

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 19 January 2022

**Two proposed resolutions to be moved by Hon Starry LEE and
debate and voting arrangements**

Members are invited to note that on the recommendation of the House Committee (“HC”), the President has waived the required notice and given permission for Hon Starry LEE, chairman of HC, to move the following two proposed resolutions at the above meeting:

- (a) the proposed resolution under Article 75 of the Basic Law (“the first proposed resolution”) (**Appendix 1**); and
- (b) the proposed resolution under section 27(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (“the second proposed resolution”) (**Appendix 2**).

The President has directed that the proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

2. The above two proposed resolutions both seek to authorize that meetings of the Council or a committee may be conducted remotely in accordance with the Rules of Procedure by the means determined by the Council within a specified period. To make effective use of the Council’s time and avoid repetition of arguments, the President has decided that **a joint debate** be held on the two proposed resolutions and then they be **voted upon one by one**.

3. To assist Members in considering the proposed resolutions, I set out the relevant proceedings under which the President will:

- (a) first call upon Ms LEE to speak and move the first proposed resolution, and then propose the question on it to kick off the joint debate;
- (b) invite other Members to speak;
- (c) call upon Ms LEE to reply and order that the debate comes to a close;
- (d) put to vote the question on the first proposed resolution; and
- (e) invite Ms LEE to move the second proposed resolution and forthwith propose and put to vote the question on it.

4. Members are reminded that in accordance with Appendix IIIA to the House Rules, the **maximum duration of this joint debate (including voting on the two proposed resolutions) is four hours**. Each Member may speak once up to a maximum of five minutes in the debate, and the motion mover, apart from having up to five minutes for an introductory speech, may speak for up to five minutes in reply.

(Miranda HON)
for Clerk to the Legislative Council

Encls.

**Basic Law of the Hong Kong Special Administrative Region
of the People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

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

Resolved that —

- (a) the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule; and
 - (b) this Resolution is to come into operation on the day on which it is made and passed by the Legislative Council.
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Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 81A added

Part N, before Rule 82—

Add

“81A. Remote Meetings of Council or Committee

- (1) The Council may authorize by resolution passed at a physical meeting that meetings of the Council or a committee specified in the resolution may be conducted remotely by the virtual, digital or electronic means determined by the Council within a period specified in the resolution during which the Council or a specified committee, as determined by the President or the chairman of the committee, is precluded from conducting a physical meeting by an event or occurrence (including an occasion of emergency or public danger) specified in the resolution.
- (2) A resolution referred to in subrule (1) shall be voted upon without amendment.
- (3) The virtual, digital or electronic means by which remote meetings are conducted under subrule (1) shall include but not limited to the following capabilities –
 - (a) incorporation of video and audio functions;
 - (b) allowing the participation of Members in the meetings in real-time and the broadcast of the proceedings; and
 - (c) facilitating the proceedings of the meetings to be recorded for the purposes of the production of the Official Record under Rule 6(6) (Duties of the Clerk).

- (4) Where an electronic voting system is provided for the purposes of a division ordered at a remote meeting, the operating requirements of the system shall include measures to ensure voting accuracy and security, enable the identities of Members present and voting to be verified, and facilitate the timely declaration of the result of each vote taken.
- (5) The President may, if he deems fit, designate a place or places within Hong Kong for a meeting conducted remotely under subrule (1), including any virtual, digital or electronic location at which Members or other persons attending the meeting may attend or participate by remote access.
- (6) A meeting conducted remotely under subrule (1) shall be held in accordance with Schedule 3.
- (7) In this Rule, “physical meeting” means a meeting of the Council or a committee at which no Member or other person attending the meeting attends or participates by virtual, digital or electronic means.”.

2. Schedule 3 added
After Schedule 2—
Add

“Schedule 3 [Rule 81A]

**Procedure for Conducting Remote Meetings
of the Council and a Committee**

Application of this Schedule

1. This Schedule applies to the conduct of a remote meeting of the Council or a committee pursuant to an authorization of the Council under Rule 81A(1) (Remote Meetings of Council or Committee) (“remote meeting”).

2. The provisions of the Rules of Procedure, House Rules and any other rules and procedures made under the Rules of Procedure shall remain in force except as may be modified or supplemented by this Schedule.

Notice of meeting

3. Where the President or the chairman of a committee determines that an event or occurrence specified in the resolution referred to in Rule 81A(1) (Remote Meetings of Council or Committee) has reached a point that precludes the Council or a committee from conducting a physical meeting in the Legislative Council Complex, he may direct that meetings of the Council or the committee be conducted remotely. Notice and agenda for a remote meeting shall be given in accordance with the current provisions of the Rules of Procedure.

Conduct of remote meeting

4. Where a remote meeting is conducted:
- (a) the President or the chairman of a committee or any other presiding Member (as the case may be), other Members attending the meeting and persons invited or summoned to attend the meeting shall join the meeting remotely from a place within Hong Kong through the virtual, digital or electronic means determined by the Council under the resolution passed pursuant to Rule 81A(1) (Remote Meetings of Council or Committee);
 - (b) the President or the chairman of a committee or any other presiding Member (as the case may be) shall have all the powers as provided for in the current provisions of the Rules of Procedure;
 - (c) Members of the Council or a committee attending the meeting and other participants are required to participate in the meeting from a place within Hong Kong through the virtual, digital or electronic means determined under paragraph (a) and have their faces shown on the screen while they are participating in the meeting; and

- (d) Members of the Council or a committee who participate in a remote meeting in accordance with paragraph (c) shall be counted as present for the purposes of constituting the quorum for the meeting and of voting at the meeting. The identities of participating Members shall be verified or authenticated in accordance with the procedures or guidelines prescribed by the President.

Voting at remote meeting

5. Only Members who are present when voting takes place shall be permitted to vote.

Voting by a show of hands

6. Save as otherwise provided in paragraph 9, voting at a remote meeting shall be conducted by a show of hands via the virtual, digital or electronic means determined under paragraph 4(a) in accordance with the provisions of Rule 47 (Decision of Council and Committee of the Whole Council) and the procedures or guidelines prescribed by the President as appropriate.

7. For any voting in committees (other than a committee of the whole Council, the Finance Committee and its subcommittees), irrespective of whether a division is ordered, members will be notified of the impending voting by the Legislative Council Secretariat if the chairman orders or upon request of a member.

8. Subject to the provision of an electronic voting system, when a division is ordered, voting at a remote meeting shall be conducted via the virtual, digital or electronic means determined under paragraph 4(a) in accordance with the provisions of Rule 49 (Divisions) and the procedures or guidelines prescribed by the President as appropriate.

Use of electronic voting system

9. Where an electronic voting system is provided for the purposes of a division ordered at a remote meeting of the Council, a committee of the whole Council, the Finance Committee or its subcommittees, the President, the Chairman in a committee of the whole Council or the chairman of the Finance Committee or its subcommittees may direct that the Members present and voting shall cast their votes in the division by

using such electronic voting system in accordance with the procedures or guidelines prescribed by the President.

10. The procedures or guidelines prescribed under paragraph 9 may provide for matters relating to the manner of conducting a division, including the verification or authentication of the identities of Members present and voting, and the ascertainment of a vote at a division at a remote meeting.

11. Before a matter is voted upon by using the electronic voting system, Members will be notified of the impending voting by the Legislative Council Secretariat.

Public participation

12. Remote meetings 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 Legislative Council website or a publicly accessible social media platform.

13. Members of the press and of the public may observe the open proceedings of the Council or a committee in a remote meeting via either the Legislative Council website or a publicly accessible social media platform.

14. Public access to the precincts of the Chamber shall be precluded during the whole of any day on which a remote meeting is conducted.

Power of the President to prescribe procedures or guidelines

15. In addition to his powers to prescribe procedures or guidelines under paragraphs 4(d), 6, 8 and 9, the President may prescribe other procedures or guidelines relating to any such matter as may be relevant to the conduct of remote meetings.”.

Legislative Council (Powers and Privileges) Ordinance

Resolution

(Under section 27(1) of the Legislative Council
(Powers and Privileges) Ordinance (Cap. 382))

Resolved that with effect from the day on which this resolution is made and passed by the Legislative Council until 31 December 2022, where it is determined by the President or the chairman of any committee defined in Rule 93(e) of the Rules of Procedure (“specified committee”) that the COVID-19 pandemic during that period has reached a point that precludes the Council or a specified committee from conducting a physical meeting in the Legislative Council Complex, meetings of the Council or a specified committee may be conducted remotely as authorized under section 27(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) by the virtual, digital or electronic means determined by the President in accordance with Rule 81A of and Schedule 3 to the Rules of Procedure.