

立法會
Legislative Council

Issued by e-mail only
LC Paper No. CROP 91/20-21

Ref : CB(2)/CROP/3/101
Tel : 3919 3204
Date : 7 September 2021
From : Clerk to Committee on Rules of Procedure
To : All Members of the Legislative Council

Committee on Rules of Procedure

**Consultation on Hon CHAN Hak-kan's proposals
to amend the Rules of Procedure and House Rules**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on Hon CHAN Hak-kan's proposals to amend the Rules of Procedure ("RoP") and House Rules ("HR") in relation to the operation of committees and the consultation requirement for resumption of the Second Reading debate on a bill in the Council ("resumption of debate").

Background

2. In January 2021, Hon CHAN Hak-kan submitted to CRoP for consideration a number of proposed amendments to various parts of RoP and HR. After the endorsement of the House Committee ("HC") and passage of the relevant resolutions by the Council, some of his proposed amendments have been implemented and some will come into operation on the day on which the Seventh Legislative Council ("LegCo") begins.¹

3. CRoP considered at its meeting on 30 August 2021 Hon CHAN's remaining proposed amendments relating to the operation of committees and the consultation requirement for resumption of debate. It further agreed to invite Members' views on the proposed amendments which Hon CHAN had divided into three groups based on their purposes and objectives (hereafter referred to as "Proposals 1, 2 and 3"). Details of the three proposals are summarized in the ensuing paragraphs.

¹ Details of the proposals are set out in the papers of CRoP to HC (LC Paper Nos. CROP 46/20-21 and 71/20-21).

Proposal 1: Proposed amendments to Rules 75(8), 76(11) and 77(15) of the Rules of Procedure (Item 1 of Appendix II)

4. According to Hon CHAN Hak-kan, it has been a long-standing practice for HC to give directions on matters relating to membership of committees/subcommittees, election of the chairman and deputy chairman of a committee and also on the handling of matters referred to it by the Council or its committees or the President or raised by any of its own members. As he considers that such practice has not been explicitly provided in RoP, he has proposed to **amend RoP 75(8), 76(11) and 77(15) to reaffirm HC's power to give directions**, in addition to providing guidelines, on the handling of the above matters.

Proposal 2: Proposed amendments to rules 20(j)(ii) and 22(t) of the House Rules (Item 2 of Appendix II)

5. Having considered that under the current practice, procedural difficulties and extensive discussions on arrangements may arise when more than two Panels appoint a joint subcommittee to study matters of common interest, Hon CHAN Hak-kan has proposed to **amend HR 20(j)(ii) and 22(t)** to specify that HC may appoint a subcommittee to study an issue of public concern which **straddles the purview of a number of Panels** and where **more than two Panels** wish to appoint a joint subcommittee, **a proposal shall be made to HC for that subcommittee to be formed under HC.**²

Proposal 3: Proposed amendments to Rule 54 of the Rules of Procedure and rules 20(g) and 21(j) of the House Rules (Item 3 of Appendix II)

6. Hon CHAN Hak-kan has proposed to **amend HR 20(g) and 21(j)** to make it clear that if a Bills Committee ("BC") indicates in its report that it has **completed** consideration of the bill allocated to it and the report has been **received by HC**, unless otherwise decided by HC, the bill is regarded as **ready** for resumption of debate in the Council and **the HC chairman shall arrange for the Member or public officer in charge of the bill to be so notified** whereupon the Member or public officer may give notice in writing to the office of the Clerk to LegCo to resume the Second Reading debate on the bill in accordance with RoP 54(5). Furthermore, Hon CHAN has proposed to **remove the requirement to consult the HC chairman under RoP 54(5).**

² At present, HC may set up a subcommittee for the purpose of studying a major issue if the subject matter of the issue straddles the portfolios of a number of Panels and Members who are not members of those Panels may join the subcommittee to study the issue. In the 2020-2021 session, HC has endorsed the proposed appointments of four such subcommittees.

He has emphasized that his proposal relates only to the arrangements governing the giving of notification by the HC chairman to the Member or public officer in charge of a bill. The resumption of debate is **still subject to RoP 54(5)**, which sets out the timeframe for resuming the Second Reading debate on a bill, **and RoP 57(2)**, which specifies the notice requirement for moving an amendment to a bill. Subject to Members' views on Hon CHAN's proposal, consequential amendments would also be made to relevant provisions of HR for HC to determine whether a bill is ready for resumption of debate where: (i) a BC has been formed; and (ii) no BC has been formed.

Current mode of operating Rule 54(5) of the Rules of Procedure

7. In accordance with RoP 54(4), except in relation to an Appropriation Bill, when the Member or public officer in charge of a bill has spoken on a motion that the bill be now read the second time, the debate shall be adjourned and the bill shall be referred to HC unless the Council otherwise orders. At present, RoP 54(5)³ provides that the Member or public officer in charge of a bill should **consult the HC chairman before he gives notice** to the Clerk to LegCo for resumption of debate.⁴ HC normally will consider the report of a BC after completion of its scrutiny of the bill at an HC meeting. Where Members raise **no objection** to the resumption of debate at a Council meeting, the HC chairman **shall arrange** for the Member or public officer in charge of the bill to be so notified. Members may wish to note that while the HC chairman is being consulted on a personal capacity under RoP 54(5), it is a standing practice for the HC chairman to ascertain the collective view of HC before he so advises the Member or public officer in charge of the bill. Where no BC is formed to study a bill, HR 20(h)(i) provides that HC may, having considered the Legal Adviser's report (and further reports where necessary) on the legal aspects of a bill, agree to support the bills' resumption of debate.

8. The current arrangements for a BC to report its work to HC and **the consultation requirement** between the Member or public officer in charge of a bill and the HC chairman **have been put in place since** the passage of the resolution by the former LegCo in **July 1992** to include new provisions relating to HC, BC and the consultation mechanism⁵ in the Standing Orders following the review of the then committee system. Subsequently, HC endorsed at its meeting on 11 April 2003 an amendment to RoP 54 by adding

³ RoP 54(5) was first made in 1998 by LegCo. It was modelled on the same provisions in the Standing Orders of the former LegCo.

⁴ According to paragraph 11.91 of *A Companion to the history, rules and practices of the Legislative Council of the Hong Kong Special Administrative Region*, the consultation requirement is an important step to confirm that the bill is ready for further proceedings in the Council.

⁵ The consultation requirement with the HC chairman was already included in the relevant provisions at that time and the Secretariat is unable to ascertain any information about the rationale for such requirement.

new subrule (5A) to the effect that **the HC deputy chairman could be consulted when the HC chairman was not available for consultation** because of his absence from Hong Kong or of other reasons. In endorsing the above amendment, HC recognized the important role of HC in the resumption of debates on bills. HC also specifically noted at that time that when deciding when to carry out consultation with the HC chairman in accordance with RoP 54(5), the Member or public officer in charge of a bill should respect the view of the relevant BC and **allow HC the opportunity to hear the view of the BC in the course of such consultation**. The relevant paper submitted by CRoP for the HC meeting on 11 April 2003 (LC Paper No. CROP 41/02-03) is in **Appendix I** for Members' reference.

Proposed mode of operation regarding the resumption of the Second Reading debate on a bill

9. CRoP at the meeting on 30 August 2021 noted that despite Hon CHAN Hak-kan's proposed removal of the requirement to consult the HC chairman under RoP 54(5), it will not compromise the current consultation mechanism. If Hon CHAN's proposal is adopted, HC as a whole will still be consulted on the resumption arrangement of bills. In gist, the existing arrangements for a BC to report its work to HC and the role of HC in the consideration of whether a bill is ready for resumption of debate will **remain unchanged**.

10. In order to cater for special cases like where no HC meeting is held after a BC report has been received, at its meeting on 30 August 2021, CRoP agreed to a set of proposed procedures to be adopted by HC for dealing with the resumption of debate on a bill if Proposal 3 is supported. According to the proposed procedures, under normal circumstances, HC will, as in the past, receive and consider the report of a BC at an HC meeting. Details of the relevant procedures are provided under Item 3(b) of **Appendix II**.

11. Under Proposal 3, unless HC regards the bill as not ready for resumption, the HC chairman will continue the existing practice of notifying the Member or public officer in charge of the bill of the readiness for resumption. After HC has received the report of a BC, the HC chairman, if considered necessary in special circumstances like where no HC meeting is held after a BC report has been received, may ascertain the collective view of HC by circulation of papers. In that case, unless a majority of all HC members raise objection to the proposed resumption of debate, the bill will be considered ready for resumption of debate and the HC chairman will notify the Member or public officer concerned accordingly. In conclusion, HC will still have an opportunity to decide whether a bill is regarded as ready for resumption of debate upon its receipt of the BC report.

12. To facilitate Members' consideration of Proposal 3, the proposed consequential amendments to RoP and HR which are required to be made and the relevant implementation details are set out in Item 3 of **Appendix II**.

Questionnaire

13. Members are invited to give their views on the above proposals by completing and returning the questionnaire in **Appendix II by Monday, 13 September 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, PALA, SALA3,
H(PI), ALA2, CCS(2)5

立法會
Legislative Council

LC Paper No. CROP 41/02-03

Ref: CB(3)/CROP/3

**Paper for the House Committee meeting
on 11 April 2003**

Committee on Rules of Procedure

Resumption of Second Reading debate on bills

Purpose

This paper invites the House Committee (HC) to endorse the system of consultation required under Rule 54(5) of the Rules of Procedure, as recommended by the Committee on Rules of Procedure (CRoP), and the proposed amendment to Rule 54(5).

Background

2. On 24 June 2002, the Secretary for Security gave 12 clear days' notice under Rule 54(5) to resume the Second Reading debate on the United Nations (Anti-Terrorism Measures) Bill at the Council meeting commencing on 10 July 2002. That meeting was the last one in the 2001-02 session. At the time the notice was given, the Bills Committee concerned had not concluded its scrutiny of the Bill and had not yet reported the outcome of its scrutiny to HC which would meet on 28 June 2002. In response to a Member's query, the President ruled that the Secretary's notice should not be regarded as not valid. However, noting that the mode of operating Rule 54(5) had not been entirely in accord with the terms of the subrule, the President asked the Clerk to the Legislative Council (LegCo) to invite CRoP to consider whether or not the subrule should be amended to clearly give effect to the practice which Members had long accepted.

Rule 54(5) of the Rules of Procedure

3. Rule 54(5) was first made in 1998 by LegCo of the Hong Kong Special Administrative Region. It was modelled on the same provisions in the Standing Orders of the previous Legislative Council. The subrule provides that:

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

- (a) subject to paragraphs (b) and (c), resumption of debate shall not take place earlier than 9 clear days after the meeting of House Committee at which the bill was considered in preparation for resumption of debate;
- (b) if at the meeting of House Committee to consider the bill in preparation for resumption of debate the committee recommends a period longer than 9 clear days before resumption then resumption shall not take place earlier than 12 clear days after that meeting;
- (c) if at the meeting of House Committee to consider the bill in preparation for resumption of debate the committee recommends that the second reading debate be resumed at the next meeting of the Council then resumption may take place at that meeting with the permission of the President provided that due notice has been given under paragraph (e);
- (d) subject to paragraph (e), notice of resumption of debate shall be given by the Member or public officer in charge of the bill not less than 12 clear days before the day on which the debate is to be resumed;
- (e) where resumption of debate is to take place 9 clear days or less after the meeting of House Committee at which the bill was considered in preparation for resumption, then notice of resumption of debate shall be given no later than 2 clear days after that meeting;

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

Mode of operating Rule 54(5)

4. The mechanism for resuming the Second Reading debate on a bill revolves around HC’s consideration of the bill after the debate has been adjourned. Where HC decides that a Bills Committee is not required to scrutinize the bill and the debate may resume, the practice has been that the clerk to HC conveys HC’s decision to the public officer or Member in charge of the bill. When the public officer or Member concerned has decided on a date for resumption, notice is then given to the Clerk to LegCo, whereupon the clerk to HC consults the chairman of HC. Upon signification by the chairman of HC that he/she has been consulted, the Clerk to LegCo promulgates the notice of resumption to Members of the Council.

5. In the case of a bill for which a Bills Committee has been set up, HC’s further consideration of the bill takes place when it considers, at a HC meeting, the Bills Committee’s report on the bill. The report usually contains also the Bills Committee’s recommendation on the date to resume the debate. Where HC does not raise any objection, the clerk to HC advises the public officer or Member concerned, and sets off the resumption mechanism under the subrule.

6. The mode of operating Rule 54(5) described above has been effective in ensuring the timely giving of notice of resumption after the relevant HC meeting, although it does not strictly follow the terms of Rule 54(5) which also may pose difficulties where there are public holidays other than Sundays occurring between the relevant HC meeting and the Council meeting at which the debate is proposed to resume. The problem is particularly pronounced during the period approaching the end of a LegCo session, when examination of bills is usually concluded at a very late stage and the Bills Committees concerned may not be able to make timely reports to HC. In the above circumstances, in order to prevent the resumption of debates on bills from being delayed unnecessarily, it has been the practice of the clerks to Bills Committees to advise the Bills Committees and the public officers concerned to give the longest possible resumption notice stipulated in Rule 54(5), i.e. 12 clear days, pending HC's consideration of the Bills Committee's report at a later meeting.

CRoP's recommendation

7. CRoP notes that the existing mode of operating Rule 54(5) does not strictly follow the terms of the subrule and considers that the subrule should be complied with strictly. That is, the public officer or Member in charge a bill, rather than the clerk to HC, should consult the chairman of HC on the date of the resumption.

8. After discussions with the Administration, CRoP recommends that the following system of consultation on resumption of Second Reading debate required under Rule 54(5) be adopted.

Resumption notices given under Rule 54(5)(e)

9. The three steps for the consultation on resumption of Second Reading debate under this scenario should be:

Step 1: The public officer in charge of the bill shall issue the letter of consultation regarding the resumption of Second Reading debate to the HC chairman **no less than 12 clear days** before the date on which the debate is to resume.

Step 2: The HC chairman shall signify in writing the fact that she has been consulted in accordance with Rule 54(5) **no less than eight clear days** before the date on which the debate is to resume.

Step 3: The public officer in charge of the bill shall give the resumption notice in accordance with the notice requirement under **Rule 54(5)(e)**, i.e. **no less than seven clear days** before the date on which the debate is to resume.

10. The respective critical dates for carrying out the consultation on the resumption of Second Reading debate on bills in respect of the remaining Council meetings in the current session are set out in Appendix I. In respect of a bill scheduled for resumption of Second Reading debate at those Council meetings marked with an asterisk (*), the Administration will advance the timing of issuing the consultation letter to the HC chairman, in the light of the intervening public holidays/Council breaks falling within the consultation period. Correspondingly, the HC chairman will advance the date of giving signification after the relevant HC meeting in those cases.

Bills that do not require scrutiny by Bills Committees

11. For bills that do not require scrutiny by Bills Committees, the consultation between the Administration and the HC chairman should be deemed to have taken place at the relevant HC meeting, when HC decides that it is not necessary to form a Bills Committee. A letter of consultation will not be necessary in those cases. Under such circumstances, the HC chairman will give her signification **no later than one clear day** after the relevant HC meeting, so that the public officer may issue the notice of resumption.

Resumption notice given under Rule 54(5)(d)

12. In exceptional circumstances where the examination of a bill is concluded at a very late stage and the Administration needs to resume the Second Reading debate of the bill urgently at a certain Council meeting, the public officer concerned will give the resumption notice by the deadline stipulated in Rule 54(5)(d), i.e. 12 clear days prior to the relevant Council meeting. The three steps for the consultation on resumption of Second Reading debate under this scenario should be:

- Step 1: The public officer in charge of the bill shall issue the letter of consultation regarding the resumption of Second Reading debate to the HC chairman **no less than 15 clear days** before the date on which the debate is to resume.
- Step 2: The HC chairman shall signify in writing the fact that she has been consulted in accordance with Rule 54(5) **no less than 13 clear days** before the date on which the debate is to resume.
- Step 3: The public officer in charge of the bill shall give the resumption notice in accordance with the notice requirement under **Rule 54(5)(d)**, i.e. **no less than 12 clear days** before the date on which the debate is to resume.

In these cases, the public officer concerned will also contact the HC chairman after the issuance of the letter of consultation and consult her verbally, prior to giving the resumption notice.

Proposed amendment to Rule 54(5)

13. CRoP considers that there should be some institutional safeguards to cater for the special circumstance in which the HC chairman is not available for consultation. It therefore recommends that Rule 54(5) should be amended to the effect that the Administration may in that circumstance consult the deputy chairman of HC. The proposed amendment to Rule 54(5) is in **Appendix II**.

Standard form for notice of resumption of Second Reading debate

14. The new form, in **Appendix III**, should be used for giving the resumption notice upon the commencement of the new consultation arrangements.

Members' bills

15. The above system of consultation will also apply to bills presented by Members.

Timing of implementation

16. Subject to HC's agreement to the above mechanism, the new arrangements should take effect in a month's time and should apply to those bills for which the consultation process should be initiated on or after 10 May 2003 under the new arrangements, i.e. bills which will resume Second Reading debate at or after the Council meeting on 28 May 2003.

The HC chairman's view on the proposed system of consultation

17. The HC chairman has been consulted on the proposed system of consultation set out above. She has stressed that, for those Council meetings marked with an asterisk (*) in Appendix I and for the urgent cases mentioned in paragraph 12 above, if she is asked by the Administration to give signification that she has been consulted prior to report of the Bills Committee concerned to HC, she will respond that the Bills Committee concerned has not reported to HC, and Members may have views about the date of resumption on Second Reading debate on the bill in question.

18. CRoP has noted the HC chairman's view and has impressed upon the Administration that while the consultation under Rule 54(5) should be carried out according to the various deadlines set out in Appendix I, the public officer in charge of a bill, when determining the date of resumption of Second Reading debate, should discuss with the Bills Committee concerned and take into account the latter's view. In particular, the dates for Bills Committees to report to HC given in the timetable should not be construed as dictating when a Bills Committee is ready to report to HC.

Advice sought

19. Members are invited to endorse the system of consultation required under Rule 54(5) set out in paragraphs 9 to 16, including the timing of implementation (mentioned in paragraph 16) and the proposed amendment to Rule 54(5) (in Appendix II).

Legislative Council Secretariat
9 April 2003

**Critical dates for the carrying out of consultation
in respect of notices for resumption of Second Reading debates
issued under Rule 54(5)**

	Date of resumption of 2nd Reading debate	Deadline for giving notice of resumption	Date for HC chairman to give her signification		Date for Bills Committee to report to HC		Date of issuance of consultation letter to HC chairman
*	30.4.03 (Wed)	11.4.03 (Fri)	29.3.03	(Sat)	28.3.03	(Fri)	25.3.03 (Tue)
*	7.5.03 (Wed)	17.4.03 (Thu)	12.4.03	(Sat)	11.4.03	(Fri)	8.4.03 (Tue)
*	14.5.03 (Wed)	26.4.03 (Sat)	26.4.03	(Sat)	25.4.03	(Fri)	22.4.03 (Tue)
	21.5.03 (Wed)	12.5.03 (Mon)	10.5.03	(Sat)	9.5.03	(Fri)	5.5.03 (Mon)
	28.5.03 (Wed)	19.5.03 (Mon)	17.5.03	(Sat)	16.5.03	(Fri)	13.5.03 (Tue)
*	11.6.03 (Wed)	26.5.03 (Mon)	24.5.03	(Sat)	23.5.03	(Fri)	20.5.03 (Tue)
	18.6.03 (Wed)	9.6.03 (Mon)	7.6.03	(Sat)	6.6.03	(Fri)	2.6.03 (Mon)
	25.6.03 (Wed)	16.6.03 (Mon)	14.6.03	(Sat)	13.6.03	(Fri)	10.6.03 (Tue)
*	2.7.03 (Wed)	16.6.03 (Mon)	14.6.03	(Sat)	13.6.03	(Fri)	10.6.03 (Tue)
*	9.7.03 (Wed)	23.6.03 (Mon)	21.6.03	(Sat)	20.6.03	(Fri)	17.6.03 (Tue)

Proposed amendment to Rule 54(5) of the Rules of Procedure

54. Second Reading

* * * *

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

- (a) subject to paragraphs (b) and (c), resumption of debate shall not take place earlier than 9 clear days after the meeting of House Committee at which the bill was considered in preparation for resumption of debate;
- (b) if at the meeting of House Committee to consider the bill in preparation for resumption of debate the committee recommends a period longer than 9 clear days before resumption then resumption shall not take place earlier than 12 clear days after that meeting;
- (c) if at the meeting of House Committee to consider the bill in preparation for resumption of debate the committee recommends that the second reading debate be resumed at the next meeting of the Council then resumption may take place at that meeting with the permission of the President provided that due notice has been given under paragraph (e);
- (d) subject to paragraph (e), notice of resumption of debate shall be given by the Member or public officer in charge of the bill not less than 12 clear days before the day on which the debate is to be resumed;
- (e) where resumption of debate is to take place 9 clear days or less after the meeting of House Committee at which the bill was considered in preparation for resumption, then notice of resumption of debate shall be given no later than 2 clear days after that meeting:

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

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

Legend :

Texts proposed to be added are underlined.

致 : 立法會秘書 (傳真號碼 : 2810 1691)
To : Clerk to the Legislative Council (Fax No. : 2810 1691)

立法會
LEGISLATIVE COUNCIL

恢復二讀辯論預告
NOTICE OF RESUMPTION OF SECOND READING DEBATE

謹按照《議事規則》第 54(5)條作出預告，本人擬在_____年
_____月_____日舉行的立法會會議，就下列法案恢復二讀辯論：

In accordance with Rule 54(5) of the Rules of Procedure, I hereby give notice to resume the Second Reading debate on the following bill at the Legislative Council meeting of _____ :

(中文名稱) _____

(English title) _____

2. 本人已按照《議事規則》第 54(5)條，就該法案恢復二讀辯論一事與內務委員會主席磋商。

In accordance with Rule 54(5) of the Rules of Procedure, I have consulted the Chairman of the House Committee on the resumption of Second Reading debate on the bill.

簽署

Signature: _____

姓名

Name: _____

職位名稱

Post title: _____

日期

Date: _____

獲委派官員須填寫職位名稱，議員無須填寫。

Designated public officers, but not Members, are required to state their post titles.

Questionnaire
(to be returned by Monday, 13 September 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 91/20-21 are as follows:

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

Proposal 1: Proposed amendments to Rules 75(8), 76(11) and 77(15) of the Rules of Procedure (paragraph 4 of LC Paper No. CROP 91/20-21)

Item	Proposed amendments by Hon CHAN Hak-kan
1	Amendments be made to RoP 75(8), 76(11) and 77(15) to explicitly provide in RoP that the House Committee ("HC") has the power to give directions , in addition to providing guidelines, on matters relating to membership of committees/subcommittees, election of the chairman and deputy chairman of a committee and on the handling of matters referred to it by the Council or its committees or the President of the Legislative Council ("LegCo") or raised by any of its own members <u>(Marked-up version of the proposed amendments to RoP 75, 76 and 77 in Annex 1).</u>
<input type="checkbox"/> Support / <input type="checkbox"/> Not support / <input type="checkbox"/> No comment*	
Other views/proposals, if any:	

Proposal 2: Proposed amendments to rules 20(j)(ii) and 22(t) of the House Rules (paragraph 5 of LC Paper No. CROP 91/20-21)

Item	Proposed amendments by Hon CHAN Hak-kan
2	Amendments be made to HR 20(j)(ii) and 22(t) to specify that HC may appoint a subcommittee¹ to study an issue of public concern which straddles the purview of a number of Panels and where more than two Panels wish to appoint a joint subcommittee, a proposal shall be made to HC for that subcommittee¹ to be formed under HC <u>(Marked-up version of the proposed amendments to HR 20(j)(ii) and 22(t) in Annex 2).</u>
<input type="checkbox"/> Support / <input type="checkbox"/> Not support / <input type="checkbox"/> No comment*	
Other views/proposals, if any:	

¹ The 20 seats of the subcommittee would be allocated in accordance with the "Mechanism for allocation of committee seats" set out in the revised Appendix IIIB to HR which will come into effect when the Seventh LegCo commences.

Proposal 3: Proposed amendments to Rule 54 of the Rules of Procedure and rules 20(g) and 21(j) of the House Rules
(paragraphs 6 to 12 of LC Paper No. CROP 91/20-21)

Item	Proposed amendments by Hon CHAN Hak-kan
3(a)	<p>Hon CHAN Hak-kan proposes to:</p> <ul style="list-style-type: none">➤ remove the requirement that the Member or public officer in charge of a bill should consult the HC chairman under RoP 54(5) or, in his absence, the HC deputy chairman under RoP 54(5A) before giving notice in writing to the Clerk to LegCo to resume the Second Reading debate on the bill <u>(Marked-up version of the proposed amendments to RoP 54 on Pages 1-2 of Annex 3(a))</u>; and➤ make it clear in HR 20(g) that if a Bills Committee ("BC") indicates in its report that it has completed consideration of the bill allocated to it and the report has been received by HC, subject to the new RoP 75(17A) proposed to be added (details of which are under Item 3(b)), the bill is regarded as ready for resumption of Second Reading debate in the Council, and the HC chairman or, in his absence, the HC deputy chairman shall arrange for the Member or public officer in charge of the bill to be so notified whereupon the Member or public officer may give notice in writing to the Clerk to LegCo to resume the Second Reading debate on the bill in accordance with RoP 54(5) <u>(Marked-up version of the proposed amendments to HR 20(g) on Page 2 of Annex 3(a))</u>.

Support*

Not support / No comment*

Other views/proposals, if any:

Other views/proposals, if any:

(Please fill out **Items 3(b) and 3(c)**
of the questionnaire)

~ *End of questionnaire* ~
(Please turn to **page 4** to sign the questionnaire)

Item	Proposed procedures to be adopted by the House Committee for dealing with the resumption of the Second Reading debate on a bill if the proposed amendments under Item 3(a) are supported and the proposed consequential amendments required to be made
3(b)	<p>Details of the proposed procedures agreed by the Committee on Rules of Procedure and the proposed consequential amendments to the relevant provisions of RoP and HR are as follows:</p> <ul style="list-style-type: none">➤ In general, the report of a BC (including the verbal report made by a BC) will be received by HC at an HC meeting. Unless HC regards the bill as not ready for resumption of Second Reading debate in the Council, the HC chairman will continue the existing practice of notifying the Member or public officer in charge of the bill of the readiness for resumption whereupon the Member or public officer may give notice in writing to resume the Second Reading debate on the bill in accordance with RoP 54(5).➤ If considered necessary in special circumstances like where no HC meeting is held after a BC report has been received, the HC chairman may ascertain the collective view of HC by circulation of papers. Unless a majority of all HC members raise objection to the proposed resumption of Second Reading debate by a deadline specified by the HC chairman, the bill will be considered ready for resumption of Second Reading debate and the HC chairman will notify the Member or public officer concerned accordingly. Members may wish to note that under RoP 75(17), where the HC chairman orders a matter for the decision of HC by circulation of papers, the matter shall be deemed to be approved by HC only if no member has signified disapproval of the matter or requested the matter be referred for decision at an HC meeting; whereas under the new RoP 75(17A), unless a majority of all HC members have raised objection to the resumption of the Second Reading debate on a bill by a specified deadline, the bill is regarded as ready for the proposed resumption of Second Reading debate in the Council (<u>Marked-up version of the proposed amendments to RoP 75(17) and the new RoP 75(17A) on Page 1 of Annex 3(b)</u>).➤ If HC, in considering a bill referred to it in accordance with RoP 54(4), agrees that it is not necessary to form a BC to study the bill and the Legal Adviser has confirmed that no difficulties have been identified in the legal and drafting aspects of the bill, the HC chairman shall notify the Member or public officer in charge of the bill whereupon the Member or public officer may give notice in writing to resume the Second Reading debate on the bill in accordance with RoP 54(5). Further report(s) on the bill, if any, prepared by the Legal Service Division of the LegCo Secretariat may be issued to members by circulation. If no difficulties have been identified in the legal or drafting aspects of the bill in the further report, the HC chairman shall notify the Member or public officer in charge of the bill whereupon the Member or public officer may give notice of resumption of debate. If the Legal Adviser has identified any difficulty in the legal or drafting aspects of a bill in the further report, HC should consider such report at an HC meeting. If considered necessary, the HC chairman may ascertain the collective view of HC by circulation of papers (<u>Marked-up version of the proposed amendments to HR 20(h) on Pages 1-2 of Annex 3(b)</u>).➤ Consequential amendments to RoP 75(9) and, 76(9) and (10) are proposed to be made to facilitate the implementation of the above proposed procedures (<u>Marked-up version of the proposed amendments to RoP 75(9) and, 76(9) and (10) on Page 3 of Annex 3(b)</u>).
<input type="checkbox"/> Support / <input type="checkbox"/> Not support / <input type="checkbox"/> No comment*	
<i>Other views/proposals, if any:</i>	

Item	Proposed amendments to HR 21(j)	
3(c)	In addition to the proposed amendment to HR 21(j) that a BC shall indicate in its report that it has completed consideration of the bill allocated to it, Hon CHAN Hak-kan has also proposed to remove the reference to "whether or not the Bills Committee supports the bill" in the provision.	
<input type="checkbox"/> Option 1*: To retain the above reference <i><u>(Marked-up version of the proposed amendments (Option 1) to HR 21(j) in Annex 3(c))</u></i>	<input type="checkbox"/> Option 2*: To remove the above reference <i><u>(Marked-up version of the proposed amendments (Option 2) to HR 21(j) in Annex 3(c))</u></i>	<input type="checkbox"/> No comment*
<i>Other views/proposals, if any:</i>		

~ End of questionnaire ~

Signature : _____

Name of Member : _____

Date : _____

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

75. House Committee

.....

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

.....

(Rule 75(3A) reads as follows:

"The committee shall decide the mechanism for allocation of committee seats of Panels, Bills Committees and subcommittees appointed by the committee, a Panel, two or more Panels or a Bills Committee, and the procedure for election of the chairman and deputy chairman of such committees.")

(Remarks: Consequential amendments to the above provision shall be made if the proposed amendments to rule 22(t) of the House Rules in Annex 2 are supported.)

76. Bills Committees

.....

(11) Subject to these Rules of Procedure, the practice and procedure of a Bills Committee and its subcommittees shall be determined by that Bills Committee. In any such determination, a Bills Committee shall take into account any *directions or* guidelines provided under Rule 75(8) (House Committee).

.....

77. Panels

.....

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

(Remarks: Consequential amendments to the above provision shall be made if the proposed amendments to rule 22(t) of the House Rules in Annex 2 are supported.)

.....

Notes:

Second batch of amendments to come into operation on the day on which the Seventh Legislative Council begins *in green*
Texts added are shown in *italics*.

Proposed amendments *in red*

1. Texts proposed to be added are shown in *italics*.
2. Texts proposed to be deleted are shown with **deletion lines**.

**Marked-up version of the proposed amendments to
rules 20(j) and 22(t) of the House Rules**

20. House Committee

.....

- (j) The House Committee may appoint a subcommittee to assist the committee's consideration of -
- (i) an item of subsidiary legislation, an instrument (which is not subsidiary legislation) made under an Ordinance, a draft of subsidiary legislation or such an instrument, or a proposed endorsement of the appointment or removal of senior judges made under the Basic Law;
and
 - (ii) an issue of public concern which falls outside the purview of Panels *or which straddles the purview of a number of Panels* ~~or any other matter relating to the business of the Council;~~ **and**
 - (iii) *any other matter relating to the business of the Council.*

.....

22. Panels

.....

- (t) Two ~~or more~~ Panels may appoint joint subcommittees to study any matter of common interest to the relevant Panels. Only members of the relevant Panels may join the subcommittees. *Where the number of Panels which wish to appoint a joint subcommittee exceeds two, a proposal shall be made to the House Committee for a subcommittee to be formed under the House Committee. A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman. If the number of members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the*

mechanism set out in Appendix IIIB. The quorum of a subcommittee so appointed will be one-third of the membership of the subcommittee including the chairman (a fraction of the whole number being disregarded).

.....

Notes:

Second batch of amendments to come into operation on the day on which the Seventh Legislative Council begins *in green*

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

Proposed amendments *in red*

1. Texts proposed to be added are shown in *italics*.
2. Texts proposed to be deleted are shown with *deletion lines*.

**Marked-up version of the proposed amendments to
Rule 54 of the Rules of Procedure
and rule 20(g) of the House Rules**

Rules of Procedure

54. Second Reading

.....

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

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

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

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

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

.....

House Rules

20. House Committee

.....

(g) The House Committee decides on the setting up of a Bills Committee and the order of priority for a Bills Committee to be activated, having regard to information provided by the Administration, advice by the Legal Adviser, the number of Bills Committees, and the urgency of the bill, etc. When ~~a bill is the report of a Bills Committee is received by the House Committee that its work is completed, subject to Rule 75(17A) of the Rules of Procedure, the bill is regarded as ready for resumption of second reading debate in the Council, and the chairman of the House Committee~~ *or, in his absence, the deputy chairman of the House Committee*, shall arrange for the Member or public officer in charge of the bill to be notified *whereupon the Member or public officer may give notice in writing to the office of the Clerk to the Legislative Council to resume the second reading debate on the bill in accordance with Rule 54(5) of the Rules of Procedure.*

.....

Notes:

Proposed amendments in red

1. Texts proposed to be added are shown in *italics*.
2. Texts proposed to be deleted are shown with **deletion lines**.

Annex 3(b)

*[Item 3(b) of Appendix II
(i.e. Questionnaire):
RoP 75(17), HR 20(h) and
RoP 75(9), 76(9) and (10)]*

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

Rule 75 of the Rules of Procedure ("RoP")

75. House Committee

.....

(17) *Except as otherwise provided in subrule (17A),* ~~W~~where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

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

.....

Rule 20 of the House Rules

20. House Committee

.....

- (h) Not all bills require the formation of Bills Committees. The House Committee may -
 - (i) having considered the Legal Adviser's report (and further reports where necessary) on the legal aspects of a bill,

~~agree to support~~ *raise no objection to the bill's resumption of second reading debate under Rule 75(17A) of the Rules of Procedure; and if no objection is raised, the bill is regarded as ready for resumption of the second reading debate in the Council, and the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall make such notification as provided under (g) no later than one clear day after no objection has been raised by the House Committee; or*

- (ii) in response to the request of individual member(s) for information or clarification on certain aspects of a bill, direct the Legal Adviser or other relevant staff of the Secretariat, to take these up with the Administration and submit further report(s) on the bill to the member(s) concerned and the House Committee. *Such further report(s) on the bill, if any, may be issued to members by circulation. If no difficulties have been identified in the legal or drafting aspects of the bill in the further report, the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall notify the Member or public officer in charge of the bill whereupon the Member or public officer may give notice of resumption of debate. If the Legal Adviser has identified any difficulty in the legal or drafting aspects of a bill in the further report, the House Committee should consider such report at a meeting of the House Committee. If considered necessary, the chairman of the House Committee may ascertain the collective view of the House Committee by circulation of papers.*

.....

RoP 75 and 76

75. House Committee

.....

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

.....

76. Bills Committees

.....

(9) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee ~~in writing~~ of its deliberations and then report further to the Council. *A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill in accordance with Rule 57(2) (Amendments to Bills).*

(10) The deliberations of a Bills Committee on a bill may be discussed by the House Committee for the purposes of informing Members ~~in preparation for~~*of the* resumption of the second reading debate on the bill in Council. Such deliberations shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

.....

Legend :

1. Texts proposed to be added are shown in *italics*.
2. Texts proposed to be deleted are shown with ~~deletion lines~~.

**Marked-up version of the proposed amendments to
rule 21(j) of the House Rules**

Option 1

21. Bills Committees

.....

- (j) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee ~~in writing of the Bills Committee's that it has completed consideration of the bill and also on its~~ deliberations and where appropriate, the majority and minority views, **and whether or not the Bills Committee supports the bill**. *A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill in accordance with Rule 57(2) of the Rules of Procedure.* The Bills Committee shall then further report to the Council.

To retain

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Option 2 (original proposed version)

21. Bills Committees

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- (j) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee ~~in writing~~ of the Bills Committee's deliberations and where appropriate, the majority and minority views, and ~~whether or not the Bills Committee supports the bill~~ *confirm that it has completed its consideration of the bill. A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill in accordance with Rule 57(2) of the Rules of Procedure.* The Bills Committee shall then further report to the Council.

To delete

.....

Notes:

Proposed amendments **in red**

1. Texts proposed to be added are shown in *italics*.
2. Texts proposed to be deleted are shown with **deletion lines**.