee ("HC") for the 2019-2020 session ("the Election"), Hon CHEUNG Kwok-kwan requested CRoP in April 2020 to discuss the mechanism for the election of the HC Chairman. Taking the view that the delay was caused by some Members who abused the relevant election procedure by filibustering, he considered that CRoP should study whether there were ways to avoid such filibustering. Separately, the President of the Legislative Council ("the President") made a ruling by which he decided to invoke Rule 92 of the Rules of Procedure ("RoP") to introduce a new procedure for the Election. In the ruling, the President also invited CRoP to study issues relating to the election of committee chairmen, including any lessons that may be drawn from the case about the Election.

3. After considering Hon CHEUNG Kwok-kwan's request and the President's referral at its meeting on 16 June 2020, CRoP agreed that it should explore whether the mechanism for the election of committee chairmen should be reviewed, with a view to avoiding frequent invocation of RoP 92 to introduce new procedures for the election of committee chairmen.

4. At its meeting on 3 November 2020, CRoP considered Hon CHEUNG Kwon-kwan's letter to the CRoP Chairman which proposes, among others, to amend HR (rules 20 to 22 and Appendix IV) to improve the procedure for the election of chairman and deputy chairman of a committee.¹ His letter setting out the details of the proposal is in **Appendix I**.

Members' speaking time limit for a motion debate on a House Committee report on consideration of subsidiary legislation and other instruments

5. The aforesaid letter of Hon CHEUNG Kwon-kwan also proposes to amend HR 17(b) to shorten the speaking time limit for a Member in a debate on a motion on an HC report on the consideration of subsidiary legislation and other instruments under RoP 49E from 15 minutes to 5 minutes. The proposed time limit would apply to a debate which is not divided into sessions. For a debate which is divided into sessions, the proposed time limit would apply to each Member for each session.²

Order of debates on motions

6. Article 73(5) and (10) of the Basic Law ("BL") respectively set out the following powers and functions of the Legislative Council ("LegCo"): to raise questions on the work of the government; and to summon, as required when exercising LegCo's powers and functions set out in BL 73, persons concerned to testify or give evidence. Section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) empowers the Council, its standing committee, or any other committee which is specially authorized by a resolution of the Council, to order any person to attend before the Council or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

7. The President considers that the moving of motions under BL 73(5) and (10) ("Basic Law motions") or section 9 of Cap. 382 ("Cap. 382

¹ Item 1 of Hon CHEUNG Kwok-kwan's letter.

² Item 2 of Hon CHEUNG Kwok-kwan's letter.

motions") has the effect of "jumping the queue" as, pursuant to HR 15(a), debates on such motions (being "motions which, if carried, empower the Council or a committee to do a certain act, or invoke certain provisions under the laws" within the meaning of HR 13(b)(viii)) shall take place before debates on individual Member's motions not intended to have legislative effect. It is observed that when there were one or more Basic Law motions or Cap. 382 motions on the Council Agenda, the Council was on many occasions unable to debate the two individual Member's motions not intended to have legislative effect scheduled for the same Council meeting. In the 2018-2019 legislative session, the President requested CRoP to consider how to address the issue.

8. After deliberating on the subject matter in the 2018-2019 session, CRoP agreed to explore options to address the President's concern about the aforesaid "queue-jumping effect" and examine the cause(s) of the reduced opportunities for the moving of individual Member's motions not intended to have legislative effect.

9. At its meeting on 3 November 2020, CRoP considered the aforesaid letter of Hon CHEUNG Kwon-kwan which proposes, among others, to amend HR 13 and 15 so that debates on Basic Law motions and Cap. 382 motions (as well as "motions to appoint a select committee and refer matters to it (RoP 78 and 79)" within the meaning of HR 13(b)(iii)) ("Relevant Motions") would take place after debates on individual Members' motions not intended to have legislative effect, unless debates on the Relevant Motions have been accorded priority with HC's prior endorsement.³ The details of the proposal are set out in his letter.

10. After deliberations, CRoP agreed that all Members should be consulted on the proposals put forward in Hon CHEUNG Kwon-kwan's letter.

Present position

Election of committee chairmen and deputy chairmen

11. The current arrangements for the election of the chairman of a committee with relevant provisions in RoP and HR are set out in **Appendix II**.

³ Item 3 of Hon CHEUNG Kwok-kwan's letter.

Members' speaking time limit for a motion debate on a House Committee report on consideration of subsidiary legislation and other instruments

12. According to HR 17(b), unless otherwise decided by HC, the following speaking time limit for a debate on a motion, moved under RoP 49E, on an HC report on the consideration of subsidiary legislation and other instruments shall be deemed to have been agreed by HC and shall be recommended to the President under RoP 37.

Maximum time allowed

Mover of the motion and other speakers	15 mins each (for a debate which is not divided into sessions)	15 mins each for each session (for a debate which is divided into sessions)
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The relevant provisions in RoP and HR are reproduced in **Appendix III**.

Order of debates on Members' motions

13. A Member, who intends to move at a Council meeting a Basic Law motion or Cap. 382 motion to summon persons concerned to attend before the Council or a committee to testify or give evidence or produce relevant documents or a motion to appoint a select committee referred to in HR 13(b)(iii), is required to meet the relevant notice requirement under RoP 29(1).⁴ According to RoP 19, the motion shall be placed on the Agenda of the Council for the relevant Council meeting in the order for transacting business stipulated in RoP 18. Under RoP 18(1)(l), the motion is placed under Members' motions other than those specified in paragraph (jb) of RoP 18(1) (Members' motions on subsidiary legislation and other instruments made under an Ordinance). Members' motions under RoP 18(1)(l) also include motions not intended to have legislative effect. According to HR 13(b)(iii) and (viii) and 15(a) and the prevailing practice, Members' motions which, if carried, would empower the Council or a committee to invoke BL 73(5) and (10) or section 9 of Cap. 382 (as well as motions to appoint a select committee and refer matters to it (RoP 78 and 79)) are placed on the Agenda ahead of Members' motions not intended to have legislative effect. Unlike the motions not intended to have legislative effect which are capped at two for each regular Council meeting, there is

⁴ The notice of such motion is to be given not less than 12 clear days before the day on which the motion is to be considered by the Council, provided that the President may in his discretion dispense with such notice.

no restriction on the number of Relevant Motions proposed by individual Members. The relevant provisions in the Basic Law, Cap. 382, RoP and HR are reproduced in **Appendix IV**. The statistics on Basic Law motions and Cap. 382 motions since the First LegCo and on motions not intended to have legislative effect since the Fourth LegCo are in **Appendices V and VI** respectively.

Deliberations by members of the Committee on Rules of Procedure

Election of the chairman and deputy chairman of a committee

14. Some members object to Hon CHEUNG Kwok-kwan's proposal to amend HR in relation to the election of the chairman and deputy chairman of a committee. They do not consider it appropriate to frequently amend RoP and HR to cater for changing circumstances. Furthermore, they consider that the President already has extensive power over the process of such election, e.g. by exercising the power under RoP 92 to specify a member to preside at the election of the chairman of a committee.

15. A majority of members, on the other hand, support the proposal. They note that there were nine committees which used more than one meeting (ranging from two to 18 meetings) for the election of their chairmen in the 2019-2020 session with a total time used for such purpose ranging from 36 minutes to 29 hours.⁵ Given such statistics, they consider the amendments proposed by Hon CHEUNG Kwok-kwan necessary to enhance efficiency and to avoid abuse of the election procedure by some Members to prolong the election process for filibustering purposes. In concluding its deliberations, CRoP agrees in principle to Hon CHEUNG Kwok-kwan's proposal.

Members' speaking time limit for a motion debate on a House Committee report on consideration of subsidiary legislation and other instruments

16. Some members object to Hon CHEUNG Kwok-kwan's proposal to amend HR 17(b) to shorten the speaking time limit of a Member for a debate on a motion on an HC report on the consideration of subsidiary legislation and other instruments from 15 minutes to 5 minutes. They do

⁵ A table on the time used by those committees using more than one meeting in the election of committee chairmen in the 2019-2020 session, which was prepared for the CRoP meeting on 3 November 2020 as background information, is in **Appendix VII**.

not consider it appropriate to amend HR frequently which would undermine the well-established practices and procedure of LegCo. They also consider it unnecessary to make the proposed amendment to HR as the President could set a time limit on a motion debate.

17. A majority of members, on the other hand, support Hon CHEUNG Kwok-kwan's proposal. They consider that some Members are inclined to make long speeches with the current 15-minute speaking time limit. These CRoP members consider the proposed 5-minute speaking time limit reasonable, which would enable Members' speeches to be more concise and to the point. As such, the efficiency of the Council in the conduct of its business could be enhanced.

Order of debates on motions

18. Members note that Hon CHEUNG Kwok-kwan's proposal on the order of debates on Member's motion makes no change to the current arrangement under HR 13(b)(i) and 15(a), whereby debates on motions moved under BL 79(6) or (7) shall take place before debates on motions not intended to have legislative effect. Some members consider that the Basic Law motions and Cap. 382 motions have the same importance as those moved under BL 79(6) or (7). The Basic Law motions or Cap. 382 motions should therefore be given the same priority treatment as the motions moved under BL 79(6) or (7). These members opine that the problem of "jumping the queue" (or the consequent lack of time to deal with motions not intended to have legislative effect) could be resolved by extension of Council meeting time. They consider that amending HR to suit changing circumstances would undermine the well-established practices and procedure of LegCo. They therefore object to the proposal.

19. A majority of members, on the other hand, support Hon CHEUNG Kwok-kwan's proposal. They consider that extending Council meeting time could not effectively address the problem as a substantial amount of time has been used for making incessant quorum calls. Hon CHEUNG Kwok-kwan's proposal (under which debates on the Relevant Motions would take place after debates on individual Members' motions not intended to have legislative effect, unless the Relevant Motions have been accorded priority with HC's prior endorsement) gives a fair chance for Members to express their views on different policy issues through the moving of motions not intended to have legislative effect. Whilst generally supporting the proposal, a member considers that censure motions moved under BL 79(7) should not be accorded priority vis-à-vis motions not intended to have legislative effect.

20. Members note that a number of Basic Law motions and Cap. 382 motions are already on the Council Agenda or notices of which have already been given. CRoP will consider the position of these motions if it is agreed to take forward Hon CHEUNG Kwok-kwan's proposal further.

Questionnaire

21. Members are invited to give their views on Hon CHEUNG Kwok-kwan's proposals by completing and returning the questionnaire in **Appendix VIII by Monday, 23 November 2020.**

(Colin CHUI)
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, ASG1, ASG2, ASG3, ASG4, SALA3, H(PI), ALA2



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OF THE PEOPLE'S REPUBLIC OF CHINA

附錄I Appendix I

立法會CROP 3/20-21號文件
LC Paper No. CROP 3/20-21

張國鈞

Hon. Cheung Kwok Kwan, JP
Member of Executive Council · Legislative Councillor
行政會議成員 · 立法會議員

立法會
議事規則委員會
主席
謝偉俊議員, JP
(傳真: 2509-0388)

謝主席鈞鑒:

要求修改《內務守則》以恢復議會秩序和效率

鑑於過去一段時間，立法會經常有議員濫用《議事規則》，故意拖延議會程序及委員會主席選舉，令到議會沒法有效暢順運作。就此，本人建議閣下在下次議事規則委員會會議中加入一項議程，討論「修訂《內務守則》事宜」，以期改善議會秩序。相關具體建議內容如下：

1、完善委員會主席及/或副主席的選舉程序

第一項建議是修訂《內務守則》第 20(c), 20(d), 21(e), 22(f)及附錄 IV 等條文，以解決有委員故意無理拖延委員會主席的選舉程序。具體建議有關委員會正副主席的選舉須參照立法會主席選舉的提名機制，即有關委員會正副主席選舉的提名須在將會舉行選舉程序的有關會議前，按照秘書處所定及通知各已報名委員的限期前，以書面提交秘書處，不接受在會議中即時提名；而提名限期結束後不可撤銷提名。

提名可由一名委員提名另一位委員，或自我提名，提名人須在提名表格簽名確實；並須由另一位委員簽名和議，並經由被提名委員簽名確認接受提名，方屬有效提名；在同一次選舉程序中，任何一位委員身份不可重疊，不可同時身兼任何提名的提名人、和議人及/或被提名人。

至於選舉程序則不設發言環節，包括候選人自我介紹政綱、接受提問、發言或辯論。負責主持選舉的主持人有權命令行為極不檢點的委員退席，及行使其他相關附帶權力，令會議能有秩序、公平及妥善地進行。

在每屆立法會的首個會期，委員會選舉正副主席的首次會議日期、時間及地點，由「內務委員會」主席訂明（每屆立法會首個會期的「內務委員會」選舉正副主席的首次會議日期、時間及地點則由立法會主席訂明）。選舉主席及/或副主



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張國鈞

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Member of Executive Council · Legislative Councillor
行政會議成員 · 立法會議員

席程序合共所需時間一般不應超過三十分鐘，一旦選舉程序的會議經過三十分鐘仍未能選出主席（主席已選出惟副主席仍未選出則不受此限），負責主持選舉的主持人須宣布休會，並交由內務委員會主席提名另一位主持人，在內務委員會主席訂明的會議日期、地點、時間及方式舉行的下一次會議上，負責主持選舉程序；假如在三十分鐘內未能選出主席的是「內務委員會」，則需交由立法會主席提名另一位主持人，在立法會主席訂明的會議日期、地點、時間及方式舉行下一次會議上，負責主持選舉程序。

2、縮短有關附屬法例報告議案的辯論發言時限

第二項建議是修訂《內務守則》第 17 (b) 條，即就內務委員會有關研究附屬法例及其他文書的報告提出的議案辯論，議案動議人及發言的其他議員，每人的發言時間上限，修改為每人 5 分鐘（如辯論未有劃分環節）；或每個環節每人 5 分鐘（如辯論劃分環節）。

3、由議員提出的議案的辯論次序

第三項建議是修訂《內務守則》第 13 條及 15 條，即 13 (b)(iii) 所述的議案，或可能屬 13 (b)(viii) 所涵蓋的議案，除非先獲得內務委員會通過建議優先進行辯論，否則不會獲得按 15 條規定優先於無立法效力的個別議員動議議案進行辯論，而是排列在由個別議員提出的無立法效力議案之後；惟根據《基本法》第 79(6) 或 (7) 條所提出的譴責議案則不受影響，仍需安排在無立法效力的個別議員議案之前進行辯論。

敬希閣下察悉上述的修訂建議，批准在議事規則委員會會議上討論，並提交內務委員會處理，務求盡快改善議會的效率與秩序。肅此函達，敬頌

政祺

張國鈞
立法會議員
議事規則委員會委員

二〇二〇年十月三十日

副本致：議事規則委員會秘書（傳真：2543-9197）

Current arrangements for the election of the chairman of a committee

	Current arrangements	Relevant rules (reproduced in Annex)
I. Election of chairman at first meeting	<p>The chairman of a committee is elected at its first meeting.¹</p> <p>The time and place of the first meeting of the House Committee ("HC"), the Finance Committee ("FC") or a Panel in a term of the Legislative Council are determined by the Member who has the highest precedence on the membership list. For any one of the other sessions of the term, the time and place of the first meeting are determined by the member who was the chairman of the committee concerned for the previous session.</p> <p>In the case of a bills committee or subcommittee (other than a policy subcommittee under a Panel) such time and place are determined by the member who has the highest precedence among the members on the preliminary membership list of that committee.</p>	<ul style="list-style-type: none"> ➤ For HC, Rule 75(2A) of the Rules of Procedure ("RoP"), rule 20(b) and (c) of as well as paragraph 2 of Appendix IV to the House Rules ("HR"). ➤ For FC, RoP 71(2A). ➤ For Panels, HR 22(g) and paragraph 2 of Appendix IV to HR. ➤ For bills committees and subcommittees, paragraph 3 of Appendix IV to HR.
II. Nomination process	<p><u>Making nominations</u></p> <p>The presiding member² shall call for nominations for the chairmanship at the start of the election concerned at the meeting.</p> <p><u>Nomination requirements</u></p> <p>1. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.</p>	<p>Paragraphs 4 and 5 of Appendix IV to HR</p> <p>HR 20(d) of and paragraph 4 of Appendix IV to HR</p>

¹ For the second or each subsequent session of a term, the election of the Chairman and Deputy Chairman of the House Committee and that of the Finance Committee may be conducted at a meeting held before that session commences. The election of the respective chairmen of the Public Accounts Committee, Committee on Members' Interests, Committee on Rules of Procedure, a select committee and an investigation committee are conducted after the election of members of these committees at an HC meeting. After such members are elected, the HC meeting will be suspended for 10 to 15 minutes for the members of the committees to elect chairmen of their respective committees.

² The presiding member is determined according to paragraphs 2, 3 and 5 of Appendix IV to HR.

	Current arrangements	Relevant rules (reproduced in Annex)
	<p><u>Nomination requirements (Cont')</u></p> <ol style="list-style-type: none"> 2. Self-nomination is allowed. 3. A member may nominate more than one member. 4. A member may second more than one member but he/she cannot second himself/herself. 5. A member cannot second any other member once he/she has been nominated and accepted the nomination.³ 	<p>a practice as both RoP and HR are silent in this regard</p>
III. Election forum with presentation of platform by candidates and/or Question and Answer session ("Q & A session")	Different arrangements are adopted by various committees.	Neither RoP nor HR provide for an election forum or Q&A session for nominees.
IV. Balloting process	<ol style="list-style-type: none"> 1. If there is only one nomination, the presiding member shall declare the nominee elected as chairman. 2. If there are two or more nominations, a vote by secret ballot will be conducted. 3. If two or more nominees receive the same highest number of valid votes, the presiding member shall draw lots to decide how he/she shall give the casting vote in respect of these nominees. The presiding member shall give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as chairman. 	<p>Paragraphs 6 to 12 of Appendix IV to HR</p> <p>RoP 71(5C), 75(12E), 76(8B), 77(13B), 79A(2) and paragraphs 11 and 12 of Appendix IV to HR</p>

Council Business Division 4
Legislative Council Secretariat
 9 November 2020

³ This arrangement was made during the election of the FC Chairman for the 2019-2020 session at its meeting on 11 October 2019.

Relevant rules for the election of chairmen of a committee

Rules of Procedure

71. Finance Committee

(2A) The election of the chairman and deputy chairman of the committee for the first session of a term shall take place at the first meeting of the committee in the session. For the second or each subsequent session of the term, the election may take place at a meeting held before that session commences. *(L.N. 126 of 2002)*

X X X X X X

(5C) Notwithstanding the provision in subrule (5B), the chairman or the member presiding, as the case may be, shall have an original vote in addition to his casting vote in the election of the chairman or deputy chairman of the committee or its subcommittees.
(L.N. 214 of 2005)

75. House Committee

(2A) The election of the chairman and deputy chairman of the committee for the first session of a term shall take place at the first meeting of the committee in the session. For the second or each subsequent session of the term, the election may take place at a meeting held before that session commences. *(L.N. 126 of 2002)*

X X X X X X

(12E) Notwithstanding the provisions in subrules (12B) and (12C), the chairman or the member presiding, as the case may be, shall have both an original vote and a casting vote in the election of the chairman or deputy chairman of the committee or its subcommittees. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.
(L.N. 177 of 2005; L.N. 214 of 2005)

76. Bills Committees

(8B) Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have a casting vote in addition to his original vote in the election of the chairman or deputy chairman of a Bills Committee or its subcommittees. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote. *(L.N. 177 of 2005; L.N. 214 of 2005)*

77. Panels

(13B) Notwithstanding the provision in subrule (13), the chairman of, or the member presiding at, a Panel, a subcommittee appointed under subrule (9), a joint subcommittee appointed under subrule (9A) or a joint meeting referred to in subrule (10), as the case may be, shall have a casting vote in addition to his original vote in the election of its chairman or deputy chairman. In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote. *(L.N. 177 of 2005; L.N. 214 of 2005)*

79A. Exercise of Voting Rights of Chairmen of Committees

(2) Where two or more nominees receive the same highest number of valid votes in the election of the chairman or deputy chairman of a committee, as the case may be, lots will be drawn in respect of these nominees, and the chairman or the member presiding, as the case may be, shall exercise his casting vote in accordance with the lot drawn by him.

House Rules ("HR")

20. House Committee

X X X X X X

- (b) The election of the chairman and deputy chairman of the House Committee for the first session of a term shall take place at the first meeting of the committee in the session. The Member who has the highest precedence in the Council

is responsible for calling the first meeting of a term of the House Committee.

- (c) For the second or each subsequent session of a term, the election of the chairman and deputy chairman of the House Committee may take place at a meeting held before that session commences. The meeting shall be called by the chairman in office. If both the chairman and deputy chairman in office before the election are being nominated for the office of the chairman, the member present who has the highest precedence shall preside at the election.
- (d) The procedure for the election of the chairman and deputy chairman of the House Committee is in Appendix IV. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination for office has been secured.

X X X X X X

22. Panels

- (g) Election of chairman and deputy chairman of a Panel should normally take place at the first meeting of the Panel in the session.

Appendix IV to HR

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

The election of the chairman and deputy chairman of a committee shall be conducted at a meeting of the committee.

Election of chairman

Presiding member

2. For the House Committee and Panels —

- (a) Where the election takes place at the first meeting of the House Committee or a Panel in a term of the Legislative

Council, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside;

- (b) At any other election of chairman, the member who was the chairman of the House Committee or the Panel before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was deputy chairman of the House Committee or the Panel before the election shall preside. If both members who were chairman and deputy chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

3. For bills committees and subcommittees —

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

Election procedure

4. At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being

nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.

5. If the presiding member is being nominated for the office, he shall be replaced in accordance with paragraph 2 or 3 above, as appropriate, unless otherwise decided by the committee.

6. If there is only one nomination, the presiding member shall declare the nominee elected as chairman.

7. If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order of their nominations made during the election.

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

9. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation.

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

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

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

**Relevant provisions in Rules of Procedure and House Rules
regarding Members' speaking time limit for a motion debate on a
House Committee report on consideration of subsidiary legislation
and other instruments**

Rules of Procedure

37. Recommendations of House Committee as to Time of Speaking

(1) In relation to any motion or amendment to a motion (other than a motion intended to have legislative effect or to which Part JA (Procedures for Particular Motions) applies) to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may recommend – (*L.N. 311 of 1998*)

- (a) that the mover of the motion should not speak for more than a specified number of minutes (such period to be inclusive of any speech in reply under Rule 33(3A) (Manner of Debating Motions)); (*L.N. 86 of 2000*)
- (b) that the mover of an amendment to the motion should not speak for more than a specified number of minutes; and
- (c) that other Members each should not speak for more than a specified number of minutes.

(2) Where the House Committee so recommends under subrule (1) the Chairman shall cause the President to be notified in writing of the Committee's recommendations.

(3) Any recommendations of the House Committee under subrule (1), if accepted by the President (in which event he shall so inform Members as soon as practicable prior to calling upon the Member to move the motion), shall be binding upon all Members, but not upon designated public officers, and the President shall direct any Member speaking in excess of the recommended specified time to discontinue his speech.

49E. Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments

- (1) (a) A Member may, at a meeting of House Committee held in or not later than the week preceding the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), notify the House Committee that a debate should be held on any subsidiary legislation or instrument referred to in that report, provided that the Member has conveyed his notification to the clerk to the House Committee as an agenda item for that meeting of House Committee.
- (b) If there is no meeting of House Committee in the week preceding the Council meeting at which a report referred to in paragraph (a) is presented, notification that a debate should be held shall be conveyed to the clerk to the House Committee not later than 6 clear days before that Council meeting, unless notification has been made at an earlier meeting of House Committee.

(2) Upon receipt of the notification that a debate should be held, the chairman of the House Committee shall, after notice has been given not less than 2 clear days before the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), move a motion to take note of that report in relation to any specific item of subsidiary legislation or instrument:

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

(3) If the chairman of the House Committee will not be present to move the motion referred to in subrule (2), the deputy chairman of the House Committee shall give notice and move that motion and in the event that both of them will not be present, the Member who will be present at the Council meeting referred to in subrule (2) and has the highest precedence in the order of precedence of Members as determined in accordance with Rule 1A (Precedence of Members) shall do so.

(4) A motion under subrule (2) shall be moved in the following form:

“That this Council takes note of Report No. (serial number) of the House Committee laid on the Table of the Council on (date of Council meeting at which the House Committee report is laid on the Table of the Council) in relation to the subsidiary legislation and instrument(s) as listed below:

<u>Item Number</u>	<u>Title of Subsidiary Legislation or Instrument</u>
(item number)	(title of subsidiary legislation or instrument on which debate should be held under subrule (1) and the notice number or reference in the Gazette).”.

(5) No amendment may be moved to a motion moved under subrule (2).

(6) If notice has been given under Rule 29(2) (Notice of Motions and Amendments) to amend any subsidiary legislation or instrument, no motion shall be moved under subrule (2) in relation to that subsidiary legislation or instrument.

(7) If the motion relates to more than one item of subsidiary legislation or instruments, the debate on that motion may be divided into sessions each of which relates to one or more items of subsidiary legislation or instruments.

(8) Subject to Rule 38 (Occasions when a Member may Speak more than once), a Member may speak only once in a debate on a motion moved under subrule (2) and, if the debate is divided into sessions, he may speak once in each of the sessions.

(9) After Members and designated public officers have spoken on a motion moved under subrule (2), the debate comes to a close. The President shall not put any question and the Council shall proceed to the next item of business.

(L.N. 245 of 2009)

House Rules ("HR")

17. Motion Debates

X X X X X X

(b) Unless otherwise decided by the House Committee, the following speaking time limits for a motion debate shall be deemed to have been agreed by the House Committee and shall be recommended to the President under Rule 37 of the Rules of Procedure -

Maximum time allowed

For a debate on a motion on a report of the House Committee on the consideration of subsidiary legislation and other instruments

Mover of the motion and other speakers	15 mins each (for a debate which is not divided into sessions)	15 mins each for each session (for a debate which is divided into sessions)
----------------------------------------	-------------------------------------------------------------------	--------------------------------------------------------------------------------

For other motion debates

Mover of the motion	
- introductory speech and reply	15 mins (in total)
- speech on proposed amendment(s)	5 mins (in total)

Mover of amendment to the motion 10 mins

Other speakers 7 mins each

Member who has been given permission to reword his original proposed amendment to a motion which has been amended earlier on Additional 3 minutes

Relevant provisions in Basic Law, Legislative Council (Powers and Privileges) Ordinance (Cap. 382), Rules of Procedure and House Rules regarding order of debates on Members' motions

The Basic Law

Article 73

The Legislative Council of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

X X X X X X

- (5) To raise questions on the work of the government;

X X X X X X

- (10) To summon, as required when exercising the above-mentioned powers and functions, persons concerned to testify or give evidence.

Article 79

The President of the Legislative Council of the Hong Kong Special Administrative Region shall declare that a member of the Council is no longer qualified for the office under any of the following circumstances:

X X X X X X

- (6) When he or she is convicted and sentenced to imprisonment for one month or more for a criminal offence committed within or outside the Region and is relieved of his or her duties by a motion passed by two-thirds of the members of the Legislative Council present; and

- (7) When he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the members of the Legislative Council present.

Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

9. Power to order attendance of witnesses

- (1) The Council or a standing committee thereof may, subject to sections 13 and 14, order any person to attend before the Council or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.
- (2) The powers conferred by subsection (1) on a standing committee may be exercised by any other committee which is specially authorized by a resolution of the Council to exercise such powers in respect of any matter or question specified in the resolution.

Rules of Procedure

18. Order of Business at a Meeting

(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), or the first meeting of a term or a meeting to elect the President shall be transacted in the following order:

- (a) Administration of oath or affirmation.
- (b) Obituary and other ceremonial speeches.
- (c) Reading by the President of messages and announcements by the President.
- (d) Presentation of petitions.
- (e) Laying on the Table of papers and of reports of committees.
- (f) Asking and answering of questions put to the Government.
- (g) Statements by designated public officers.
- (h) Personal explanations.

- (i) Government bills.
- (j) Government motions other than those specified in paragraph (ja). (*L.N. 245 of 2009*)
- (ja) Government motions on subsidiary legislation and other instruments made under an Ordinance. (*L.N. 245 of 2009*)
- (jb) Members' motions on subsidiary legislation and other instruments made under an Ordinance. (*L.N. 245 of 2009*)
- (k) Members' bills.
- (l) Members' motions other than those specified in paragraph (jb). (*L.N. 245 of 2009*)
- (m) Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).
- (n) Proceedings under Rule 16(4) (Motions for the Adjournment of the Council).

(2) The items of business mentioned in paragraphs (a), (b), (c), (d), (e), (g) and (h) of subrule (1) shall not require notice; but with the exception of items (a) and (c) they shall not be entered upon save with the previous leave of the President.

19. The Agenda of the Council

(1) The Agenda of the Council shall be decided by the President, and shall be in Chinese and English. Subject to subrule (1A), all items of business for a meeting of which notice has been given shall be placed on the Agenda for that meeting in the order required by Rule 18 (Order of Business at a Meeting). (*L.N. 187 of 2017*)

(1A) In respect of any motion or any bill to be placed on the Agenda for a meeting of the Council, the President or the Chairman of a

committee of the whole Council shall have the power to select the amendments, new clauses or new schedules to be proposed to such motion or bill, and also the power to direct two or more motions or amendments considered by him to be cognate to be combined.

(L.N. 187 of 2017)

(2) All questions to the Government shall be placed on the Agenda of the Council in accordance with the provisions of Rule 26(1) and (2) (Asking and Answering of Questions).

(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) or the first meeting of a term or a meeting to elect the President.

29. Notice of Motions and Amendments

(1) Except as otherwise provided in these Rules of Procedure, no motion shall be moved in the Council or a committee of the whole Council unless notice of it has been given not less than 12 clear days before the day on which the motion is to be considered by the Council or a committee of the whole Council:

Provided that the President or Chairman, as the case may be, may in his discretion dispense with such notice.

X X X X X X

PART JA

PROCEDURES FOR PARTICULAR MOTIONS

49A. Application of this Part

In any matter not provided for in this Part, the Rules in other Parts shall apply as appropriate.

(L.N. 311 of 1998)

49B. Disqualification of Member from Office

(1) A motion to relieve a Member of his duties as a Member under Article 79(6) of the Basic Law shall be moved in the following form:

“That whereas (name of Member) was convicted on (date) in (court) in (place) of a criminal offence(s) and was sentenced on (date) by (court) to imprisonment for one month or more (as particularized in the Schedule to this motion), this Council relieves (name of Member) of his/her duties as a Member of the Legislative Council.”.

(1A) A motion to censure a Member under Article 79(7) of the Basic Law shall be moved in the following form:

“That this Council, in accordance with Article 79(7) of the Basic Law, censures (name of Member) for misbehaviour/breach of oath under Article 104 of the Basic Law/misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).”.

(L.N. 107 of 1999)

(2) No amendment may be moved to a motion moved under subrule (1) or (1A). *(L.N. 107 of 1999)*

(2A) Upon the moving of a motion under subrule (1A), debate shall be adjourned and the matter stated in the motion shall be referred to an investigation committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders. If the latter motion is agreed to by the Council, no further action shall be taken on the motion moved under subrule (1A). *(L.N. 107 of 1999)*

(3) The passage of a motion moved under subrule (1) or (1A) shall require a two-thirds majority vote of the Members present. *(L.N. 107 of 1999)*

(4) Where the Council has decided to relieve a Member of his duties or to censure a Member, the President shall declare forthwith that the Member is no longer qualified for his office. *(L.N. 107 of 1999)*
(L.N. 311 of 1998)

78. Select Committees

(1) The Council may appoint one or more select committees to consider matters or bills which the Council may refer to the committee.
(L.N. 107 of 1999)

(2) The President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee.

(3) The quorum of a select committee shall be one third of the members excluding the chairman, a fraction of a whole number being disregarded.

(4) A select committee shall, as soon as it has completed consideration of the matter or bill referred to it, report to the Council thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the matter or bill before the end of a term, it shall so report to the Council. *(L.N. 107 of 1999)*

(5) At the end of a term every select committee of the Council shall be dissolved. *(L.N. 107 of 1999)*

79. Procedure of Select Committees

(1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Council, and in the case of a select committee on a bill shall be confined to the bill committed to it and relevant amendments.

(2) A select committee shall meet at the time and the place determined by the chairman. The meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee. *(L.N. 227 of 2006)*

(3) In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. *(L.N. 214 of 2005)*

(4) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee.

(5) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(6) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall give a casting vote. *(L.N. 214 of 2005)*

- (7) (a) A member of a select committee may bring a report for their consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr.'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.
- (b) The committee shall then go through the report paragraph by paragraph and the provisions of Rule 58 (Procedure in Committee of the Whole Council on a Bill) shall apply as if the report were a bill and the paragraphs were the clauses of the bill.
- (c) When consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered the chairman shall put the question that this report be the report of the committee to the Council.

(8) A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Council.

(9) The minutes of proceedings of the committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(10) A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Council by the chairman of the committee.

House Rules ("HR")

13. Number of Debates Initiated by Members

- (a) Not more than two motion debates initiated by Members should be held at each regular Council meeting. However, the holding of more than two such motion debates or an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure in addition to not less than two such motion debates may be allowed by the President under special circumstances upon the recommendation of the House Committee.
- (b) The motion debates mentioned in (a) above do not include debates on the following types of motions -
 - (i) particular motions (Part JA of the Rules of Procedure);
 - (ii) motions relating to bills (Part K of the Rules of Procedure);
 - (iii) motions to appoint a select committee and refer matters to it (Rules 78 and 79 of the Rules of Procedure);
 - (iv) motions to amend or suspend the Rules of Procedure;
 - (v) motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council's power on subsidiary legislation));
 - (vi) motions on reports of the House Committee on the consideration of subsidiary legislation and other instruments (Rule 49E of the Rules of Procedure);

- (vii) motions for the adjournment of the Council (Rule 16(2) and (4) of the Rules of Procedure); and
- (viii) motions other than those mentioned above which, if carried, empower the Council, a committee, the President or other person(s) to do a certain act, or invoke certain provisions under the laws or the Rules of Procedure.

15. Order of Debates on Motions

- (a) Debates on motions such as those listed in rule 13(b)(i) to (vi) and (viii) above shall take place before debates on individual Member's motions.

X X X X X X

**The number of motions moved under section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)
or Articles 73(5) and (10) of the Basic Law
(as at 30 October 2020)**

The Legislative Council	With the support of the House Committee			Without the support of the House Committee			Without discussion and/or voting by the House Committee				
	Section 9 of Cap. 382			Section 9 of Cap. 382			Section 9 of Cap. 382			Articles 73(5) and (10) of the Basic Law	
	Requested the appointment of a select committee with the powers to summon witnesses to give evidence or produce documents	Did not request the appointment of a select committee, requested only the powers to summon witnesses to give evidence or produce documents	Total	Requested the appointment of a select committee with the powers to summon witnesses to give evidence or produce documents	Did not request the appointment of a select committee, requested only the powers to summon witnesses to give evidence or produce documents	Total	Requested the appointment of a select committee with the powers to summon witnesses to give evidence or produce documents	Did not request the appointment of a select committee, requested only the powers to summon witnesses to give evidence or produce documents	Total	Requested the powers to summon witnesses to give evidence or produce documents	Total
The First term (1998-2000)	1	---	1	---	---	---	---	1	1	---	---
The Second term (2000-2004)	2	---	2	2	---	2	---	1	1	---	---
The Third term (2004-2008)	---	---	---	---	1	1	---	1	1	---	---
The Fourth term (2008-2012)	2	2	4	4	5 ¹	9 ¹	1	---	1	---	---
The Fifth term (2012-2016)	1	---	1	15 ²	2	17 ²	1 ³	---	1 ³	---	---
The Sixth term ⁴ (2016-2021)	---	---	---	2	---	2	20 ⁵	1	21 ⁵	42 ⁶	---
Grand Total	6	2	8	23	8	31	22	4	26	42⁶	42⁶

¹ This figure includes three motions which were not dealt with due to the prorogation of the Council.

² This figure includes one motion which was not dealt with due to the prorogation of the Council.

³ This motion was not dealt with due to the prorogation of the Council.

⁴ Originally, the term of the Sixth Legislative Council is to end on 30 September 2020. Pursuant to the Decision of the Standing Committee of the National People's Congress on the Continuing Discharge of Duties by the Sixth Term Legislative Council of the Hong Kong Special Administrative Region made on 11 August 2020, the Sixth Legislative Council is to continue to discharge duties after 30 September 2020 for not less than one year until the term of the Seventh Legislative Council begins.

⁵ Including three motions which had been withdrawn and four motions which could not be moved as the movers ceased to be Members of the Legislative Council.

⁶ Including 15 motions which had been withdrawn, five motions which lapsed because they had not been moved and dealt with before the date on which witness(es) were summoned under the motions concerned, and 10 motions which have not yet been moved.

The number of motions which Members intended to move under section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) or Articles 73(5) and (10) of the Basic Law but decided not to propose to the Council after the motions were not supported by the House Committee

(as at 30 October 2020)

The Legislative Council	Section 9 of Cap. 382			Articles 73(5) and (10) of the Basic Law	
	Requested the appointment of a select committee with the powers to summon witnesses to give evidence or produce documents	Did not request the appointment of a select committee, requested only the powers to summon witnesses to give evidence or produce documents	Total	Requested the powers to summon witnesses to give evidence or produce documents	Total
The First term (1998-2000)	---	---	---	---	---
The Second term (2000-2004)	---	---	---	---	---
The Third term (2004-2008)	1	---	1	---	---
The Fourth term (2008-2012)	1	1	2	---	---
The Fifth term (2012-2016)	---	2	2	---	---
The Sixth term* (2016-2021)	---	1	1	---	---
Grand Total	2	4	6	---	---

* Originally, the term of the Sixth Legislative Council is to end on 30 September 2020. Pursuant to the Decision of the Standing Committee of the National People's Congress on the Continuing Discharge of Duties by the Sixth Term Legislative Council of the Hong Kong Special Administrative Region made on 11 August 2020, the Sixth Legislative Council is to continue to discharge duties after 30 September 2020 for not less than one year until the term of the Seventh Legislative Council begins.

**Motion debates allocated with slots
pursuant to rule 14 of the House Rules**

Legislative Council ("LegCo")	Session	Number of motions allocated with debate slots ¹		Average number of motions each Member may move ²	
		Each Session	Each Term	Each Session	Each Term
The Fourth LegCo (59 Members)	2008-2009	52	190	0.9	3.2
	2009-2010	54		0.9	
	2010-2011	54		0.9	
	2011-2012	30 ³		0.5	
The Fifth LegCo (69 Members)	2012-2013	50	118	0.7	1.7
	2013-2014	41		0.6	
	2014-2015	18		0.3	
	2015-2016	9 ⁴		0.1	
The Sixth LegCo ⁵ (69 Members)	2016-2017	32	79	0.5	1.1
	2017-2018	13		0.2	
	2018-2019	34		0.5	
	2019-2020	0		0	

Note:

- 1 Such motions do not include: the Motion of Thanks moved by a Member in his/her capacity as the Chairman of the House Committee, motions for the adjournment of the Council moved under Rule 16(2) and (4) of the Rules of Procedure, motions moved by committees of the Council that had been allocated debate slots under rule 14A of the House Rules, as well as motions not dealt with due to the prorogation of the Council (i.e. motions referred to in Notes 3 and 4 below).
- 2 Rule 14(a) of the House Rules-
Before 22 June 2012: Each Member is normally allocated only **one** slot for moving a motion debate or proposing one adjournment debate in **a session**.
On or after 22 June 2012: Each Member is normally allocated **three** slots for moving motion debates in **a term**.
- 3 Not including 23 motions that had been permitted but not dealt with due to the prorogation of the Council.
- 4 Not including 11 motions that had been permitted but not dealt with due to the prorogation of the Council.
- 5 Originally, the term of the Sixth Legislative Council is to end on 30 September 2020. Pursuant to the Decision of the Standing Committee of the National People's Congress on the Continuing Discharge of Duties by the Sixth Term Legislative Council of the Hong Kong Special Administrative Region made on 11 August 2020, the Sixth Legislative Council is to continue to discharge duties after 30 September 2020 for not less than one year until the term of the Seventh Legislative Council begins.

Appendix VII

Number of meetings held and total time used by those committees using more than one meeting in the election of committee chairmen in the 2019-2020 session

	House Committee	Finance Committee	Panel on Security	Panel on Administration of Justice and Legal Services	Education Panel's Subcommittee to Study the Development of Textbooks and Teaching Materials for Kindergartens, Primary and Secondary Schools¹	Panel on Constitutional Affairs	Panel on Development	Panel on Health Services	Panel on Manpower
Number of meetings held for the election of chairman	18 ² (from 15.10.2019 to 18.5.2020)	2 (11.10.2019 and 14.10.2019)	4 (from 17.10.2019 to 16.12.2019)	5 (from 17.10.2019 to 20.1.2020)	4 (from 28.4.2020 to 13.7.2020)	3 (from 18.10.2019 to 3.12.2019)	2 (17.10.2019 and 22.10.2019)	2 (17.10.2019 and 21.10.2019)	2 (17.10.2019 and 29.10.2019)
Total time used for election of committee chairman	29 hrs	10 hrs 16 mins	4 hrs 23 mins	4 hrs 9 mins	2 hrs 33 mins	2 hrs 23 mins	1 hr 27 mins	1 hr 8 mins	36 mins

¹ The election of the chairman of that Subcommittee has not yet been completed.

² Including the last House Committee meeting held on 15 October 2019 in the 2018-2019 session.

Questionnaire

(to be returned by Monday, 23 November 2020)

Fax No. : 2543 9197

To : Mr Colin CHUI
Clerk to Committee on Rules of Procedure
Legislative Council

Committee on Rules of Procedure

Consultation with all Members

My views on Hon CHEUNG Kwok-kwan's proposals to amend the House Rules ("HR") (details in Appendix I to LC Paper No. CROP 8/20-21) are as follows:

(Please tick as appropriate. If the space for comments is insufficient, please provide your comments in separate sheets.)

I. Improving procedure for election of chairman and/or deputy chairman (*paragraphs 2 to 4, 11, 14 and 15 of the paper*)

1. Nominations (*paragraphs 2 and 3 of Appendix I*)

- (a) nominations are to be made in writing to the Secretariat before the election by a deadline to be set by the Secretariat which will notify members of it;
- (b) withdrawal of a nomination is not allowed after the deadline;
- (c) a nomination shall be valid if a member making the nomination signs on a nomination form which is also signed by another member seconding the nomination and by the member being nominated to indicate acceptance of the nomination. Self-nomination is allowed. The name of a member shall not appear on more than one nomination form (whether in the capacity as a member being nominated or as a member making or seconding the nomination); and
- (d) nominations (whether orally or in writing) made at the meeting for the election are not allowed.

Support

Not support

No comment

Other views/proposals, if any:

2. No election forum or question and answer session (*paragraph 4 of Appendix I*)

- no session for making speeches including nominees' presentation of platform, their taking of questions, their making speeches and holding debate.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
----------------------------------	--------------------------------------	-------------------------------------

Other views/proposals, if any:

3. Order in election (*paragraph 4 of Appendix I*)

- the member presiding at the election shall have the power to order a Member whose conduct is grossly disorderly to withdraw immediately from the committee for the remainder of that meeting and shall have all the ancillary powers to ensure the orderly, fair and proper conduct of proceedings.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
----------------------------------	--------------------------------------	-------------------------------------

Other views/proposals, if any:

4. Date, time and place of committee meeting for election of chairman and deputy chairman (*paragraph 5 of Appendix I*)

- (a) the date, time and place of the first House Committee ("HC") meeting in a term to elect its chairman and deputy chairman shall be determined by the President of the Legislative Council ("the President");
- (b) the date, time and place of the first meeting of any of the other committees (i.e. Panels, bills committees and subcommittees) to elect its chairman and deputy chairman shall be determined by the HC Chairman;
- (c) the duration of the meeting for the election of committee chairman and deputy chairman shall not generally exceed 30 minutes (except that the time limit shall not apply to the case when the committee chairman has been elected but the deputy chairman has not been elected); and
- (d) once the 30-minute time limit is reached, the meeting shall end and:
 - (i) where the HC Chairman is not elected within the time limit, the President shall appoint another member to preside at such election to be conducted at the next HC meeting. The date, time and place of that meeting are to be determined by the President;
 - (ii) where the chairmen of other committees are not elected within the time limit, the HC Chairman shall appoint another member to preside at such election at the next meeting of the committee concerned. The date, time and place of that meeting are to be determined by the HC Chairman.

Support

Not support

No comment

Other views/proposals, if any:

II. Shortening Members' speaking time limit for a motion debate on a House Committee report on consideration of subsidiary legislation and other instruments (*paragraphs 5, 12, 16 and 17 of the paper*)

5. The speaking time limit for each Member in a debate on a motion on an HC report on the consideration of subsidiary legislation and other instruments under Rule 49E of the Rules of Procedure ("RoP") is shortened from **15 minutes to 5 minutes**. The shortened time limit applies to a debate which is not divided into sessions. For a debate which is divided into sessions, the shortened time limit applies to each Member for each session. (*paragraph 6 of Appendix I*)

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
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Other views/proposals, if any:

III. Order of debates on Members' motions (*paragraphs 6 to 9, 13, and 18 to 20 of the paper*)

6. Unless debates on motions mentioned in HR 13(b)(iii)¹ or (viii)² have been accorded priority with HC's prior endorsement, such debates shall take place after (not before) debates on individual Members' motions not intended to have legislative effect. Debates on the motions proposed under Article 79(6) or (7) of the Basic Law, i.e. particular motions for disqualification of Members from office

¹ Motions to appoint a select committee and refer matters to it (RoP 78 and 79).

² Motions other than those mentioned in HR 13(b)(i) to (vii) which, if carried, empower the Council, a committee, the President or other person(s) to do a certain act, or invoke certain provisions under the laws or RoP. Motions referred to in HR 13(b)(iii) are those mentioned in Footnote 1. The motion referred to in HR 13(b)(i), (ii) and (iv) to (vii) are particular motions (Part JA of RoP), motions relating to bills (Part K of RoP), motions to amend or suspend RoP, motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council's power on subsidiary legislation)), motions on reports of HC on the consideration of subsidiary legislation and other instruments (RoP 49E) and motions for the adjournment of the Council (RoP 16(2) and (4)) respectively.

referred to in Part JA of RoP as well as HR 13(b)(i) and 15(a), shall still take place before debates on individual Members' motions not intended to have legislative effect. (*paragraph 7 of Appendix I*)

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
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Other views/proposals, if any:

IV. Additional comments

Signature : _____

Name of Member : _____

Date : _____