

**香港特別行政區
立法會
議事規則委員會**

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

**2020 年 10 月至 2021 年 10 月的工作進度報告
Progress Report for the period
October 2020 to October 2021**

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Chapter 1 Introduction

1.1 The Committee on Rules of Procedure ("CRoP ") is a committee of the Legislative Council ("LegCo") established under Rule 74 of the Rules of Procedure ("RoP") of the Council. The functions of CRoP are to review RoP and the committee system, and to propose to the Council any amendments or changes as are considered necessary. CRoP may examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President, or raised by its own members.

1.2 CRoP consists of 12 members, including Chairman Hon Paul TSE, Deputy Chairman Hon CHEUNG Kwok-kwan and 10 other members, appointed by the President in accordance with the recommendations of the House Committee ("HC"). The membership list is in **Appendix I**.

Review of the Rules of Procedure and House Rules

1.3 Given the past incidents of filibusters in the Council and committees, lengthy process of election of committee chairmen, grossly disorderly conduct of some Members and abuse of procedures causing disruption to the proceedings of the Council and committees, and in anticipation of an increase in the number of Members in the Seventh LegCo, a comprehensive review of RoP and House Rules ("HR") was considered opportune to ensure the orderly, fair and proper conduct of business in the Council and committees of LegCo.

1.4 Throughout the 2020-2021 session, CRoP had been examining proposals submitted by Members to amend various parts of RoP and HR and also studying matters in preparation for the Seventh LegCo. Specific topics included mechanisms to deal with Members' misconduct, quorum requirement for Council meetings, procedures for dealing with points of order, membership of committees, election of the chairman and deputy chairman of a committee and conduct of Council business, etc.

1.5 CRoP embarked on the comprehensive review of RoP and HR in January 2021 in which a wide span of rules and procedures as well as the relevant standing practices adopted by LegCo were carefully considered and examined. With a view to completing the review within the current session, CRoP adopted a tight working schedule under which **11 meetings**

were held to study the issues in **Appendix II**. To carry out the review in a timely and organized manner, CRoP divided the entire review into **four phases** and conducted **six consultation exercises** to gauge Members' views on individual proposals. The consultation papers issued to Members and the papers seeking endorsement of HC on the proposals are listed in **Appendix III**.

1.6 After the fourth batch of amendments to RoP and HR had been endorsed and approved by HC and the Council in September and October 2021 respectively, the entire review process was completed. Compared to the past reviews, the current review exercise is unprecedented in terms of scale, complexity and scope. **Appendix IV** shows a list of the **31 existing and new provisions of RoP** and **21 existing and new provisions of HR** that have been amended or made under the review.

1.7 This Progress Report, which covers the work of CRoP for the period October 2020 to October 2021, comprises eight chapters. To facilitate a better understanding of the overall review exercise, the proposals to amend RoP and HR, based on their objectives and purposes, are categorized and grouped into different chapters in this Progress Report as shown below:

- Chapter 2:** Conduct of business in the Council
- Chapter 3:** Imposition of financial penalties on Members absent without valid reasons from a Council meeting which is adjourned due to a lack of quorum
- Chapter 4:** Members' behaviours and decorum at meetings of the Council and committees
- Chapter 5:** Conduct of business in committees
- Chapter 6:** Administration of the Legislative Council Oath
- Chapter 7:** Use of videoconferencing platform for conducting formal meetings of Panels, Bills Committees and subcommittees

Chapter 2 Conduct of business in the Council

2.1 Over the past few sessions of the Sixth Legislative Council ("LegCo"), there were occasions that the proceedings of the Council were disrupted and prolonged. Considerable meeting time of the Council was also spent on dealing with points of order and motions of procedural nature. In the review of the Rules of Procedure ("RoP") and House Rules ("HR") conducted in the current session, the Committee on Rules of Procedure ("CRoP") examined various proposals submitted by Members to amend RoP and HR to ensure the orderly, efficient and fair disposition of LegCo's business. Brief summaries of individual proposals are provided below.

A. Duration of debates on motions and speaking time limits of Members in debates

2.2 To ensure the Council's efficient and effective performance of its constitutional functions under the Basic Law ("BL"), Ir Dr Hon LO Wai-kiwok submitted to CRoP in January 2021 a proposal which sought to:

- (a) specify time limits on debates on "substantive motions"¹ and "procedural motions"² in Council, ranging from 1.5 hours to 4 hours; and
- (b) adjust the speaking time limit for individual Members in each debate with respect to different types of motions,³ ranging from 3 to 10 minutes.

2.3 At its meeting on 3 February 2021, CRoP considered and decided to invite Members' views on Ir Dr Hon LO's proposal.⁴ It was also noted

¹ "Substantive motions" refer to motions under items mentioned in RoP 18(1)(i) to (n) which involve substantive debate. No debate may arise from other business items under RoP 18(1).

² "Procedural motions" refer to motions that are procedural in nature and relating to the regulation of Council proceedings.

³ Under RoP 36(5), unless otherwise stipulated by the House Committee, a Member shall not, without the permission of the President of LegCo or the Chairman of a committee of the whole Council, make a speech lasting more than 15 minutes.

⁴ The consultation exercise was conducted vide a circular (LC Paper No. CROP 43/20-21) issued on 11 February 2021 (<https://www.legco.gov.hk/yr20-21/english/procedur/papers/cropcrop-43-e.pdf>).

that the proposal would not be applicable to debates on individual Government bills and Members' bills in respect of which the President might continue to exercise his discretion to specify time limits and debate arrangements in the exercise of his powers and functions to preside over meetings under BL 72(1).⁵

2.4 According to the consultation results, a majority of Members expressed support for the proposal and considered it not necessary to introduce procedures for a "closure motion" to bring the debate in progress to a conclusion. Upon the recommendation of CRoP, the proposal was endorsed by the House Committee ("HC") on 26 February 2021 and approved at the Council meeting of 24 March 2021. The duration of debates with respect to different types of motions (including voting on motions and amendment(s) thereto) and corresponding speaking time limits of Members are set out in Appendix IIIA to HR. Pursuant to HR 17(b), unless otherwise decided by HC, the time limits specified in Appendix IIIA to HR shall be deemed to have been agreed by HC and so recommended to the President under RoP 37.

B. Order of dealing with Members' motions under Article 73(5) and (10) of the Basic Law and the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

2.5 Since the 2018-2019 session, CRoP had been studying the procedural arrangements for dealing with Members' motions under BL 73(5) and (10) ("BL motions")⁶ and the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("P&P motions")⁷ at a Council meeting. CRoP had noted that BL motions and P&P motions were dealt with before Members' motions not intended to have legislative effect

⁵ The Court of Final Appeal held in *Leung Kwok Hung v. President of LegCo* (2014) 17 HKCFAR 689 (at para. 46) "that the President has power to set limits to and terminate a debate. The existence of the power is inherent in, or incidental to, the power granted by art 72(1) [of the Basic Law] to the President to preside over meetings...".

⁶ BL 73(5) and (10) respectively set out the following powers and functions of 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.

⁷ Section 9 of 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.

subject to allocation of slots to individual Members at a Council meeting, and there was no restriction on the number of debates on BL motions and P&P motions to be held at each regular Council meeting. CRoP had also noted that on many occasions when one or more BL motions and/or P&P motions were placed on the Agenda of the Council, the Council did not have sufficient time to deal with the two Members' motions not intended to have legislative effect scheduled for the same meeting. In the 2019-2020 session, not even one Member's motion not intended to have legislative effect was considered by the Council.

2.6 In January 2021, Hon CHEUNG Kwok-kwan submitted to CRoP a proposal which sought to amend the order of dealing with BL motions and P&P motions at a Council meeting. Under the proposal, BL motions and P&P motions would be dealt with after Members' motions not intended to have legislative effect unless HC's prior endorsement for according priority to the debates on such motions had been obtained. In other words, only those BL motions and P&P motions which had been accorded priority by HC might be placed before Members' motions not intended to have legislative effect on the Agenda of the Council.

2.7 Noting that an overwhelming majority of Members had expressed support for the proposal in the consultation,⁸ upon CRoP's recommendation, HC considered and endorsed the proposal together with the proposed amendments to HR 13(b) and 15 at the meeting on 26 February 2021.

C. Procedures for dealing with points of order

2.8 Since the commencement of the Sixth LegCo, there had been a tendency for some Members to abuse the raising of a point of order to delay business or prolong debates and discussions. The absence of any provision in RoP to deal with points of order which were abusive in nature had provided room for abuse. To prevent meeting proceedings from being disrupted repeatedly by points of order raised by Members abusively, Hon CHAN Hak-kan submitted in January 2021 a set of proposals to amend RoP to CRoP for consideration.

⁸ The consultation exercise was conducted vide a circular (LC Paper No. CROP 8/20-21) issued on 9 November 2020 (<https://www.legco.gov.hk/yr20-21/english/procedur/papers/cropcrop-8-e.pdf>).

2.9 At its meeting on 11 May 2021, CROp considered and agreed to proceed to invite Members' views on Hon CHAN's proposed amendments to RoP 39 and 44 which sought to provide procedures for dealing with points of order (including points of quorum) which were abusive in nature.⁹ According to the outcome of the consultation on the proposed amendments to RoP 39 and 44, a majority of Members supported that:

- (a) RoP 39 be amended to:
 - (i) the effect that a Member should not interrupt another Member except by rising to a point of order and if called by the President in Council or the Chairman in a committee of the whole Council ("CoWC") to speak; and
 - (ii) provide that the President in Council or the Chairman in CoWC may direct the Member who is interrupting another Member to discontinue speaking if the President or the Chairman is of the opinion that the interruption is an abuse of procedure.

The above proposed amendments to RoP 39 would apply to a committee such that a committee chairman would have the proposed discretion to deal with points of order raised at a committee meeting; and

- (b) RoP 44 be amended to the effect that the President in Council, the Chairman in CoWC, or the chairman or deputy chairman of any committee (excluding any member presiding over a meeting of such committee) may decide when and how he would deal with a point of order if he is of the opinion that the raising of such a point of order is an abuse of procedure. Further, the Member presiding in Council and in CoWC may exercise the proposed discretion whereas any member presiding at any other committee shall not.

⁹ The consultation exercise was conducted vide a circular (LC Paper No. CROP 65/20-21) issued on 21 May 2021 (<https://www.legco.gov.hk/yr20-21/english/procedur/papers/cropcrop-65-e.pdf>).

2.10 Upon the recommendation by CRoP, the above amendments were endorsed at the HC meeting on 25 June 2021 and passed at the Council meeting of 14 July 2021. The amended RoP 39 and 44 came into operation upon the gazettal of the resolution on 16 July 2021.

2.11 The above apart, CRoP also conducted a consultation exercise¹⁰ in February 2021 on Hon CHAN's other proposals to amend the provisions of RoP which in Hon CHAN's view might be susceptible to abuse. The proposals included: (a) amending RoP 16 to specify that the duration of an adjournment debate held under RoP 16(2) should be no longer than one and a half hours unless extended by the President; (b) amending RoP 18(1) to specify that motions under RoP 49E(2) (i.e. take-note motions) should be dealt with after Members' motions not intended to have legislative effect; and (c) amending RoP 26(3) to provide expressly that a Member asking an oral question on the Agenda should only read out the question set out on the Agenda of the Council. Details of the amendments as endorsed at the HC meeting on 26 February 2021 and passed at the Council meeting of 24 March 2021 are in **Appendix V**.

D. Adjournment of debate in the Council

2.12 Having considered that the moving of motions under RoP 40(1) had been used as a means to prolong debates or interrupt proceedings of meetings for the purpose of filibustering in the past few years, Hon CHAN Hak-kan proposed to:

- (a) amend RoP 40(1) with reference to RoP 40(4) such that where the President is of the opinion that the moving of a motion under RoP 40(1) is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate; and
- (b) specify that RoP 40(1) would not apply to debates on motions moved under the following provisions of RoP:
 - (i) RoP 40(6A) in relation to resumption of debate adjourned under RoP 49B(2A);

¹⁰ See footnote 4 in this Chapter for details of the consultation exercise.

- (ii) RoP 16 in relation to motions for the adjournment of the Council;
- (iii) RoP 49B(2A) in relation to disqualification of Member from office;
- (iv) RoP 49E(2) in relation to motions on reports of HC on consideration of subsidiary legislation and other instruments;
- (v) RoP 54(4) in relation to motion to order otherwise in relation to adjournment of Second Reading debate;
- (vi) RoP 55(1)(a) in relation to committal of bills;
- (vii) RoP 84(3A) in relation to withdrawal in case of direct pecuniary interest;
- (viii) RoP 84(4) in relation to disallowance of vote in case of direct pecuniary interest;
- (ix) RoP 89(2) in relation to procedure for obtaining leave for Member to attend as witness in civil proceedings; and
- (x) RoP 90(2) in relation to procedure for obtaining leave to give evidence of Council proceedings.

2.13 A majority of Members indicated support for the proposal in the consultation exercise conducted by CROp.¹¹ Upon the recommendation of CROp, HC endorsed the proposal at the meeting on 26 February 2021. The resolution which contained the amendments to RoP 40(1) was subsequently passed at the Council meeting of 24 March 2021. The amended RoP 40(1) came into operation upon the gazettal of the resolution on 26 March 2021.

¹¹ See footnote 4 in this Chapter for details of the consultation exercise.

E. Split voting procedures for Members' bills and motions

2.14 On 11 March 2021, the National People's Congress made the Decision on Improving the Electoral System of the Hong Kong Special Administrative Region and authorized the Standing Committee of the National People's Congress ("NPCSC") to amend Annex I: Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and Annex II: Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures, to the Basic Law. The amended Annexes I and II to the Basic Law were adopted by NPCSC on 30 March 2021.

2.15 Pursuant to the amended Annex II to the Basic Law, the Seventh LegCo shall be composed of 90 Members, comprising 40 Members returned by the Election Committee, 30 Members returned by functional constituencies, and the remaining 20 Members returned by geographical constituencies through direct elections. Under Article 7 of the amended Annex II to the Basic Law, the passage of motions, bills or amendments thereto introduced by individual Members shall require a simple majority vote of each of the following two groups of Members present:

- (a) Members returned by the Election Committee; and
- (b) Members returned by functional constituencies and by geographical constituencies through direct elections.

2.16 To align with the above split voting procedures for the passage of a motion¹² or bill introduced by a Member or an amendment introduced by a Member to any motion or bill, CRoP at its meeting on 20 July 2021 agreed that consequential amendments to RoP 46(2) were required to be made to reflect the changes in the procedures for voting on Members' bills and motions. The consequential amendments to RoP 46(2) were subsequently endorsed by HC on 3 September 2021 and passed at the Council meeting of 20 October 2021. Given that the amended Annex II to the Basic Law is concerned with the formation and voting procedures

¹² Excluding a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in RoP 46(1).

of the Seventh LegCo and beyond, the amended RoP 46(2) will take effect on the day on which the Seventh LegCo begins.¹³

F. Observance of silence at a Council meeting

2.17 Under the established practice, the President may order or allow the observance of silence at the beginning of a Council meeting. In the past, there were occasions where Members proposed to observe a moment of silence at a Council meeting. In order to give the President sufficient time to consider the merits of such proposals, CRoP at its meeting on 20 July 2021 agreed to the proposal of adding a new provision to HR (i.e. new HR 1C) to provide that: (a) should a Member wish to initiate an observance of silence at a Council meeting, prior permission of the President should be obtained before that meeting; and (b) the observance of silence should take place only at the beginning of a Council meeting. Following the consultation in July 2021¹⁴ in which a substantial majority of Members indicated support for the proposal, HC approved at its meeting on 3 September 2021 the new HR 1C, which has taken effect from the same date.

¹³ According to paragraph 83 of the report of the Bills Committee on Improving Electoral System (Consolidated Amendments) Bill 2021 (LC Paper No. CB(4)1008/20-21), while the amended Annex II to the Basic Law made by NPCSC came into effect on 31 March 2021, it is concerned with the formation and voting procedures of the Seventh LegCo and beyond. Accordingly, the proposed consequential amendments to RoP 46(2) should take effect when the Seventh LegCo begins.

¹⁴ The consultation exercise was conducted vide a circular (LC Paper No. CROP 82/20-21) issued on 26 July 2021 (<https://www.legco.gov.hk/yr20-21/english/procedur/papers/cropcrop-82-e.pdf>).

Chapter 3 Imposition of financial penalties on Members absent without valid reasons from a Council meeting which is adjourned due to a lack of quorum

3.1 Article 75(1) of the Basic Law ("BL") provides that "[t]he quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be not less than one half of all its members". Rule 17(2), (3) and (4) of the Rules of Procedure ("RoP") sets out the procedures for enforcing the constitutional quorum requirement.

3.2 Following the amendment exercise to RoP in December 2017¹⁵ which covered various areas including the quorum of committee of the whole Council, there was a drop in the number of quorum calls in the 2018-2019 session while the number soon bounced back in the 2019-2020 session.¹⁶ At the beginning of the current session, the problem of incessant quorum calls became even worse. During the period from October to December 2020, 85 quorum calls were made and three Council meetings were adjourned due to a lack of quorum.

3.3 Since 2014, the Committee on Rules of Procedure ("CRoP") had been examining various proposals to deal with incessant quorum calls. Nonetheless, no consensus could be reached by CRoP on any of the proposals. On 18 January 2021, Hon CHAN Hak-kan submitted to CRoP his proposals to amend various parts of RoP and the House Rules ("HR") including those relating to the quorum of the Council.

3.4 Having regard to Hon CHAN Hak-kan's relevant proposal and the external legal advice sought in the 2014-2015 and 2016-2017 sessions and current session on the relevant legal issues relating to the quorum requirements for Council meetings, CRoP at its meeting on 11 May 2021 considered and decided to invite Members' views on the proposed

¹⁵ The amendments passed at the Council meeting of 13 December 2017 included, amongst others, amendments to RoP 17 to: (a) specify the quorum of a committee of the whole Council to be 20 members including the Chairman of that committee; and (b) empower the President to convene a Council meeting to complete the unfinished business on the Council Agenda before the next scheduled Council meeting.

¹⁶ The number of quorum calls in the 2018-2019 session was 70 while in the 2019-2020 session, 114 quorum calls were recorded and the Council was adjourned on eight occasions due to a lack of quorum.

procedures to deal with incessant quorum calls.¹⁷ Based on the consultation outcome, CRoP submitted to the House Committee ("HC") for endorsement on 25 June 2021 the proposal which had received sufficient support from Members.

3.5 According to the proposal endorsed by HC, financial penalties shall be imposed on Members on each occasion that they are absent without valid reasons¹⁸ from a Council meeting which is adjourned due to a lack of quorum under RoP 17(2) or (3), irrespective of whether the Council meeting so adjourned shall be deemed to be a meeting ordered to be suspended and may be resumed for continuation of any unfinished business under RoP 17(6) and 14(4). While Members are not required to submit prior applications for leave of absence from a Council meeting, the President may, after a Council meeting is adjourned due to a lack of quorum, exercise his discretion to decide whether the absence of a Member is due to valid reasons taking into consideration the relevant facts of individual cases, past practices, prevailing circumstances, experience of overseas legislatures, etc.

3.6 It has also been agreed that the financial penalty payable by an absent Member is to be set at an amount equivalent to one day's remuneration currently payable to a Member who does not serve on the Executive Council ("ExCo"), regardless of whether the absent Member is an ExCo Member, and be deducted from the absent Member's remuneration. The formula for calculating the amount of the financial penalty¹⁹ (on a 30-calendar-day basis) is as follows:

$$\frac{\text{Amount of financial penalty}^{\#}}{\text{(i.e. 1-day remuneration of a Member}^{\Delta})} = \frac{\text{Prevailing monthly remuneration of a Member}^{\Delta}}{\div 30}$$

[#] Number rounded to the nearest hundred

^Δ "Member" refers to "a Member who does not serve on ExCo"

3.7 With the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Ordinance 2021 in September 2021, the Legislative Council ("LegCo") has the

¹⁷ See footnote 9 in Chapter 2 for details of the consultation exercise.

¹⁸ Valid reasons may include illness, maternity, paternity, Council business-related duty visits, etc.

¹⁹ The amount of the financial penalty is subject to adjustment based on changes to the prevailing monthly remuneration of a Member who does not serve on ExCo.

express statutory authority to impose financial penalties on absent Members. On 24 September 2021, HC endorsed the consequential amendments to RoP 17 and the proposed new HR 19C to provide for the imposition of the financial penalties on absent Members as detailed in paragraph 3.6. The relevant resolution which set out the amendments to RoP 17 was passed by the Council at its meeting of 20 October 2021. Pursuant to the resolution, the imposition of financial penalties on Members absent without valid reasons from a Council meeting adjourned due to a lack of quorum will come into operation on the day on which the Seventh LegCo begins.

Chapter 4 Members' behaviours and decorum at meetings of the Council and committees

4.1 During the current legislative session, the Committee on Rules of Procedure ("CRoP") reviewed the rules and practices in relation to Members' behaviour and conduct at Council meetings, taking into consideration CRoP's past deliberations and relevant practices adopted by selected overseas legislatures. Details of the deliberations on individual proposals are elaborated below.

A. Sanction against grossly disorderly conduct of Members

4.2 Since the Fourth Legislative Council ("LegCo"), CRoP had been examining matters relating to Members' conduct during and outside meetings of the Council and committees. After studying the experiences of overseas legislatures and assessing the adequacy of the withdrawal sanction under Rule 45(2) of the Rules of Procedure ("RoP"),²⁰ CRoP, at its meeting on 3 February 2021, agreed to the proposed sanction mechanism modelled upon the one adopted by the House of Commons of the United Kingdom Parliament and decided to conduct a consultation exercise to gauge Members' views on the procedure for imposing the proposed sanction against Members' grossly disorderly conduct.²¹

4.3 With the support by an overwhelming majority of Members who responded to the consultation, the proposed sanction mechanism established under the new RoP 45A was endorsed by the House Committee ("HC") on 26 February 2021 and approved by the Council at the meeting of 24 March 2021. According to the sanction mechanism, a Member who has committed grossly disorderly conduct in Council, a committee of the whole Council ("CoWC"), the Finance Committee or HC may be named by the President if the President considers the sanction under RoP 45(2) inadequate in dealing with such conduct. If a motion to decide whether the Member should be suspended from the service of

²⁰ RoP 45(2) empowers the President of LegCo, the Chairman of CoWC or the chairman of any committee to order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting.

²¹ The consultation exercise was conducted vide a circular (LC Paper No. CROP 41/20-21) issued on 3 February 2021 (<https://www.legco.gov.hk/yr20-21/english/procedur/papers/cropcrop-41-e.pdf>).

LegCo moved by the President's deputy is carried, the Member will be suspended from the service of LegCo for a period specified in the motion, and will be excluded from participation in the exercise of the Council's powers and functions under Article 73 of the Basic Law ("BL") during the specified period²² ("suspended Member"). The duration of suspension is subject to an escalating scale of severity.²³

4.4 Under the sanction mechanism, a financial penalty (i.e. depriving the suspended Member of his/her remuneration including allowances and end-of service gratuity)²⁴ would be imposed for the period of suspension on a pro-rata basis. Nevertheless, the suspended Member is still entitled to be reimbursed the operating expenses incurred in respect of the suspension period.

4.5 After the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Ordinance 2021, HC endorsed on 24 September 2021 the consequential amendments to RoP 45A to provide for the imposition of financial penalties on suspended Members detailed in paragraph 4.4. The relevant resolution which set forth the amendments to RoP 45A was passed at the Council meeting of 20 October 2021. Pursuant to the resolution, the imposition of financial penalties on suspended Members will come into operation on the day on which the Seventh LegCo begins.

²² Including, among others, meetings of the Council and all its committees as well as handling of complaints under the LegCo Redress System.

²³ On the first occasion, the Member concerned will be suspended for one week while on the second occasion during the same term of the Council, he/she will be suspended for two weeks. On any subsequent occasion during the same term of the Council, the duration of suspension will be twice that of the previous occasion provided that such duration should not extend beyond the end date of the term concerned.

²⁴ Remuneration is paid to each Member monthly through autopay. Members are also provided with an annual medical allowance for reimbursement of medical expenses (which include actual medical and dental expenses as well as premiums for personal medical and dental insurance cover). Members' monthly remuneration and medical allowance are subject to annual adjustment in October according to the movement of Consumer Price Index (C). An end-of-service gratuity equivalent to 15% of the remuneration that a Member receives during the LegCo term will also be payable to the Member upon the completion of his/her term of office. For details, please refer to the "Explanatory note on Remuneration Package for Legislative Council Members" (https://www.legco.gov.hk/general/english/sec/corg_ser/admin_benefit.pdf).

B. Attire for Members attending Council meetings

4.6 In the Third LegCo, invited by the then President, CRoP studied Members' attire during Council meetings and was of the view that it was impossible to exhaust all possible cases of improper attire. Hence, there was no need to amend RoP to stipulate penalties/sanctions for non-compliance.

4.7 Since then, no further study on Members' attire had been conducted. In consideration that the President had been exercising his discretion over Members' standard of dress and it would not be easy for Members, particularly new Members, to be aware of the appropriate attire for attending Council meetings in the absence of explicit provisions in RoP nor separate guidelines to prescribe Members' proper dress code, CRoP revisited the issue at its meeting on 20 May 2021. After deliberation, CRoP supported and agreed to invite Members' views²⁵ on the proposal to:

- (a) amend RoP 42(a) and 43 to expressly provide that Members shall dress in business attire when attending Council meetings including meetings of CoWC, and that the requirement did not apply to meetings of other committees; and
- (b) provide for Members' reference the "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in **Appendix VI** which might be revised/updated as and when directed by the President.²⁶

4.8 A substantial majority of Members who responded to the consultation expressed support for the above proposal to safeguard the dignity and uphold the image of the Council. With the endorsement of HC on 25 June 2021, the relevant resolution under BL 75 was passed by the Council at its meeting of 14 July 2021. The amended provisions of RoP came into operation upon the gazettal of the resolution on 16 July 2021.

²⁵ See footnote 9 in Chapter 2 for details of the consultation exercise.

²⁶ The "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" is available at the LegCo website (<https://www.legco.gov.hk/general/english/procedur/matters/yr16-20/procb3-805-2021-app-e.pdf>).

C. Display of objects by Members at Council meetings

4.9 In the first three terms of LegCo, it was not common for Members to display objects at Council meetings. It was not until the Fourth and Fifth terms of LegCo that the number of occasions where Members displayed objects at Council meetings to illustrate the arguments in their speeches increased significantly. In the 2009-2010 and 2010-2011 sessions, CRoP conducted relevant studies and considered then that the arrangement whereby the President might order the immediate withdrawal of a Member who refused to remove a displayed object for the remainder of that meeting was adequate to deal with disruptions caused by the display of objects. In March 2012, the then President reminded Members in a circular that any display of objects should not cause obstruction to Members in their participation in the proceedings of the Council and should be confined to the seating area of the Member who made the display.

4.10 In reviewing RoP and the House Rules ("HR") in the current session, CRoP took the opportunity to re-examine at its meeting in May 2021 the practice on regulating the display of objects by Members at Council meetings with reference to the relevant rules and practices adopted by overseas parliaments. Members agreed and decided to conduct consultation²⁷ with all Members on the proposal that:

- (a) RoP 42 be amended to specify that a Member may, subject to any such requirements or restrictions as may from time to time be recommended by HC, display an object for illustrating a point in his/her speech only while he/she is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to RoP 41 regulating the contents of speeches made by Members; and
- (b) a proposed new HR 19B be added to set out the requirements or restrictions recommended by HC.

4.11 Given the majority responses to the consultation received from Members supported the above proposal, the amendments to the related provisions of RoP and HR were endorsed by HC on 25 June 2021.

²⁷ See footnote 9 in Chapter 2 for details of the consultation exercise.

Following the passage of the resolution under BL 75 at the Council meeting of 14 July 2021, the amended RoP 42 came into operation upon the gazettal of the resolution on 16 July 2021. By virtue of RoP 43,²⁸ the requirements or restrictions as recommended by HC under HR 19B on the display of objects shall also apply to the proceedings in a committee unless the chairman of the committee orders otherwise.

²⁸ RoP 43 provides that "[t]he Rules in this Part, except the attire requirement laid down in Rule 42(a) (Behaviour of Members during Meeting) which shall only apply to the proceedings of the Council and a committee of the whole Council, shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise".

Chapter 5 Conduct of business in committees

A. Committee membership and election of the chairman and deputy chairman

5.1 In anticipation of an increase in the number of Members in the Seventh Legislative Council ("LegCo"),²⁹ Hon CHAN Hak-kan and Ir Dr Hon LO Wai-kwok submitted to the Committee on Rules of Procedure ("CRoP") their respective proposals to amend the membership and composition of committees and the procedures for election of the chairman and deputy chairman for the purpose of maintaining the number of committee members at a manageable size and ensuring operational efficiency. An overview of the key issues of the respective proposals is given below.

(a) Proposal in relation to the membership of Panels, Bills Committees and subcommittees and the election of the chairmen and deputy chairmen of these committees

5.2 At its meeting on 11 May 2021, CRoP considered and decided to invite Members' views on a proposal³⁰ drawn up with reference to Hon CHAN's proposal related to the membership of Panels, Bills Committees ("BCs") and subcommittees ("SCs") appointed by the House Committee ("HC"), Panel(s) or BCs and the relevant procedures for election of the chairmen and deputy chairmen, giving regard to the relevant practices adopted by selected overseas legislatures and the composition of the Seventh LegCo. The proposal included:

- (i) setting a cap of 20 members for committees which monitored and examined policy matters (namely, Panels and SCs appointed by HC or Panel(s) to study policy issues), and a cap of 15 members for committees formed to consider legislative proposals (namely, BCs (and its SCs) and SCs appointed by HC to study subsidiary legislation and other instruments) as well as SCs appointed by HC to consider other matters relating to Council business, unless otherwise decided by HC;

²⁹ Pursuant to the amended Annex II to the Basic Law adopted by the Standing Committee of the National People's Congress on 30 March 2021, the number of LegCo Members will be increased from 70 to 90 in the Seventh LegCo.

³⁰ See footnote 9 in Chapter 2 for details of the consultation exercise.

- (ii) putting in place a new mechanism for allocation of committee seats among Members and specifying that no Member shall be a member of more than six Panels (i.e. one third of all Panels) at the same time; and
- (iii) amending the procedure for election of the chairman and deputy chairman of a committee. Proposed amendments included the submission of nominations through electronic means before a specified deadline, the member with the highest precedence in a committee assuming the chairmanship if no valid nomination is received by the deadline, and specifying a time limit of 30 minutes for conducting the election, etc.

5.3 Based on the outcome of the consultation, the proposal was supported by a majority of Members. As recommended by CRoP, HC endorsed the proposal at its meeting on 25 June 2021. The new allocation mechanism (paragraph 5.2(ii) refers) and the revised election procedure (paragraph 5.2(iii) refers) to be set out respectively in Appendices IIIB and IV to the House Rules ("HR") are reproduced in **Appendices VII and VIII** to this Progress Report. With the passage of the resolution setting out the amendments to the relevant provisions of the Rules of Procedure ("RoP") at the Council meeting of 14 July 2021, the amended provisions of RoP and HR will come into operation on the day on which the Seventh LegCo begins.

- (b) Proposal in relation to the membership of the Finance Committee and House Committee, and the election of the chairmen and deputy chairmen of the two committees

5.4 CRoP examined the proposal in relation to the membership of the Finance Committee ("FC") and HC put forward by Ir Dr Hon LO Wai-kiwok and the proposal in relation to the procedure for election of the chairmen and deputy chairmen of the two committees at its meeting on 20 July 2021. Under Ir Dr Hon LO's proposal, it would no longer be mandatory for all Members other than the President to be members of FC and HC and instead, they would be given the choice as to whether to join

FC and/or HC. Having regard to the importance of FC³¹ and HC³² in performing the functions of LegCo, the two committees should each consist of not less than 50 members (including the chairman) to ensure that the decisions made or views expressed by the committee members would represent the majority view of Members of LegCo while keeping the committees to a manageable size.

5.5 As regards the procedure for election of chairmen and deputy chairmen of FC (and its two SCs) and HC, having regard to the fact that FC (and its two SCs) and HC have all along adopted the same election procedure as Panels, BCs and SCs, it was proposed that the amended election procedure (paragraph 5.2(iii) refers) to be set out in the revised Appendix IV to HR may apply to HC with modifications. FC was also recommended to adopt a similar election procedure for the committee and its two SCs.

5.6 Given an overwhelming majority of Members expressed support for the proposal in the consultation conducted by CRoP,³³ HC endorsed the proposed amendments to the relevant provisions of RoP and HR at its meeting on 3 September 2021. Appendix IV to HR, as presented in **Appendix VIII** to this Progress Report, sets out the procedure for election of the chairman and deputy chairman of HC. The amendments to the relevant provisions of RoP contained in the resolution passed at the Council meeting of 20 October 2021 together with the amended provisions of HR will come into operation on the day on which the Seventh LegCo begins. With effect from the Seventh LegCo, Members who are not members of FC or HC may attend the meetings of FC and HC and join the discussion of agenda items; and membership of BCs and SCs appointed by HC will be open to all Members other than the President.

³¹ As stipulated in RoP 71(4) and (5), the functions of FC shall be such as 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 SCs for the purpose of assisting it in the performance of its functions.

³² HC is responsible for making preparations for meetings of the Council and considering matters relating to the business of the Council. HC may form 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.

³³ See footnote 14 in Chapter 2 for details of the consultation exercise.

B. Consultation requirement for resumption of Second Reading debate on a bill in the Council

5.7 According to RoP 54(5), the Member or public officer in charge of a bill is required to consult the HC chairman before he gives notice to the Clerk to LegCo for resumption of the Second Reading debate on a bill in the Council ("resumption of debate").³⁴ HC normally considers the report of a BC at an HC meeting, and if HC members raise no objection to the resumption of debate, the HC chairman shall arrange for the Member or public officer in charge of the bill to be so notified. If no BC has been formed to study a bill, HC may, having considered the Legal Adviser's report (and further reports where necessary) on the legal aspects of the bill, agree to support the resumption of debate on the bill in accordance with HR 20(h)(i).

5.8 At its meeting on 30 August 2021, CRoP considered and agreed to gauge Members' views on Hon CHAN Hak-kan's proposal³⁵ which sought to:

- (i) remove the existing requirement for the Member or public officer in charge of a bill to consult the HC chairman under RoP 54(5) before giving notice to the Clerk to LegCo for resumption of debate;
- (ii) make it clear that if a 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 and the HC chairman or, in his absence, the 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 for resumption of debate in accordance with RoP 54(5); and

³⁴ 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.

³⁵ The consultation exercise was conducted vide a circular (LC Paper No. CROP 91/20-21) issued on 7 September 2021 (<https://www.legco.gov.hk/yr20-21/english/procedur/papers/cropcrop-91-e.pdf>).

- (iii) amend HR 21 to provide that a BC shall indicate in its report that it has completed consideration of the bill allocated to it, and remove the reference to "whether or not the Bills Committee supports the bill" from the provision.

5.9 According to the consultation results, a majority of Members expressed support for Hon CHAN's proposal. They also expressed support for the procedures for dealing with the resumption of debate set out in **Appendix IX**. On the recommendation of CRoP, HC endorsed, at its meeting on 24 September 2021, the proposed amendments to RoP and HR as well as the procedures for dealing with resumption of debate. Following the approval of the Council at its meeting of 20 October 2021, the amended provisions of RoP and HR and the relevant procedures will come into operation on the day on which the Seventh LegCo begins.

C. Operation of the House Committee and other committees

5.10 During the review exercise, CRoP considered various proposed amendments to RoP and HR in relation to the operation of HC and other committees (e.g. Panels, BCs and SCs) with an aim to achieve better operational efficiency. The gist of individual proposals is set out in the ensuing paragraphs.

- (a) Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session

5.11 Proposed by Hon CHAN Hak-kan and supported by a majority of Members responding to the consultation in February 2021,³⁶ HC endorsed and the Council approved in February and March 2021 respectively the addition of a new Rule 79D to RoP to provide explicitly that the chairman and deputy chairman of a committee shall hold office until the chairman for the next session is elected in that next session or, in the case that election is held before that next session commences, until that commencement, and that the chairman and deputy chairman in office shall have all the powers that may be exercised by a chairman or deputy chairman of the committee until his or her term of office ends, either upon the commencement of the next session or the election of the chairman for the next session, whichever is the later.

³⁶ See footnote 4 in Chapter 2 for details of the consultation exercise.

(b) Discontinuation of motions moved without notice at a committee meeting

5.12 The proposal to amend HR 22(p) was put forth by Hon CHAN Hak-kan in January 2021. After discussion and having considered Members' views collated from the consultation,³⁷ CRoP agreed to recommend to HC for endorsement the proposal under which HR 22(p) would be amended to provide that any member who wishes to move a motion to express a view or stance on a specific issue at a meeting of a Panel or an SC appointed by HC or Panel(s) to study policy issues ("policy subcommittees") shall give notice in writing not less than 2 clear days before the meeting. Nevertheless, the procedure for moving of motions to express views or stance should be applicable to only Panels or policy subcommittees but not to other committees such as BCs and SCs appointed to study subsidiary legislation or consider the appointment/removal of senior judges under Article 73(7) of the Basic Law. HC approved at its meeting on 26 February 2021 the proposed amendments which took effect on the same date.

(c) Power of the House Committee to give directions on committee matters

5.13 CRoP discussed at its meeting on 30 August 2021 Hon CHAN Hak-kan's proposal to provide explicitly in RoP 75(8), 76(11) and 77(15) that HC has the power to give directions, in addition to providing guidelines, on matters relating to membership of committees, 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 or raised by any of its own members. With the support from an overwhelming majority of Members responding to the consultation conducted by CRoP in September 2021,³⁸ the proposed amendments as endorsed by HC on 24 September 2021 and passed at the Council meeting of 20 October 2021 will come into operation on the day on which the Seventh LegCo begins.

(d) Appointment of joint subcommittees by more than two Panels

5.14 Having considered the possible procedural difficulties and discussions on arrangements that might arise where more than two Panels

³⁷ See footnote 4 in Chapter 2 for details of the consultation exercise.

³⁸ See footnote 35 in this Chapter for details of the consultation exercise.

wished to appoint a joint SC to study matters of common interest, Hon CHAN Hak-kan proposed to specify in HR that: (i) HC may appoint an SC to study an issue of public concern which straddles the purview of a number of Panels; and (ii) where more than two Panels wishes to appoint a joint SC, a proposal shall be made to HC for that SC to be formed under HC.³⁹ The proposed amendments to HR 20(j)(ii) and 22(t) as supported by a vast majority of Members responding to the consultation⁴⁰ were approved at the HC meeting on 24 September 2021. The amended provisions of HR will come into operation on the day on which the Seventh LegCo begins.

(e) Other amendments to the House Rules

5.15 The above apart, CRoP also considered other proposed amendments to HR to facilitate the smooth operation of and better reflect the practices of HC. At its meeting on 3 February 2021, CRoP considered and agreed to the proposed amendments to various parts of HR submitted by Hon Tommy CHEUNG as set out in **Appendix X**. These amendments were subsequently approved by HC at the meeting on 26 February 2021 and took effect on the same date.

5.16 On the other hand, to ensure that any business required to be considered and/or decided by HC could be dealt with in an efficient and timely manner, the following amendments to HR were proposed to the effect that:

- (i) 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)) shall make a request in writing to the HC chairman by the deadline specified in HR 20(f)(i) for it to be considered at an HC meeting;
- (ii) the HC chairman shall have power to decide the agenda of a meeting, and also the power to decide the time and

³⁹ In the 2020-2021 session, HC has endorsed four proposed appointments of SCs for the purpose of studying major issues which straddled the portfolios of a number of Panels, and Members who were not members of those Panels might join the relevant SCs to study the issues.

⁴⁰ See footnote 35 in this Chapter for details of the consultation exercise.

arrangements of a meeting, and to set time limits for dealing with agenda items of a meeting; and

- (iii) 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 meeting. By virtue of HR 26(f),⁴¹ this proposed amendment would also apply to SCs appointed by HC to study subsidiary legislation and other instruments.

5.17 CROp considered and decided to seek Members' views on the above amendments to HR.⁴² Supported by a majority of Members who took part in the consultation exercise and upon CROp's recommendation, HC approved at its meeting on 3 September 2021 the above proposed amendments to HR which will come into operation on the day on which the Seventh LegCo begins.

⁴¹ HR 26(f) provides that "[t]he practices and procedures set out in rules 20 to 25 shall apply, where appropriate, to subcommittees of the House Committee, Bills Committees or Panels (including joint subcommittees appointed by two Panels)".

⁴² See footnote 14 in Chapter 2 for details of the consultation exercise.

Chapter 6 Administration of the Legislative Council Oath

6.1 Enacted in May 2021, the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 ("the Ordinance") implements the requirements for taking oath by public officers stipulated in Article 104 of the Basic Law ("BL"),⁴³ the "Interpretation of Article 104 of the Basic Law" adopted by the Standing Committee of the National People's Congress on 7 November 2016 and Article 6 of the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" promulgated on 30 June 2020.⁴⁴

6.2 Pursuant to the Ordinance, the Legislative Council ("LegCo") Oath is no longer required to be taken at a meeting of LegCo and must be administered by the Chief Executive ("CE") or a person authorized by CE.⁴⁵ The Committee on Rules of Procedure ("CRoP") at its meeting on 20 September 2021 considered and agreed to the consequential amendments to the Rules of Procedure ("RoP") and House Rules ("HR") arising from the enactment of the Ordinance. On the recommendation by CRoP, the consequential amendments were endorsed by the House Committee ("HC") on 24 September 2021.

6.3 Upon the passage of the resolution which set forth the consequential amendments to the related provisions of RoP at the Council meeting of 20 October 2021, the amended provisions of RoP and HR will come into operation on the day on which the Seventh LegCo begins. According to the amended RoP 1, a Member who has not made or subscribed an oath or affirmation in accordance with the Oaths and Declarations Ordinance (Cap. 11) shall not exercise the powers or

⁴³ BL 104 specifies five categories of public officers including Members of LegCo who must, in accordance with law, swear to uphold the Basic Law of the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China ("PRC") and swear allegiance to HKSAR of PRC when assuming office.

⁴⁴ Article 6 of the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" stipulates that a resident of HKSAR who stands for election or assumes public office must confirm in writing or take an oath to uphold the Basic Law of HKSAR of PRC and to swear allegiance to HKSAR of PRC in accordance with the law.

⁴⁵ Before the enactment of the Ordinance, the oath administrators for LegCo Members were: (a) Clerk to LegCo (if an oath was taken at the first sitting of the session of the LegCo immediately after a general election of all LegCo Members and before the election of the President); or (b) President or any Member acting in his/her place (if it was taken at any other sitting of LegCo).

functions of a Member.⁴⁶ Under the existing RoP 12(2), after all Members have made or subscribed an oath or affirmation at the first meeting of a term, the election of the President shall be conducted in accordance with the procedure as provided for under RoP 4. As Members will no longer make or subscribe an oath or affirmation at the first meeting of a term starting from the Seventh LegCo, RoP 12 has been amended to provide that the election of the President shall be held before the first meeting of a term.

⁴⁶ Including being present or voting at the election of the President and attending or voting at a meeting of the Council or any committee.

Chapter 7 Use of videoconferencing platform for conducting formal meetings of Panels, Bills Committees and subcommittees

7.1 In view of the severe pandemic situation of the coronavirus disease 2019 ("COVID-19") in Hong Kong, some of the meetings of the Legislative Council ("LegCo") had to be suspended in the 2019-2020 and 2020-2021 sessions. To enable committees performing functions primarily of a deliberative nature, i.e. Panels or their subcommittees, Bills Committees and subcommittees appointed by the House Committee ("HC"), to continue to meet during the COVID-19 pandemic in the performance of their functions under the Rules of Procedure ("RoP") and House Rules ("HR") while ensuring social distancing, the Council passed a motion under Article 75 of the Basic Law in **Appendix XI** to introduce a procedure for the conduct of committee meetings virtually during the COVID-19 pandemic.⁴⁷ However, meetings of the Council, HC, the Finance Committee and its subcommittees, the Committee on Rules of Procedure ("CRoP"), the Committee on Members' Interests and the Public Accounts Committee continued to meet in person.

7.2 At its meeting on 20 September 2021, CRoP noted that with the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Ordinance 2021 in September 2021, LegCo could, by a resolution passed at a physical meeting of LegCo, authorize that during a period specified in the resolution, meetings of the Council or any other committees may be conducted remotely in exceptional circumstances (including a public health emergency or public danger). Considering the technical complexity and procedural issues involved, CRoP will be consulted in the next term on the implementation details including matters such as quorum, voting procedure and other technical matters, for conducting virtual meetings.

⁴⁷ The motion was passed at the Council meeting of 13 January 2021. Under the procedure for conducting virtual committee meetings annexed to the motion passed by LegCo, the chairman of a relevant committee or any other LegCo Member presiding shall chair the virtual meeting in a venue within the LegCo Complex, while other LegCo Members and persons invited or summoned to attend the meeting may participate in the meeting remotely. In other words, remote committee meetings were conducted under what may be called a "hybrid" model.

Chapter 8 Acknowledgement

8.1 The Committee on Rules of Procedure wishes to express its appreciation to Members of the Council for their views and support for the work of the Committee.

Appendix I**Committee on Rules of Procedure****Membership list for the 2020-2021 session***

Chairman	Hon Paul TSE Wai-chun, JP
Deputy Chairman	Hon CHEUNG Kwok-kwan, JP
Members	Hon Tommy CHEUNG Yu-yan, GBS, JP Hon CHAN Hak-kan, SBS, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon Mrs Regina IP LAU Suk-ye, GBM, GBS, JP Hon Michael TIEN Puk-sun, BBS, JP Hon KWOK Wai-keung, JP Hon Elizabeth QUAT, BBS, JP Ir Dr Hon LO Wai-kwok, GBS, MH, JP Dr Hon Junius HO Kwan-yiu, JP Hon CHAN Chun-ying, JP
	(Total : 12 Members)
Clerk	Mr Colin CHUI (up to 17 January 2021) Miss Lilian MOK (since 18 January 2021)
Legal Adviser(s)	Mr Bonny LOO (up to 24 September 2021) Miss Rachel DAI

*Changes in membership are shown in Annex.

Annex to Appendix I**Committee on Rules of Procedure****Changes in membership**

Member	Relevant date
Hon James TO Kun-sun	Up to 12 November 2020
Hon Mrs Regina IP LAU Suk-ye, GBM, GBS, JP	Since 27 November 2020
Hon Elizabeth QUAT, BBS, JP	Since 27 November 2020
Ir Dr Hon LO Wai-kwok, GBS, MH, JP	Since 27 November 2020
Hon CHAN Chun-ying, JP	Since 27 November 2020

For **changes in LegCo Membership**, please refer to the link below:

(<https://www.legco.gov.hk/general/english/members/yr16-20/notes.htm>)

Appendix II**Committee on Rules of Procedure****List of issues studied during the period
from October 2020 to October 2021**

Item	Issue/proposal <i>[Relevant paragraph(s) in the Progress Report]</i>	Relevant Rules of Procedure ("RoP") / House Rules ("HR")
Conduct of business in the Council		
1.	Duration of debates on motions and speaking time limits of Members in debates <i>[2.2-2.4]</i>	RoP 37 HR 17 and new Appendix IIIA
2.	Order of dealing with Members' motions under Article 73(5) and (10) of the Basic Law and the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) <i>[2.5-2.7]</i>	HR 13(b) and 15
3.	Procedures for dealing with points of order <i>[2.8-2.11]</i>	RoP 16, 18, 19, 20, 21, 26, 29, 39, 44, 49(6), 51, 54, 56, 63, 91 and 93 HR 2, 9A, 13, 15, 18 and 22
4.	Adjournment of debate in the Council <i>[2.12-2.13]</i>	RoP 40(1)
5.	Split voting procedures for Members' bills and motions <i>[2.14-2.16]</i>	RoP 46
6.	Observance of silence at a Council meeting <i>[2.17]</i>	New HR 1C

Item	Issue/proposal <i>[Relevant paragraph(s) in the Progress Report]</i>	Relevant Rules of Procedure ("RoP") / House Rules ("HR")
Imposition of financial penalties on Members absent without valid reasons from a Council meeting which is adjourned due to a lack of quorum		
7.	Imposition of financial penalties on Members absent without valid reasons from a Council meeting which is adjourned due to a lack of quorum <i>[3.1-3.7]</i>	RoP 17 New HR 19C
Members' behaviours and decorum at meetings of the Council and committees		
8.	Sanction against grossly disorderly conduct of Members <i>[4.2-4.5]</i>	New RoP 45A
9.	Attire for Members attending Council meetings <i>[4.6-4.8]</i>	RoP 42 and 43
10.	Display of objects by Members at Council meetings <i>[4.9-4.11]</i>	RoP 42 New HR 19B
Conduct of business in committees		
11.	Committee membership and election of the chairman and deputy chairman <i>[5.1-5.6]</i>	RoP 71, 75, 76 and 77 HR 20, 21, 22, 23, 26, new Appendix IIIB, and Appendix IV
12.	Consultation requirement for resumption of Second Reading debate on a bill in the Council <i>[5.7-5.9]</i>	RoP 54, 75 and 76 HR 20 and 21

Item	Issue/proposal <i>[Relevant paragraph(s) in the Progress Report]</i>	Relevant Rules of Procedure ("RoP") / House Rules ("HR")
13.	Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session <i>[5.11]</i>	New RoP 79D
14.	Discontinuation of motions moved without notice at a committee meeting <i>[5.12]</i>	HR 22(p)
15.	Power of the House Committee ("HC") to give directions on committee matters <i>[5.13]</i>	RoP 75(8), 76(11) and 77(15)
16.	Appointment of joint subcommittees by more than two Panels <i>[5.14]</i>	RoP 75 and 77 HR 20, 22, 23, 26, new Appendix IIIB, and Appendix IV
17.	Amendments to HR proposed by Hon Tommy CHEUNG <i>[5.15]</i>	HR 10, 19, 20(e), 20(f), 21, 24A, 25, 26, 28 and 31
18.	Amendments relating to the operation of HC <i>[5.16-5.17]</i>	HR 20(fa), 20(fb) and 21(c)

Item	Issue/proposal <i>[Relevant paragraph(s) in the Progress Report]</i>	Relevant Rules of Procedure ("RoP") / House Rules ("HR")
Administration of the Legislative Council Oath		
19.	Amendments to RoP and HR arising from the enactment of the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 <i>[6.1-6.3]</i>	RoP 1, 12, 18, 19, 23 and Schedule 1 HR 1A
Use of videoconferencing platform for conducting formal meetings of Panels, Bills Committees and subcommittees		
20.	Use of videoconferencing platform for conducting formal meetings of Panels, Bills Committees and subcommittees <i>[7.1-7.2]</i>	----

Appendix III**Committee on Rules of Procedure**

**List of consultation papers issued to Members
and papers seeking endorsement of the House Committee
on the proposals to amend the Rules of Procedure and House Rules**

A. Consultation papers issued to Members

LC Paper No.	Issue date	Paper
CROP 8/20-21	9.11.2020	Consultation on Hon CHEUNG Kwok-kwan's proposals to amend the House Rules ("HR")
CROP 41/20-21	3.2.2021	Consultation on proposed sanction against grossly disorderly conduct of Members in Council and selected committees
CROP 43/20-21	11.2.2021	Consultation on proposals to amend the Rules of Procedure ("RoP") and HR
CROP 65/20-21	21.5.2021	Consultation on proposals to amend RoP and HR – Second batch of proposed amendments
CROP 82/20-21	26.7.2021	Consultation on proposals to amend RoP and HR – Third batch of proposed amendments
CROP 91/20-21	7.9.2021	Consultation on Hon CHAN Hak-kan's proposals to amend RoP and HR

B. Papers seeking endorsement of the House Committee on the proposals to amend the Rules of Procedure and House Rules

LC Paper No.	Date of meeting of the House Committee	Paper
CROP 18/20-21	8.1.2021 (Item VIII)	Use of videoconferencing platform for holding formal meetings of Panels, Bills Committees and subcommittees
CROP 46/20-21	26.2.2021 (Item VII)	Review of RoP and HR – First batch of proposed amendments
CROP 51/20-21	26.3.2021 (Item VI)	Proposed consequential amendments to HR in relation to the first batch of amendments to RoP
CROP 71/20-21	25.6.2021 (Item VI)	Review of RoP and HR – Second batch of proposed amendments
CROP 90/20-21	3.9.2021 (Item VII)	Review of RoP and HR – Third batch of proposed amendments
CROP 98/20-21	24.9.2021 (Item IX)	Review of RoP and HR – Fourth batch of proposed amendments

Appendix IV**Rules of Procedure and House Rules –
Rules amended in the 2020-2021 session****A. Rules of Procedure**

<i>Rule/Schedule amended/added</i>	<i>Title</i>
1	Oath or Affirmation
12	First Meeting of Term
16	Motions for the Adjournment of the Council
17	Quorum
18	Order of Business at a Meeting
19	The Agenda of the Council
20	Presentation of Petitions
21	Presentation of Papers
23	Question Time
26	Asking and Answering of Questions
29	Notice of Motions and Amendments
37	Recommendations of House Committee as to Time of Speaking
39	Interruptions
40	Adjournment of Debate or of Proceedings of a Committee of the Whole Council
42	Behaviour of Members during Meeting
43	Application of Rules to Committees
44	Decision of the Chair
New 45A	Naming and Suspending
46	Decision on Motions
49	Divisions
51	Notice of Presentation of Bills
54	Second Reading
56	Functions of Committees on Bills
63	Third Reading
71	Finance Committee
75	House Committee
76	Bills Committees
77	Panels
New 79D	Powers of Chairman and Deputy Chairman of a Committee in Office
91	Suspension of Rules
93	Interpretation
Schedule 1	Procedure for the Election of the President of the Legislative Council

Rules amended/added	Schedule amended
31	1

B. House Rules

<i>Rule/Appendix amended/added</i>	<i>Title</i>
1A	Election of the President of the Legislative Council
New 1C	Observance of Silence
2	Address on Papers, Bills Committee Reports, Subsidiary Legislation and Instruments Tabled in the Council
9A	Time Limit on an Oral Question
10	Urgent Questions
13	Number of Debates Initiated by Members
15	Order of Debates on Motions
17	Motion Debates
18	Adjournment Debates
19	Moving of Motion to Shorten the Duration of Division Bell
New 19B	Display of Objects
New 19C	Financial Penalty Imposed on a Member whose Absence without a Valid Reason Causes Adjournment of the Council
20	House Committee
21	Bills Committees
22	Panels
23	Application for Late Membership
24A	Extension of Meetings
25	Minutes of Meetings and Verbatim Records
26	Activation and Operation of Subcommittees
28	Arrangements during Tropical Cyclone Warning Signals and Rainstorm Warning Signals
31	Briefings by Policy Secretaries on the Chief Executive's Policy Address
New Appendix IIIA	Duration of debates and speaking time limits of Members in debates
New Appendix IIIB	Mechanism for allocation of committee seats
Appendix IV	Procedure for Election of the Chairman and Deputy Chairman of a Committee

Rules amended/added	Appendix amended/added
21	3

Appendix V**Amendments to the Rules of Procedure in relation to Council proceedings and operational arrangements**

Item	Gist of the amendments
1.	<p>Rule 16 of the Rules of Procedure ("RoP") has been amended to provide that:</p> <p>(a) adjournment debates under RoP 16(2) may only be allowed to be moved between two items of business mentioned in RoP 18(1);</p> <p>(b) a time limit (i.e. 90 minutes) shall be specified for dealing with a motion under RoP 16(2); and</p> <p>(c) motion which is to be moved under RoP 16(2) or (4) at a Council meeting but is not reached before the Council is adjourned shall not stand over until the next regular Council meeting and shall be taken as having been disposed of.</p>
2.	<p>RoP 19(1A) has been amended to provide explicitly that the President may set a time limit on the consideration of any motion or bill or proposed amendment(s) thereto.</p>
3.	<p>RoP 26(3) has been amended to make it explicit that a Member asking an oral question on the Agenda shall only read out the question set out on the Agenda when called upon by the President to ask the question.</p>
4.	<p>RoP 29 has been amended to add a new RoP 29(3A) to provide that the President shall, upon the moving of a motion under RoP 29(3), put the question on that motion without debate.</p>
5.	<p>RoP 49(6) has been amended to the effect that where there is more than one motion in respect of subsidiary legislation or the instrument referred to in RoP 29(2)(b) or (3) on the Agenda of the Council then, immediately after the President has declared the result of a division on any such motion or any amendment thereto, a Member may move without notice that in the event of further divisions being claimed at that meeting in respect of motions on subsidiary legislation or the instrument, or amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.</p>

Item	Gist of the amendments
6.	RoP 56 has been amended to the effect that a committee of the whole Council shall only discuss whether it supports the amendments proposed to a bill, and whether the clauses of the bill as amended or without amendment should stand part of the bill.
7.	RoP 63 has been amended to the effect that Members must speak succinctly on whether the bill should be supported at the Third Reading debate, and not on the general merits and principles of the bill or in relation to the proposed amendments to or individual provisions of the bill, which have been discussed at the Second Reading debate.
8.	RoP 91 has been amended to provide that a motion which has the object or effect of suspending a Rule shall not be moved without the recommendation of the House Committee.
9.	RoP 18(1) has been amended to the effect that requests for leave under RoP 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and RoP 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings) referred to in RoP 18(1)(m) shall be placed before Members' bills (referred to in RoP 18(1)(k)) on the Agenda of the Council.
10.	RoP 18(1) has been amended to the effect that motions under RoP 49E(2) (i.e. take note motions) shall be dealt with after Members' motions not intended to have legislative effect that are subject to allocation of slots to individual Members.
11.	RoP 20(2) has been amended to the effect that the notice period for a Member to inform the President of his/her wish to present a petition to the Council shall be no later than three clear days before the meeting at which he wishes to present it.
12.	RoP 21(1) has been amended to the effect that an intended presentation of papers, whether by a designated public officer or by a Member, shall be subject to a two-clear days' notice requirement, which may be dispensed with by the President.

Item	Gist of the amendments
13.	To cater for the situation under which a committee, other than a bills committee, intends to table its report on a bill that has been referred to it for study, RoP 21(4) and (4A) has been amended to include reference to such a committee to which a bill has been referred for its study pursuant to RoP 54(4). Consequentially, RoP 54(7) has been amended to include a reference to such committee, so that the Member presenting such committee's report on the bill shall be given precedence to speak at the resumption of the Second Reading debate on the bill.
14.	RoP 21(5) has been amended to provide that a Member or a designated public officer who wishes to address the Council shall give a written notice to the President before the beginning of a Council meeting, and may only address the Council if the President has given his consent.
15.	RoP 51 has been amended to specify that a Member who intends to present a bill under RoP 51(1) may only do so after he/she has consulted the relevant Panel on a draft of the bill.
16.	The definition of "clear days" under RoP 93(b) has been amended to provide that the expression "clear days" as a period of time excludes the day of giving a notice, the day of the relevant meeting and intervening public holidays, and ends at 5:00 pm on the last day of that period.

Appendix VI

(16.7.2021)

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

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

Overall attire

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

Tops

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

Bottoms

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

Headwear

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

Footwear

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

Note: This Guidance may be revised/updated as and when directed by the President of the Legislative Council.

Appendix VIIAppendix IIIB
(rule 20(ka))**Mechanism for allocation of committee seats**

Detailed procedures of the mechanism are –

1. For Panels –
 - (a) No Member shall be a member of more than six Panels at the same time.
 - (b) Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately following the first Council meeting of a new term. For the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. A Member's membership of a Panel lasts for one session unless the Member resigns from that Panel.
 - (c) Members may coordinate among themselves to form lists for the purpose of allocation of committee seats provided that a Member's name should not appear on more than one such list. Any list formed by Members should reach the Secretariat before the deadline set for submitting such lists. Any Member not intending to form any list with other Member(s) may signify membership as an individual Member.
 - (d) The maximum number of members of a Panel is 20 members including the chairman as stated in Rule 77(8) of the Rules of Procedure. The allocation of committee seats of a Panel will be based on the number of Members on a list if the total number of Members signifying membership exceeds the specified number of members as stated above. A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list ("designated quota") is in Annex I.

- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they signify membership using the designated quota referred to in 1(d) or signify as an individual Member without any designated quota.
- (f) After the deadline for signification of membership specified in 1(b), if the total number of Members signifying membership does not exceed the number of committee seats as stated in 1(d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.
- (g) Among Members on the “oversubscription list”, priority will be given to those Members who have been allocated the fewest number of committee seats of Panels. If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.
- (h) The order for the Panels to allocate committee seats shall be in the order set out in Annex II.
- (i) In the event that a vacancy in a Panel arises before the end of a session, priority for filling the seat vacated by a Member on a list will be given to another Member on the same list as long as the number of Members on the list is still sufficient for obtaining the designated quota. In the case where:
 - (i) no other Member from the same list fills the vacancy;

- (ii) the number of Members on the same list is no longer sufficient for obtaining the designated quota; or
- (iii) the seat concerned was allocated by means other than through the designated quota,

a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members signifying membership exceeds the number of seat(s) vacated by Member(s), a poll will be conducted by the Panel concerned by using the Electronic Voting System to determine which Member is to fill the vacancy.

- (j) A Member who joins the Council after the start of a session may join a Panel 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, provided that the number of members of the Panel does not exceed 20. His membership of the Panel shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a Panel exceeds the number of committee seat(s) of that Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the committee seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.

2. For Bills Committees and subcommittees –

- (a) Members may join a Bills Committee or its subcommittee(s) appointed under Rule 76(4) of the Rules of Procedure or a subcommittee appointed by the House Committee for purposes set out in rule 20(j)(i) to (iii) of the House Rules or by one or two Panels for purposes set out in rule 22(s) or (t) of the House Rules by submission of returns to the Secretariat by a date as specified by the Secretariat.
- (b) The lists which Members have formed for the purpose of allocation of committee seats of Panels in a session are

applicable to the allocation of seats of the committees specified in 2(a) in the same session if the total number of Members signifying membership exceeds the specified number of members of the committee or subcommittee as stated in 2(c) and (d). A conversion table between the number of Members on a list and the designated quota is in Annex I.

- (c) A subcommittee appointed by the House Committee for the purpose set out in rule 20(j)(ii) of the House Rules or by one or two Panels for purposes set out in rule 22(s) or (t) of the House Rules is to consist of no more than 20 members including the chairman.
- (d) Unless otherwise decided by the House Committee, a Bills Committee, or a subcommittee appointed under Rule 76(4) of the Rules of Procedure or by the House Committee for purposes set out in rule 20(j)(i) or (iii) of the House Rules, is to consist of no more than 15 members including the chairman.
- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota.
- (f) After the specified deadline for signification of membership, if the total number of Members signifying membership does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.
- (g) Among Members on the “oversubscription list”, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk

to a committee will draw the lots.

- (h) In the event that a vacancy in a Bills Committee or a subcommittee arises before its completion of work, such vacancy will not be filled.
- (i) A Member who joins the Council after the start of a session may join a Bills Committee or a subcommittee 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, provided that the number of members of that committee does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d). His membership of the committee shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a committee exceeds the number of committee seat(s) of that committee available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk to a committee will draw the lots.

Annex I to Appendix IIIB**Conversion table between the number of committee seats to be allocated and the number of Members on a list**

The number of committee seats to be allocated	The number of Members on a list required for allocating the specified number of seats	
	<u>Committees with 15 seats available for allocation¹</u>	<u>Committees with 20 seats available for allocation²</u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16		72
17		77
18		81
19		86
20		90

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

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

Annex II to Appendix IIIB**The order for the 18 Panels to allocate committee seats¹**

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

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

Appendix VIII**Appendix IV**
(rule 20(c), (d) and (ka))**Procedure for Election of the Chairman and
Deputy Chairman of a Committee**

The election of the chairman and deputy chairman of a committee shall follow the procedures set out below. “Committee” refers to the House Committee, a Panel, a Bills Committee and a subcommittee appointed by the House Committee, one or two Panels or a Bills Committee.

Nomination procedure***Submission of nominations***

2. After the membership list of a committee has been confirmed, the clerk shall issue the membership list to members of the committee and invite them to submit nominations for the offices of chairman and deputy chairman.

3. Nominations for the office of chairman shall be submitted via electronic means specified by the Secretariat. A valid nomination shall be made by a member, seconded by at least one other member, and accepted by the member being nominated. A member may nominate himself for the office of chairman (“the member concerned”), provided that such nomination is seconded by at least one other member. In such case, the name of the member concerned will appear on a submission of nomination in the capacities as a member making nomination and a member being nominated.

4. The name of a member shall not appear on more than one submission of nomination for the office of chairman, whether in the capacity as a member being nominated, or as a member making the nomination, or as a member seconding the nomination. In the event that a member’s name appears on more than one submission of nomination (whether in the capacity as a member being nominated or as a member making the nomination, or as a member seconding the nomination), only the first such submission of nomination received by the Secretariat shall be valid. The Secretariat shall notify the member who submitted any invalid nomination(s).

5. Nominations for the office of chairman shall reach the Secretariat at least one clear day before the meeting at which the election is scheduled to be conducted (“scheduled meeting”). However, in the cases of Bills Committees and subcommittees appointed by the House Committee for purposes set out in rule 20(j)(i) of the House Rules, the deadline for submission of nomination may be set at 5:00 pm on the day before the scheduled meeting if circumstances so require. If the deadline for submission of nomination falls on a Saturday or public holiday, such deadline shall be advanced to the first preceding day that is not a Saturday or public holiday.

6. The same requirements set out in paragraphs 3 to 5 above shall also apply to submission of nominations for the office of deputy chairman (if any).

After the close of nominations

7. Upon the close of the nomination period, the clerk shall prepare a list of valid nominations for the offices of chairman and deputy chairman (if any) in the order of receipt by the Secretariat and shall distribute the list to members of the committee before the scheduled meeting. If there are two or more valid nominations for the office of chairman and/or deputy chairman, the election shall be arranged in accordance with the relevant arrangements set out in paragraphs 10 to 31.

8. Subject to paragraph 9 below, in the cases set out in (a) to (d) below, the election of the chairman and/or deputy chairman will not be required to be conducted at the scheduled meeting -

- (a) if there is only one valid nomination for the office of chairman, the nominee shall be deemed to be elected as chairman. However, if there is no valid nomination for the office of chairman, the member who has the highest precedence in the committee shall be deemed to be elected as chairman, except in the case of Panels which is subject to the conditions set out in Rule 77(6) and (7) of the Rules of Procedure; or
- (b) for the House Committee and Panels, if there is only one valid nomination for the office of deputy chairman, the nominee shall be deemed to be elected as deputy chairman. However, if the election of chairman is required to be held at a meeting,

the only valid nominee for the office of deputy chairman shall be declared elected as deputy chairman after the chairman is elected; or

- (c) for the House Committee and Panels, if there is no valid nomination for the office of deputy chairman, after the chairman is elected or deemed elected, the chairman shall direct that another meeting be scheduled for conducting the election of the deputy chairman in accordance with the procedures set out in this Appendix; or
- (d) for Bills Committees and subcommittees, if any valid nomination is received for the office of deputy chairman, the committee may, after the chairman is elected or deemed elected, decide at a meeting whether there is a need to elect a deputy chairman. If the committee so decides, in the case where there is only one valid nomination for the office of deputy chairman, the nominee shall be declared elected as deputy chairman. However, if there is no valid nomination for the office of deputy chairman, the committee shall be deemed to have decided that there is no need to elect a deputy chairman. In any case, the nomination shall not be reopened.

The clerk shall notify members of the committee of the election result(s) and updated meeting arrangements where appropriate. In the case where neither the election of chairman nor the election of deputy chairman is required to be conducted at a meeting of the committee, the meeting which is scheduled for the sole purpose of conducting the election shall be deemed to be cancelled.

9. In the case of Panels, irrespective of the number of nominations received for the offices of chairman and/or deputy chairman, the meeting scheduled for the election shall be held. Any matter which may arise in relation to the requirements for the chairmanship and deputy chairmanship provided in Rule 77(6) and (7) of the Rules of Procedure shall be considered by the Panel at the meeting, and -

- (a) if any such matter arises, the presiding member (or the chairman if he presides at the election of the deputy chairman) shall deal with such matter before starting the remaining proceedings of the election, and he may, on his own motion or upon request of a member of the committee, put the matter to

vote. The committee shall proceed to vote forthwith immediately; or

- (b) if no such matter arises or such matter has been dealt with, in the case where there is - (i) no valid nomination for the office of chairman; (ii) only one valid nomination for the office of chairman; or (iii) only one valid nomination for the office of deputy chairman, the presiding member (or the chairman if he presides at the election of the deputy chairman) shall declare the election results in accordance with paragraph 8(a) or (b) above.

Election of chairman

10. If there are two or more valid nominations for the office of chairman, the election shall be conducted at a meeting of the committee.

Presiding member

11. For the House Committee and Panels -

- (a) where the election of chairman 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; and
- (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 the 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 among the members not nominated for the office shall preside.

12. 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; and
- (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 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.

13. The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 14 to 19 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

Balloting process

14. 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 set out in the list of valid nominations.

15. 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.

16. 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. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

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

18. 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.

19. 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.

20. If an election of the chairman of a committee cannot be completed within 30 minutes from the starting time appointed for the meeting, the presiding member shall forthwith adjourn the meeting without question put and shall not extend the meeting pursuant to rule 24A(a) or (b) of the House Rules.

21. In the event that a meeting of a committee is adjourned in accordance with paragraph 20 above –

- (a) for the House Committee, the President shall have the power to appoint a member of the House Committee to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the President may specify a time limit for the election having regard to the actual circumstances; or
- (b) for Panels, Bills Committees and subcommittees, the chairman of the House Committee shall have the power to appoint a member of the committee concerned to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the chairman of the House Committee may specify a time limit for the election having regard to the actual circumstances.

Election of deputy chairman

Presiding member

22. If the election of the deputy chairman is conducted at a meeting of a committee, the chairman of the committee concerned shall preside at the election. If he is absent, the member who was the deputy chairman before the election, if any, shall preside. If no deputy chairman is present or if the deputy chairman is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

23. For the House Committee and Panels –

- (a) if there is only one valid nomination for the office of deputy chairman and the election of chairman is held at a meeting, after the chairman is elected, the chairman¹ shall declare the nominee elected as deputy chairman; or
- (b) if there are two or more valid nominations for the office of deputy chairman, the election of the deputy chairman shall be conducted at a meeting of the committee.

24. For Bills Committees and subcommittees, if the committee decides that there is a need to elect a deputy chairman –

- (a) in the case where there is only one valid nomination for the office of deputy chairman, the chairman¹ shall declare the nominee elected as deputy chairman; or
- (b) in the case where there are two or more valid nominations for the office of deputy chairman, the election shall be conducted at a meeting of the committee.

25. If the election of the deputy chairman is conducted at a meeting of the committee, the chairman shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 26 to 31 below. The chairman may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee

¹ The term “the chairman” here and hereafter may mean another member presiding the election as provided under paragraph 22 above.

concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

Balloting process

26. The chairman 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 chairman. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.

27. 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.

28. 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 chairman who shall check the result for confirmation. The chairman shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

29. The chairman shall declare elected as deputy chairman the nominee who receives the highest number of valid votes among all the nominees.

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

31. The chairman 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 deputy chairman.

Appendix IX**Procedures adopted by the House Committee
to deal with the resumption of Second Reading debate on a bill in the Council**

- In general, the report of a Bills Committee ("BC") (including the verbal report made by a BC) will be received by the House Committee ("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 Rule 54(5) of the Rules of Procedure ("RoP").
- 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 under RoP 75(17A). 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.
(Remarks: 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 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.)
- 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 or, in his absence, the deputy 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 Legislative Council Secretariat may be issued to members by circulation. If no difficulties have been identified in the legal and drafting aspects of the bill in the further report, the

HC chairman or, in his absence, the deputy 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 aspect 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 under RoP 75(17A).

Appendix X**Amendments to the House Rules proposed by Hon Tommy CHEUNG**

Item	Gist of the amendments
1.	Amending Rule 10 of the House Rules ("HR") to provide that a Member who wishes to seek the agreement of the House Committee ("HC") before making a request to the President for asking an urgent question without the required notice should notify the HC chairman before the deadline as stated in HR 20(f), unless otherwise decided by the HC chairman.
2.	Amending HR 19 to reflect the standing practice that the HC chairman and deputy chairman or the Member present who has the highest precedence (if the HC chairman and deputy chairman are not present at the meeting) shall move a motion to shorten the duration of the division bell to one minute in respect of certain divisions at a Council meeting.
3.	Amending HR 20(e) to reflect the current practice that the HC chairman may, after getting the consent of the chairman of the Finance Committee ("FC"), allow the HC meeting to continue for not more than 15 minutes after the appointed starting time of the FC meeting to deal with unfinished business on the agenda.
4.	Amending HR 20(f) to specify the procedures for moving a motion at a special HC meeting held for the discussion of a substantive issue and that no motion shall be moved at a regular HC meeting.
5.	Amending HR 21(c) to the effect that a bills committee ("BC") or a subcommittee ("SC") to study subsidiary legislation will only be formed when not less than three Members have indicated their interest in joining that BC/SC on subsidiary legislation at the relevant HC meeting.
6.	Amending HR 21(h) to provide that should there be the need for a BC to work beyond three months, HC should be informed of an extension of the period.

Item	Gist of the amendments
7.	Amending HR 24A(a) to explicitly specify that the chairman of a committee may before the appointed ending time of a meeting decide to extend the meeting or allow the meeting to continue for not more than 15 minutes beyond the appointed ending time.
8.	Amending HR 25(g) to reflect that live broadcasting and archives of all meetings held in public will be available for public access via the Legislative Council Webcast system.
9.	Amending HR 26(c) to reflect the current practice that an SC on policy issues should not hold any meeting after the expiry of the 12-month working period or the extended working period, unless otherwise decided by HC.
10.	Amending HR 28(b) to provide that if a territory-wide extreme conditions announcement is issued or in force within two hours before the appointed time of a meeting, the meeting shall be cancelled unless directed otherwise by the chairman concerned.
11.	Amending HR 31 to reflect the current practice that briefings for Members by policy secretaries will be held after the delivery of the Policy Address by the Chief Executive.

Appendix XI

**Motion moved by Hon Starry LEE
under Article 75 of the Basic Law of the Hong Kong
Special Administrative Region of the
People's Republic of China
at the Council meeting of 13 January 2021**

Wording of the Motion

That with immediate effect until 30 September 2021 or until an earlier date as the Council may by resolution determine, the procedure set out in the Schedule be adopted to enable Panels (or their subcommittees), Bills Committees and subcommittees appointed by the House Committee to continue to meet during the COVID-19 pandemic in the performance of their functions under the Rules of Procedure and the House Rules of the Legislative Council of the Hong Kong Special Administrative Region while ensuring social distancing.

Schedule

Procedure for committee meetings conducted by video conference hosted on a platform approved by the House Committee

- (1) Any Panel (or its subcommittee), Bills Committee or subcommittee appointed by the House Committee ("relevant committee") may, as its chairman determines, meet remotely by video conference hosted on a platform approved by the House Committee ("virtual meeting") during the COVID-19 pandemic.
- (2) Where a virtual meeting is held:
 - (a) the chairman of a relevant committee or any other member presiding shall chair the virtual meeting in a venue within the Legislative Council ("LegCo") Complex, while other members and persons invited or summoned to attend the meeting may participate in the meeting remotely pursuant to paragraph (1) above;
 - (b) members of a relevant committee attending a virtual meeting shall be counted as present for the purpose of constituting the quorum for the meeting;
 - (c) voting at a virtual meeting will be conducted by a show of hands via the approved video conferencing platform referred to in paragraph (1) above. Before a matter is voted upon, if the Chairman orders or upon request of a member, members will be notified of the impending voting by a message through the Short Messaging Service subscribed by the LegCo Secretariat. The voting shall be held five minutes after the message has been issued; and
 - (d) virtual meetings of a relevant committee are deemed to be held in public if records of their proceedings are made available to members of the press and of the public by webcast via the LegCo website or a publicly accessible social media platform.
- (3) Members of the press and of the public may observe the proceedings of a relevant committee in a virtual meeting via either the LegCo website or a publicly accessible social media platform.
- (4) Save as otherwise provided above, the existing provisions of the Rules of Procedure and the House Rules applicable to meetings of a relevant committee shall also apply to virtual meetings of that committee where appropriate.