

立法會
Legislative Council

LC Paper No. CROP 82/20-21

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Tel : 3919 3204
Date : 26 July 2021
From : Clerk to Committee on Rules of Procedure
To : All Members of the Legislative Council

Committee on Rules of Procedure

**Consultation on proposals to amend the Rules of Procedure and House Rules
Third 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") which relate to the following areas:

- (a) Membership and election of the chairman and deputy chairman of the Finance Committee ("FC") and House Committee ("HC"), and proposed amendments relating to the operation of HC (*paragraphs 3 to 9 refer*); and
- (b) Observance of silence at a Council meeting (*paragraph 10 refers*).

Background

2. Since the 2020-2021 session, CRoP has been reviewing the rules and practices of the Legislative Council ("LegCo"). After the first and second¹ batches of amendments to RoP and HR had respectively come into operation in March and July 2021, the third phase of the review is now underway. At its meeting on 20 July 2021, CRoP considered the third batch

¹ Except for the amendments to RoP 75, 76 and 77 relating to the committee membership and election of the chairman and deputy chairman of a committee which are to come into operation on the day on which the Seventh LegCo begins.

of proposed amendments to RoP and HR² and agreed to invite Members' views on the proposals to amend RoP and HR which are divided into two groups according to the areas specified in paragraph 1. The objectives and details of the proposals are set out in the ensuing paragraphs.

Proposal 1: Membership and election of the chairman and deputy chairman of the Finance Committee and House Committee, and proposed amendments relating to the operation of the House Committee (Items 1 to 3 of Appendix IV)

3. CRoP considered and discussed the proposal of Ir Dr Hon LO Wai-kwok on the membership of FC and HC ("the proposal of Ir Dr Hon LO Wai-kwok") (**Appendix I** refers), the proposed amendments to RoP and HR relating to the proposal of Ir Dr Hon LO Wai-kwok, the procedure for the election of the chairman and deputy chairman of FC and HC, and the proposed amendments to HR relating to the operation of HC. CRoP agreed to invite Members' views on the proposals for implementation in the Seventh LegCo as detailed in items (i) to (iii) below.

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

4. Considering that the number of LegCo seats will be increased from 70 to 90 in the Seventh LegCo and that Members may have different priorities of work, Ir Dr Hon LO Wai-kwok is of the view that it should no longer be mandatory for all the Members other than the President to be members of FC and HC. Instead, Members should be given the choice as to whether to join FC and/or HC. Having regard to the importance of FC³ and HC⁴ in performing the functions of LegCo, Ir Dr Hon LO suggests that the two committees should each consist of not less than 50 members including the chairman. In his view, the proposed membership size can ensure that the decisions made or views expressed by the committee members are representative of the majority view of Members of LegCo while also

² Including the consequential amendments to be made to RoP 46(2) (Decision on Motions) to align with the new split voting procedures for the passage of motions, bills or amendments thereto moved by individual Members under Article 7 of the amended Annex II to the Basic Law.

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

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

keeping the committee to a manageable size. CRoP noted that if the proposal of Ir Dr Hon LO Wai-kwok is taken forward, the proposed amendments to RoP and HR as detailed in **Appendix II** should be made.

5. While CRoP members considered it reasonable for Members to be given the choice as to whether to join FC and/or HC, members expressed various views as to whether or not the two committees should each consist of not less than 50 members including the chairman. Some members considered it not necessary to specify the membership size for the two committees.⁵ CRoP agreed that Members' views should be sought before a concrete proposal is taken forward.⁶

6. Members may wish to note that it has all along been the practice that a Member can attend any open meetings of any committees, irrespective of whether or not he/she is a member of those committees.⁷ CRoP agreed that if the above proposal for membership of FC and HC is taken forward, Members who are not members of FC or HC may attend their meetings and join the discussion of agenda items. Members may also wish to note that under the proposed amended provisions of RoP and HR relating to committee membership that will be implemented in the Seventh LegCo, membership of Bills Committees ("BCs") and subcommittees ("SCs") appointed by HC will be open to all Members other than the President. CRoP agreed that FC be recommended to consider adopting the same arrangements for its two SCs.

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

7. In the second phase of review of RoP and HR, it has been agreed that the existing election procedure be amended to ensure that election of the chairman and deputy chairman of a committee⁸ could be conducted

⁵ RoP 71(5A) stipulates that the chairman and eight other members of FC shall form a quorum of the committee. For HC, it is stipulated in RoP 75(12A) that 20 members, including the chairman, shall form a quorum.

⁶ Subject to the concurrence of the Chairman of CRoP, necessary and suitable modifications will be made to the proposed amendments to RoP and HR as detailed in Appendix II having regard to Members' views received.

⁷ HR 24(d) provides that all Members, irrespective of whether they are members of that committee, may attend the meetings of the committee, and their views may be recorded in the minutes of meetings of the committee concerned. Members who attend the meetings of the committee but who are not its members, do not have any voting right in respect of the business of the committee.

⁸ Committee refers to a Panel, a BC and a SC appointed by HC, a Panel, two or more Panels or a BC. For details, please refer to Appendix III to the CRoP Paper for the HC meeting on 25 June 2021 (LC Paper No. CROP 71/20-21).

smoothly and be completed within a reasonable period of time. In gist, starting from the Seventh LegCo, all nominations for chairmanship and deputy chairmanship are required to be submitted through electronic means before a specified deadline, and 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 the chairmanship, the member who has the highest precedence shall be deemed to be elected as chairman. If there is only one valid nomination for the chairmanship, the nominee will be deemed to be elected as chairman. The election, if held, shall be completed within a specified time limit. 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.

8. Given that FC (and its two SCs) and HC have all along adopted the same election procedure as Panels, BCs and SCs, CRoP agreed that the aforesaid election procedure should also apply to HC, with modifications, and that recommendations should be made to FC to adopt a similar election procedure for FC and its two SCs. Details of the proposed amendments to the procedures for election of chairman and deputy chairman of HC are set out in **Appendix III**.⁹

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

9. If amendments are made to the effect that HC may not consist of all the Members other than the President, to ensure that any business required to be considered and/or decided by HC can be dealt with in an efficient and timely manner, it is proposed that the relevant provisions of HR be amended to the effect that:

- (a) a Member, irrespective of whether or not he/she is a member of HC, who wishes to seek HC's agreement or recommendation on matters relating to Council business (such as those referred to in HR 13(c), 14(i), 14(k)(ii) and 15(ab)) should make a request in writing to the HC Chairman for it to be considered at an HC meeting. The

⁹ Having regard to Members' views, Appendix IV to HR will be amended to set out further details of the election procedures for the chairman and deputy chairman of HC, Panels, BCs and SCs. The proposed amended Appendix IV to HR will be provided for CRoP's consideration, and subject to CRoP's agreement, be submitted to HC for approval thereafter.

deadline for submitting such request is the deadline for proposing agenda items for an HC meeting as stated in HR 20(f)(i) (i.e. normally 5:00 pm on the Tuesday before the HC meeting);

- (b) the HC Chairman shall have power to decide the agenda of a meeting, and also the power to decide the time and arrangements of a meeting, and to set time limits for dealing with agenda items of a meeting. The purpose of the proposed amendment is to state clearly that the HC Chairman shall have power to decide meeting arrangements for HC, e.g. inviting Members who are not HC members to speak on their requests at an HC meeting, inviting chairmen of BCs/SCs who are not HC members to report to HC the deliberations of the committees concerned, and the order of speaking; and
- (c) Members may indicate their intention to join a BC by a show of hands at the HC meeting at which a bill is allocated to that BC, or by informing the HC Chairman of such intention before the close of that HC meeting. If not less than three Members have so indicated, or informed the HC Chairman of, such intention, the BC will be formed. By virtue of HR 26(f), this proposed amendment will also apply to SCs appointed by HC to study subsidiary legislation and other instruments.

Proposal 2: Observance of silence at a Council meeting (*Item 4 of Appendix IV*)

10. Under the established practice, the President may order or allow an observance of silence at the beginning of a Council meeting. Some of the observances in the past were proposed by Members. In order to give the President of LegCo sufficient time to consider the merits of such proposals, **a new provision 1C** is proposed to be added to HR to provide that should a Member wish to initiate an observance of silence at a Council meeting, **prior permission of the President** shall be obtained **before** that meeting and the observance of silence shall take place only at the **beginning of a Council meeting**.

Questionnaire

11. Members are invited to give their views on the above proposals by completing and returning the questionnaire in **Appendix IV by Wednesday, 11 August 2021**. Subject to the concurrence of Hon Paul TSE, Chairman of CRoP, necessary and suitable modifications may be made to 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/approval 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, SALA3,
H(PI), ALA2, CCS(2)5



香港 中區 立法會道 1 號
立法會綜合大樓
議事規則委員會主席
謝偉俊議員, JP

附錄 I
Appendix I
(只備中文本)
(Chinese version only)

立法會CROP 72/20-21號文件
LC Paper No. CROP 72/20-21

謝主席鈞鑒：

就財務委員會和內務委員會的委員人數的建議

按《議事規則》的現行規定，財務委員會和內務委員會的委員為全體議員，但立法會主席除外。由於第七屆立法會的議席數目將會由 70 席增加至 90 席，考慮到議員可能各有不同的工作優次，上述規定或會對個別議員在安排工作方面構成不便，再者，委員人數眾多亦可能影響議事效率。另一方面，鑒於該兩個委員會的重要性及獨特的工作性質，例如財務委員會須審批政府當局的財務建議，內務委員會則須決定是否就立法會交付的法案成立法案委員會及決定研究附屬法例的研究方式等。為了令該等決定能反映議會大部分議員的意見，上述兩個委員會的委員人數應多於全體議員人數的一半。

基於以上所述，謹建議議事規則委員會考慮修改《議事規則》的相關條文，讓議員可以自由報名加入財務委員會及內務委員會，並將該兩個委員會的委員人數訂明為不少於 50 名委員(包括主席在內)。

順頌
公祺！

盧偉國

立法會議員(工程界)

博士 工程師 金紫荊星章、太平紳士

二〇二一年七月六日

副本致委員會秘書莫穎琛小姐：rp_c@legco.gov.hk

Proposed amendments to the Rules of Procedure and House Rules relating to the proposal of Ir Dr Hon LO Wai-kwok on the membership of the Finance Committee and House Committee¹

It is proposed that the relevant provisions of the Rules of Procedure and House Rules² ("HR") be amended to the effect that:

- (a) **when a new term commences**, Members who intend to join the Finance Committee ("FC") or/and the House Committee ("HC") may do so by **submission of returns to the Secretariat before a specified deadline. The term of office of a member of the committee shall be the whole term of the Council except in the case of resignation from that committee. For the second and each subsequent session of a term**, a Member who wishes to join FC and/or HC may do so by **submission of a return to the Secretariat by a specified deadline**. The deadline for submission of return shall be taken as the time when the Member's membership of the committee takes effect;
- (b) FC and HC shall each consist of **not less than 50 members including the chairman**;
- (c) in the event that less than 50 Members have joined HC by the deadline for submission of returns, the deadline for submission of returns will be automatically extended to noon on the next day which is not a Saturday or a public holiday. If, upon the expiry of the extended deadline, less than 50 Members have joined HC, the deadline will automatically be further extended for one day each time until not less than 50 Members have joined HC. In the event that a change of membership of HC or the Council occurs such that HC consists of less than 50 members including the chairman, the President may direct that Members be invited to join HC by submission of returns to the Secretariat by a specified deadline;

¹ The proposal of Ir Dr Hon LO Wai-kwok is set out in Appendix I.

² The Committee on Rules of Procedure has agreed that recommendations should be made to FC and its two subcommittees to adopt similar procedures for signification of membership and application of late membership to be set out in the proposed amended HR.

- (d) it is for HC to decide whether an application for late membership should be accepted and such application shall only be accepted if there exist sufficient grounds for doing so; and
- (e) a Member who joins the Council after the start of a session may join HC by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council.

**Proposed amendments to the procedure for
the election of chairman and deputy chairman of the House Committee¹**

To ensure that election of the chairman and deputy chairman of the House 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. If there is only one valid nomination for the chairmanship, the nominee shall be deemed to be elected as chairman;**
- (b) when presiding at the election concerned, the presiding member² 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 House Committee to be specified by the President will call another meeting** to conduct the election and preside at the remaining proceedings of the election. In such cases, the President will have the discretion to decide whether to set a time limit for the election having regard to the actual circumstances of each case.

¹ The Committee on Rules of Procedure has agreed that the amended election procedure should apply to the House Committee, and recommendations should be made to the Finance Committee ("FC") to adopt a similar election procedure for FC and its two subcommittees.

² Please refer to paragraph 2 of Appendix IV to the House Rules for the meaning of the term "presiding member".

Questionnaire

(to be returned by Wednesday, 11 August 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 82/20-21 are as follows:

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

Proposal 1: Membership and election of the chairman and deputy chairman of the Finance Committee and House Committee, and proposed amendments relating to the operation of the House Committee (paragraphs 3 to 9 of LC Paper No. CROP 82/20-21)

Item	Proposed amendments/arrangements	*My views
1.	<p><u>Membership of the Finance Committee ("FC") and House Committee ("HC")</u></p> <p>It is proposed that the relevant provisions of RoP and HR should be amended to the effect that it should no longer be mandatory for all the Members other than the President to be members of FC and HC. Instead, Members should be given the choice as to whether to join FC and/or HC.</p> <p>If you support the above, please indicate <u>which one</u> of the following should be adopted:</p> <p><input type="checkbox"/> FC and HC shall each consist of not less than 50 members including the chairman.</p> <p style="text-align: center;"><u>OR</u></p> <p><input type="checkbox"/> it is not necessary to specify the membership size for FC or HC.</p>	<p>Support / Not support / No comment</p> <p><i>Other views/proposals, if any:</i></p> <p><i>Other views/proposals, if any:</i></p>

Item	Proposed amendments/arrangements	*My views
2.	<p><u>Procedure for the election of chairman and deputy chairman of the Finance Committee (and its two subcommittees) and House Committee</u></p> <p>It is proposed that amendments should be made to the existing election procedure to ensure that election of the chairman and deputy chairman of HC can be conducted smoothly and be completed within a reasonable period of time, as detailed in Appendix III to LC Paper No. CROP 82/20-21.</p>	<p>Support / Not support / No comment</p> <p><i>Other views/proposals, if any:</i></p>
3.	<p><u>Proposed amendments relating to the operation of the House Committee</u></p> <p>If amendments are made to the effect that HC may not consist of all the Members other than the President, to ensure that any business required to be considered and/or decided by HC can be dealt with in an efficient and timely manner, the relevant provisions of HR should be amended to the effect that:</p> <p>(a) a Member, irrespective of whether or not he/she is a member of HC, who wishes to seek HC's agreement or recommendation on matters relating to Council business (such as those referred to in HR 13(c), 14(i), 14(k)(ii) and 15(ab)) should make a request in writing to the HC Chairman for it to be considered at an HC meeting. The deadline for submitting such request is the deadline for proposing agenda items for an HC meeting as stated in HR 20(f)(i) (i.e. normally 5:00 pm on the Tuesday before the HC meeting);</p> <p>(b) the HC Chairman shall have power to decide the agenda of a meeting, and also the power to decide the time and arrangements of a meeting, and to set time limits for dealing with agenda items of a meeting; and</p> <p>(c) Members may indicate their intention to join a Bills Committee ("BC") by a show of hands at the HC meeting at which a bill is allocated to that BC, or by informing the HC Chairman of such intention before the close of the HC meeting. If not less than three Members have so indicated, or informed the HC Chairman of, such intention, the BC will be formed. By virtue of HR 26(f), this proposed amendment will also apply to subcommittees appointed by HC to study subsidiary legislation and other instruments.</p>	<p>Support / Not support / No comment</p> <p><i>Other views/proposals, if any:</i></p>

Proposal 2: Observance of silence at a Council meeting (paragraph 10 of LC Paper No. CROP 82/20-21)

Item	Proposed amendments/arrangements	*My views
4.	A new provision 1C be added to HR to provide that: (a) the President may order or allow an observance of silence at a Council meeting. Should a Member wish to initiate an observance of silence at a Council meeting, prior permission of the President shall be obtained before that meeting; and (b) an observance of silence shall only take place at the beginning of a Council meeting.	Support / Not support / No comment <i>Other views/proposals, if any:</i>

Signature : _____

Name of Member : _____

Date : _____