

臨時立法會
Provisional Legislative Council

臨立會 289/96-97 號文件

檔 號：PLC/HC/5

電 話：(86-755) 690 4870

日 期：1997年5月26日


發文者：內務委員會秘書

受文者：內務委員會委員

內務委員會1997年5月31日的會議

內務守則擬本(英文版)

謹此附上「內務守則」擬本(英文版)，以供審閱。若議員同意，內務委員會將於1997年5月31日舉行下次會議時予以通過採納。



內務委員會秘書
(陳美卿代行)

連附件

臨時立法會
Provisional Legislative Council

PLC Paper No. 289/96-97

Ref : PLC/HC/5

Tel : (86-755) 690 4870

Date : 26 May 1997

From : Clerk to the House Committee

To : Members of the House Committee

House Committee meeting on 31 May 1997

Draft House Rules (English version)

I forward the draft "House Rules" (English version) for Members' consideration. Subject to Members' agreement, it will be endorsed at the next House Committee meeting to be held on 31 May 1997.



(Miss Salumi CHAN)
for Clerk to the House Committee

Encl.

(DRAFT)

***PROVISIONAL LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATION REGION***



HOUSE RULES



*(Guidelines for the conduct of business
of the Provisional Legislative Council and its committees)*

May 1997

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COUNCIL MEETINGS

1. Election of the President of the Provisional Legislative Council

- (a) The President of the Provisional Legislative Council is to be elected by and from among the Members.
- (b) If, in the course of a term of the Provisional Legislative Council, the President resigns from office but remains a Member of the Council, a re-election of the President shall be conducted not later than at the third meeting of the Council following the receipt of the resignation. The incumbent President shall determine the day of the election and shall preside at the election unless his resignation from the office of President has already come into effect, in which case the President's Deputy shall determine the day of the election and shall preside at the election. If the President's Deputy is being nominated for the office of President, then the Secretariat will arrange for the Members present to elect one Member among themselves to preside at the election.
- (c) If, in the course of a term of the Provisional Legislative Council, the President ceases to be a Member of the Council, a re-election of the President shall be conducted at a meeting of the Council as soon as practicable by order of the President's Deputy. The re-election shall be held not later than at the third meeting of the Council following the assumption of office by the Member filling the vacancy arising from the President's ceasing to be a Member of the Council. The President's Deputy present shall preside at the election. If the President's Deputy is being nominated for the office of President, then the Secretariat will arrange for the Members present to elect one Member among themselves to preside at the election.
- (d) The procedure for re-election of the President is at Appendix I.

2. Address on Subsidiary Legislation and Papers Tabled in the Council

A Member who seeks the President's permission to address the Council on subsidiary legislation or papers tabled in the Council should provide an advance copy of the intended address to enable the President to decide whether the address may provoke a debate, which is not permitted under Rule 21(5) of the Rules of Procedure.

3. Disallowance of Vote on the Ground of Direct Pecuniary Interest

A motion to disallow a Member's vote on the ground of his direct pecuniary interest may be moved without notice by any Member immediately upon the statement of the number of Members voting in a division by the President or Chairman, but not otherwise. The procedure on the moving of motions for the disallowance of votes during a division is at Appendix II.

4. The Chief Executive's Question Time

- (a) The Chief Executive's Question Time is usually held about once a month when the Council is in session, lasting for about one hour.
- (b) Questions that Members may put to the Chief Executive at the Chief Executive's Question Time are normally confined to specified topic(s) notified in advance.
- (c) Members who have asked the least number of questions at previous Question Time meetings within the term of the Provisional Legislative Council are given priority to ask questions. Where there are Members with equal priority, the President will have the discretion to decide whom to be called first.
- (d) The Member asking a question is allowed to ask a short supplementary question on his question. For the purpose of computation, a supplementary question asked by a member on his original question will not count as an additional question. A supplementary question asked by another Member will, however, count as one question.

5. Registration of Questions to the Government at Meetings

- (a) Registration of questions by the Secretariat is in the order of receipt.
- (b) Each Member is limited to registering only one oral and one written or two written questions per calendar week ending at 5:00 p.m. on Friday. When a question is passed for registration, draft wording sufficient to identify the subject matter and the scope of the question should be provided.
- (c) Where two or more Members have put in questions on the same subject, the Members concerned should try to reach an agreement on who will ask the question, failing which the Member who has an earlier slot will ask the question.

6. **Form of Questions**

- (a) Questions should be precise and to the point.
- (b) Multiple questions within a single oral question may be ruled out of order and should be avoided.
- (c) Questions requiring very extensive research efforts for replies, e.g. statistics relating to an unduly long period of time, should be avoided. If necessary, questions requiring statistics should be asked more appropriately as written questions.
- (d) Questions should not raise matters of policy too wide to be dealt with in a single reply.

7. **Number and Allocation of Questions**

- (a) Where there is no debate on a substantive motion moved by a Member at a meeting, no more than 10 oral questions shall be asked. Where, in the opinion of the President, there will be such a debate, no more than six oral questions shall be asked and the question time should normally be limited to one hour.
- (b) Under Rule 24(3) of the Rules of Procedure, each Member is normally limited to asking only one oral and one written or two written questions at any one meeting. However, if 20 or more Members wish to raise questions at a meeting, each Member is allowed to raise only one question.
- (c) The allocation of questions to be asked at a meeting is normally based on the order of registration of the questions by the Secretariat. Where there are more questions than can be allowed at a meeting and subject to (b) above, priority will be given to Members who have been allocated the least slots respectively for oral or written questions to date.
- (d) Questions may be asked out of sequence with the agreement of the House Committee. Topical interest, public concern and urgency, if any, will be taken into account for determining whether a question may be asked out of turn.
- (e) At the Council meetings for debate on the Appropriation Bill or for policy debate or at lengthy Council meetings, there will be no arrangement for Members to put either oral or written questions to the Government.

8. Supplementary Questions

- (a) The Member who has asked a question in Council is usually given the opportunity to ask the first supplementary question.
- (b) A supplementary question should be short and to the point.
- (c) A supplementary question should not contain several questions in one.
- (d) A supplementary question should be framed as a question and should not include statements, contain inferences, suggest its own answer or ask for confirmation of rumours or press reports.
- (e) To facilitate accurate interpretation of supplementary questions, particularly where they are of necessity complex, Members should speak slowly when asking supplementary questions.

9. Follow-up on Oral Questions

If a Member feels that his question has not been fully answered, the Member should rise on a point of order and say "Follow-up, President." It is for the President to rule whether a follow-up question should be allowed. Follow-up questions are not counted as supplementary questions for determining priorities.

10. Urgent Questions

To assist the President in considering requests for asking urgent questions without the required notice, the Member concerned should, where practicable, first seek the agreement of the House Committee before submitting an urgent question to the Clerk to the Provisional Legislative Council, together with a statement setting out the reasons for the request. A sample statement is at Appendix III.

11. Question Scheduled for Meeting but not Asked by Member

Under Rule 26(6) of the Rules of Procedure, if a Member is not present to ask his oral question, the question may with his consent be asked by another Member, or otherwise shall be treated as a question seeking a written answer. For the purpose of the queuing system for questions, the absent Member will be regarded as having asked a question for oral reply.

12. Public Officer not Present at the Time the Question is Asked

In the event that a public officer is late for answering a question, the President may exercise his discretion to defer the question to the end of the question time.

13. Number of Debates Initiated by Members

Not more than two debates, which may be two debates on motions moved by individual Members (motion debates), two subjects for debate on a motion for the adjournment of the Council (adjournment debates), or one motion debate and one adjournment debate, should be held at each regular meeting. Motion debates are "subject motions" moved by individual Members and, in this context, exclude the following motions :

- (i) motions relating to bills (Part K of the Rules of Procedure);
- (ii) motions to appoint a select committee and refer matters to it (Rules 78 and 79 of the Rules of Procedure);
- (iii) motions to amend or suspend the Rules of Procedure;
- (iv) motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council's power on subsidiary legislation)); and
- (v) any other motions which, if carried, empower the Council, a committee, the President or other person(s) to do certain act, or invoke certain provisions under the laws or the Rules of Procedure.

14. Allocation of Slots for Debates

- (a) Unless there are untaken slots, each Member is normally allocated a slot for moving one motion debate or proposing one adjournment debate within the session.
- (b) Application for the allocation of a debate slot at a certain meeting will be closed at a date not less than three weeks in advance of that meeting as notified by the Secretariat. If more than two applications are received in respect of the same meeting, allocation will be determined by drawing lots. Members who have been unsuccessful in two or more consecutive ballots will be accorded priority in respect of the allocation of one of the two slots for debates at a subsequent meeting. Priority is given to the Member who has the highest number of consecutive unsuccessful ballots.
- (c) Where a Member requests and the House Committee agrees, priority allocation may be given to debates on urgent, important and topical issues.

15. Order of Debates on Motions

- (a) Debates on motions such as those listed in rule 13(i) to (v) above shall take place before debates on individual Member's motions.
- (b) Where two individual Member's motion debates are scheduled for the same meeting, the order of debating these motions will be determined by drawing lots unless otherwise agreed between the two Members concerned.

16. Views of Members Absent from Debates

A Member who wishes to take part in a debate but who cannot attend the meeting at which the debate is held may request another Member speaking in the debate to express his views in the speech. A Member who has undertaken to express an absent Member's views in debate should express his own views first in his speech and then say that these views are shared by the absent Member. The Member speaking should not read out a speech prepared by the absent Member, nor should the Member speaking express the absent Member's views at length and then simply say at the end that he agrees with such views.

17. Motion Debates

- (a) An application for a debating slot may be submitted by a Member with or without the subject and wording of the motion. A Member who has not submitted the subject of the motion should not, upon securing a debating slot, propose a motion debate on a subject which has already been submitted by another Member except with the latter's consent.
- (b) The minimum notice periods required for formal notice of motions and amendments to motions under the Rules of Procedure are as follows :

	<u>Minimum notice required</u>	<u>Rules of Procedure</u>
Notice of motion	12 clear days	Rule 29(1)
Notice of amendment to a motion	5 clear days	Rule 29(5)(a)
Notice of an amendment to an amendment to a motion	3 clear days and at the President's discretion	---

- (c) Unless otherwise decided by the House Committee, the allocation of speaking time for a debate should normally be as follows :

	<u>Maximum time allowed</u>
Mover of the motion	
- introductory speech and final reply	15 mins (in total)
- reply to proposed amendment(s)	5 mins (in total)
Mover of amendment to the motion	
- Speech	7 mins
- To speak on other Members' amendment(s) provided that he has not been able to do so, if permitted by the President	5 mins
Other speakers	7 mins each
Member who has been given permission to reword his original proposed amendment to a motion which has been amended earlier on	additional 3 minutes

- (d) When a motion to adjourn a motion debate is moved and where the House Committee has made a recommendation to the President under Rule 37 of the Rules of Procedure, Members speaking on the motion must limit their speeches to the recommended specified time if it is accepted by the President. Members should speak to that motion and not to the original motion.

18. Adjournment Debates

- (a) The subject matter and scope of an adjournment debate must be specified at the time of application. A proposer must not subsequently seek to change the subject matter of the debate.
- (b) The duration of an adjournment debate at a meeting will be kept within one hour (45 minutes for speeches by Members and 15 minutes for replies by Government Officials) unless extended by the President.
- (c) A Member who wishes to speak on an adjournment debate should notify the Secretariat two clear days preceding the relevant meeting to enable the Secretariat to compile a speakers list and recommend the apportionment of speaking time for the Members concerned. The proposer of an adjournment debate is entitled to a minimum of five minutes' speaking time.

19. Moving of Motion to Shorten the Duration of Division Bell

- (a) If frequent divisions at a Council meeting are anticipated, the House Committee may decide whether or not a motion be moved to shorten the duration of the division bell to one minute in respect of certain divisions at that meeting. Should the House Committee agree, the Chairman of the House Committee will move the motion on behalf of Members.
- (b) In the event that an individual Member wishes to move such a motion, he is advised to inform the House Committee in advance, so as to avoid the Council having to debate the motion when it is moved.

COMMITTEES

20. House Committee

- (a) The chairman and the deputy chairman of the House Committee shall be elected from among its members at an open meeting and shall hold office until the end of the session. Nominations in respect of the chairman and deputy chairman shall be called for at the meeting. The nominations shall be made and seconded orally by at least one member present. All members present shall be eligible to stand for election.

If there is more than one candidate for an office, the election for that office shall be conducted by secret ballot among the members present and entitled to vote. A candidate who receives a simple majority of votes shall be declared to be elected.

The procedures for the election of the chairman and deputy chairman of the House Committee are at Appendix IV.

- (b) When the Council is in session, the House Committee normally meets once a week. The Secretariat shall issue written notice to members, stating the date, time and place at which the meeting is to be held.
- (c) The deadline for proposing agenda items for a meeting is 5:00 p.m. on the Tuesday before the meeting. A member wishing to raise an urgent item after the deadline may make a request to the chairman of the House Committee for it to be discussed at the meeting, under Any Other Business. The chairman shall decide whether to accede to the request.
- (d) The House Committee decides on the setting up of a Bills Committee and the order of priority for a Bills Committee to be activated, having regard to information provided by the Administration, advice by the Legal Adviser, the number of Bills Committees, and the urgency of the bill etc. When a bill is ready for resumption of Second Reading debate in the Council, the chairman of the House Committee shall arrange for the Member or public officer in charge of the bill to be notified.

- (e) Not all bills require the formation of Bills Committees. The House Committee may :
 - (i) having considered the Legal Adviser's report (and further reports where necessary) on the legal aspects of a bill, agree to support the bill's resumption of Second Reading debate; or
 - (ii) in response to the request of individual member(s) for information or clarification on certain aspects of a bill, direct the Legal Adviser or other relevant staff of the Secretariat, to take these up with the Administration and submit further report(s) on the bill to the member(s) concerned and the House Committee.
- (f) The House Committee determines the number, names and terms of reference of Panels to be established. It may also refer to relevant Panels for consideration any policy matters related to the business of the Council, and may request and receive reports from the Panels on matters relevant to their terms of reference.
- (g) The House Committee may appoint subcommittees to assist in the consideration of specific subsidiary legislation and issues of public concern which fall outside the purview of Panels.

21. Bills Committees

- (a) The maximum number of Bills Committees and subcommittees on subsidiary legislation should be limited to 16 at any one time. A slot under the quota is specifically designated for subcommittee studying subsidiary legislation. While the maximum number of active Bills Committees is 15, there may be more than one subcommittee in action, if warranted. When more than 15 Bills Committees are formed, a queuing system will automatically be activated.
- (b) A Bills Committee shall consist of not less than three members including the chairman. Members may join a Bills Committee by a show of hands at the House Committee meeting at which a bill is allocated to that Bills Committee, or by submission of returns to the Secretariat by the deadline set by the clerk to the Bills Committee.
- (c) The Secretariat is responsible for calling the first meeting of the Bills Committee.
- (d) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. Tenure of chairmanship and deputy chairmanship should be for the life of the Bills Committee. The procedure for election of chairman and deputy chairman as provided in rule 20(a) above shall also

apply to Bills Committees. A member who nominates an absent member for an office shall state that the absent member's acceptance of the nomination has been secured.

(e) The order of Bills Committees on the waiting list is in the order of their introduction into the Council. In acceding to a request of the Administration for priority activation of a Bills Committee on a Government bill, the order of the Bills Committees on Member's bills should not be affected as a result. Similarly, should a Member's bill be dealt with ahead of other bills, the order of Government bills should not be altered. The decision on whether a bill is urgent rests with the House Committee.

(f) Where a Bills Committee decides to hold in abeyance the consideration of a bill (such decision may be invited by circulation and signified in writing), it should notify the House Committee which will decide whether the next Bills Committee in the queue should be activated. A Bills Committee held in abeyance will not normally be reactivated until a vacant slot arises to accommodate its reactivation.

(g) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of its deliberations and whether or not the Bills Committee supports the bill including, where appropriate, the majority and minority views.

(h) A Bills Committee will be dissolved as soon as the bill it has considered passes through the Council, or when the House Committee so decides.

(i) The scrutiny of a bill should be conducted quickly and, whenever possible, be completed within three months of its commencement. Should there be the need for a Bills Committee to work beyond this period, the chairman should report to the House Committee for an extension of the period.

(j) The following guidelines in the processing of bills should be followed :

(i) whenever feasible, committees should meet frequently;

(ii) members of a committee should try to attend all meetings and stay through each meeting;

(iii) reopening of discussion on issues on which there has been full deliberation should not be allowed;

- (iv) chairmen should monitor closely the progress of bills under their consideration. Should there be the need to hold a bill in abeyance, a report should be made to the House Committee;
- (v) when the scrutiny of a bill has reached the report stage, and upon the recommendation of the Legal Adviser and the committee concerned, the House Committee may decide to vacate the slot for examination of the next bill in the queue.

22. Panels

- (a) The number, names and terms of reference of Panels shall be determined by the House Committee. Such will remain unchanged unless decided otherwise by the House Committee.
- (b) A Panel shall consist of not less than six members including the chairman. Members may join a Panel by submission of returns to the Secretariat before the deadline set before the first meeting of the Panel in session of the Council. Panel membership lasts until the Panels are dissolved upon the dissolution of the Council.
- (c) A Member who does not wish to remain as member of the Panel may resign from the Panel.
- (d) A Member who joins the Council after the start of the legislative session should signify membership for the Panels of his choice within one month of the date at which he is declared elected as Member of the Council.
- (e) The Secretariat is responsible for calling the first meeting of the Panel during the session of the Council, for the purpose of electing the chairman of the Panel. All other subsequent meetings will be called by the chairman in office.
- (f) The chairman and the deputy chairman of a Panel shall be elected from among its members and shall hold office until the end of the session. The procedure for election of chairman and deputy chairman as provided in rule 20(a) above shall also apply to Panels. A member who nominates an absent member for an office shall state that the absent member's acceptance of the nomination has been secured.
- (g) Election of chairman and deputy chairman of a Panel should normally take place at the first meeting of the Panel in the session.
- (h) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.

- (i) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.
- (j) In the event of the temporary absence of the chairman and deputy chairman, the Panel may elect a chairman to act during such absence.
- (k) When a Panel sits jointly with any other Panel for the purpose of considering any matter of common interest, the Panels shall decide which chairman should chair that meeting.
- (l) If the chairmen of two Panels cannot agree on how an issue straddling the work of the Panels should be handled, the chairman or, in his absence, the deputy chairman of the House Committee should be consulted on whether one of the Panels should take up the issue, or whether the Panels should hold a joint meeting.
- (m) If more than two Panels meet jointly on a subject of common interest, and if it is necessary, the chairman or, in his absence, the deputy chairman of the House Committee may be consulted as to whether the Panel having a prominent interest in the subject matter should convene a meeting with members of other interested Panels invited to attend, or whether informal briefings for all interested Members should be held. If the latter option is adopted, a convener should be elected by and from among those Members present, and Members should be reminded at the beginning of the briefings that they are not covered at such briefings as if they are covered at meetings of the Panels.
- (n) For the calculation of quorum, a Member who is member of both Panels at a joint meeting should be counted as one member of the joint meeting. The quorum will be one-third of the membership of the joint meeting including the chairman (a fraction of the whole number being disregarded) i.e. each Member will be counted only once in terms of membership and quorum.
- (o) For joint Panel meetings, voting should be done by simple majority of the members present at the joint meeting. Dissenting views expressed by members of different Panels should be recorded.
- (p) All Panels will be dissolved upon dissolution of the Council.
- (q) The relevant Panel should be consulted first before a major and/or potentially controversial legislative or financial proposal is introduced into the Council or the Finance Committee. In the event that the relevant Panel has not been consulted, the House Committee or Finance Committee shall decide whether to refer the proposal to the relevant Panel for consideration.

- (r) Panels should not normally deal with individual cases handled under the Redress System of the Council except in respect of the policy issues arising therefrom.
- (s) A Panel may form subcommittees to study specific issues and report to the Panel. Members of the subcommittees shall consist of members of that Panel.

23. Late Membership of Panels/Bills Committees

It is for the chairman of a Panel or a Bills Committee to decide whether to accept late membership on grounds of indisposition or absence from Hong Kong.

24. Guidelines for the Conduct of Meetings

- (a) The House Committee should draw up the meeting time slots, to provide a guideline for meetings.
- (b) To enable Members to participate in all meetings of the committees (including standing committees, panels, bills committees, subcommittees and select committees etc.) which they have joined, efforts should be made as far as practicable to avoid scheduling two meetings within the same time slot.
- (c) Notice of meetings of committees shall be in writing, stating the date, time and place at which the meeting is to be held and shall be given by the clerk at least three days before the day of the meeting, but shorter notice may be given in any case where the chairman so directs.
- (d) All Members, irrespective of whether they are members of that committee, may attend the meetings of the committee, and their views may be recorded in the minutes of meetings of the committee concerned. Members who attend the meetings of the committee but who are not its members, do not have any voting right in respect of the business of the committee.
- (e) Agenda and papers in connection with matters requiring consideration at a meeting shall be issued by the clerk as early as practicable before the meeting.
- (f) Members should confirm their attendance by returning the reply slips to the clerk to a committee before a meeting, or their absence will be assumed by the clerk for the purpose of calculating whether a quorum will be constituted before the meeting. Members should be punctual at meetings, and those who may be late for a meeting should inform the Secretariat as early as practicable.

- (g) Unless a quorum is present within 15 minutes of the time appointed for the meeting, the meeting will not be held.
- (h) If the attention of the chairman of a committee is drawn to the fact that a quorum is not present during a meeting, he shall direct the members to be summoned. If after 15 minutes have expired, a quorum is not then present the chairman shall close the meeting without question put.
- (i) When it is necessary to order a division during a meeting of a committee, the chairman of the committee should ensure that a quorum is present before he proceeds with the division.
- (j) At the first meeting of a committee, the chairman will anticipate the number of subsequent meetings required and set tentative dates for the subsequent meetings so that members may take note of the dates from the outset to facilitate attendance. In normal circumstances, a committee should not book more than three time slots at a time. A Panel may, at its first meeting, set tentative dates for meetings in the session.
- (k) The chairman will, as far as practicable, decide beforehand the time allowed for each particular item on the agenda of each meeting. This will be notified to all participants in advance. Discussions at meetings will have regard to the time allowed. Outsiders invited to attend will be informed of the duration in advance in order to facilitate planning for all concerned.
- (l) The decisions of a committee should not be re-opened for discussion, unless with the permission of the committee.
- (m) The chairman, whenever necessary, should remind Members, Government officials and deputations to refrain from using "cocktail language" at committee meetings so as to facilitate the work of the simultaneous interpreters.
- (n) If persons involved are summoned to testify or give evidence before a committee, in accordance with Rule 80 of the Rules of Procedure, the committee should make reference to the procedures adopted in previous cases and determine its procedures for that particular case. Appendix V sets out the usage and practice in regard to the determination of claims of "public interest privilege" made by persons appearing before a committee of the Council.
- (o) Except as stated in the Rules of Procedure, and subject to the provisions of any administrative instructions for regulating the conduct of persons observing meetings, the public shall be admitted to all open committee meetings so far as there is accommodation. Wherever possible, prior notice of a decision to sit in private should be given.

- (p) Where meetings are held in public :
 - (i) The Secretariat will provide the press/public observing the meetings with the agenda and papers, the latter subject to the agreement of their authors.
 - (ii) For House Committee meetings, only the agenda will be made available to the press/public admitted to the meetings.
- (q) If at a meeting of a committee the chairman notices that a member of the public is behaving or is likely to behave in a disorderly manner, the chairman is entitled to seek the agreement of the committee to remove that person, or in urgent cases, to order the removal of such person.
- (r) The chairmen may, with the agreement of committees, exercise some flexibility in applying the above guidelines.

25. Minutes of Meetings

- (a) The clerk to a committee shall keep the minutes of the meetings of the committee in a manner determined by the committee. Normally, verbatim records will not be made of the proceedings of a committee except in the case of an enquiry made under Rule 80 of the Rules of Procedure.
- (b) For meetings at which representations from the public are received, members of the public will be asked to make submissions in writing, if possible before the meetings; otherwise they will be asked at the end of the meetings to put in writing the points they would like Members to take note of. Those who have put in written submissions prior to the meetings will also be provided with the opportunity to make further written submissions after the meetings on points not covered in the earlier submissions. The written submissions will then be circulated for members' reference.
- (c) Minutes of meetings with the Administration and outside parties need not normally be cleared with them.
- (d) Notwithstanding (b) and (c) above, chairmen have discretion to decide whether the minutes or any part thereof should be shown to those who have attended the meetings with Members if, in the chairmen's opinion, it will facilitate the work of the committee.
- (e) The draft minutes of a meeting will be confirmed at a subsequent meeting, or will be sent to members for consideration and will be taken as confirmed if members do not make any amendments on them before the dead-line set for amendment.

- (f) All meetings will be tape-recorded and the recording may be erased in one year's time unless directed otherwise by the respective committees.
- (g) The minutes of meetings held in public are made available for inspection by the public at the Library or the Secretariat of the Council.

26. Subcommittees of the House Committee, Bills Committees or Panels

The practices and procedures set out in rules 20 to 25 shall apply, where appropriate, to subcommittees of the House Committee, Bills Committees or Panels.

27. Post-Committee Meeting Press Briefings

- (a) Press briefings are normally not arranged for meetings held in public. For those meetings which are held in private, post-meeting press briefings may be given by the chairman together with other members if so decided by the respective committee. Before such briefings, the chairman should as far as possible reach an agreed press line with the committee members present.
- (b) The Secretariat will arrange the place for press briefings. The press are free to ask questions, take pictures or do filming during briefings.

28. Arrangements during Tropical Cyclones and Rainstorm Black Warning

- (a) All meetings shall continue to be held when Storm Signal No. 1 or No. 3 is hoisted, or when a Rainstorm Red Warning is in force.
- (b) Unless directed otherwise by the chairmen concerned, all meetings shall be cancelled if Storm Signal No. 8 or Rainstorm Black Warning is hoisted and/or remains in force two hours before the appointed time of the meeting. If Storm Signal No. 8 is hoisted while a meeting of the committee or subcommittee is in progress, the chairman of the committee or subcommittee as appropriate should close the meeting. In the case of a Rainstorm Black Warning, the chairman should decide whether to close or continue with the meeting.

29. Visits in Hong Kong

- (a) Visits may be conducted from time to time by committees to enable Members to gain first-hand information on issues or organisations of interest to them in connection with Council business.

- (b) The timing and programme of visits are decided by the respective chairmen in consultation with members of the committees concerned and the host organisations. The duration of a visit should be kept to within three hours as far as possible.
- (c) Members should indicate their availability for a visit before a set deadline.
- (d) The chairman will, in consultation with other Members or the host organisation, determine whether a scheduled visit should be cancelled or postponed if less than three Members have signed up by the deadline, or where last-minute withdrawals deplete the visiting party to less than three Members.
- (e) The Secretariat should keep a record of the Members who withdraw from such visits.

CORPORATE LIAISON

30. Meetings with the Administrative Secretary and the Financial Secretary

On a periodic basis, Members receive general briefings by the Administrative Secretary or the Financial Secretary on topical issues and matters of public interest.

31. Briefings by Policy Secretaries on the Chief Executive's Policy Address

Briefings for Members in the session by policy secretaries are normally held within the first week of the Policy Address. Such briefings are open to all Members.

32. Meetings with District Boards

- (a) Meeting-cum-luncheons are held in camera with District Board (DB) members from time to time to discuss and exchange views on matters of mutual interest.
- (b) Tentative dates of the meetings can be drawn up in advance, but the exact dates can be fixed mutually between the respective DBs and the Secretariat, subject to sufficient notice being given to members on both sides.
- (c) The meeting time is normally from 10:45 a.m. to 12:45 p.m., followed by lunch up to 2:00 p.m.

- (d) Members are divided into groups to meet with DB members on a roster system.
- (e) Members convene meetings by turn.
- (f) Upon the request of DBs, individual Members may be invited to attend a particular meeting.
- (g) Each meeting should be attended by a minimum of five Members. Members scheduled on the roster should make themselves available to attend these meetings/luncheons.
- (h) If the number of Members who have signed up for a meeting is less than five, other Members approached by the Secretariat should make an effort to attend the meeting to ensure that the minimum attendance is met.
- (i) A formal agenda for the meeting should be prepared in consultation with the DB concerned prior to the meeting.
- (j) Minutes of meetings are to be issued to the DBs after the meetings.
- (k) Matters discussed at the meetings are followed up by the relevant policy Panels or the Complaints Division as appropriate.
- (l) While the Secretariat will liaise with the Administration on the issues raised and the follow-up action to be taken, the convener of the meeting/luncheon will report back to the DB personally, on behalf of Members present.

33. Meetings with Overseas Visitors

- (a) Members take turn to receive overseas visitors, a majority of whom being parliamentarians of other legislatures. The roster is the same as that for the handling of public complaints and representations.
- (b) All Members are notified of such meetings so that interested Members not on the duty roster may also participate.
- (c) These meetings are not open to the public.

**Procedure for the
Re-election of the President of the Provisional Legislative Council**

The re-election of the President of the Council shall be conducted if the office is vacant.

2. Not less than seven clear days before the day of the election, the Clerk to the Council shall invite Members to make nominations for the office of President and distribute the nomination forms as provided in **Annex I**.
3. A nomination form for the office of President shall be signed by a Member making the nomination and by at least three other Members seconding the nomination. The Member being nominated shall sign on the form to indicate acceptance of the nomination. The completed nomination form shall reach the Clerk's office at least four clear days before the day of the election.
4. The name of a Member shall not appear on more than one nomination form, whether in the capacity as a Member being nominated, or as a Member making the nomination, or as a Member seconding the nomination. In the event that a Member's name appears on more than one nomination form (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 nomination form received by the Clerk's office shall be valid and the Clerk shall immediately return any invalid form to the Member who made the nomination.
5. Upon the close of the nomination period, the Clerk shall prepare a list of all the valid nominations in the order of receipt by his office and shall distribute the list to all the Members of the Council at least two clear days before the day of the election.
6. At the election of the President, the Presiding Member shall announce all the valid nominations received.
7. If there is only one valid nomination, the Presiding Member shall announce this and declare the candidate elected.
8. If there are two or more valid nominations, the Presiding Member shall order a vote by secret ballot and shall direct the Clerk to distribute to each of the Members present a ballot paper which shall be in accordance with the form in **Annex II**. The names of all the candidates shall be listed in the ballot paper according to the order of receipt of their nominations by the Clerk's office.

9. Each Member present shall mark a "✓" only in the box opposite the name of the candidate of his choice on the ballot paper, and place the ballot paper into the ballot box. Any ballot paper not marked or marked with more than a "✓" shall be discarded.

10. After all the Members present have cast their votes, 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.

11. The Presiding Member shall declare elected as the President the candidate who receives the highest number of votes among all the candidates.

12. If two or more candidates receive the same highest number of votes, the Presiding Member shall order a second round of voting at the same meeting in respect of these candidates, to be conducted in the same manner as provided in paragraphs 8 to 11 above.

13. If no one candidate obtains more votes than any other candidate in the second round of voting, the Presiding Member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of the candidates who received the same highest number of votes in this round of voting.

14. The Presiding Member shall then draw lots and give the casting vote to one of the candidates in accordance with the result of the drawing of the lots. The Presiding Member shall forthwith declare that candidate elected as the President.

15. The Presiding Member shall then step down to make way for the President, who may address the Council and shall then proceed with the business of the meeting or adjourn the meeting or suspend the meeting, as the case may be.

To : Clerk to the Provisional Legislative Council

Election of the President of the Provisional Legislative Council

Nomination Form

1. In accordance with the procedure determined by the House Committee of the Provisional Legislative Council under House Rules No. 1(b) or 1(c), I nominate the Honourable _____ for the office of President of the Provisional Legislative Council commencing _____(month) ____ (year).

Name

Signature

Member making the nomination

Members seconding the nomination
(at least three)

Date : _____

2. I accept the nomination.

Name

Signature

Member being nominated

Date : _____

Election of the President of Provisional Legislative Council

Ballot Paper

Date of election: _____

VOTE FOR ONE CANDIDATE ONLY

MARK "✓" IN BOX OPPOSITE
NAME OF CANDIDATE OF YOUR CHOICE

Name of candidate



1		
2		
3		
4		
5		

Note: If there are more or less than five candidates the final form of the Ballot Paper will be amended accordingly.

**Procedure on the Moving of Motions
for the Disallowance of Votes during a Division**

1. At the end of a debate, the President or Chairman puts the question to the Council or the Committee.
2. Having collected the voices of the Ayes and of the Noes, the President or Chairman, according to his judgement of the number of voices on either side, states that he “thinks the Ayes have it” or that he “thinks the Noes have it” as the case may be.
3. A Member challenges the statement of the President or Chairman that he thinks the Ayes or Noes have it by claiming a division.
4. The President or Chairman orders the Council or the Committee to proceed to a division; and the division bell will ring for three minutes.
5. The Member who wishes to move a motion under Rule 84(4) of the Rules of Procedure for the disallowance of another Member’s vote on the ground of the latter’s direct pecuniary interest gives private notice in the form of a written note of his intention, which may be delivered at any time when the Council is proceeding with a division and before the President states the members voting in the division, giving the name of the Member whose vote is proposed to be disallowed, and a brief statement of the ground for moving the disallowance motion.

The Member wishing to move such a motion will also give a written note to the Member whose vote is proposed to be disallowed, giving a brief statement of the ground for moving the motion. This gives the opportunity to the latter, if he so wishes, to clarify matters. Should the Member intending to move the motion decide otherwise in the light of the clarifications given, he should give a further written note to the President or Chairman informing him of his decision.

6. After Members have cast their votes and having ascertained from Members that they do not have any problems with the electronic voting system, the President or Chairman instructs the Clerk to provide a print-out of the voting result showing the votes cast by individual Members, with a view to ascertaining whether the Member whose “vote” is challenged has actually participated in the voting.

(This process takes about 40 seconds.)

7. If the Member whose "vote" is challenged has NOT cast his vote during the division, the President or Chairman shall declare the result of the division straightaway. If the Member whose "vote" is challenged has actually cast his vote during the division, steps 8 to 13 of this procedure will be followed.
8. The President or Chairman states the number of Members voting in the division.
9. The President or Chairman announces the fact that he has received private notice from a Member of his intention to move a motion under Rule 84(4) of the Rules of Procedure for the disallowance of another Member's vote on the ground of direct pecuniary interest.
10. The President or Chairman calls upon the Member to move his motion on the disallowance of the other Member's vote.
11. The President or Chairman decides whether or not to propose the question upon the disallowance motion having regard to the provisions of Rule 84(5) of the Rules of Procedure.
12. If the question for the disallowance of a Member's vote is proposed, the Member concerned will, in accordance with Rule 84(6) of the Rules of Procedure, be heard in his place but he shall then withdraw from the Council or Committee for the duration of the debate and any vote on the question.
13. Council or Committee debates on the question on the disallowance of the vote cast by the Member, followed by voting on the question after the question is put.

Appendix III
(Rule 10)

**Request to President for Permission to ask a
Question without the Required Notice
- Rule 24(4) of the Rules of Procedure**

At the meeting on _____ and in accordance with Rule 24(4) of the Rules of Procedure, I request permission to ask the question attached without the required notice on the grounds that

(description of grounds)

I consider these grounds to be of an urgent character relating to a matter of public importance.

Private notice of the question has been given to the Government (Administrative Secretary, Financial Secretary, Attorney General, Secretary for _____ *) at _____ a.m./p.m. on _____.

Signed (Member)

Date _____

* Insert the title of the Government official(s) as appropriate

Procedure for Election of Chairman of House Committee

The election of the chairman of the House Committee shall be conducted at a meeting of the Committee.

2. The election takes place at the first meeting of the Committee in the session of the Council. The Members present shall elect among themselves a Member to preside at the election.
3. The Member presiding shall call for nominations for the chairmanship. A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member being nominated.
4. If there is only one nomination, the Member presiding shall declare the nominee elected as chairman.
5. If there are two or more nominations, the Member presiding 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 Member presiding.
6. Each Member present who wishes to vote shall put down in legible form the name of the nominee of his choice on the ballot paper, and place the ballot paper into the ballot box.
7. 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 Member presiding who shall check the result for confirmation.
8. The Member presiding shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees.
9. If two or more nominees receive the same highest number of valid votes, the Member presiding shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.
10. The Member presiding 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.
11. The elected chairman shall then take the chair and proceed with the remaining business of the meeting or adjourn the meeting, as the case may be.

Procedure for Election of Deputy Chairman of House Committee

The election of the deputy chairman of the House Committee shall be conducted at a meeting of the Committee.

2. The chairman of the House Committee shall preside at the election. If he is absent, the Members present shall elect among themselves a Member to preside at the election.
3. The Member presiding shall call for nominations for the deputy chairmanship. A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member being nominated.
4. If there is only one nomination, the Member presiding shall declare the nominee elected as deputy chairman.
5. If there are two or more nominations, the Member presiding 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 Member presiding.
6. Each Member present who wishes to vote shall put down in legible form the name of the nominee of his choice on the ballot paper, and place the ballot paper into the ballot box.
7. 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 Member presiding who shall check the result for confirmation.
8. The Member presiding shall declare elected as deputy chairman the nominee who receives the highest number of valid votes among all the nominees.
9. If two or more nominees receive the same highest number of valid votes, the Member presiding shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.
10. The Member presiding 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.

**Usage and Practice in regard to the
Determination of Claims of Public Interest Privilege**

The usage and practice in regard to the determination of claims of “public interest privilege” made by persons appearing before a committee of the Council shall be as set out in the Schedule.

Schedule

1. In this schedule -

“relevant body” in relation to a committee before which a witness is attending to give evidence or to produce any paper, book, record or document, means -

- (a) the chairman and deputy chairman of the committee, where both are present (and references to the delivering of the opinion of the relevant body shall be taken to mean the opinion of the chairman where the chairman and deputy chairman disagree);
- (b) the chairman alone where the deputy chairman is absent;
- (c) the deputy chairman alone where the chairman is absent; or
- (d) where both the chairman and deputy chairman are absent, the member elected to act as chairman during such absence.

“Witness” means -

- (a) a person lawfully ordered to attend to give evidence or to produce any paper, book, record or document before a committee; and
- (b) any public officer designated by the Chief Executive for the purpose of attending meetings of a committee;

2. If, at a public meeting of a committee, a witness refuses to answer publicly or privately any question that may be put to him, or to produce any paper, book, record or document, and claims privilege on the ground that the giving of the answer or the production of the paper, book, record or document would be contrary to the public interest the following procedure will apply -

- (a) The chairman shall inform the witness that he may explain his reasons in confidence to the relevant body and that the relevant body will then deliver an opinion to the committee without disclosure of any information or paper, book, record or document claimed by the witness to be privileged from disclosure.
- (b) If the witness agrees to explain his reasons to the relevant body the relevant body shall make arrangements to consider the reasons and deliver its opinion to the committee.

- (c) If the relevant body delivers its opinion that the claim of privilege by the witness is justified in respect of any answer to a question or the production of any paper, book, record or document the committee shall excuse the answering of such question or the production of such paper, book, record or document.
- (d) If the relevant body delivers its opinion that the claim of privilege by the witness is not justified in respect of any answer to a question or the production of any paper, book, record or document the committee may order the answering or production thereof.
- (e) If the witness continues to refuse to answer any question or produce any paper, book, record or document the committee may take such action within its powers as it considers appropriate.
- (f) If the witness does not agree to explain his reasons to the relevant body under subparagraph (b) the committee may take such action within its powers as it considers appropriate.

3. If, at a public meeting of a committee, a witness refuses to answer in public any question that may be put to him, or to produce in public any paper, book, record or document on the ground of public interest privilege, but requests to answer such question or produce such paper, book, record or document at a private meeting of the committee, the following procedure will apply -

- (a) The committee will deliberate in private whether to agree to the request by the witness.
- (b) The decision of the committee will be taken by formal vote.
- (c) If the committee decides to agree to the request by the witness no answer given by the witness at a private meeting nor any paper, book, record or document produced by him thereat shall be made public unless the committee decides during the private meeting that the request by the witness for confidentiality is not justified. Before reaching such a decision the committee shall give the witness an opportunity to state the grounds upon which he claims public interest privilege in respect of the particular answer or paper, book, record or document.