



香港特別行政區立法會議事規則修訂紀錄

**RECORDS OF AMENDMENTS TO
RULES OF PROCEDURE OF THE LEGISLATIVE
COUNCIL OF THE HONG KONG SPECIAL
ADMINISTRATIVE REGION**

K 部

法案的處理程序

PART K

PROCEDURE ON BILLS

議事規則第 51 條

提交法案的預告

Rule 51

Notice of Presentation of Bills

香港特別行政區立法會議事規則

由香港特別行政區立法會於1998年7月2日訂立，其權力依據為
《中華人民共和國香港特別行政區基本法》第七十五條

K 部 法案的處理程序

51. 提交法案的預告

(1) 除第(1A)款另有規定外，議員或獲委派官員可隨時作出預告，表明有意提交法案；該預告須送交立法會秘書辦事處，並須附有法案文本及本議事規則第50條(法案的格式)所規定的摘要說明；如作出預告者為議員，則須附有由法律草擬專員按第(2)款的規定簽署的證明書。
(2021年第47號法律公告)

(1A) 有意根據第(1)款提交法案的議員，須事先就該法案擬稿諮詢相關事務委員會，方可提交該法案。
(2021年第47號法律公告)

(2) 對於由議員提交的法案，法律草擬專員如信納該法案符合本議事規則第50條(法案的格式)的規定及香港法例的一般格式，即須簽發證明書加以證明。

(3) 立法會主席如認為任何由立法會議員個別或聯名提出的法案涉及公共開支或政治體制或政府運作，該法案即不得提出。
(1999年第107號法律公告)

(4) 立法會主席如認為某法案涉及政府政策，則就該法案所作的預告須附有由行政長官對該法案的書面同意。
(1999年第107號法律公告)

(5) 如法案依據《法定語文條例》(第5章)第4(3)條所發出的指示，以一種法定語文提交，則預告須附有證明書，說明行政長官會同行政會議已指示該法案須以中文或英文(視乎所提交文本的語文而定)提交。

(6) 由議員提交的法案如屬本議事規則第50(8)條(法案的格式)所提述者，則預告須附有由該議員簽署的證明書，說明該法案已連續兩期在憲報刊登，並已在每日在本港出版的中英文報章各一份各刊登廣告兩次，就該法案作出預告。(2001年第176號法律公告)

(7) (a) 除第(7A)款及本議事規則第66條(發回重議的法案)另有規定外，如立法會主席認為某法案載有與另一項在二讀時業經立法會表決的法案實質相同的條文，則該法案在同一會期內不得繼續進行立法程序，並須予撤回。

(2000年第228號法律公告)

(b) 如某法案在二讀後被撤回，則另一項載有實質相同條文的法案可在同一會期內提交，但該另一項法案必須符合本議事規則第50條(法案的格式)、本條及第52條(法案的提交及刊登)的規定

(7A) 凡撥款法案的二讀或三讀議案遭否決，可在同一會期內提交另一項所載條文相同或實質相同的撥款法案。

(2000年第228號法律公告)

(8) 在其後就該法案所進行的整個過程中，提交法案的議員稱為負責該法案的議員。如法案由多於一名議員聯名提出，則該等議員須於提交法案時指定其中一人為負責該法案的議員，而該負責議員須在提交法案的預告上如此示明。

(9) 在其後就該法案所進行的整個過程中，提交法案的官員稱為負責該法案的官員；而本議事規則所提述負責法案的議員，亦包括負責法案的官員。

K 部 法案的處理程序

議事規則第 51 條

提交法案的預告

條次	委員會		內務委員會		立法會		憲報	
	會議日期	附件	會議日期	附件	會議日期	附件	附件	
51					1998.04.07	1, 2	5	
					1998.07.02	3, 4		
			1999.04.16	6	1999.04.28	7	8	
					1999.04.28	9, 10		
			2000.06.09	11, 12	2006.06.22	15	16	
					2006.06.21	13, 14		
			2001.06.29	17	2001.07.12	18, 21	22	
					2001.07.11	19, 20		
		2021.02.11 [#]	23	2021.03.19	24	2021.03.24	25, 26	28
					2021.03.25	27		
51(1)					1998.04.07	1, 2	5	
					1998.07.02	3, 4		
		2021.02.11 [#]	23	2021.03.19	24	2021.03.24	25, 26	28
					2021.03.25	27		
51(1A)					2021.10.27	29, 30		
		2021.02.11 [#]	23	2021.03.19	24	2021.03.24	25, 26	28
					2021.03.25	27		
					2021.10.27	29, 30		

[#]發出日期

條次	委員會		內務委員會		立法會		憲報
	會議日期	附件	會議日期	附件	會議日期	附件	附件
51(2)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(3)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			1999.04.16	6	1999.04.28	7	8
					1999.04.28	9, 10	

#發出日期

條次	委員會		內務委員會		立法會		憲報
	會議日期	附件	會議日期	附件	會議日期	附件	附件
51(4)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			1999.04.16	6	1999.04.28	7	8
					1999.04.28	9, 10	
51(5)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(6)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			2001.06.29	17	2001.07.12	18, 21	22
					2001.07.11	19, 20	
51(7)(a)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			2000.06.09	11, 12	2006.06.22	15	16
					2006.06.21	13, 14	
51(7)(b)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(7A)			2000.06.09	11, 12	2006.06.22	15	16
					2006.06.21	13, 14	
51(8)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(9)					1998.04.07	1, 2	5
					1998.07.02	3, 4	

#發出日期

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附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*
6	HC	CB(2)1729/98-99	內務委員會會議紀要的節錄	1999.04.16
7	CM		立法會會議過程正式紀錄的節錄	1999.04.28
8			1999年第107號法律公告	1999.04.30*
9	CM		香港特別行政區立法會議事規則委員會1998年7月至1999年4月的工作進度報告的節錄	1999.04.28
10	CM		立法會會議過程正式紀錄的節錄	1999.04.28
11	HC	CB(1)1772/99-00	就實施《基本法》第四十九、五十及五十一條與動議已撤回的修正案進行的研究文件	2000.06.09
12	HC	CB(2)2301/99-00	內務委員會會議紀要的節錄	2000.06.09
13	CM		香港特別行政區立法會議事規則委員會1999年5月至2000年6月的工作進度報告的節錄	2000.06.21
14	CM		立法會會議過程正式紀錄的節錄	2000.06.21
15	CM		立法會會議過程正式紀錄的節錄	2000.06.22
16			2000年第228號法律公告	2000.06.23*
17	HC	CB(2)2006/00-01	內務委員會會議紀要的節錄	2001.06.29
18	CM	CB(3)821/00-01	根據《中華人民共和國香港特別行政區基本法》第七十五條提出的決議案	2001.07.11
19	CM		香港特別行政區立法會議事規則委員會2000年10月至2001年6月的工作進度報告的節錄	2001.07.11
20	CM		立法會會議過程正式紀錄的節錄	2001.07.11
21	CM		立法會會議過程正式紀錄的節錄	2001.07.12
22			2001年第176號法律公告	2001.07.13*
23	CRoP	CROP43/20-21	就修訂《議事規則》及《內務守則》的建議進行諮詢 - 第一批擬議修訂	2021.02.11 [#]
24	HC	CB(2)905/20-21	內務委員會會議紀要的節錄	2021.03.19
25	CM	CB(3)402/20-21	根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案	2021.03.24
26	CM		立法會會議過程正式紀錄的節錄	2021.03.24
27	CM		立法會會議過程正式紀錄的節錄	2021.03.25
28			2021年第47號法律公告	2021.03.26*
29	CM		香港特別行政區立法會議事規則委員會2020年10月至2021年10月工作進度報告的節錄	2021.10.27
30	CM		立法會會議過程正式紀錄的節錄	2021.10.27

[#]發出日期；*刊憲日期

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附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(1)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*
23	CRoP	CROP43/20-21	就修訂《議事規則》及《內務守則》的建議進行諮詢 - 第一批擬議修訂	2021.02.11 [#]
24	HC	CB(2)905/20-21	內務委員會會議紀要的節錄	2021.03.19
25	CM	CB(3)402/20-21	根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案	2021.03.24
26	CM		立法會會議過程正式紀錄的節錄	2021.03.24
27	CM		立法會會議過程正式紀錄的節錄	2021.03.25
28			2021年第47號法律公告	2021.03.26*
29	CM		香港特別行政區立法會議事規則委員會2020年10月至2021年10月工作進度報告的節錄	2021.10.27
30	CM		立法會會議過程正式紀錄的節錄	2021.10.27

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附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(1A)條				
23	CRoP	CROP43/20-21	就修訂《議事規則》及《內務守則》的建議進行諮詢 - 第一批擬議修訂	2021.02.11 [#]
24	HC	CB(2)905/20-21	內務委員會會議紀要的節錄	2021.03.19
25	CM	CB(3)402/20-21	根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案	2021.03.24
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27	CM		立法會會議過程正式紀錄的節錄	2021.03.25
28			2021年第47號法律公告	2021.03.26*
29	CM		香港特別行政區立法會議事規則委員會2020年10月至2021年10月工作進度報告的節錄	2021.10.27
30	CM		立法會會議過程正式紀錄的節錄	2021.10.27

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議事規則第51(2)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*

* 刊憲日期
 CM = 立法會

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議事規則第51(3)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
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5			1998年第265號法律公告的節錄	1998.07.03*
6	HC	CB(2)1729/98-99	內務委員會會議紀要的節錄	1999.04.16
7	CM		立法會會議過程正式紀錄的節錄	1999.04.28
8			1999年第107號法律公告	1999.04.30*
9	CM		香港特別行政區立法會議事規則委員會1998年7月至1999年4月的工作進度報告的節錄	1999.04.28
10	CM		立法會會議過程正式紀錄的節錄	1999.04.28

* 刊憲日期

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附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(4)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
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5			1998年第265號法律公告的節錄	1998.07.03*
6	HC	CB(2)1729/98-99	內務委員會會議紀要的節錄	1999.04.16
7	CM		立法會會議過程正式紀錄的節錄	1999.04.28
8			1999年第107號法律公告	1999.04.30*
9	CM		香港特別行政區立法會議事規則委員會1998年7月至1999年4月的工作進度報告的節錄	1999.04.28
10	CM		立法會會議過程正式紀錄的節錄	1999.04.28

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附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(5)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*

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附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(6)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*
17	HC	CB(2)2006/00-01	內務委員會會議紀要的節錄	2001.06.29
18	CM	CB(3)821/00-01	根據《中華人民共和國香港特別行政區基本法》第七十五條提出的決議案	2001.07.11
21	CM		立法會會議過程正式紀錄的節錄	2001.07.12
22			2001年第176號法律公告	2001.07.13*
19	CM		香港特別行政區立法會議事規則委員會2000年10月至2001年6月的工作進度報告的節錄	2001.07.11
20	CM		立法會會議過程正式紀錄的節錄	2001.07.11

* 刊憲日期

CM = 立法會；HC = 內務委員會

K部 法案的處理程序
議事規則第51條
提交法案的預告

附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(7)(a)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*
11	HC	CB(1)1772/99-00	就實施《基本法》第四十九、五十及五十一條與動議已撤回的修正案進行的研究的文件	2000.06.09
12	HC	CB(2)2301/99-00	內務委員會會議紀要的節錄	2000.06.09
15	CM		立法會會議過程正式紀錄的節錄	2000.06.22
16			2000年第228號法律公告	2000.06.23*
13	CM		香港特別行政區立法會議事規則委員會1999年5月至2000年6月的工作進度報告的節錄	2000.06.21
14	CM		立法會會議過程正式紀錄的節錄	2000.06.21

* 刊憲日期

CM = 立法會；HC = 內務委員會

K部 法案的處理程序
議事規則第51條
提交法案的預告

附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(7)(b)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*

K部 法案的處理程序
議事規則第51條
提交法案的預告

附件	立法會/ 委員會	臨立會/ 立法會文件編號	文件	會議日期
議事規則第51(7A)條				
11	HC	CB(1)1772/99-00	就實施《基本法》第四十九、五十及五十一條與動議已撤回的修正案進行的研究的文件	2000.06.09
12	HC	CB(2)2301/99-00	內務委員會會議紀要的節錄	2000.06.09
15	CM		立法會會議過程正式紀錄的節錄	2000.06.22
16			2000年第228號法律公告	2000.06.23*
13	CM		香港特別行政區立法會議事規則委員會1999年5月至2000年6月的工作進度報告的節錄	2000.06.21
14	CM		立法會會議過程正式紀錄的節錄	2000.06.21

* 刊憲日期

CM = 立法會；HC = 內務委員會

K部 法案的處理程序
議事規則第51條
提交法案的預告

附件	立法會／ 委員會	臨立會／ 立法會文件編號	文件	會議日期
議事規則第51(8)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*

* 刊憲日期
 CM = 立法會

K部 法案的處理程序
議事規則第51條
提交法案的預告

附件	立法會/ 委員會	臨立會/ 立法會文件編號	文件	會議日期
議事規則第51(9)條				
1	CM	CB(1)1236	臨時立法會議事規則委員會報告	1998.04.07
2	CM		臨時立法會會議過程正式紀錄的節錄	1998.04.07
3	CM	CB(3)12/98-99	就《香港特別行政區立法會議事規則》及財務委員會、內務委員會及各事務委員會的首次會議日期提出的決議案	1998.07.02
4	CM		立法會會議過程正式紀錄的節錄	1998.07.02
5			1998年第265號法律公告的節錄	1998.07.03*

檔號：CB1/R/1/1

臨時立法會
議事規則委員會報告

目的

此份報告旨在匯報議事規則委員會(下稱“委員會”)自1997年9月19日成立以來的工作，並概述委員會就所考慮的事項進行商議的結果。

委員會

2. 臨時立法會(下稱“臨立會”)在1997年9月10日藉修訂《議事規則》，議決成立議事規則委員會。委員會的職能是檢討臨立會的《議事規則》，並因應需要向臨立會作出修正或改變的建議。
3. 臨時立法會主席根據《議事規則》第74(2)條，在1997年10月17日委任12名臨立會議員為委員會委員，當中包括主席周梁淑怡議員及副主席程介南議員。委員名單載於附錄I。

委員會的工作

4. 委員會自1997年10月組成以來，舉行了9次會議。在1997年11月17日首次會議上，委員會檢討了須在臨立會任期內考慮的事宜，並決定進行以下工作：
 - (a) 因應臨立會在1997年9月10日會議上通過的《議事規則》各項修訂，對《內務守則》作出修訂，以便反映臨立會及其轄下各委員會現時的行事方式；
 - (b) 確保現有的立法程序已妥為涵蓋有效處理和制定法例所需的一切必要步驟；及
 - (c) 改進《議事規則》及其他議事程序安排，以確保符合《基本法》的條文及其他法例規定。

《內務守則》修訂事宜

5. 在詳細研究修訂《內務守則》的事宜時，委員會亦藉此機會一併檢討了若干行政及程序上的安排，以期消除當中不明確之處和提高處理議會事務的效率。委員會在展開研究《內務守則》的工作前，曾徵詢臨立會議員的意見，隨後並接獲若干建議。在商議過程中，委員會已顧及了此等建議。

6. 除了建議對《內務守則》作出修訂，以反映臨立會在1997年9月10日通過的《議事規則》各項修訂外，委員會亦向內務委員會提出以下建議：

- (a) 應詳細載列擬動議議案辯論的議員申請及獲編配辯論時段的行政程序(守則第14條)；
- (b) 應清楚訂明處理議員在作出議案預告期限之前或之後撤回議案的有關安排(守則第14條)；
- (c) 只有議案動議人有答辯權的原則應維持不變，而議員獲分配的發言時間應反映該項原則(守則第17條)；及
- (d) 事務委員會在香港以外地方進行活動須獲內務委員會允許(守則第22條)。

7. 內務委員會接納委員會的建議，並在1998年2月20日修訂《內務守則》。《內務守則》各項主要修訂的摘要載於附錄II。

議案及修正案的預告

8. 委員會知悉，關於本身並非附屬法例但適用的法例審議機制與附屬法例相若的法定文書(例如技術備忘錄或實務守則)，《議事規則》並無特定條文，就動議與審議此類文書有關的議案作出規定。因此，任何修正該等文書或延展其審議期限的議案，均須在不少於12整天前作出預告。如此一來，議員只有極少時間考慮有關的文書。此外，如須動議修正案，每次均須請求臨時立法會主席准許免卻規定的預告。委員會認為宜把此類文書的預告期規定，改為與附屬法例的預告期規定一致。

9. 政府當局回應委員會的查詢時證實，對於委員會所提出的意見，即同一套的預告期規定應適用於附屬法例，以及其他適用法例審議機制與附屬法例相若的法定文書，當局並無異議。然而，鑑於關乎法定文書的議案為數不多，委員會的結論是沒有迫切需要修改臨立會的《議事規則》，而秘書處應提醒首屆立法會有需要在其日後制訂的議事規則內，作出有關修改。

立法程序的適應化工作

10. 委員會曾檢討前《皇室訓令》所載有關立法程序的條文的適應化現況，並諮詢政府當局需否對《皇室訓令》下列條文妥為適應化：第XXV條(制定條例時須予遵從的規則和規例)及第XXVI條(不得批准的條例草案類別及在緊急情況下條例即時生效的但書)。當局的結論是毋須另訂法律條文，取代第XXVI條有關不得批准的條例草案類別的規定，因為《基本法》第十七條已可達到目的。儘管委員會對當局此項結論並無特別的看法，但仍要求當局考慮把《皇室訓令》第XXV條中規限香港法例格式的規定本地化，並讓立法機關有充裕時間審議有關的法案。

符合《基本法》的條文及其他法例規定

11. 除以上所述外，臨立會秘書處亦曾就《議事規則》的擬議修訂徵詢委員會的意見，以期符合《基本法》的規定，其中兩個主要事項為：

- (a) 按《基本法》附件二的規定，就議員提出的事項進行表決的新程序；及
- (b) 處理立法會已通過但遭行政長官發回重議的法案的程序。

表決程序

12. 《基本法》附件二訂明，議員提出的法案、議案及對法案的修正案，須分別經功能界別選舉產生的議員，以及分別由地方選區直接選舉和選舉委員會選舉產生的議員，兩部分出席會議者各過半數表決贊成，方為通過。考慮到既要符合《基本法》的規定，又要確保議會事務得以迅速處理，委員會衡量過下列做法的優劣長短：以聽取答聲的方法進行表決，或以電子表決的方法進行表決，或兩者兼用。委員會亦檢討了若干相關事項，例如臨時立法會主席及全體委員會主席的決定性表決，並且參考了其他立法機關的做法。委員會認為較宜由首屆立法會決定本身的議事程序，故此委員會只是就各個方案提出意見，以便秘書處在綜合該等意見後擬備建議，供首屆立法會考慮。

重議行政長官發回的法案的程序

13. 根據《基本法》第四十九條，行政長官如認為立法會通過的法案不符合香港特別行政區的整體利益，可在3個月內將法案發回立法會重議。由於臨立會的《議事規則》及前立法局的《會議常規》均未有訂出處理此等情況的程序，臨立會秘書處曾就應採用的程序和步驟徵詢委員會的意見。

14. 鑑於重議立法會已通過但遭行政長官發回的法案是立法會須予處理的重要事項，委員會認為議事規則應就處理發回的法案的特定程序，作出規定。在此事上，委員會曾參考其他立法機關的有關程序，並提出下列意見：

- (a) 除過半數議員另有決定外，發回的法案及行政長官發回法案的理由應交由一個委員會(例如專責委員會)慎加研究；
- (b) 重議法案的程序應使發回的法案可在顧及有關各方，包括政府、負責法案的議員及其他與該法案有關的人士／組織的意見後，予以修正；
- (c) 議員應獲准在立法會會議上就法案進行辯論，並在有需要時，在全體委員會會議上對法案提出修正案；
- (d) 議員應就“通過經重議的法案”的議案進行表決，而不論法案是否經過修正。如法案以其原有內容經不少於三分之二的立法會議員通過，即會引發《基本法》第五十條所規定的情況。

15. 委員會認為，在首屆立法會制訂其議事規則時，秘書處應向其反映委員會的意見。

致謝

16. 對於臨立會其他議員提出的寶貴意見，以及他們對委員會工作給予的支持，委員會委員謹此致謝。

臨時立法會秘書處

1998年4月1日

臨時立法會

議事規則委員會委員名單

周梁淑怡議員(主席)
程介南議員(副主席)
何鍾泰議員
杜葉錫恩議員
陳財喜議員
陳婉嫻議員
黃宏發議員
黃英豪議員
廖成利議員
劉健儀議員
劉漢銓議員
蔡素玉議員

總數：12名議員

議事規則委員會
就《內務守則》提出的主要修訂建議摘要

- (a) 以往載於《內務守則》附錄的選舉臨時立法會主席程序，現已在《議事規則》附表中有所規定(《內務守則》第1(d)條)；
- (b) 行政長官酌情出席臨時立法會(下稱“臨立會”)會議，答覆議員的質詢(《內務守則》第4(a)條)；
- (c) 在臨立會會議上提出6項口頭質詢的時限為一小時至一個半小時，而提出10項口頭質詢的時限為兩個半小時(《內務守則》第7(a)條)；
- (d) 申請編配辯論時段的限期，訂明為有關的臨立會會議舉行日期24天前(《內務守則》第14條)；
- (e) 應清楚訂明就不具立法效力的議案編配辯論時段的程序，並詳列有關安排，以決定議員在撤回原先作出的預告後再提出議案辯論的優先次序(《內務守則》第14條)；
- (f) 《議事規則》內關於議案修正案動議人沒有答辯權的規定，應在《內務守則》中予以反映；不具立法效力的議案修正案動議人的發言時限應延長至10分鐘，而該等議員不會再有5分鐘時間，回應其他議員就其修正案所作的發言(《內務守則》第17(c)條)；
- (g) 參加法案委員會或內務委員會為研究立法建議而成立的小組委員會的限期，通常定於有關法案委員會或小組委員會首次會議的一整天前(《內務守則》第21(b)條)；
- (h) 事務委員會及法案委員會的工作報告須提交臨立會(《內務守則》第21(i)及22(u)條)；
- (i) 事務委員會在香港以外地方進行活動須獲內務委員會允許(《內務守則》第22(t)條)；及
- (j) 在內務委員會之下成立的議會聯絡小組委員會負責統籌議會聯絡活動(《內務守則》第34條)。

1998年4月7日臨時立法會會議過程正式紀錄的節錄

X X X X X X

發言

主席：發言。周梁淑怡議員會就《議事規則》委員會報告 1997/98 向本會發言。周梁淑怡議員。

《議事規則》委員會報告 1997/98

周梁淑怡議員：主席，本人謹代表臨時立法會的《議事規則》委員會呈交工作報告。有關的報告載於日前送交各位議員審閱的臨時立法會 CB(1)1236 號文件。

《議事規則》委員會在 1997 年 10 月正式成立，接管《議事規則》工作小組所負責的職務。委員亦基本上是工作小組的所有成員，從工作小組至《議事規則》委員會的 14 個月內，一共舉行了 23 次正式會議及 9 次交流會，而且許多會議還是以馬拉松式舉行。

委員會的工作可以分為兩大部分：第一部分是擬備臨時立法會的《議事規則》、《內務守則》及《財務委員會會議程序》，希冀臨時立法會的會務，得以順利進行。委員會亦致力於確保現有的立法程序已妥為涵蓋有效處理和制定法例所需的一切必要步驟。

第二部分是就香港特別行政區第一屆立法會的《議事規則》提供一些意見，尤其是將按照《基本法》的有關條文，在《議事規則》中提供配合現時機制的程序。其中的例子，包括與“表決程序”及“重議行政長官發回的法案的程序”有關的事宜等。委員會希望可以就重要及較爭議性的事項，在政策及原則方面向臨時立法會秘書處給予意見，以便秘書處在擬定香港特別行政區第一屆立法會的《議事規則》草擬本時，作參考之用。

我很高興能告知各議員，委員會已完成以上目標。在此，除了多謝委員會的成員所付出的時間及精神外，亦謹代表各委員對本會其他同事向委員會所提出的寶貴意見及支持，作出感謝。我亦要感謝秘書處多位職員努力工作。我希望將此記錄在案。

謝謝主席。

X X X X X X

檔 號： CB(3)/M/MR
電 話： 2869 9205
日 期： 1998 年 6 月 26 日
發 文 者： 助理秘書長 3
受 文 者： 立法會全體候任議員

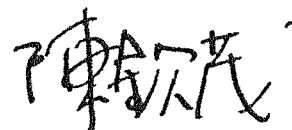
1998 年 7 月 2 日
立法會首次會議

就《香港特別行政區立法會議事規則》及
財務委員會、內務委員會及各事務委員會的首次會議日期
提出的決議案

梁智鴻醫生在 1998 年 7 月 2 日舉行的立法會會議上作出立法會誓言，以及待選出主席後，會動議兩項決議案。現謹附上有關決議案，供候任議員考慮。就《香港特別行政區立法會議事規則》動議的決議案載列於附錄 I，而第二項決議案則載列於附錄 II。

2. 秘書處將會請主席准許豁免有關作出預告的規定，以便梁智鴻醫生可無經預告動議上述決議案。

助理秘書長 3



(陳欽茂)

中華人民共和國香港特別行政區基本法

決議

(根據《中華人民共和國香港特別行政區基本法》第七十五條制定)

香港特別行政區立法會議事規則

議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的議事規則。

1998年7月2日立法會會議過程正式紀錄的節錄**X X X X X X****議員議案**

主席：議員議案。第一項議案。梁智鴻議員，我准許你動議有關《議事規則》的決議案。

《香港特別行政區立法會議事規則》

梁智鴻議員：主席女士，今天是立法會的大日子，也是香港立法機關的一個重要里程碑，因為今天的立法會是香港脫離殖民地管治後，在我們當家作主下，以一個公開、公正、公平選舉所產生的第一屆立法會。要一個立法機關運作得宜，有機會通過所有我們想通過的事項，便一定要有一套適用的議事規則。當然，自選舉至今只有僅僅一個多月時間，我們沒可能制定一套沒有瑕疵的議事規則，而且所有議事規則都應隨着時間而更改，因此，主席女士，我稍後提出的《立法會議事規則》，我希望同事認為是一些暫時適合我們採用的議事規則，使我們可以盡快做到我們須做的工作。

主席女士，我謹動議通過以我名義提出的議案，即本會根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。有關的附件已送交各位議員參考。

今天是香港特別行政區首屆立法會第一次會議，正如我剛才所說，一個立法機關的良好運作，必須倚賴一套完善的議事規則。因此，我們必須盡早制定和採納一套規則，使我們可以立即以高效率 and 有效的方式來運作。

為達致這個目標，立法會秘書處較早前已擬備了一套《立法會議事規則》的擬本初稿，並於6月初安排了一連串的研討會，邀請候任議員出席，讓議員能盡早了解擬本的內容和一些較重要的事項。總共有30位候任議員參與這次研討會，而我和吳靄儀議員則十分榮幸，獲選為正、副召集人。在此，我想簡單向大家介紹我們討論過的一些要點。

《立法會議事規則》擬本初稿是參考以往香港立法機關所採納的規則和慣常做法而擬備的，其中更按照《基本法》的有關條文，制訂了一些程序，例如《基本法》附件二所規定的表決程序，以及處理行政長官按照《基本法》第四十九條把立法會通過的法案發回重議的程序等。議員就這些程序、政策和原則曾作出詳細的討論。

就表決程序而言，我們在研究《基本法》附件二所載的規定，並參考香港立法機關過往的表決慣例後，同意下列數點：

- 一、議案、法案和對法案的修正案，不論採用全體或分組表決，均須獲出席會議的議員過半數的贊成票，才可獲通過。
- 二、為使主席得以判斷有否超過半數議員贊成議案，須將聽取議員答聲的做法，即以前的 **voice vote**，改為請議員舉手示意贊成或反對。
- 三、由於若贊成議案的議員數目僅相等於在席議員的半數，該議案已被視為不獲通過，所以，我們認為主席不再須作決定性的表決。

至於如何處理行政長官按照《基本法》第四十九條的規定發回法案，我們認為須就此事進行更深入的討論。不過，由於預期按照《基本法》第四十九條將法案發回重議的情況不大可能在短期出現，各議員都同意在目前只就處理發回法案的必要程序和步驟作出規定。

目前的安排是，除非大會另有指示立刻重議有關的法案，否則，該法案便會交由內務委員會處理。當完成審議後而又獲全體三分之二以上的議員，即 40 名或以上的議員通過，經重議的法案則可根據《基本法》第五十條的規定來處理。日後當《議事規則》委員會成立後，便會對議員可否就發回的法案提出修正案等問題再深入研究。

我們也研究《基本法》第七十四條對議員提出議案有何規限。由於各議員對這條文的涵蓋範圍持有不同意見，特別是有關財政收入或支出的事宜，所以我們認為有需要就這些事再作商議。不過，在進一步商議有結果前，我們認為須將前立法機關在這方面的規限，暫時納入《議事規則》內，例如議員必須取得行政長官的同意，方可提出任何具有效力或目的，可導致動用香港任何政府收入或其他公帑，或須由那些收入或公帑負擔的議案或修正案。

在討論期間，議員認為有若干其他事項須作討論，其中包括立法會在解散後召開緊急會議的機制，以及專責委員會的會期應否以會期的完結為結束，抑或以任期的完結為結束。由於該等事項在目前並不急需處理，各位議員同意將其載列於一覽表內，由日後成立的《議事規則》委員會再作跟進。

在此，我也想指出，秘書處法律顧問於 6 月 30 日收到法律政策專員列出了律政司就《立法會議事規則》擬本所持的意見的信件。法律政策專員對《立法會議事規則》擬本中涉及《基本法》第七十四條的規則，以及對政府提出的法案的表決程序持有不同的意見。事實上，議員在 3 次研討會中已討論過該等事項，議員同意在《議事規則》委員會成立後，便須馬上進一步研究《基本法》第七十四條及有關條文，法律政策專員的意見亦會交由該委員會作出跟進。

我今天建議通過的《立法會議事規則》，目的是讓首屆立法會可盡快展開工作，同時讓我們可隨即成立有關的委員會，依循規則內的條文進行議會事務。如果有需要的話，立法會主席可以就有關事宜作出裁決。因此，我建議議員先行採納我今天建議通過的《立法會議事規則》，而所有上述有待討論的事宜，則交由日後的《議事規則》委員會盡快跟進。

主席女士，我希望特別在此多謝立法會秘書處的職員在草擬《議事規則》方面所作出的努力，以及各位議員在研究過程中所提出的寶貴意見。我謹請各位同事支持我提出的議案，採納這份《議事規則》。

我謹此陳辭，提出議案。

梁智鴻議員動議的決議案如下：

“議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。”

主席：我現在向各位提出的待議議題是：議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。是否有議員想發言？楊森議員。

楊森議員：我們民主黨很支持梁智鴻議員提出的建議，即是我們應盡快在今天通過這份《議事規則》。如果有甚麼修訂，可以在日後的會議再提出，以便立法會可以立即進行工作。謝謝主席。

主席：梁耀忠議員。

梁耀忠議員：主席，《立法會議事規則》的大部分內容都是參考過去《立法局會議常規》而制定，我本身對其中不少地方都是贊成及支持的，然而，在《議事規則》內，亦有很多不公平及不合理之處，其內容是因應《基本法》而納入的，因此在今天討論這《議事規則》時，我覺得我必須申明自己的立場。

首先是關於《基本法》第七十四條。雖然梁智鴻議員曾表示，可能有些地方我們須再跟進討論，但這條文的內容限制了我們議員提出私人法案的權力，而我們知道過往在立法局內，議員提出私人法案的限制，除了是不能涉及公帑外，便只是須得到總督的同意，若沒有違反這些原則，議員便能提出私人法案。但現在根據《基本法》訂出諸多限制，令議員難以提出私人法案，這做法顯然是阻礙議員為公眾利益提出議案，是想廢去議員的“武功”，令我們不能主動提出法案供議會討論。此外，在《立法會議事規則》第 51 條，中有關提交法案的限制，正是根據《基本法》第七十四條而制定，所以我堅決反對此等條文。

第二項對議員權力的限制，是在《議事規則》中有關議員須就議案分組表決的安排。雖然剛才梁智鴻議員也說過，可能會就此處進行仔細研討，但大原則相信也不能改變，因為亦是根據《基本法》的內容而納入的，與過去立法局的做法完全不相同。這種做法所產生的效果，也是對我們所要通過的一些議案加以掣肘及限制。可能大家也記得，其實在為《基本法》徵求意見稿，以至擬定《基本法》的草稿時，並無這條文存在，只是直至 89 年“六四”事件出現之後，以羅德承先生為首的團體，提出了有關“一會兩局”這方案，最後中央政府才就《基本法》提出分組表決這建議。這建議其實是一個怪胎，是在其他議會鮮見的。這做法是以功能組別的議員與直選加上選舉委員會的議員分成兩組投票，議案須獲兩組的大多數票通過才可正式獲得通過。這做法其實是擴大對我們的掣肘及限制，是一關又一關的阻撓着我們。因此，我堅決反對這安排，儘管梁議員說將來或會加以仔細討論。

我理解到以上的限制，是完全因應《基本法》的內容而制定，我們現在無法完全將其脫胎換骨的加以改變，除非是修改《基本法》。但我知道修改《基本法》不是今天或明天便可實行的事，是要長時間的工夫的，我亦希望其他同事能夠在未來盡量爭取修改《基本法》的內容，否則，我們想把為公眾社會事務利益的議案帶到議會內討論，而又希望議案獲得通過的話，必然是難上加難的。因此稍後在表決時，我的立場是會反對這議案。謝謝主席。

主席：涂謹申議員。

涂謹申議員：主席女士，剛才楊森議員也提到，我們民主黨其實是把這套規則當作屬暫時使用性質，否則，我們無法能夠在這次會議的餘下時間，甚或下一次會議，有一套議事規則供開會使用。

剛才梁耀忠議員提到一些觀點，我們不會在這時詳加回應。不過，對於政府沒有派代表出席今天的會議，我感到很奇怪。雖然政府透過法律政策專員所寫的 5 頁紙，就我們今天擬通過的《立法會議事規則》提出了一些所謂違反《基本法》的原則，但我本來預計即使政務司司長不出席今天的會議，律政司司長也可能會出席；即使律政司司長不出席，則政制事務局局長亦應出席；即使政制事務局局長不出席，甚至法律政策專員馮華健先生也可能會出席。我們今天不一定通過議案，儘管很多人預算我們通過。我覺得政府應關心這件事，並且在今次會議上聆聽我們的意見，最少，梁耀忠議員便選擇將他的原則性論據說出來。對於政府沒有官員出席今天的會議，我覺得很奇怪，並且有點兒遺憾。主席女士，我希望我不致太不公平地批評了政府，因為實際上並無政府官員在這裏。我不知道政府有否通知秘書處會否有官員出席。我對這件事仍然感到遺憾。

至於具體的論點，我們不再詳細討論。我們只想重申，我們通過這套暫時使用的規則，使我們在很多方面可以詳細檢討。我們日後會詳細論述我們的所有意見。謝謝。

主席：吳靄儀議員。

吳靄儀議員（譯文）：說句公道話，法律政策專員的確曾主動要求與立法會法律顧問討論他在信中提出的論點。可是，我卻代表當時沒有時間再次召開會議的小組回覆政府當局，表示當時不宜進行討論。我這樣回應政府當局，主要是由於我本人認為，無論政府要說甚麼，都要說給所有議員聽，而任何討論磋商也應與立法會全體議員進行。因此，我們告訴政府當局，我們希望在委員會內進行討論。至於討論的形式，則可由內務委員會盡早決定。因此，無論以何種方式進行討論，只要是適當的場合，我衷心希望各位議員屆時都能聆聽政府當局的意見。

謝謝，主席女士。

主席：楊森議員。

楊森議員：我剛才提到民主黨支持今天通過這《議事規則》，是令立法會得以運作。

不過，我也想代表民主黨提出我們民主黨反對“一會兩局”這種分開表決的方式。我想在紀錄上清楚記下這點。第二，對私人法案過分狹窄的演繹，會令立法會議員很難提出議案。我也想把這點紀錄在案。

主席：夏佳理議員。

夏佳理議員（譯文）：主席女士，自由黨也支持在今天通過《立法會議事規則》。可是，涂謹申議員關注沒有政府官員列席今天的會議，我亦有同感。我想各位有出席昨天慶典的立法會同事都曾經從報界人士口中，聽聞政府如何看待我們這個立法機關。主席女士，我可以告訴你，我們當時聽到的措辭的確令人感到非常不快。政府官員沒有列席今天的會議，我想便是一個很清晰的信號。我希望我猜錯了，我衷心希望我的確猜錯了政府對我們的態度。

謝謝。

主席：梁智鴻議員，你是否打算發言答辯？

梁智鴻議員：首先，多謝多位同事提出意見。不過，我想強調一點，其實日後會有很多事情須由這屆立法會處理，我們如果要處理這些事，一定要有一套可行，或最少屬臨時性質的議事規則，令立法會屬下的事務委員會和法案委員會可以繼續工作。因此，我懇請同事支持這《議事規則》以臨時性質來通過。

第二，我絕對不是替政府辯護。他們為何不出席呢？我也覺得有些遺憾。不過，正如剛才吳靄儀議員所說，法律政策專員馮華健先生曾與我們的法律顧問討論過這問題，而我覺得最好是在我們的《議事規則》委員會成立後，由他向全體同事解釋，如果他向我們提出些甚麼問題，便在該處解釋，然後再行討論則會較好。

剛才梁耀忠議員提出的意見，我相信我們一定會紀錄在案，然後在《議事規則》委員會內再詳細考慮。

我在這裏再次希望同事盡快通過今天我提出的議案，否則，我們的工作便不可以盡快展開。謝謝主席。

主席：黃宏發議員。

黃宏發議員：主席，雖然你已請梁智鴻議員作最後總結，但剛才因為我們未有議事規則，而你容許楊森議員發言兩次。

我想指出一點，剛才有些說法似乎並不正確。這項議案是“議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。”這是永久性質的，只不過隨時可以修改，所以它並不屬於臨時性質。

我明白到現時有些爭拗，所以日後仍要作檢討；又可能有些仍未足夠，還要補上去的，但這《議事規則》一定不是屬於臨時性質，我希望可以澄清這點。謝謝主席。

主席：我現在向各位提出的待決議題是：梁智鴻議員動議的決議案，予以通過。現在付諸表決。贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（議員舉手）

主席：我認為議題獲得《基本法》所列出的兩部分在席議員分別以過半數贊成。我宣布決議案獲得通過。

X X X X X X

附件

香港特別行政區
立法會
議事規則

香港特別行政區立法會議事規則

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香港特別行政區立法會議事規則

A 部

立法會議員及立法會人員

1. 宗教式或非宗教式宣誓

除為了令本條規則得以遵從者外，議員如未按照《宣誓及聲明條例》(第 11 章)的規定作宗教式或非宗教式宣誓，不得參與立法會會議或表決。凡舉行換屆選舉後，以前已作該等宗教式或非宗教式宣誓的議員，在參與立法會會議或表決之前，亦須遵照本條規則再次宣誓。

2. 語文

議員在立法會發言，可用普通話、粵語或英語。

3. 主持立法會及全體委員會會議

(1) 立法會設有立法會主席一職，主席如出席立法會或全體委員會會議，並認為能執行主席職務，須主持立法會會議或擔任全體委員會主席。

(2) 立法會主席缺席立法會或全體委員會會議，或認為不能執行主席職務時，該會議由以下人士主持 —

(a) 立法會代理主席；或

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- (b) 如立法會代理主席在該會議缺席，或認為不能執行主席職務，則為由出席會議的議員按內務委員會決定的程序互選的一名議員。

(3) 立法會代理主席或其他主持會議的議員，在其主持的立法會會議或擔任主席的全體委員會會議或部分會議上，或在立法會主席要求其主持的立法會會議或擔任主席的全體委員會會議或部分會議上，享有本議事規則賦予立法會主席或全體委員會主席在該次立法會會議或全體委員會會議或部分會議上可行使的一切權力。

(4) 除第(3)款所述的權力外，立法會代理主席亦享有本議事規則賦予立法會主席或全體委員會主席而由立法會主席藉憲報公告所指定的權力。

4. 立法會主席的選舉

(1) 在符合第(2)款的規定下，立法會主席由立法會議員按照附表的規定互選產生。

(2) 立法會主席由年滿 40 周歲，在香港通常居住連續滿 20 年並在外國無居留權的香港特別行政區永久性居民中的中國公民擔任。

(3) 立法會主席的任期至立法會解散為止。

(4) 立法會解散期間，如須召開立法會會議審議急切事項，則立法會解散前擔任立法會主席的人士須當作為立法會主席並負責召開及主持會議，並在因應該次立法會會議而舉行的全體委員會會議上擔任主席。如該名人士缺席或不能執行主席職務，則立法會解散前擔任立法會代理主席的人士須主持會議及擔任主席。如擔任該兩個職位的人士均缺席或不能執行主席職務，則由出席會議的議員互選一名主席，主持會議。

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5. 立法會代理主席

(1) 立法會代理主席由根據本議事規則第 75(2)條(內務委員會)獲選的內務委員會主席擔任。

(2) 如內務委員會主席缺席，或認為不能執行主席職務，則根據本議事規則第 75(2)條(內務委員會)獲選的內務委員會副主席須擔任立法會代理主席。

(3) 第(1)及(2)款所提述的“內務委員會主席”，並不包括在主席及副主席暫時缺席時獲選代行主席之職的人士。

6. 立法會秘書的職責

(1) 立法會秘書須負責就有關立法會程序的一切事宜，向立法會主席提供意見。

(2) 立法會秘書須負責製備立法會會議及全體委員會會議的紀要。會議過程的紀要須載有出席議員的姓名、一切決定及每次進行點名表決的詳情。

(3) 立法會秘書須負責按日擬備立法會議程事項登記冊，列出已作預告的一切有待處理事項。議員及執行職務時涉及立法會事務的官員均可在合理時間查閱議程事項登記冊。

(4) 立法會秘書須根據立法會主席的指示，負責為每次立法會會議擬備議程，列出該次會議需要處理的事項。

(5) 立法會秘書須負責保管表決結果、紀錄、法案及其他呈交立法會的文件；議員及執行職務時涉及立法會事務的官員均可在合理時間查閱此等文件，其他人士亦可根據立法會主席批准的安排查閱。

(6) 立法會秘書須根據立法會主席的指示，負責製備立法會及全體委員會所有會議的會議過程正式紀錄。

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(7) 立法會秘書須負責為立法會每一個委員會及小組委員會提供一名秘書。

(8) 立法會秘書須履行本議事規則所委予的其他職責，亦須依照立法會所命令或立法會主席所指示，為服務立法會而履行一切其他職責。

7. 立法機關法律顧問

(1) 立法機關法律顧問，由立法會秘書處的法律顧問擔任。

(2) 立法機關法律顧問的一般職責，是就立法會的事務或行政所引起的法律問題，向立法會主席及立法會秘書提供意見。

8. 行政長官出席會議

行政長官可為以下目的酌情決定出席立法會或立法會轄下任何委員會或小組委員會的會議 —

- (a) 在任何其認為適當的時間，包括在特別會議上，向立法會發言；
- (b) 就政府的工作，答覆立法會議員向其提出的質詢；及
- (c) 提出任何政策、措施、法案、決議案、議案或議題，以便由及在立法會或有關委員會或小組委員會辯論。

9. 官員列席會議

(1) 獲委派官員可列席立法會、全體委員會、財務委員會或財務委員會轄下小組委員會的會議，並代表政府發言。

(2) 獲委派官員可就擬列入立法會、財務委員會或財務委員會轄下小組委員會會議議程內的事項，向立法會秘書作出預告。

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(3) 立法會秘書在擬備立法會、財務委員會或財務委員會轄下小組委員會會議的議程時，如覺得某事項需要獲委派官員列席會議，須就該事項列明該官員的職位名稱。

(4) 立法會轄下其他委員會或小組委員會可按需要，邀請官員列席其會議。

10. 官員參與會議程序

(1) 立法會、財務委員會或財務委員會轄下小組委員會會議的議程就某事項列明其職位的官員，以及在該次會議舉行之前已通知立法會秘書須就某事項列席會議的官員，可列席該次會議，並代表政府發言。

(2) 官員就某事項列席會議時，就該事項而言，本議事規則對其適用，一如對立法會議員適用，但本議事規則第 1 條(宗教式或非宗教式宣誓)、第 3 條(主持立法會及全體委員會會議)、第 8 條(行政長官出席會議)、第 17 條(會議法定人數)、第 20 條(呈請書的提交)、J 部(表決)及第 71(2)及(8)條(財務委員會)除外：

但官員就某事項列席會議時，本議事規則第 39 條(插言)的規定僅就該事項而言對其適用。

(3) 在符合本議事規則第 9(1)條(官員列席會議)的規定下，以及除行政長官另有指示外，政務司司長、財政司司長及律政司司長可列席任何立法會、全體委員會、其他委員會及小組委員會的會議；列席立法會或全體委員會會議時，本議事規則對其適用，一如對立法會議員適用，但本議事規則第 1 條(宗教式或非宗教式宣誓)、第 3 條(主持立法會及全體委員會會議)、第 8 條(行政長官出席會議)、第 9(2)條(官員列席會議)、第 17 條(會議法定人數)、第 20 條(呈請書的提交)及 J 部(表決)除外。

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B 部

立法會會期、會議及休會待續期間

11. 一般會期

(1) 立法會每一公曆年須至少召開一個會期，但於某一公曆年開始的會期，可延續至下一年結束。

(2) 每一會期自行政長官藉憲報公告指定的日期開始。

(3) 每一會期在行政長官藉憲報公告指定的日期或在立法會解散之日結束，以較早者為準。

(4) 任何法案或其他立法會事項的處理，不受會期結束的影響，可於任何其後的會議恢復處理，但當立法會任期完結或解散時，未完事項即告失效。

12. 每屆任期的首次會議

(1) 在立法會每屆任期首次會議上，議員須按照本議事規則第 1 條(宗教式或非宗教式宣誓)的規定作宗教式或非宗教式宣誓。

(2) 在所有出席會議的議員作宗教式或非宗教式宣誓後，須按照本議事規則第 4 條(立法會主席的選舉)規定的程序進行立法會主席的選舉。

(3) 立法會主席在獲選後須主持該次會議。

13. 行政長官發表施政報告

(1) 在行政長官向立法會發表施政報告不少於 14 天後舉行的會議上，議員可無經預告而動議就行政長官發表施政報告向其致謝。

(2) 根據第(1)款動議的議案，格式如下：

“本會感謝行政長官發表施政報告。”

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(3) 第(2)款所述的議案，可無經預告而動議作出修正，但修正案只限於在句末增添字句。

14. 會議日期及時間

(1) 立法會每一會期內的會議，須在立法會主席所決定的日期及時間舉行；同一會期內連續兩次會議不得相隔多於 6 個星期。

(2) 除新一會期首次會議，以及每屆立法會首個會期開始後 14 整天內舉行的會議外，立法會每次會議的書面預告，須由立法會秘書於會議日期最少 14 整天前發給各議員；但遇緊急情況，或按本議事規則第 8 條(行政長官出席會議)及第 15 條(處理急切事項的會議)舉行的會議，立法會主席可免卻如此預告，而在此情況下須盡早通知各議員。

(3) 立法會主席決定會議日期及時間後，可隨時將會議的日期或時間押後或提前。

(4) 立法會主席如認為為了在立法會會議上適當地處理完議程上的各項事務，有必要另擇一天繼續處理未完事項，則可命令於另一天繼續舉行會議。凡立法會主席在立法會會議上作此命令，當天會議須暫停舉行，並須於該另一天復會繼續處理有關事項。

(5) 立法會主席可隨時將會議暫停，或宣布休會待續。

15. 處理急切事項的會議

(1) 立法會主席須應行政長官的要求召開立法會緊急會議。如須在立法會任期完結或解散之後的期間舉行緊急會議，會議應在指明舉行選出立法會議員的換屆選舉的日期(如多於一日，則為首日)前召開。

(2) 在立法會一個會期結束而下一會期仍未開始的一段休假期內，立法會主席可在其指定的日期及時間召開特別會議。

(3) 本議事規則適用於根據第(1)及(2)款舉行的立法會會議。

16. 立法會休會待續議案

(1) 當有任何充分理由不欲以明確字眼擬訂議案，就某一問題或若干問題進行辯論，則可動議一項立法會現即休會待續的議案，以進行該項辯論。

(2) 動議上述議案，無須事先作出預告，但議案只可於兩事項之間動議。立法會主席如信納休會待續的目的在於方便議員討論某項對公眾而言有迫切重要性的問題，可准許議員或列席會議的任何獲委派官員動議此項議案。

(3) 上述議案如獲通過，立法會即須休會待續。

(4) 立法會議程上所有事項處理完畢後，議員可動議一項立法會現即休會待續的議案，以便提出任何有關公共利益的問題，要求一名獲委派官員發言答辯。

(5) 議員如擬在某次會議上根據第(4)款動議議案，須在該次會議日期不少於 7 整天前以書面向立法會秘書作出預告：

但立法會主席可酌情免卻預告。

(6) 如在根據第(4)款動議的議案動議後 45 分鐘，或在立法會主席於個別會議上決定的更長時限屆滿後，仍未有獲委派官員被叫喚作答，立法會主席即須指示當時正在發言的議員坐下，然後叫喚一名獲委派官員發言答辯。

(7) 如在根據第(4)款動議的議案動議後一小時，或在立法會主席於個別會議上決定的更長時限屆滿後，議案仍未獲得通過，立法會主席即無須付諸表決而宣布休會待續。

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17. 會議法定人數

(1) 立法會及全體委員會的會議法定人數為不少於全體議員的二分之一，包括立法會主席或全體委員會主席在內。

(2) 如出席會議的議員不足法定人數，而有人向立法會主席提出此事，立法會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，立法會主席即無須付諸表決而宣布休會待續。

(3) 如未有足夠法定人數出席會議，而有人向全體委員會主席提出此事，全體委員會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，委員會即須回復為立法會，並由立法會主席點算人數，屆時如有足夠法定人數，則須再次轉變為委員會，但如不足法定人數，立法會主席即無須付諸表決而宣布休會待續。

(4) 在點名表決時，如在席的議員人數(包括放棄表決者在內)顯示出席會議的人數不足法定人數，點名表決即告無效，而會議須依照第(2)或(3)款規定的程序進行。

(5) 立法會在根據第(2)、(3)及(4)款休會待續時正在討論的議題，須延擱至下次會議再行處理。

C 部

事項編排

18. 各類事項的次序

(1) 每次會議的事項須依照以下次序處理，但根據本議事規則第 8 條(行政長官出席會議)或第 13 條(行政長官發表施政報告)舉行的會議、每屆任期的首次會議，以及為選舉立法會主席而舉行的會議除外：

(a) 進行宗教式或非宗教式宣誓。

(b) 致悼辭及其他禮節性演辭。

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- (c) 立法會主席宣讀各項文告及作出各項宣布。
- (d) 提交呈請書。
- (e) 將文件、委員會報告提交立法會省覽。
- (f) 向政府提出質詢及由政府作答。
- (g) 由獲委派官員發表聲明。
- (h) 作出個人解釋。
- (i) 政府提交的法案。
- (j) 政府提出的議案。
- (k) 議員提交的法案。
- (l) 議員提出的議案。
- (m) 處理根據本議事規則第 89 條(就議員出席民事法律程序擔任證人一事取得許可的程序)及第 90 條(就立法會會議程序提供證據一事取得許可的程序)給予許可的要求。
- (n) 處理本議事規則第 16(4)條(立法會休會待續議案)規定的事宜。

(2) 第(1)款(a)、(b)、(c)、(d)、(e)、(g)及(h)段所述事項，無須事先作出預告而進行，但除(a)及(c)段所述事項外，其餘事項均須先獲立法會主席許可，方可進行。

19. 立法會議程

(1) 立法會議程由立法會主席決定，並須有中、英文本。每次會議所有經事先作出預告的事項，須依照本議事規則第 18 條(各類事項的次序)規定的次序，列於該次會議的議程內。

(2) 擬向政府提出的質詢，須依照本議事規則第 26(1)及(2)條(質詢的提出及答覆)的規定，列於立法會議程內。

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(3) 本條不適用於根據本議事規則第 8 條(行政長官出席會議)或第 13 條(行政長官發表施政報告)舉行的會議、每屆任期的首次會議，以及為選舉立法會主席而舉行的會議。

D 部

呈請書及文件

20. 呈請書的提交

(1) 呈請書只可由議員向立法會提交。呈請書須用中文或英文書寫。

(2) 議員擬於會議上向立法會提交呈請書，須不遲於該會議日期前一天知會立法會主席。議員就此事知會立法會主席時，須以書面向立法會主席證明該呈請書是謙恭的，而且他認為值得提交該呈請書。

(3) 立法會主席如認為呈請書要求訂立規定以徵收新稅項或增加稅款，或在政府收入或香港特別行政區其他公帑中增添新負擔項目或增加已有的負擔，或更改但非削減該等負擔項目，或了結或免除欠政府的債務，則除獲行政長官的書面同意外，不得准許接受該呈請書。

(4) 行政長官明示其同意一事，須記錄在會議紀要內。

(5) 提交呈請書的議員可簡述呈請人數目、身份，以及呈請書的要旨，但不得再作其他發言。

(6) 呈請書提交後，如有議員即時起立，要求將呈請書交付專責委員會處理，立法會主席即須請支持此項要求的議員起立；如有不少於 20 名議員起立，呈請書即告交付專責委員會處理。

21. 文件的提交

(1) 文件可由獲委派官員向立法會提交；議員獲立法會主席許可後，亦可向立法會提交文件。

(2) 議員或獲委派官員如擬向立法會提交文件，須將該文件送交立法會秘書；立法會秘書須將該文件分發每一名議員，並可安排將該文件發表。下一次會議開始時，該文件須提交立法會省覽，立法會秘書並須將該文件提交立法會省覽一事及該文件的發表日期，記錄在該次會議的紀要內。

(3) 除第(4)款另有規定外，凡有文件提交立法會省覽，提交該文件的議員或獲委派官員獲立法會主席許可後，可就該文件向立法會發言。

(4) 凡有法案委員會報告提交立法會省覽，提交該報告的議員獲立法會主席許可後，可在有關法案恢復二讀辯論開始之時，就該報告向立法會發言。

(5) 議員或獲委派官員獲立法會主席同意後，可就提交立法會省覽的附屬法例向立法會發言，但《釋義及通則條例》(第 1 章)第 34 條規定的修訂附屬法例期限(或任何延展的期限)必須尚未屆滿。議員或獲委派官員如擬根據本款在會議上向立法會發言，須在該次會議開始前知會立法會主席。

(6) 議員或獲委派官員根據第(3)或(5)款所作的發言不容辯論，但立法會主席可酌情准許向發言的議員或獲委派官員提出簡短問題，以求澄清該議員或獲委派官員在發言中提出的任何事宜。

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E 部

向政府提出的質詢

22. 質詢性質

(1) 任何議員均可就政府的工作向政府提出質詢，要求提供有關該事的資料，或要求政府就該事採取行動。

(2) 質詢須指明要求口頭答覆或書面答覆。

23. 質詢時間

(1) 在任何一次會議均可提出質詢，但每屆任期的首次會議、選舉立法會主席的會議，以及行政長官就政府政策向立法會發言的會議除外。

(2) 除根據本議事規則第 24(4)條(質詢預告)提出的質詢外，每次會議可提出不多於 20 項已作預告的質詢，該等質詢須由立法會秘書按內務委員會建議並經立法會主席同意的方式點算。

(3) 如立法會主席認為某次會議將不會就不具立法效力的議案進行辯論，即不得有多於 10 項要求口頭答覆的質詢；如立法會主席認為某次會議將會就不具立法效力的議案進行辯論，則不得有多於 6 項要求口頭答覆的質詢。該等質詢須由立法會秘書按內務委員會建議並經立法會主席同意的方式點算。

(4) 內務委員會可向立法會主席建議某次會議不得有要求口頭答覆的質詢；如立法會主席接納該項建議，則議員不得在該次會議提出該等質詢，但立法會主席可根據本議事規則第 24(4)條(質詢預告)的規定准許提出急切質詢。

24. 質詢預告

(1) 未作預告，不得提出質詢；但在第(4)款所規定的情況下除外。

(2) 議員就提出質詢所作的預告，須不遲於政府需要答覆該質詢的會議日期前 7 整天送交立法會秘書辦事處，並須在該預告上簽署；但在每屆立法會首個會期的第二次會議上提出的質詢，則須在不少於 4 整天前作出預告。

(3) 每次會議上，每名議員不得提出多於兩項已作預告的質詢，而要求口頭答覆的質詢不得多於一項：

但立法會主席如認為議員額外提出的是公眾關注的重要質詢，則可准許議員提出該項額外質詢。

(4) 如議員以事項性質急切及與公眾有重大關係為理由，請求立法會主席准許無經預告而提出質詢，則立法會主席如信納該質詢確屬此性質，而有關議員已經或將會私下向政府作出充分的預告，以便政府能答覆該質詢，則可批准該議員無經預告而提出該質詢。

25. 質詢內容

(1) 質詢須符合以下規則：

- (a) 不得包括人名或任何並非為令質詢清晰而絕對必需的陳述。
- (b) 不得包含提出質詢的議員所不擬提供根據的陳述。
- (c) 不得包含議論、推論、意見、指摘或綽號，亦不得使用偏頗、諷刺或冒犯性的措詞。
- (d) 不得包含多項獨立質詢，或是過於複雜，以致不能夠合理地作為單獨一項質詢來回答。
- (e) 在任何委員會向立法會作出報告前，不得提述該委員會的會議過程。
- (f) 不得尋求本身屬機密性質事宜的資料。

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- (g) 不得論及法庭的判決，所用措詞亦不得有相當可能會妨害在法庭待決的案件。
- (h) 不得為求取見解、解決抽象法律問題或解答假設論題而提出質詢。
- (i) 不得詢問報章所刊載，或私營機構或私人所作的聲明是否正確。
- (j) 不得問及本議事規則第 41(7)條(發言內容)所述人士的品格或行為，亦不得問及其他人士在其公職或所參與的公共事務範圍以外的品格或行為。
- (k) 不得要求提供可取覽的文件或普通參考材料所載的資料。
- (l) 在同一會期內，不得再次提出已獲全面答覆的質詢。

(2) 關於議員已向立法會秘書作出預告的質詢，或議員已要求提出可無經預告而提出的質詢，立法會主席如認為其違犯本議事規則第 22 條(質詢性質)或本條的規定，則可指示 —

- (a) 將該質詢按其指示修改後列入立法會議程內；或
- (b) 在議員要求無經預告而提出質詢的情況下，將該質詢按其指示修改，方可提出；或
- (c) 通知有關的議員該質詢不合乎規程。

26. 質詢的提出及答覆

(1) 如議員表示擬在某次會議上提出質詢，則每項經由該議員根據本議事規則第 24 條(質詢預告)作出適當預告，而又符合本議事規則第 25 條(質詢內容)規定的質詢，須列入該次會議的議程內。

(2) 每次會議提出的質詢，在不抵觸本議事規則第 23 條(質詢時間)的情況下，須由立法會秘書按照其接獲預告的先後次序列入議程內；如一名議員同時就數項質詢作出預告，則按該議員所示的次序，將質詢列入議程內。

(3) 除要求書面答覆者外，按照議程依次輪到每項質詢時，立法會主席須叫喚以其名義提出質詢的議員；該議員屆時須起立提出質詢，隨而由負責作答的獲委派官員答覆。

(4) 質詢獲得答覆後，任何議員均可在立法會主席叫喚其名字時提出補充質詢，以求澄清該答覆；但立法會主席如認為補充質詢提出與原有質詢或原有答覆無關的事宜，或抵觸本議事規則第 22 條(質詢性質)或第 25 條(質詢內容)，則須拒絕准許該補充質詢獲得答覆。

(5) 議員不得就質詢向立法會陳詞，亦不得以質詢作為辯論的藉口。

(6) 如議員不在席提出其質詢，則該質詢經其同意可由另一名議員提出，否則該質詢須作為要求書面答覆的質詢處理。

(7) 在要求以書面答覆質詢的情況下，或在表示將以書面答覆補充質詢的情況下，該等書面答覆須送交每名議員，並須印載於正式紀錄內。

(8) 議員如已就一項質詢作出預告，可在擬提出質詢的會議開始前個半小時向立法會秘書作出預告，撤回其質詢。

27. 根據本議事規則第 8 條舉行的會議

本部(本議事規則第 25 條(質詢內容)除外)並不適用於根據本議事規則第 8 條(行政長官出席會議)向行政長官提出的質詢。

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F 部

聲明

28. 獲委派官員發表的聲明

(1) 獲委派官員如擬在立法會會議上就任何有關公共利益的問題發表聲明，須在該次會議開始前，知會立法會主席。

(2) 議員不得就該聲明進行辯論，但立法會主席可酌情准許議員向發表聲明的官員提出簡短問題，以求澄清該聲明。

G 部

議案

29. 議案及修正案的預告

(1) 除本議事規則另有規定外，如擬動議議案，必須在立法會或全體委員會審議該議案當天不少於 12 整天前作出預告，否則不得在立法會動議，亦不得在全體委員會動議：

但立法會主席或全體委員會主席可酌情免卻預告。

(2) 如擬動議修訂受《釋義及通則條例》(第 1 章)第 34 條所規限的附屬法例，必須在立法會審議該議案當天不少於 5 整天前作出預告，否則不得在立法會動議：

但立法會主席可酌情免卻預告。

(3) 如擬動議延展《釋義及通則條例》(第 1 章)第 34(4)條所提述關乎附屬法例的期限，必須在立法會審議該議案當天不少於 3 整天前作出預告，否則不得在立法會動議：

但立法會主席可酌情免卻預告。

(4) 修正第(2)或(3)款提述的議案所需的預告期，由立法會主席酌情決定。

(5) 第(2)、(3)及(4)款指明的預告期分別適用於——

- (a) 修訂根據任何法例訂立並可由立法會修訂的文書(附屬法例除外)的議案；
- (b) 延展修訂此類文書所規定的期限的議案；及
- (c) 對(a)或(b)段提述的議案提出的修正案。

(6) 除本議事規則另有規定外，不得就議案動議任何修正案，除非——

- (a) 在立法會或全體委員會審議該議案當天 5 整天之前，已就修正案作出預告；或
- (b) 立法會主席或全體委員會主席批准免卻就修正案作出預告。

30. 議案及修正案的預告方式

(1) 議員就議案或修正案作出預告，須將該議案或修正案以書面送達立法會秘書辦事處。在符合《基本法》第七十三(九)條的規定下，擬動議議案或修正案的議員須在該預告上簽署，與議案或修正案動議人聯合提出議案或修正案的其他議員，須在該預告上聯署。

(2) 如議案以中文撰寫，有關修正該議案的預告須以中文撰寫；如議案以英文撰寫，則有關修正該議案的預告須以英文撰寫。

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(3) 就議案或修正案所作預告，須呈交立法會主席，由其指示按以下方式處理 —

- (a) 按所交來的原有措辭印載；或
- (b) 按其指示修改，然後予以印載；或
- (c) 因其認為不合乎規程，將該預告退回簽署該預告的議員。

31. 議案及修正案的規限

任何議案或修正案，如其目的或效力經立法會主席或全體委員會主席裁定為可導致動用香港任何部分政府收入或其他公帑，或須由該等收入或公帑負擔，則該議案或修正案只可由以下人士提出 —

- (a) 行政長官；或
- (b) 獲委派官員；或
- (c) 任何議員，如行政長官書面同意該提案。

32. 有關立法會先前所作決定的議案

凡立法會已對某一議題作出決定，則在同一會期內，不得就該議題再行動議議案，但如獲立法會主席許可，則可動議議案，以撤銷該項決定。

33. 議案的辯論方式

(1) 擬動議議案的議員被立法會主席或全體委員會主席叫喚時，須起立動議議案，而在動議議案時可隨其意願發表意見。

(2) 議員動議議案後，立法會主席或全體委員會主席須向立法會或全體委員會提出該議案的待議議題；議員即可就該議題進行辯論。

(3) 立法會主席或全體委員會主席向立法會或全體委員會提出議案的待議議題後，議員可隨時動議修正案以修正該議案，但所動議的修正案須符合本議事規則第 29(6)(a)或(b)條(議案及修正案的預告)的規定，即事先作出預告或獲准免卻預告。在處理所有修正案後，立法會主席或全體委員會主席須再度向立法會或全體委員會提出該議案的待議議題，或經修正的議案的待議議題，議員即可作進一步的辯論。

(4) 如再無議員發言，立法會主席或全體委員會主席即須向立法會或全體委員會提出該議案或經修正的議案的待決議題，付諸表決。

34. 議案修正案的辯論方式

(1) 擬就議案動議修正案的議員被立法會主席或全體委員會主席叫喚時須起立，並隨其意願發表意見後，動議修正案。

(2) 議案的修正案，須以下列其中一種形式提出 —

(a) 在該議案中刪去一字或多字。

(b) 在該議案中或結尾加插或增補一字或多字。

(c) 在該議案中刪去一字或多字，並以加插或增補一字或多字來代替。

(3) 議員動議修正案後，立法會主席或全體委員會主席即須提出議案予以修正的待議議題，議員隨即可就該議題進行辯論。

(4) 立法會主席或全體委員會主席可准許就議案及其修正案進行合併辯論。

(5) 如議員就同一議案動議多於一項修正案，立法會主席或全體委員會主席須按原議案文本中擬修正的字句的先後次序，順序叫喚修正案動議人；如對此次序有疑問，則由立法會主席或全體委員會主席決定叫喚修正案動議人的次序。

(6) 如再無議員發言，立法會主席或全體委員會主席即須向立法會或全體委員會提出議案予以修正的待決議題，付諸表決。

35. 議案及修正案的撤回

(1) 經預告的議案或修正案在動議之前，可隨時由以其名義動議該議案或修正案的動議人指示立法會秘書將其撤回。

(2) 議案或修正案的議題在付諸表決之前，可應動議人的要求予以撤回，惟須在無議員提出異議的情況下，獲立法會或全體委員會許可。經撤回的議案或修正案可再次動議，但議案則須按本議事規則的規定作出預告。

H 部

發言規則

36. 發言時間及方式

(1) 議員發言時須起立，並須將其意見向立法會主席或全體委員會主席陳述。

(2) 立法會或全體委員會的會議進行中，如立法會主席或全體委員會主席起立，所有議員均須坐下。

(3) 如兩名或多於兩名議員同時起立或舉手示意發言，立法會主席或全體委員會主席即須選擇其中一名議員並叫喚其發言。

(4) 議員發言後須坐下，其他擬發言的議員須起立或舉手示意。

(5) 除本議事規則第 37 條(內務委員會建議的發言時間)另有規定外，議員如未獲立法會主席或全體委員會主席許可，發言不得超過 15 分鐘，上述許可只會在例外情況下給予。

(6) 第(5)款提述的發言時限，不適用於獲委派官員及根據本議事規則第 21 條(文件的提交)及第 54(7)條(二讀)向立法會作出報告的議員。

37. 內務委員會建議的發言時間

(1) 就將於立法會會議上動議的任何議案或修正案(擬具立法效力的議案除外), 不論該議案或修正案當時是否已列入立法會議程內, 內務委員會可建議 —

- (a) 動議人發言不應超過若干分鐘(該段時限包括動議人根據本議事規則第 38(4)條(議員可發言多於一次的情況)發言答辯的時間);
- (b) 修正案動議人發言不應超過若干分鐘; 及
- (c) 其他議員每人發言不應超過若干分鐘。

(2) 凡內務委員會根據第(1)款作出建議, 內務委員會主席須就委員會的建議, 安排以書面知會立法會主席。

(3) 內務委員會根據第(1)款所作的任何建議, 如獲立法會主席接納(在此情況下, 立法會主席須在叫喚議員動議有關議案前, 在切實可行範圍內盡快將決定告知各議員), 對所有議員而非獲委派官員均具約束力, 而立法會主席須指示發言超過該建議時限的議員不得繼續發言。

38. 議員可發言多於一次的情況

(1) 除獲立法會主席許可外, 議員就每項議題發言不得多於一次, 但以下情況則屬例外 —

- (a) 在全體委員會會議上; 或
- (b) 依照第(2)款的規定; 或
- (c) 依照第(3)款的規定作出解釋; 或
- (d) 如屬議案動議人, 依照第(4)款的規定發言答辯; 或

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(e) 依照第(7)款的規定，就“本會感謝行政長官發表施政報告”的議案發言。

(2) 在同一次辯論中，已根據本議事規則第 54(7)條(二讀)發言的議員，可再次發言。

(3) 已就某議題發言的議員，可再次發言以解釋其先前發言中被誤解的部分，但發言時不得提出新事宜。

(4) 在立法會會議上，議案動議人可在所有出席會議的議員已有機會發言之後，議題付諸表決之前，發言答辯；但修正案動議人沒有此答辯權。

(5) 如有議員就某議題動議一項修正案，或在辯論該議題時有議員動議一項現即將辯論中止待續的議案，則已就該項議題發言的議員可就該項修正案或該項現即將辯論中止待續的議案再次發言。

(6) 任何議題經立法會主席或全體委員會主席向立法會或全體委員會提出待決並付諸表決後，議員即不得再就該議題發言。

(7) 已就“本會感謝行政長官發表施政報告”的議案發言的獲委派官員，可就該議案再次發言，以對在辯論該議案時所提出的任何事宜答辯。

39. 插言

議員不得打斷其他議員的發言 —

(a) 除非起立要求就規程問題發言；遇此情況，正在發言的議員須坐下，而打斷其發言的議員須指出其認為應注意的問題，並將該問題交由立法會主席或全體委員會主席決定；或

(b) 除非要求澄清正在發言的議員在其發言中提出的某項事宜，而正在發言的議員願意退讓並坐下，擬插言的議員又獲得立法會主席或全體委員會主席叫喚。

40. 辯論中止待續或全體委員會休會待續

(1) 在立法會會議上就某議題起立發言的議員，可無經預告而動議一項現即將辯論中止待續的議案，屆時立法會主席須提出該議案的待議議題。

(2) 現即將辯論中止待續的議案如獲通過，立法會當前議題的辯論即告中止待續，而立法會須著手處理下一事項。

(3) 現即將辯論中止待續的議案如被否決，立法會須繼續辯論當前的議題；在繼續辯論時，除獲委派官員外，不得再動議現即將辯論中止待續的議案。

(4) 在立法會全體委員會會議上，議員可無經預告而動議一項委員會現即休會待續的議案，全體委員會主席須即提出該議案的待議議題。議案如獲通過，委員會即須回復為立法會；議案如被否決，則委員會的程序即須繼續進行。

(5) 動議修正本條所述的議案，不合乎規程。

(6) 根據第(2)款中止的辯論，可在其後舉行的立法會會議上恢復進行，惟動議辯論原議案或(如為法案)負責該法案的議員或官員，須在擬恢復辯論當天不少於 5 整天前，向立法會秘書作出恢復辯論的預告：

但立法會主席可酌情免卻預告。

(7) 根據第(4)款休會待續的全體委員會的程序，可在其後舉行的委員會會議上恢復進行，惟因休會待續而未完成的程序如涉及法案，則負責的議員或官員，須在擬恢復程序當天不少於 5 整天前，向立法會秘書作出恢復程序的預告：

但全體委員會主席可酌情免卻預告。

(8) 第(1)、(2)、(3)、(4)及(5)款的規定適用於任何根據第(6)及(7)款而恢復的辯論或程序。

41. 發言內容

(1) 議員只限對討論中的題目發表意見，而不得提出與該題目無關的事宜。

(2) 議員不得以立法會主席或全體委員會主席認為可能對案件有妨害的方式，提述尚待法庭判決的案件。

(3) 除本議事規則第 66 條(發回重議的法案)另有規定外，凡企圖令立法會在會期內再次考慮立法會在該會期內已作決定的議題，即屬不合乎規程；但在立法會主席准許議員動議一項撤銷原決定的議案的情況下進行辯論，則屬例外。

(4) 凡對立法會議員使用冒犯性及侮辱性言詞，即屬不合乎規程。

(5) 議員發言的內容不得意指另一議員有不正當動機。

(6) 不得以行政長官之名左右立法會。

(7) 不得提及行政長官或行政會議成員或立法會議員的行為，但履行公職時的行為則屬例外。

(8) 不得提及法官或其他履行司法職能人士的行為。

42. 議員在會議進行中的舉止

立法會會議進行中 ——

(a) 議員進出立法會會場，在衣飾及舉止上須保持莊重；

(b) 如無必要，議員不得橫越立法會會場；

(c) 議員不得閱讀報章、書籍、信件或其他文件，但如所載者與立法會事務有直接關連，則屬例外；及

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- (d) 當一名議員發言時，其他議員須保持肅靜，且不得作不適當的插言。

43. 辯論規則對委員會的適用範圍

本部的規則適用於委員會的會議程序，但委員會主席另有命令者除外。

I 部

會議規程

44. 主席決定為最終決定

立法會主席、全體委員會主席或任何常設或專責委員會主席分別就立法會及委員會會議遵照會議規程行事負責。主席在會議規程問題上所作決定為最終決定。

45. 立法會及委員會會議中的秩序

(1) 立法會主席、全體委員會主席或任何常設或專責委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。

(2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何常設或專責委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議；立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

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J 部

表決

46. 就議案作出決定

(1) 除《基本法》第四十九條、第五十二(二)條、第七十三(九)條、第七十九(六)、(七)條及第一百五十九條另有規定外，所有提交立法會或全體委員會表決的議案，在符合第(2)款的規定下，均須獲得出席會議的議員的過半數票，方為通過。

(2) 由議員提出的議案(但本議事規則第 66 條(發回重議的法案)所提述的“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案除外)或法案，或議員對任何議案或法案提出的修正案，須分別獲下列兩部分出席會議議員各過半數票，方為通過 —

- (a) 功能界別選舉產生的議員(第 I 部分)；及
- (b) 分別由地方選區直接選舉和選舉委員會選舉產生的議員(第 II 部分)。

47. 立法會及全體委員會的表決

(1) 除非屬第(2)款適用的情況，否則立法會主席或全體委員會主席將待決議題交由立法會或全體委員會表決時 —

- (a) 立法會主席或全體委員會主席須先請贊成該議題的議員舉手，繼而請反對該議題的議員舉手；
- (b) 立法會主席或全體委員會主席繼而須根據其判斷，說出其是否認為出席會議的議員的過半數贊成該議題。如有議員對其判斷提出質疑，則在該質疑按(c)段的規定獲得處理後，立法會主席或全體委員會主席須宣布該議題就此決定；

- (c) 如有議員要求進行點名表決，以質疑立法會主席或全體委員會主席的判斷，則立法會主席或全體委員會主席須命令立法會或全體委員會進行點名表決。除本議事規則第 49(4)至(7)條(點名表決)另有規定外，點名表決須在點名表決鐘聲響起 3 分鐘後立即進行。

(2) 立法會主席或全體委員會主席將議員提出的議案或法案，或議員對任何議案或法案提出的修正案的待決議題交由立法會或全體委員會表決時 ——

- (a) 立法會主席或全體委員會主席須先請贊成該議題的議員舉手，繼而請反對該議題的議員舉手；
- (b) 立法會主席或全體委員會主席繼而須根據其判斷，說出其是否認為本議事規則第 46(2)條(就議案作出決定)所提述的兩部分出席會議議員均贊成該議題。如有議員對其判斷提出質疑，則在該質疑按(c)段的規定獲得處理後，立法會主席或全體委員會主席須宣布該議題就此決定；
- (c) 如有議員要求進行點名表決，以質疑立法會主席或全體委員會主席的判斷，則立法會主席或全體委員會主席須命令議員進行點名表決。除本議事規則第 49(4)至(7)條(點名表決)另有規定外，點名表決須在點名表決鐘聲響起 3 分鐘後立即進行。

48. 電子表決系統的使用

除立法會主席或全體委員會主席另有指示外，凡立法會或全體委員會會場內設有電子表決系統以供點名表決之用，出席而又參與表決的議員在進行點名表決時，須按照該電子系統操作的規定使用該系統進行表決，而立法會主席或全體委員會主席繼而須宣布點名表決的結果。

49. 點名表決

(1) 除本議事規則第 48 條(電子表決系統的使用)另有規定外，在有命令進行點名表決時，贊成者及反對者數目須由立法會秘書記錄。立法會主席或全體委員會主席須先請贊成議題的議員舉手，由立法會秘書在座位表上記錄，然後交由立法會主席或全體委員會主席讀出有關議員的姓名及數目。立法會主席或全體委員會主席繼而請反對該議題的議員舉手，由立法會秘書在座位表上記錄，然後交由立法會主席或全體委員會主席讀出有關議員的姓名及數目。立法會主席或全體委員會主席再而請就該議題放棄表決的議員舉手，由立法會秘書在座位表上記錄，然後交由立法會主席或全體委員會主席讀出有關議員的姓名及數目。如無議員提出質疑，則主席須宣布點名表決的結果。

(2) 除本議事規則第 48 條(電子表決系統的使用)另有規定外，在有命令就議員提出的議案或法案，或議員對任何議案或法案提出的修正案進行點名表決時，須依照第(1)款規定的程序進行，但立法會主席或全體委員會主席須讀出本議事規則第 46(2)條(就議案作出決定)所提述的兩部分議員中，贊成該議題、反對該議題及放棄表決的有關議員的姓名及數目。

(3) 議員如表示其表決有誤或其表決遭錯誤計算，可要求修改，但必須在立法會主席或全體委員會主席宣布點名表決的結果之前提出。

(4) 在緊接立法會主席宣布議案修正案的點名表決結果或全體委員會主席宣布法案修正案的點名表決結果後，議員可無經預告而立即動議於其後就該議案或該議案的任何修正案，或就法案的修正案進行點名表決時，立法會或全體委員會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席或全體委員會主席須就該議案提出待議議題。

(5) 如第(4)款的議案獲得通過，立法會主席或全體委員會主席須就其後進行的每項有關的點名表決(如有的話)作出相應的命令。

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(6) 如有多於一項有關立法會議程所列附屬法例的議案(本議事規則第 29(3)條(議案及修正案的預告)提述的議案除外)，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席須就該議案提出待議議題。

(7) 如第(6)款的議案獲得通過，立法會主席須就其後進行的每項有關的點名表決(如有的話)作出相應的命令。

K 部

法案的處理程序

50. 法案的格式

- (1) 提交立法會的法案，須符合本條的各項規定。
- (2) 法案須有一簡稱，該簡稱須與該法案如通過成為法律所採用的名稱脗合，而在通過該法案的過程中，該簡稱須保持不變。
- (3) 法案須有一詳題，以一般性詞句說明該法案的主旨。
- (4) 除行政長官會同行政會議依據《法定語文條例》(第 5 章)第 4(3)條發出指示外，法案須以中文及英文提交。
- (5) 法例制定程式須置於法案條文之前。
- (6) 法案必須分條，各條順序編號，每條之上須有說明其性質的分條標題。
- (7) 法案須附有摘要說明，以非專門性文字，解釋法案的內容及目的。

(8) 法案如非一項政府措施而旨在影響或惠及某人、某社團或某法團，則必須載有一條條文，規定政府的權利或任何政治團體或法人團體或任何其他人的權利，均予保留，但該法案所述及者，以及經由、透過或藉其提出申索者的權利除外。

51. 提交法案的預告

(1) 議員或獲委派官員可隨時作出預告，表明有意提交法案；該預告須送交立法會秘書辦事處，並須附有法案文本及本議事規則第 50 條(法案的格式)所規定的摘要說明；如作出預告者為議員，則須附有由法律草擬專員按第(2)款的規定簽署的證明書。

(2) 對於由議員提交的法案，法律草擬專員如信納該法案符合本議事規則第 50 條(法案的格式)的規定及香港法例的一般格式，即須簽發證明書加以證明。

(3) 由立法會議員個別或聯名提出的法案，如經立法會主席裁定為涉及公共開支或政治體制或政府運作者，不得提出。

(4) 如法案涉及政府政策，則就該法案所作的預告須附有由行政長官對該法案的書面同意。

(5) 如法案依據《法定語文條例》(第 5 章)第 4(3)條所發出的指示，以一種法定語文提交，則預告須附有證明書，說明行政長官會同行政會議已指示該法案須以中文或英文(視乎所提交文本的語文而定)提交。

(6) 由議員提交的法案如具有本議事規則第 50(8)條(法案的格式)所述的意向，則預告須附有由該議員簽署的證明書，說明該法案已連續兩期在憲報刊登，並已在每日在本港出版的中英文報章各一份各刊登廣告兩次，就該法案作出預告。

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- (7) (a) 除本議事規則第 66 條(發回重議的法案)另有規定外，如立法會主席認為某法案載有與另一項在二讀時業經立法會表決的法案實質相同的條文，則該法案在同一會期內不得繼續進行立法程序，並須予撤回。
- (b) 如某法案在二讀後被撤回，則另一項載有實質相同條文的法案可在同一會期內提交，但該另一項法案必須符合本議事規則第 50 條(法案的格式)、本條及第 52 條(法案的提交及刊登)的規定。

(8) 在其後就該法案所進行的整個過程中，提交法案的議員稱為負責該法案的議員。如法案由多於一名議員聯名提出，則該等議員須於提交法案時指定其中一人為負責該法案的議員，而該負責議員須在提交法案的預告上如此示明。

(9) 在其後就該法案所進行的整個過程中，提交法案的官員稱為負責該法案的官員；而本議事規則所提述負責法案的議員，亦包括負責法案的官員。

52. 法案的提交及刊登

(1) 立法會秘書接獲擬提交立法會的法案後，須安排在憲報刊登該法案全文及摘要說明，除非 —

- (a) 立法會主席指示在該法案首讀之前不須在憲報刊登；或
- (b) 該法案已根據本議事規則第 51(6)條(提交法案的預告)在憲報刊登。

(2) 立法會秘書接獲擬提交立法會的法案後，須安排將該法案及其摘要說明的文本一份送交每名議員，該法案隨即當作已提交立法會。

53. 法案的首讀

(1) 按照本議事規則第 52(2)條(法案的提交及刊登)提交立法會的法案簡稱，須列入負責該法案的議員向立法會秘書所指定會議的議程內，以進行首讀。

(2) 法案首讀時，不得進行辯論；一經立法會秘書讀出法案簡稱，該法案即當作已首讀。

(3) 法案首讀後，立法會即當作已命令安排將該法案進行二讀，而會議紀要內須記錄立法會作出此項命令；負責該法案的議員無須就二讀議案作出預告。

54. 二讀

(1) 如議員提交的法案涉及政府政策，立法會主席在立法會考慮二讀該法案前，須要求獲委派官員示明行政長官對該法案的書面同意；除非該書面同意已經示明，否則不得動議二讀該法案的議案。

(2) 行政長官的書面同意一經示明，須記錄在會議紀要內。

(3) 除第(4)及(5)款另有規定外，現即二讀法案的議案一經動議，立法會即須進行二讀該法案的程序，議員可就該議案辯論該法案的整體優劣及原則。

(4) 除與撥款法案有關者外，在負責法案的議員就現即二讀該法案的議案發言後，辯論須中止待續，而該法案須交付內務委員會處理，除非立法會就任何議員提出的一項可無經預告而動議的議案另有命令。

(5) 如辯論已根據第(4)款中止待續，則在符合下列規定的情況下，負責法案的議員或官員在與內務委員會主席磋商後，可以書面向立法會秘書辦事處作出預告，以恢復二讀辯論 —

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- (a) 除(b)及(c)段另有規定外，法案不得在內務委員會為該法案恢復辯論作準備的會議舉行後 9 整天內恢復辯論；
- (b) 如內務委員會在為該法案恢復辯論作準備的會議上建議該法案須多於 9 整天後才可恢復辯論，則法案不得在該次會議舉行後 12 整天內恢復辯論；
- (c) 如內務委員會在為該法案恢復辯論作準備的會議上建議在下次立法會會議恢復二讀辯論，則法案可在立法會主席給予許可後在該次會議上恢復二讀辯論，但適當的預告須已根據(e)段的規定作出；
- (d) 除(e)段另有規定外，負責法案的議員或官員須在擬恢復二讀辯論當天不少於 12 整天前作出恢復辯論的預告；
- (e) 如法案須在為該法案恢復辯論作準備的內務委員會會議舉行後 9 整天或以內恢復二讀辯論，則恢復辯論的預告最遲須在該次內務委員會會議舉行後兩整天內作出；

但立法會主席可酌情免卻預告。

(6) 不得對現即二讀法案的議題作出修正。

(7) 在法案恢復二讀辯論時，根據本議事規則第 76(9)條(法案委員會)就法案委員會研究法案的工作作出報告的議員獲立法會主席許可後，可首先發言。

(8) 二讀法案的議案如被否決，不得再就該法案進行其他程序。

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55. 法案的付委

(1) 二讀法案的議案如獲通過，該法案即告付委予全體委員會，除非 —

(a) 立法會通過議案，將法案付委予一專責委員會；該項議案可無經預告，但須在該法案二讀後即時由任何議員動議；或

(b) 立法會主席認為該法案會特別惠及或反之特別影響某人、某社團或某法團，在此情況下，立法會主席可指示將該法案付委予一專責委員會。

(2) 負責法案的議員無須為全體委員會就法案進行的程序作出預告。

(3) 專責委員會就法案進行的程序，須在按照本議事規則第 79(2) 條(專責委員會的程序)指定的日期開始。

56. 委員會就法案的職能

(1) 獲付委某法案的任何全體委員會或專責委員會，只可討論該法案的細節，不得討論其原則。

(2) 任何此類委員會均有權對法案作出其認為適當的修正，但修正案(包括新條文及新附表)必須與法案的主題有關。

57. 法案的修正案

(1) 本條適用於在全體委員會或專責委員會會議上，或再付委時，對法案所動議的修正案。

(2) 動議法案修正案的預告，須於全體委員會審議該法案當天不少於 7 整天前作出；倘無如此作出預告，除獲全體委員會主席許可外，不得動議對法案作出修正。

(3) 本議事規則第 30 條(議案及修正案的預告方式)適用於法案修正案的預告，但該條第(3)款中“立法會主席”一詞須以“全體委員會主席”代替。

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(4) 以下規定適用於與法案有關的修正案：

- (a) 修正案必須與法案的主題及有關條文的主題有關。
- (b) 修正案不得與已獲通過的條文或全體委員會就法案先前所作的決定不一致。
- (c) 修正案不得令建議修正的條文變得不能理解或不合語法。
- (d) 不可動議全體委員會主席認為瑣屑無聊或無意義的修正案。
- (e) 凡動議對具備兩個法定語文文本的法案作出修正，除非該修正案明顯地只影響其中一個文本，否則每一個文本均須作出修正；但不可動議令兩個文本相互抵觸或意義差歧的修正案。

(5) 如一項修正案提述其後的修正案或附表，或該修正案會因欠缺其後的修正案或附表而變得不能理解，則須在動議第一項修正案前，就其後的修正案或附表作出預告，使整系列修正案在整體上可以理解。

(6) 任何修正案，如其目的或效力經立法會主席或全體委員會主席裁定為可導致動用香港任何部分政府收入或其他公帑，或須由該等收入或公帑負擔，則該修正案只可由以下人士提出 —

- (a) 行政長官；或
- (b) 獲委派官員；或
- (c) 任何議員，如行政長官書面同意該提案。

58. 全體委員會處理法案的程序

(1) 全體委員會主席須提出“下述各條文納入本法案”的待議議題，並指示立法會秘書讀出各條文的編號。任何條文或一組條文的編號一經讀出，將該條文或該組條文納入該法案的待議議題，即當作已提出。如某條文經作修正，則該經修正條文的編號須由立法會秘書再次讀出，而將該經修正條文納入該法案的待議議題，亦當作已提出。

(2) 為節省時間及避免議論重複，全體委員會主席可准許同時討論一系列互有關連的修正案。

(3) 本議事規則第 34 條(議案修正案的辯論方式)的規定，適用於對法案各項修正案所進行的討論，但“議案”一詞須以“條文”代替。

(4) 任何條文皆可押後處理，除非已就該條文的修正案作出決定。押後處理的條文，須在法案其餘條文已獲審議之後而新條文仍未提出之前，予以審議。

(5) 任何擬議新條文，須在法案各條文已獲處理之後而附表未獲審議之前，予以審議：

但如擬議新條文是用以代替不獲通過的條文，則可在原有條文不獲通過之後，隨即審議該新條文。

(6) 新條文的分條標題一經立法會秘書讀出，該新條文即當作已告首讀，隨後須提出“將此條文二讀”的待議議題；議題如獲通過，則可提出新條文的擬議修正案。最後提出的待議議題須為“本法案增補此條文(或經修正的條文)”。

(7) 處置附表的方法與處置條文者相同；任何擬議新附表，須在法案各附表獲得處理後審議，處理方式與處理新條文者相同。

(8) 條文、附表，以及擬議新條文、擬議新附表全部處理完後，如法案載有弁言，則亦須審議該弁言，並提出“此為本法案的弁言”的待決議題。除因先前對法案作出修正以致必須修正弁言外，不得審議弁言的修正案。

(9) 如因對法案作出修正而須將法案的名稱加以修正，則須在完成上述程序時作出；但將該名稱(或該經修正的名稱)納入該法案的待決議題不得提出，任何就法例制定程式的待決議題亦不得提出。

(10) 法案成為法律後所引稱的名稱內所提述的年份或任何數字，無須予以修正；法律草擬專員可更改該所述年份或任何數字，以提述該法案成為法律的年份或反映其次序。

(11) 任何修正案、擬議新條文或擬議新附表於其待議議題提出後，而該議題未付諸表決之前，可應動議人的要求予以撤回，惟須在無議員提出反對的情況下，獲全體委員會的許可。

(12) 全體委員會於完成審議法案的所有程序後，須回復為立法會，並由一名議員就該經修正或無經修正的法案(視屬何情況而定)，向立法會作出報告。

59. 全體委員會就法案作出報告的程序

全體委員會就法案作出報告後，立法會即當作已命令將該法案進行三讀，而會議紀要內須記錄立法會作出此項命令；負責該法案的議員無須就三讀議案作出預告。

60. 法案專責委員會中的程序

(1) 專責委員會處理法案，須受本議事規則第 79 條(專責委員會的程序)的所有條文規限；但在就法案向立法會作出報告之前，專責委員會須採取與全體委員會相同的方式，依照本議事規則第 58 條(全體委員會處理法案的程序)的規定，研究法案。

(2) 法案如經專責委員會修正，則在切實可行範圍內，經修正的法案全文須作為專責委員會報告的一部分印載；但如不切實可行，則須將經修正的各條文或附表及新增的各條文或附表如此印載。

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(3) 專責委員會完成研究法案的所有程序並通過有關報告後，專責委員會主席須於下次立法會會議就該經修正或無經修正的法案(視屬何情況而定)，向立法會作出報告，並須將該報告提交立法會省覽。

61. 專責委員會就法案作出報告的程序

(1) 專責委員會就法案作出報告後，立法會可藉一項由該專責委員會主席動議採納該報告的議案，審議專責委員會所呈報的法案。

(2) 如該議案未經修正而獲通過，立法會即當作已命令將該法案進行三讀，而會議紀要內須記錄立法會作出此項命令；負責該法案的議員無須就三讀作出預告。

(3) 議員可就一項根據第(1)款動議的採納法案專責委員會報告的議案動議修正案，於原議案後加入以下字句：“但須將該法案(全部，或某部分，或擬議新條文，或擬議新附表)再付委予全體委員會”。

(4) 如該議案按照第(3)款修正後獲得通過，該法案按議案的規定即告再付委，而立法會則須立即轉變為全體委員會審議該法案。

(5) 本條不適用於為審議行政長官發回立法會重議的法案而成立的專責委員會就法案作出報告的程序。

62. 專責委員會報告的法案再付委的程序

(1) 如專責委員會已作報告的法案整條再付委，全體委員會須根據本議事規則第 58 條(全體委員會處理法案的程序)的規定，研究該法案。

(2) 如再付委的只是該法案中某一條或多條條文、某一個或多個附表、擬議新條文或擬議新附表，則全體委員會僅須審議再付委的事項，並以本議事規則第 58 條(全體委員會處理法案的程序)所規定的方式，審議該等條文或附表；其後如有需要，可考慮修正該法案的詳題或簡稱：

但立法會主席如認為必要或可取，可要求按照第(1)款的規定將整條法案再付委。

(3) 全體委員會完成審議再付委的法案的所有程序後，須回復為立法會，並由負責該法案的議員就該再付委並經修正(或未經修正)的法案，向立法會作出報告。

(4) 負責法案的議員以上述方式就再付委的法案作出報告後，除非該負責議員表示希望押後三讀，否則立法會須隨即進行該法案的三讀程序。如負責議員提出押後三讀，本議事規則第 59 條(全體委員會就法案作出報告的程序)的規定即適用，並不得容許再次動議將該法案再付委。

63. 三讀

(1) 三讀並通過法案的議案動議後，立法會即須進行三讀該法案的程序。就該議案進行的辯論，須限於法案的內容，議員不可動議修正該議案。

(2) 立法會主席提出三讀該法案的待決議題之前，經立法會主席許可，得為更正法案中錯誤或疏忽出錯之處作出修正；但不得對法案提出實質的修正。

(3) 三讀一條(或多條)法案的議案獲得通過後，立法會秘書須讀出該(或該等)法案的簡稱，並在該(或該等)法案末端寫上“由香港特別行政區立法會於今天通過”，並註明日期。

(4) 如三讀法案的議案遭否決，即不得就該法案再進行任何程序。

64. 法案的撤回或押後處理

負責法案的議員或官員，可在立法會會議上於會議開始進行二讀或三讀法案的程序時，宣布撤回或押後處理該法案。

65. 呈交法案予行政長官簽署

立法會秘書須在立法會通過的每一條法案的一份文本上簽署核證其為真確本，並將之呈交行政長官簽署。

66. 發回重議的法案

(1) 立法會通過的法案如須發回立法會重議，有關的預告須於該法案獲通過後的3個月內送交立法會秘書；該預告須附有法案文本，以及由行政長官簽署的證明書，證明其根據《基本法》第四十九條將該法案發回立法會重議。

(2) 立法會秘書接獲須予重議的法案後，須安排將該法案的一份文本送交每名議員，並在憲報刊登該法案全文，除非立法會主席指示在立法會會議上宣讀該發回的法案的簡稱前，該法案不須在憲報刊登。

(3) 該法案的簡稱須按立法會主席的指示列入立法會會議的議程內。

(4) 在立法會秘書讀出法案簡稱後，一名獲委派官員可以就該法案發回發言，該法案隨即交付內務委員會，除非立法會就任何議員提出的一項可無經預告而動議的議案另有命令。

(5) 立法會如命令法案不須交付內務委員會，即當作已命令安排就該法案動議一項“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案，該議案可由任何議員無經預告而動議。會議紀要內須記錄立法會作出此項命令。

(6) 如發回的法案交付內務委員會，內務委員會須立即安排按其認為適當的方式研究該發回的法案。內務委員會在完成該發回的法案的商議工作後，可在立法會會議上動議一項“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案。

(7) 議員不得動議修正根據第(5)或(6)款動議的議案。

(8) 如贊成“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案的議員數目不少於全體議員三分之二多數，立法會秘書須讀出該法案的簡稱，並在該法案末端寫上“由香港特別行政區立法會於今天重議，並以不少於全體議員三分之二多數通過”，並註明日期。立法會秘書須核證該法案的真確本一份，並將之呈交行政長官簽署。

(9) 如贊成“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案的議員數目少於全體議員三分之二多數，立法會秘書須讀出該法案的簡稱，並在該法案末端寫上“由香港特別行政區立法會於今天重議，贊成行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過的議案的議員少於全體議員三分之二多數”，並註明日期。立法會秘書須核證該法案的真確本一份，並將之呈交行政長官。

(10) 在有關該法案的議案根據第(5)或(6)款動議前，如行政長官已根據《基本法》第七十六條簽署發回的法案，而立法會秘書亦已接獲有關通知，則不得就該法案再進行任何程序。

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L 部

財政程序

67. 撥款法案的提交及二讀

(1) 載有香港特別行政區政府本財政年度或下一財政年度全部服務開支的財政需求預算的法案，稱為撥款法案。載有上述財政需求詳情的預算案，須在該法案列於立法會議程以進行首讀的會議開始之前，提交立法會。

(2) 撥款法案二讀議案的待議議題提出後，有關辯論即告中止待續，不得早於其後第七天恢復辯論。恢復辯論時，辯論範圍須限於香港的財政及經濟狀況，以及法案及預算案內所顯示政府政策及行政的一般原則。

(3) 除本議事規則第 71(11)條(財務委員會)另有規定外，預算案一經提交立法會，即告交付全體委員會，而撥款法案一經二讀，亦即告交付委予該委員會。

68. 全體委員會處理撥款法案的程序

(1) 全體委員會審議撥款法案時，該法案的條文須押後至審議附表或各附表後始予審議。

(2) 在審議附表時，每一開支總目均須與有關的預算一併考慮；本議事規則提述的“分目”或“子目”，指當時正進行討論的預算總目的分目或子目。

(3) 在審議附表時，全體委員會主席須提出“下述各總目的款額納入本附表”的待議議題，並指示立法會秘書讀出該等總目的編號。任何總目或一組總目的編號一經讀出，將該總目或該組總目的款額納入該附表的待議議題，即當作已提出。除非有議員根據下一條規則動議作出修正，否則可就該議題進行辯論。辯論的範圍只限於需要撥款服務的政策，而非任何子目或分目的詳情，但可提述該項服務所涉及的收入或款項的詳情。

(4) 附表內所有總目獲得處理後，全體委員會主席須隨即提出“該附表(或該經修正的附表)納入本法案”的待決議題，付諸表決，該議題不容修正，不容辯論。

(5) 每一附表獲得處理後，全體委員會主席須提出“下述各條文納入本法案”的待議議題，並指示立法會秘書讀出各條文的編號。任何條文編號一經讀出，將該條文納入該法案的待議議題，即當作已提出。如某條文經作修正，則該經修正條文的編號須由立法會秘書再次讀出，而將該經修正條文納入該法案的待議議題，亦當作已提出。

(6) 除因附表的撥款總額改變而須相應修正者外，不得動議對任何條文作出修正。此等相應修正，只限由獲委派官員動議，且可無經預告，而有關議題須立即付諸表決，不容修正，不容辯論。當修正最後一條條文的議題表決後，全體委員會主席須隨即提出“經修正條文納入本法案”的待決議題，付諸表決，該議題不容修正，不容辯論。

(7) 就法案各條文提出的議題均已表決後，全體委員會須回復為立法會，並由一名議員就該經修正或無經修正的法案(視屬何情況而定)，向立法會作出報告。

69. 全體委員會處理撥款法案預算總目的修正案

(1) 如全體委員會主席認為某項修正案會令任何開支總目所獲分配款額增加，不論增加的部分為子目、分目或總目本身，則該修正案只可由獲委派官員動議。

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(2) 增加總目款額的修正案，不論所涉者為子目、分目或總目本身，須較削減同一子目、分目或總目本身款額的修正案獲優先處理；如增加款額的修正案獲得通過，則不得動議就同一子目、分目或總目本身削減總目款額的修正案。

(3) 任何議員均可動議藉削減開支總目內子目的款額以削減該總目所獲分配款額的修正案，動議格式如下：“為削減（或刪除）分目.....子目.....而將總目.....削減.....元”。

(4) 如分目已分列為子目，則為削減或刪除分目而削減某一總目款額的修正案，即不合乎規程。

(5) 如總目已分列為分目，則只削減總目而不削減該總目的某一分目的修正案，即不合乎規程。

(6) 刪除某一總目的修正案，即不合乎規程，不得列入立法會議程內。

(7) 每一總目的子目或分目的修正案，均須列入立法會議程內，並按照各該子目及分目在預算案總目內的先後次序，逐一加以審議。

(8) 如有多於一項就削減同一子目、分目或總目款額修正案的預告，該等修正案須按照建議削減款額的大小依次列入立法會議程內，以建議削減款額最大者居先。

(9) 就每項修正案所進行的辯論，範圍只限於該項修正案有關的子目、分目或總目；某一子目或分目的修正案獲得處理後，不得修正或辯論任何前列的子目或分目。

(10) 當所有列於立法會議程內而與某一開支總目有關的修正案獲得處理後，全體委員會主席須再次提出“總目.....的款額納入本附表”的待議議題，或提出“總目.....(經增加或削減)的款額納入本附表”的經修正待議議題，視乎情況所需。有關該等議題的辯論，須同樣受到本議事規則第 68(3)條(全體委員會處理撥款法案的程序)適用於辯論的限制所規限。

70. 撥款法案的三讀

撥款法案三讀議案不容修正或辯論而付諸表決。

M 部

委員會

71. 財務委員會

(1) 立法會設有一個名為財務委員會的常設委員會，委員為全體議員，但立法會主席除外。

(2) 委員會的正副主席須由委員會委員互選產生，任期直至委員會在其獲選後的下一會期選出正副主席為止。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。儘管有第(8)款的規定，主席或主持選舉的委員(視屬何情況而定)在該等選舉中除有權作決定性表決外，亦有權作原有表決。

(3) 財務委員會在每屆任期的首次會議，由財務委員會秘書負責召開。委員會秘書須在該次會議開始時，為選出主持財務委員會主席選舉的議員而主持會議。

(4) 財務委員會的職能為根據《公共財政條例》(第2章)、其他法例及本議事規則所授予該委員會的職能，以及由立法會不時委予的其他職能。

(5) 財務委員會可委任小組委員會，以協助財務委員會履行由其決定的財務委員會的職能。

(6) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(7) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(8) 委員會的會議法定人數為主席加上 8 名委員；所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或任何主持會議的其他委員不得參與表決，但如其他委員的贊成者及反對者數目相等，則在此情況下他有權作決定性表決。

(9) 委員會主席可命令任何須由委員會決定的事宜，藉傳閱文件方式交由各委員研究，而委員亦可以書面向主席示明其批准。如過半數委員在主席為此目的而指定的限期屆滿前已示明其批准，同時在限期屆滿時並無委員以書面向主席表示反對，或要求將該事宜交由委員會開會決定，則該事宜須當作已獲委員會批准。

(10) 根據本議事規則第 6(7) 條(立法會秘書的職責)獲委任的委員會秘書，須列席委員會會議，並按委員會決定的方式製備委員會會議紀要。

(11) 立法會主席可將按照本議事規則第 67 條(撥款法案的提交及二讀)提交的預算案，在全體委員會審議撥款法案前，交由財務委員會審核。

(12) 主席或委員會可邀請任何官員，或預算總目下有關的非政府團體或組織的成員或僱員，提供委員會在履行其職責時可能需要的資料，或作出解釋，或出示紀錄或文件；委員會亦可就該等資料、解釋、紀錄或文件邀請其他人士提供協助。

(13) 除本議事規則另有規定外，委員會及其轄下小組委員會的行事方式及程序，由委員會自行決定。

72. 政府帳目委員會

(1) 立法會設有一個名為政府帳目委員會的常設委員會，負責研究審計署署長就以下各事宜提交的報告 —

- (a) 政府的帳目；
- (b) 委員會認為須提交立法會省覽的其他帳目；及
- (c) 委員會認為與審計署署長履行職責或行使職權有關的事宜。

(2) 委員會亦須研究由審計署署長就其審計(衡工量值審計)工作而提交立法會省覽的報告。在該報告中，審計署署長就政府部門、憑藉任何條例審計署署長職權範圍所及的公共團體或組織或接受公帑補助的組織是否符合經濟原則及是否講求效率與效用，進行審計。

(3) 委員會由一名主席、副主席及 5 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。委員會的會議法定人數為主席加上兩名委員。

(4) 第(1)及(2)款所述的報告，一經提交立法會省覽，即當作已由立法會交付委員會研究。

(5) 除主席另有命令外，委員會根據第(8)款邀請任何人士列席的會議，新聞界及公眾人士得准進入會場旁聽。

(6) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員及任何獲邀列席的人士；但主席可視個別情況指示給予較短時間的預告。

(7) 所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或主持會議的任何其他委員不得參與表決，但如其他委員贊成者及反對者的數目相等，則在此情況下他有權作決定性表決。

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(8) 主席或委員會可邀請任何官員，或報告所指帳目所屬或與之有關的非政府團體或組織的成員或僱員，提供委員會在履行其職責時可能需要的資料，或作出解釋，或出示紀錄或文件；委員會亦可就該等資料、解釋、紀錄或文件邀請其他人士提供協助。

(9) 委員會須於審計署署長將政府帳目的審計報告提交立法會省覽之日起 3 個月內(或根據《核數條例》(第 122 章)第 12 條決定的較長時間內)就該審計署署長的報告提交報告。

(10) 委員會須於審計署署長將第(2)款所述的報告提交立法會省覽之日起 3 個月內(或立法會決定的較長時間內)，就審計署署長的報告提交報告。

(11) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

73. 議員個人利益監察委員會

(1) 立法會設有一個名為議員個人利益監察委員會的常設委員會，負責——

- (a) 研究議員個人利益登記冊的編製、備存、取覽等各項安排；
- (b) 考慮議員或其他人士就該登記冊的形式及內容提出的建議；
- (c) 考慮及調查與議員個人利益的登記及申報有關或就議員未有登記及申報其個人利益而作出的投訴；
- (d) 考慮關乎議員以其議員身份所作行為的道德標準事宜，並就該等事宜提供意見及發出指引；

(e) 向立法會作出報告及建議，包括關於根據本議事規則第 85 條(與個人利益有關的處分)作出處分的建議。

(2) 委員會由一名主席、副主席及 5 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。委員會的會議法定人數為主席加上兩名委員。

(3) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(4) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(5) 所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或主持會議的任何其他委員有權作決定性表決。

(6) 委員會可邀請任何人士列席委員會會議，以提供證據或出示其管有或由其控制的文書、簿冊、紀錄或文件。

(7) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

74. 議事規則委員會

(1) 立法會設有一個名為議事規則委員會的委員會，負責檢討立法會的議事規則及委員會制度並因應需要向立法會作出修正或改變的建議。委員會可研究任何由立法會或其轄下委員會，或立法會主席交付，或由委員會本身成員提出的有關立法會行事方式及議事程序事宜。

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(2) 委員會由一名主席、副主席及 10 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。立法會主席可應邀列席會議，就立法會行事方式及議事程序事宜提供意見。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。委員會的會議法定人數為主席加上 3 名委員。

(3) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(4) 委員會會議無須公開舉行，但須不時向立法會報告其討論結果及作出建議。

(5) 所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或主持會議的任何其他委員有權作決定性表決。

(6) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

75. 內務委員會

(1) 立法會設有一個名為內務委員會的委員會，委員為全體議員，但立法會主席除外。

(2) 委員會的正副主席須由委員會委員互選產生，任期直至委員會在其獲選後的下一會期選出正副主席為止；如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。儘管有第(16)款的規定，主席或主持選舉的委員(視屬何情況而定)在該等選舉中除有權作決定性表決外，亦有權作原有表決。

(3) 內務委員會在每屆任期的首次會議，由內務委員會秘書負責召開。委員會秘書須在該次會議開始時，為選出主持內務委員會主席選舉的議員而主持會議。

(4) 在法案已根據本議事規則第 54(4)條(二讀)交付內務委員會後，委員會可於任何時間將該法案交付一法案委員會研究，或安排按委員會認為適當的其他方式研究該法案。

(5) 在決定將法案交付法案委員會的時間及次序時，委員會可考慮當時根據本議事規則第 54(4)條(二讀)交付委員會的其他法案的數目及相對優先次序，並可隨時更改有關任何法案的交付時間及次序的決定。

(6) 委員會將法案交付法案委員會及與該法案委員會磋商後，可決定該法案委員會須完成研究該法案的日期；委員會亦可隨時在與該法案委員會磋商後，更改所決定的日期。

(7) 在法案交付法案委員會後，按照委員會所決定的程序規則(該等規則只可就議員示明加入法案委員會的方式及示明的時間作出規定)示明加入為委員的議員(立法會主席除外)，即屬該法案委員會的委員。

(8) 委員會可就法案委員會和根據第(12)款成立的小組委員會，以及根據本議事規則第 77 條(事務委員會)成立的事務委員會的行事方式及程序，提供指引。

(9) 委員會可討論法案委員會的任何商議過程，以便協助委員為恢復立法會二讀辯論而作好準備。

(10) 委員會須決定受《釋義及通則條例》(第 1 章)第 34 及 35 條的條文所規限的任何附屬法例的研究方式。

(11) 委員會可按其認為適當的方式，研究與立法會事務有關的任何其他事項。

(12) 委員會可委任小組委員會，以便協助委員會履行第(10)及(11)款所訂的委員會職能。

(13) 委員會可將與立法會事務有關的任何政策事宜交由一個根據本議事規則第 77 條(事務委員會)成立的事務委員會研究，並可就研究該等事宜的職權範圍諮詢事務委員會，並作出建議，亦可要求及聽取該事務委員會就有關事宜提交報告，以及視乎需要，再向立法會提交報告。

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(14) 委員會須在主席決定的日期、時間及地點舉行會議，有關每次會議日期、時間及地點的書面預告，須在會議日期最少 3 天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(15) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(16) 委員會的會議法定人數為包括主席在內的 20 名委員；所有須由委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或主持會議的任何其他委員不得參與表決，但如其他委員贊成者及反對者數目相等，則在此情況下他有權作決定性表決。

(17) 委員會主席可命令將任何須由委員會決定的事宜，藉傳閱文件方式交由各委員研究，而各委員亦可以書面向主席示明其批准。如過半數委員在主席為此目的而指定的限期屆滿前已示明其批准，同時在限期屆滿時並無委員以書面向主席表示反對，或要求將該事宜交由委員會開會決定，則該事宜須當作已獲委員會批准。

(18) 除本議事規則另有規定外，委員會及其轄下小組委員會的行事方式及程序，由委員會自行決定。

76. 法案委員會

(1) 立法會設有名為法案委員會的委員會，其數目由內務委員會按情況決定。

(2) 每個法案委員會的主席須由該委員會的委員互選產生；委員會亦可選出一名副主席。如主席或副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。

(3) 每一法案委員會須由不少於 3 名委員組成，其中包括主席在內。每一法案委員會的會議法定人數為包括主席在內的 3 名委員，或委員人數的三分之一（整數後的分數不計），其中包括主席在內，兩數中以較大者為準。

(4) 法案委員會可委任小組委員會，以協助委員會履行其職能。

(5) 法案委員會須在主席決定的日期、時間及地點舉行會議；有關每次會議日期、時間及地點的書面預告，須在會議日期最少 3 天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(6) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(7) 法案委員會須研究所獲交付法案的整體優劣、原則及詳細條文，亦可研究與該法案有關的任何修正案。

(8) 所有須由法案委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或主持會議的任何其他委員除原有表決權外，另有權作決定性表決。

(9) 法案委員會在完成研究所獲交付的法案後，須盡快通知內務委員會及以書面知會該委員會其商議的結果，然後再向立法會作出報告。

(10) 內務委員會可討論法案委員會就某法案所進行商議的結果，以便向委員提供資料，為恢復該法案在立法會二讀辯論而作好準備。法案委員會的商議結果無論在立法會、全體委員會或內務委員會中，對任何議員均無約束力。

(11) 除本議事規則另有規定外，任何法案委員會及其轄下小組委員會的行事方式及程序，由該委員會自行決定。在作出任何此等決定時，法案委員會須考慮根據本議事規則第 75(8)條(內務委員會)提供的指引。

77. 事務委員會

(1) 立法會設有名為事務委員會的委員會，數目由內務委員會所認為是適當的而定及由立法會通過。

(2) 事務委員會的職權範圍由內務委員會建議，並由立法會通過。

(3) 事務委員會須按其認為需要的程度，監察及研究由事務委員會委員或內務委員會建議其處理的政策事宜。

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(4) 事務委員會的委員為按照內務委員會決定的程序規則(該等規則只可就議員示明加入事務委員會的方式及示明的時間作出規定)示明加入事務委員會的議員(立法會主席除外)。

(5) 事務委員會的主席須由該事務委員會的委員互選產生。事務委員會亦可選出一名副主席。如主席或副主席暫時缺席，事務委員會可在其缺席期間另選一委員代行主席之職。事務委員會正副主席的任期直至委員會在其獲選後的下一會期選出正副主席為止。

(6) 凡出任事務委員會認為與其職權範圍直接相關的政府諮詢團體的主席或副主席的議員，不得成為該事務委員會的正副主席。

(7) 每一位議員均不得同時兼任多於一個事務委員會的主席或副主席職務。

(8) 每一事務委員會須由不少於 6 名委員組成，其中包括主席在內。每一事務委員會的會議法定人數為包括主席在內的 3 名委員，或委員人數的三分之一(整數後的分數不計)，其中包括主席在內，兩數中以較大者為準。

(9) 事務委員會如認為適當，可委任小組委員會研究特定事宜及向事務委員會作出報告。

(10) 事務委員會或其轄下小組委員會如認為適當，可與任何其他事務委員會或其轄下小組委員會舉行聯席會議，以研究共同關注的任何事宜。聯席會議的會議法定人數為所有有關的事務委員會或小組委員會委員人數的三分之一(整數後的分數不計)，包括主席在內。所有須由聯席會議決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席除原有表決權外，另有權作決定性表決。

(11) 事務委員會須在事務委員會主席決定的日期、時間及地點舉行會議。有關每次會議日期、時間及地點的書面預告，須在會議日期最少 3 天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(12) 會議須公開舉行，但主席按照事務委員會的任何決定命令不公開舉行者除外。

(13) 所有須由事務委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或任何其他主持會議的委員除原有表決權外，另有權作決定性表決。此類表決的結果無論在立法會、全體委員會或內務委員會中，對任何議員均不具約束力。

(14) 事務委員會在其認為適當的情況下，可向立法會提交報告，但在會期內需最少報告一次。在內務委員會提出要求下，或由事務委員會採取主動，亦可就特定的有關事宜向內務委員會提交書面報告。

(15) 除本議事規則另有規定外，事務委員會或其轄下小組委員會的行事方式及程序，由該事務委員會自行決定。在作出任何此等決定時，事務委員會須考慮根據本議事規則第 75(8)條(內務委員會)提供的任何指引。

78. 專責委員會

(1) 立法會可在每一會期內委任一個或多個專責委員會，以研究立法會交付該委員會的事宜或法案。

(2) 立法會主席須考慮內務委員會的建議，決定每個專責委員會的委員人數，並任命委員會的主席、副主席及委員。

(3) 專責委員會的會議法定人數為委員人數(主席除外)的三分之一，整數後的分數不計。

(4) 專責委員會完成研究交其處理的事宜或法案後，須立即向立法會作出報告，而委員會須隨即解散。委員會如認為未能在該會期結束前完成研究有關事宜或法案，須如實向立法會報告。

(5) 立法會轄下各專責委員會，須於立法會的每個會期結束時解散。

79. 專責委員會的程序

(1) 專責委員會只限於商議立法會所交付的事宜；為法案而成立的專責委員會，則只限於商議立法會所交付的法案及有關修正案。

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(2) 專責委員會須在委員會主席指定的日期、時間及地點舉行會議。專責委員會的會議須公開舉行，但主席根據委員會的任何決定命令不公開舉行者除外。

(3) 如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。

(4) 根據本議事規則第 6(7)條(立法會秘書的職責)獲委任的委員會秘書，須列席委員會會議，並製備委員會會議紀要。

(5) 專責委員會進行點名表決時，須由秘書逐一詢問委員會各委員作何表決，並予以記錄。

(6) 專責委員會主席或主持會議的委員均不得參與表決，但如其他委員贊成者及反對者數目相等，則主席或該名主持會議的委員有權作決定性表決。

- (7)
- (a) 專責委員會委員可提交報告供委員會研究。所有報告提交後，主席須從其本人所提交的報告開始，根據其他委員提交報告的次序，逐一提出各報告，直至專責委員會接納其中一份作為討論的基礎為止。主席就報告所提出的待議議題，須為將主席(或.....議員)的報告逐段二讀，當該議題獲得通過後，不得再就其他報告提出待議議題。但其他報告中的部分內容如與獲接納考慮的報告有關，可被用作為對該份獲接納的報告的修正案。
 - (b) 專責委員會須逐段研究該份被接納的報告。本議事規則第 58 條(全體委員會處理法案的程序)的規定適用於此程序，一如該報告為法案，而該報告內的段落為法案的條文。
 - (c) 專責委員會完成逐段研究該報告，並考慮所有建議的新段落後，主席須提出將該報告作為專責委員會提交立法會的報告的待決議題。

(8) 專責委員會可對其認為適宜提請立法會注意的事宜，就該委員會的權力、職能及會議過程向立法會作出特別報告。

(9) 專責委員會的會議紀要，須記錄委員會研究報告或法案的全部過程，以及對該報告或法案所建議的每一項修正案。委員會如曾進行點名表決，會議紀要須予記錄，並列出參與表決及放棄表決的委員的姓名。

(10) 專責委員會主席須將報告或特別報告，附同委員會的會議紀要，如曾取得證據，亦須附同取證紀錄，提交立法會省覽。

80. 證人的出席

- (a) 常設委員會在行使職權時，如有需要，可傳召有關人士出席作證和提供證據；
- (b) 內務委員會、法案委員會、事務委員會或專責委員會可獲立法會授權，使其在行使職權時，如有需要，可傳召有關人士出席作證和提供證據，

但行政長官可根據安全和重大公共利益的考慮，決定政府官員或其他負責政府公務的人員是否向立法會或其屬下的委員會作證和提供證據。

81. 證據的過早發表

(1) 在專責委員會將其報告提交立法會前，委員會委員或任何人士不得發表委員會所取得的證據或所收到的文件；但在公開會議中所取得的證據或所收到的文件除外。

(2) 任何委員會委員如不遵從第(1)款的規定，可由立法會藉訓誡或譴責的議案加以處分。

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N 部

其他事宜

82. 議員以專業身份受聘

議員不得以專業身份代表某一方，或以其可藉以收取費用或報酬的身份，列席立法會或任何委員會或小組委員會會議。

83. 個人利益的登記

(1) 除按第(2)款的規定就個人利益作登記的目的外，每名議員不得遲於立法會議決通過所指定的日期，以立法會主席批准的格式，向立法會秘書提供其須予登記的個人利益詳情。

(2) 每名新任立法會議員，須在其為填補立法會議員空缺而成為立法會議員的日期起計 14 天內，以立法會主席批准的格式，向立法會秘書提供其須予登記的個人利益詳情。

(3) 每名議員須予登記的個人利益如有變更，該議員須在變更後 14 天內，以立法會主席批准的格式，向立法會秘書提供變更詳情。

(4) 立法會秘書須安排將該等詳情登錄於議員個人利益登記冊內，而該登記冊可供任何人士在辦公時間內查閱。

(5) 在本條中，“須予登記的個人利益”指 —

(a) 公共或私營公司的受薪董事職位；

(b) 接受薪酬的僱傭關係、職位、行業、專業或職業；

(c) 客戶的姓名或名稱，如以上所提述的個人利益包括議員向客戶提供的個人服務，而該等個人服務是由於其立法會議員身份所引致或以任何方式與該身份有關者；

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- (d) 作為立法會議員時，來自任何人士或組織的財政贊助，而提供詳情時須說明該項贊助是否包括以直接或間接方式付予該議員或其配偶的款項，或給予該議員或其配偶的實惠或實利；
- (e) 議員或其配偶由於與其立法會議員身份有關或由該身份引致的海外訪問，而該次訪問的費用並非全數由該議員或公費支付；
- (f) 議員或其配偶因其議員身份從：
 - (i) 香港以外的政府或組織；或
 - (ii) 非香港永久性居民的人士所收受或代表上述政府、組織或人士所收受的款項、實惠或實利；
- (g) 土地及物業；
- (h) 公司或其他團體的名稱，如據議員所知，其本人，或連同其配偶或未成年子女，或代表其配偶或未成年子女持有該公司或團體的股份的實益權益，而該等股份的面值超過該公司或團體已發行股本的百分之一者。

84. 個人金錢利益的披露

(1) 議員在立法會或任何委員會或小組委員會會議上，不得就其有直接金錢利益的任何議題表決。

(2) 議員在立法會或任何委員會或小組委員會會議上，如沒有披露有關的個人金錢利益的性質，不得對直接或間接與該利益有關的事宜動議任何議案或修正案，亦不得就該事宜發言。

(3) 在立法會或任何委員會或小組委員會的任何辯論或議事程序中，議員如在席，必須聲明任何與所議事宜有關的直接金錢利益。

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(4) 以某議員有第(1)款所述的直接金錢利益為理由將其表決作廢的議案，可無經預告由任何議員於進行點名表決時，在立法會主席、全體委員會主席、委員會主席或小組委員會主席說出贊成者及反對者的數目後，立即動議，否則不得動議。

(5) 立法會主席、全體委員會主席、委員會主席或小組委員會主席有權酌情決定是否就該議案提出待議議題；運用該酌情權時，須考慮所表決事宜的性質，以及其表決受質疑的議員在該事宜上的利益是否屬於直接的金錢利益，而非屬香港其他居民同樣享有的利益，並須考慮該議員表決的事宜是否政府政策。

(6) 將某議員的表決作廢的待議議題提出後，該議員可在立法會、全體委員會、委員會或小組委員會會議上在其原位發言解釋，但隨後須於辯論該議題及就該議題進行表決時退席。

(7) 將某議員的表決作廢的議案如獲通過，立法會主席、全體委員會主席、委員會主席或小組委員會主席須指示立法會秘書、委員會秘書或小組委員會秘書據此將原來的點名表決贊成者及反對者數目更改。

85. 與個人利益有關的處分

任何議員如不遵從本議事規則第 83 條(個人利益的登記)或第 84(1)、(2)或(3)條(個人金錢利益的披露)，可由立法會藉訓誡或譴責，或暫停職務或權利的議案加以處分。

86. 准許新聞界及公眾人士進入會場

在符合立法會主席不時訂定的規則下，新聞界及公眾人士得准進入立法會旁聽立法會的會議，而立法會秘書須確保該等規則得以遵從。

87. 行為不檢

立法會主席、全體委員會主席、委員會主席或小組委員會主席可命令將任何行為不檢或看來相當可能有不檢行為的新聞界或公眾人士驅離會場。

88. 新聞界及公眾人士離場

(1) 在立法會、全體委員會、委員會或小組委員會會議上，議員可隨時無經預告而起立動議新聞界及公眾人士離場，並指明新聞界及公眾人士離場適用於當天會議的餘下程序，抑或只於審議某些事項的一段時間。議案一經動議，立法會主席、全體委員會主席、委員會主席或小組委員會主席隨即須提出該待議議題，而立法會、全體委員會、委員會或小組委員會須先行處理該議題，然後繼續處理該議案動議時立法會、全體委員會、委員會或小組委員會當前的事項。

(2) 立法會主席或全體委員會主席可隨時命令新聞界及公眾人士離場，並命令將會議廳各門關閉。

(3) 當立法會、全體委員會、委員會或小組委員會，或立法會主席或全體委員會主席根據第(1)及(2)款作出命令時，新聞界及公眾人士須立即離開會議廳或委員會或小組委員會正舉行會議的委員會會議室，而立法會秘書或委員會秘書須確保此項命令得以遵從。

89. 就議員出席民事法律程序擔任證人一事取得許可的程序

(1) 為取得根據《立法局(權力及特權)條例》(第 382 章)第 6(2)條所需的立法會許可，以要求某議員在立法會舉行會議當天出席民事法律程序為證人，要求該議員在該天出席的法律程序當事人不得遲於該日之前 21 天向立法會秘書書面陳述其請求及說明要求該議員在該天出席的理由。

(2) 許可的請求須由立法會秘書在收到後列入下次會議的議程內；除非立法會藉任何議員在該次會議動議的一項可無經預告的議案，決定拒絕給予許可，否則立法會須當作已命令給予許可。

(3) 立法會秘書須以書面將立法會的決定通知該要求許可的當事人及有關的議員。

90. 就立法會會議程序提供證據一事取得許可的程序

(1) 為取得根據《立法局(權力及特權)條例》(第 382 章)第 7 條所需的立法會許可，以就會議紀要、作證紀錄或提交立法會、委員會或小組委員會會議席上省覽的任何文件的內容，或就立法會、委員會或小組委員會的任何會議或審查程序，在立法會以外的地方提供證據，要求該許可的人須向立法會秘書書面陳述其請求及說明其理由，並須提供立法會秘書在個別情況下按立法會主席的指示所進一步要求的資料。

(2) 許可的請求須列入立法會主席所指定會議的議程內；除非立法會藉任何議員在該次會議動議的一項可無經預告的議案，決定拒絕給予許可，否則立法會須當作已命令給予許可。

(3) 立法會秘書須以書面將立法會的決定通知該要求許可的人。

(4) 凡有人在立法會休假、休會待續或解散期間，向立法會要求取得第(1)款所述的許可，可由立法會主席給予，如立法會主席不能執行主席職務，則可由主持立法會會議的議員給予許可。

91. 議事規則的暫停執行

具有暫停執行某條議事規則的目的或效力的議案，除非事前已作預告，或經立法會主席同意，否則不得動議。

92. 議事規則未有規定的程序

對於本議事規則內未有作出規定的事宜，立法會所須遵循的方式及程序由立法會主席決定；如立法會主席認為適合，可參照其他立法機關的慣例及程序處理。

93. 釋義

在本議事規則內，除文意另有所指外 —

- (a) “《基本法》”指《中華人民共和國香港特別行政區基本法》；
- (b) “整天”一詞不包括作出預告當天、舉行有關會議當天及有關期間內的公眾假期；
- (c) “獲委派官員”指根據《基本法》第六十二(六)條獲香港特別行政區政府委派的官員；
- (d) “立法會秘書”指根據《立法會行政管理委員會條例》(第 443 章)第 15(1)條委任的立法會秘書處秘書長，並包括立法會秘書處副秘書長及任何助理秘書長；
- (e) “委員會”指立法會的常設委員會或專責委員會或任何其他委員會，或該等委員會轄下的小組委員會；及
- (f) “印載”的提述，包括所有藉機械、電力、電子及攝影將文字複製的方法的提述。

附表

選舉立法會主席的程序

立法會主席的選舉須在立法會會議上進行。

提名

2. 立法會秘書須於選舉日至少 7 整天前邀請議員提名立法會主席一職的人選，並將**附件 I**的提名表格分發給各議員。
3. 立法會主席的提名表格須由一名作為提名人的議員，以及另外至少 3 名作為附議人的議員簽署。獲提名的議員須在表格上簽署以示接受提名。表格填妥後，須在選舉日至少 4 整天前送達立法會秘書辦事處。
4. 任何議員無論屬於被提名人、提名人或附議人的身份，其姓名均不得出現在多於一張提名表格之上。如某議員的姓名出現在多於一張提名表格之上(不論是被提名人、提名人或附議人的身份)，則只有立法會秘書辦事處接獲的首張提名表格方為有效，立法會秘書須隨即把失效的表格送回提名人。
5. 截止提名後，立法會秘書須擬備一份名單，按其辦事處接獲提名表格的先後次序列出所有候選人的姓名，並於選舉日至少兩整天前將名單分發給所有立法會議員。

推選主持選舉的議員

6. 在選舉立法會主席的會議上，立法會須首先選出一名議員主持立法會主席的選舉，推選過程須由立法會秘書主持。
7. 立法會秘書邀請議員提名主持選舉的議員人選。有效的提名得由一名議員口頭作出，並須由最少另外一名未獲提名的議員口頭附議，並為被提名的議員接納。

8. 如只有一項主持選舉的議員提名，則立法會秘書須如是宣布，並宣布該名議員獲選為主持選舉的議員。
9. 如有兩項或更多提名，則立法會秘書須宣布以不記名的方式進行投票，並安排向每名出席會議的議員發給一張選票，選票的格式如附件 II 所示。
10. 出席會議並有意投票的議員須在選票上清楚寫上其屬意的候選人姓名，並將選票放進投票箱。
11. 所有出席會議並有意投票的議員投票後，立法會秘書須在全體出席會議的議員面前點算選票。任何議員均可要求核對點票結果，予以確認。
12. 立法會秘書繼而須宣布點票結果，並宣布各候選人之中獲最多有效選票的一名候選人獲選為主持選舉的議員。
13. 如兩名或以上候選人同獲最多有效選票，則立法會秘書須宣布其將以抽籤方式決定其中一名候選人獲選。
14. 立法會秘書繼而須進行抽籤，並隨即宣布中籤的候選人獲選為主持選舉的議員。

選舉立法會主席

15. 主持選舉的議員繼而須主持會議，立法會主席的選舉隨即開始。主持選舉的議員須宣布立法會秘書辦事處接獲的全部有效提名。
16. 如立法會主席一職只有一項有效提名，則主持選舉的議員須如是宣布，並宣布該名候選人當選。
17. 如有兩項或更多的有效提名，則主持選舉的議員須命令以不記名的方式進行投票，並指示立法會秘書發給每名出席會議的議員一張選票，選票的格式如附件 III 所示。所有候選人的姓名須按立法會秘書辦事處接獲提名的先後次序，列於選票上。

18. 出席會議並有意投票的議員只須在選票上其屬意的候選人姓名旁邊的空格內劃上“✓”號，並將選票放進投票箱。任何未劃上“✓”號、未妥為劃上“✓”號或劃有多於一個“✓”號的選票，將會作廢。
19. 所有出席會議並有意投票的議員投票後，立法會秘書須在全體出席會議的議員面前點算選票，並向主持選舉的議員報告點票結果；該名主持選舉的議員須核對點票結果，予以確認。
20. 主持選舉的議員須宣布各候選人之中獲最高票數的一名候選人當選為立法會主席。
21. 如兩名或以上候選人獲相同最高票數，則主持選舉的議員須命令在同一次會議上，按上文第 17 至 20 段所規定的方法，對該等獲相同最高票數的候選人進行第二輪投票。
22. 如在第二輪投票中未有一名候選人獲得的票數較其他任何候選人為高，則主持選舉的議員須宣布其將以抽籤方式決定其中一名候選人當選為立法會主席。
23. 主持選舉的議員將隨即進行抽籤，並按結果隨即宣布該名候選人當選為立法會主席。
24. 隨後，主持選舉的議員須讓位予立法會主席。立法會主席可向立法會陳詞，然後視乎情況，著手處理會議事項、宣布休會待續、或暫停舉行會議。

附件 I

致：立法會秘書

立法會主席選舉
提名表格

1. 本人謹按照《議事規則》附表所規定的立法會主席選舉程序，提名 _____ 議員於 _____ (日期)起為立法會主席。

	姓 名	簽 署
提名的議員	_____	_____
附議的議員 (最少 3 名)	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

日期： _____

2. 本人謹此接受提名。

	姓 名	簽 署
獲提名的議員	_____	_____

日期： _____

立法會

Legislative Council

選舉主持立法會主席選舉的議員
Election of Member to preside at the election of
President of the Legislative Council

選票

BALLOT PAPER

請在下方空位清楚寫上你屬意的候選人姓名
Please put down in legible form the name of the
nominee of your choice in the space below.

立法會主席選舉

選票

選舉日期：_____

只可選一名候選人

請在屬意的候選人
姓名旁邊的空格內
劃上“✓”號

候選人姓名

1		
2		
3		
4		
5		

註：如候選人的數目少於或多於 5 名，則選票的最終格式會作相應修改。

1998 年第 265 號法律公告

中華人民共和國香港特別行政區基本法

立法會決議

香港特別行政區立法會議事規則

立法會於 1998 年 7 月 2 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。

立法會秘書
馮載祥

1998 年 7 月 2 日

或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席須就該議案提出待議議題。

(7) 如第(6)款的議案獲得通過，立法會主席須就其後進行的每項有關的點名表決(如有的話)作出相應的命令。

K 部

法案的處理程序

50. 法案的格式

- (1) 提交立法會的法案，須符合本條的各項規定。
- (2) 法案須有一簡稱，該簡稱須與該法案如通過成為法律所採用的名稱脗合，而在通過該法案的過程中，該簡稱須保持不變。
- (3) 法案須有一詳題，以一般性詞句說明該法案的主旨。
- (4) 除行政長官會同行政會議依據《法定語文條例》(第 5 章)第 4(3) 條發出指示外，法案須以中文及英文提交。
- (5) 法例制定程式須置於法案條文之前。
- (6) 法案必須分條，各條順序編號，每條之上須有說明其性質的分條標題。
- (7) 法案須附有摘要說明，以非專門性文字，解釋法案的內容及目的。
- (8) 法案如非一項政府措施而旨在影響或惠及某人、某社團或某法團，則必須載有一條條文，規定政府的權利或任何政治團體或法人團體或任何其他人的權利，均予保留，但該法案所述及者，以及經由、透過或藉其提出申索者的權利除外。

51. 提交法案的預告

- (1) 議員或獲委派官員可隨時作出預告，表明有意提交法案；該預告須送交立法會秘書辦事處，並須附有法案文本及本議事規則第 50 條(法案的格式)所規定的摘要說明；如作出預告者為議員，則須附有由法律草擬專員按第(2)款的規定簽署的證明書。

(2) 對於由議員提交的法案，法律草擬專員如信納該法案符合本議事規則第 50 條 (法案的格式) 的規定及香港法例的一般格式，即須簽發證明書加以證明。

(3) 由立法會議員個別或聯名提出的法案，如經立法會主席裁定為涉及公共開支或政治體制或政府運作者，不得提出。

(4) 如法案涉及政府政策，則就該法案所作的預告須附有由行政長官對該法案的書面同意。

(5) 如法案依據《法定語文條例》(第 5 章) 第 4(3) 條所發出的指示，以一種法定語文提交，則預告須附有證明書，說明行政長官會同行政會議已指示該法案須以中文或英文 (視乎所提交文本的語文而定) 提交。

(6) 由議員提交的法案如具有本議事規則第 50(8) 條 (法案的格式) 所述的意向，則預告須附有由該議員簽署的證明書，說明該法案已連續兩期在憲報刊登，並已在每日在本港出版的中英文報章各一份各刊登廣告兩次，就該法案作出預告。

(7) (a) 除本議事規則第 66 條 (發回重議的法案) 另有規定外，如立法會主席認為某法案載有與另一項在二讀時業經立法會表決的法案實質相同的條文，則該法案在同一會期內不得繼續進行立法程序，並須予撤回。

(b) 如某法案在二讀後被撤回，則另一項載有實質相同條文的法案可在同一會期內提交，但該另一項法案必須符合本議事規則第 50 條 (法案的格式)、本條及第 52 條 (法案的提交及刊登) 的規定。

(8) 在其後就該法案所進行的整個過程中，提交法案的議員稱為負責該法案的議員。如法案由多於一名議員聯名提出，則該等議員須於提交法案時指定其中一人為負責該法案的議員，而該負責議員須在提交法案的預告上如此示明。

(9) 在其後就該法案所進行的整個過程中，提交法案的官員稱為負責該法案的官員；而本議事規則所提述負責法案的議員，亦包括負責法案的官員。

1999年4月16日內務委員會會議紀要的節錄

X X X X X X

V. 將於1999年4月28日立法會會議席上處理的事項

(d) 議員議案

(i) 根據《中華人民共和國香港特別行政區基本法》第七十五條提出的決議案

74. 內務委員會主席表示，議事規則委員會(下稱"委員會")會在議程第VII(a)項下作出報告。他補充，由於該決議案具有立法效力，擬就該決議案發言的議員每人可發言15分鐘。

75. 周梁淑怡議員表示，委員會認為由於其委員組合包括了立法會所有政治黨派的代表，如每個政治黨派均指派某個限定人數的立法會議員就該決議案發言，便會更能善用立法會的議事時間。她建議議員可訂立"君子協議"，規定擬發言的議員不會發言超過7分鐘。

X X X X X X

VII. 其他事項

(a) 議事規則委員會

83. 議事規則委員會主席周梁淑怡議員匯報，未有接獲議員就"議案辯論中的發言次序"的諮詢文件提出的任何意見。關於實施《基本法》第七十九(七)條所載規定的安排的諮詢文件，委員會建議對規則第73(5)(b)條作出修訂，以顧及議員所提出的下列意見：

1. 即使受調查的議員在調查開始時選擇公開進行聆訊，調查委員會如認為有充分理由，除可應證人的申請外，亦可應委員會委員的要求決定閉門舉行任何該等會議；及
2. 受調查的議員應獲准向調查委員會提出申請，要求閉門進行聆訊，儘管該議員在調查開始時曾選擇公開進行聆訊。

84. 周梁淑怡議員又表示，一位議員表示關注到沒有出席調查委員會先前某些或任何會議的調查委員會委員，如獲准在調查委員會總結其調查結果的最後一次會議上參與表決，便會對受調查的議員不公平。委員會已針對此問題在其諮詢文件內建議調查委員會由7名成員組成，以及其會議法定人數應為包括主席在內的5名成員，而此項規定較適用於立法會其他委員會的做法更為嚴格。

85. 周梁淑怡議員補充，她將於1999年4月28日立法會會議席上，以議事規則委員會主席的身份動議議案，按上述兩份諮詢文件的建議修訂《議事規則》。該議案亦會涵蓋各項就委員會審議的其他事項而對《議事規則》提出的修訂。內務委員會主席提醒議員，就修訂該議案作出預告的限期為1999年4月21日。

86. 周梁淑怡議員進一步匯報，委員會曾研究《議事規則》現有條文是否足以實施《基本法》第五十及五十一條。由於該兩項條文所載的規定均與憲制事宜有關，委員會認為此事由政制事務委員會跟進，會較為適宜。鑑於"財政預算案"一詞並無在《基本法》及香港法例中作出界定，委員會已去信政府當局，要求澄清《基本法》第五十及五十一條文意所指"財政預算案"一詞的涵蓋範圍。待政府當局作覆及政制事務委員會進行商議後，委員會便會在較後時間研究是否有需要修改《議事規則》的現有條文，以實施《基本法》第五十及五十一條。

87. 關於實施《基本法》第七十九(七)條所載規定的安排，夏佳理議員就下列事項提出詢問 --

1. 調查範圍是否由調查委員會決定；
2. 受調查的議員須在調查開始時選擇公開進行聆訊的原因；及
3. 有否任何規則規定如其他委員表決贊成和反對者數目相等，調查委員會主席應如何作決定性表決。

88. 關於第87(i)段所述問題，周梁淑怡議員表示，調查範圍只限於根據《基本法》第七十九(七)條動議以供立法會作決的議案附表內所載事項。關於第87(ii)段所述事項，周梁淑怡議員解釋，鑑於事關重大，委員會認為，作為個人應有的權利，受調查的議員應獲給予機會在調查開始時，選擇是否希望公開進行聆訊。但她指出，在調查進行期間，若有證人(包括受調查的議員在內)及委員會其他委員提出充分理由，委員會可決定恢復以閉門方式進行聆訊的全部或某部分。至於第87(iii)段所述事宜，周梁淑怡議員表示，調查委員會主席可按其意願作出表決。

經辦人／部門

89. 劉慧卿議員表示，議員不適宜在內務委員會重新討論實施《基本法》第七十九(七)條所載規定的安排。她認為，議員理應利用諮詢期就所涉及的事宜發表意見或提出疑問。

90. 內務委員會主席表示，議員仍有機會在1999年4月28日立法會會議席上，就實施《基本法》第七十九(七)條所載規定的安排進行辯論。

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立法會秘書處

1999年4月21日

1999年4月28日立法會會議過程正式紀錄的節錄

X X X X X X

議員議案

主席：議員議案。根據《中華人民共和國香港特別行政區基本法》第七十五條動議的決議案。

根據《中華人民共和國香港特別行政區基本法》第七十五條動議的決議案

周梁淑怡議員：主席，我動議通過以我名義提出有關修訂《香港特別行政區立法會議事規則》的決議案。決議案的內容已載列於議程的附錄內。

議事規則委員會自 1998 年 7 月以來，一共舉行了 22 次會議，就一系列的事項進行研究及就《議事規則》作出修訂建議。其中有關實施《基本法》第七十九條(六)項解除議員職務的所需各項程序安排的修訂建議，已於 1998 年 9 月 9 日提交本會通過。至於委員會就《議事規則》作出的其他修訂建議，則已納入本決議案內。

我在 1999 年 4 月 13 日就本決議案作出預告後，收到行政署長於 4 月 26 日的函件，函中就決議案其中 3 項修訂建議提出意見。議事規則委員會在昨天的會議經已詳細考慮政府當局的意見。會後，我已致函回覆行政署長，而秘書處亦已將行政署長的來函及我的覆函以傳真方式送交各位議員參閱。

在此，我想解釋一下委員會的看法。

在委員會先前進行的諮詢中，行政署長曾於 1998 年 8 月 19 日告知委員會，"the Administration will continue to plan on the basis that Policy Addresses in subsequent years will be delivered in the month of October"，即是政府當局在未來各年的施政報告仍會計劃在 10 月發表。就這一點，委員會考慮到，如行政長官在每一會期首次會議上發表施政報告，為反映立法會聽取行政長官的施政報告並進行辯論此項職能，以及協助議員估計在每一會期首次會議上所須處理的事務，委員會認為適宜在《議事規則》第 13

條增訂新的第(1A)款，訂明行政長官可隨其意願在每一會期首次會議上向立法會發表施政報告。此項條文並非硬性規定行政長官只可在每一會期的首次會議，而不可在其他任何時間，發表施政報告，亦並非要行政長官履行任何職責。委員會明白，根據《基本法》，行政長官是否發表施政報告是由他本人決定。事實上，委員會亦注意到在前立法局的《會議常規》中亦訂有類似條文。

關於“表決程序”和“《基本法》第七十四條的適用範圍”兩項事宜，委員會曾就《議事規則》內有關規則是否抵觸《基本法》一事徵詢政府當局及立法會秘書處法律顧問的意見，並要求資深大律師張健利先生提供獨立的法律意見。經考慮各方面提出的意見後，委員會的結論是，有關規則並無抵觸《基本法》。然而，委員會認為有需要在《議事規則》內清楚載述下列事項：

- 一、須在規則第 46 條增訂新的第(4)款，以說明“過半數票”的涵義，是指表決贊成某議題的議員多於在進行表決時在席議員的半數。
- 二、由立法會主席就議員提出的法案是否涉及《基本法》第七十四條所訂特定範疇作出裁定的程序，該項已在規則第 51 條第(3)款中訂定的程序，亦應在規則第 51 條第(4)款內清楚訂明。因此有需要在第 51 條第(4)款中加入“立法會主席如認為”的字眼，以清楚顯示立法會主席在此方面所擔當的角色。

委員會擬備了兩份報告，分別載述其就“表決程序”和“《基本法》第七十四條所規定處理議員提出的法律草案的程序及《基本法》第四十八條(十)項的詮釋”兩項事宜進行商議的結果。該兩份報告已於 1998 年 9 月 23 日送交政府當局，請其從法律觀點作出書面回應。然而，委員會至今仍未接獲政府當局的回覆。

我重申，對《議事規則》提出的各項修訂建議，是委員會經過詳細而審慎討論的結果。委員會堅決認為，該等修訂建議並無抵觸《基本法》，故此決定按原定安排由我動議有關決議案。

現在由我概括介紹一下決議案的其他修訂建議：

- (a) 為簡化選舉立法會主席以及委員會主席的程序，委員會認為有必要按議員連續擔任立法會議員的時間編定立法會議員的排名序。立法會新一屆任期的首次會議，會由出席會議的議員中連續擔任立法會議員時間最長者負責主持。為配合這個安排，委員會的結

論是應在《議事規則》內增訂新的第 1A 條，以及對《議事規則》附表作出修訂。同時，有關委員會秘書負責召開委員會首次會議，並為選出主持選舉的議員而主持會議的條文，即規則第 71 條第(3)款及 75 條第(3)款，亦將會刪除。

- (b) 在示意發言方面，按照現行規則，有意在立法會上發言的議員須起立或舉手示意。鑑於會議廳的電子表決系統現時已設有一個裝置，在有意發言的議員按下“要求發言”的按鈕後，主席便會知悉該議員的要求，因此，規則第 36 條須相應作出修訂，使有關規定更具彈性。
- (c) 在表決程序方面，如有議員要求進行點名表決，現行規則規定點名表決鐘聲須按適當情況響起 1 分鐘或 3 分鐘，藉以通知議員。為應付點名表決鐘可能出現故障的情況——而近期已實際讓我們知道，這種情況並非絕無可能發生——委員會建議在規則第 49 條增訂第(8)款，以便立法會主席或全體委員會主席可命令立法會秘書安排通知在會議廳範圍內的議員將會進行點名表決。點名表決會在上述命令作出後 6 分鐘進行。
- (d) 為了反映立法會主席在裁決法案是否涉及政府政策一事上擔當的角色，委員會認為應就規則第 31、51 及 57 條作出適當的修訂。
- (e) 在專責委員會的任期方面，委員會認為專責委員會應在立法會任期完結而非會期結束時解散。委員會建議修訂規則第 78 條，以反映有關改動。
- (f) 在議員個人利益的登記及申報方面，委員會認為須修改登記議員個人利益的限期，以及把議員就選舉開支獲得的捐款列為須予登記的個人利益項目，因此須就規則第 83 及 84 條作出修訂；

至於議員在立法會或任何委員會或小組委員會會議上，不得就其有直接金錢利益的任何議題表決的規定，根據現行的點算票數安排，議員在席而就某議題不作出表決與議員表決反對該議題，其效果並無分別。因此，委員會認為在立法會及全體委員會的會議上，議員在其有直接金錢利益的議題進行表決時有必要離席，除非該議員的利益屬香港全體或某部分市民同樣享有，又或議員所表決的事宜是政府政策。就此，委員會對規則第 84 條第(1)款作出修訂；

另一方面，委員會認為有關議員在其他議員就將其表決作廢的議案進行表決時須退席，但有關議員應有權選擇在該議案進行辯論時是否在席。因此，委員會對規則第 84 條作出修訂，以表明此意；

至於在席議員如就所議事宜有直接金錢利益，必須聲明該等利益的規定，委員會曾經考慮海外立法機關的做法，認為有關的規定應只適用於在會議上發言的議員，因此建議修訂規則第 84 條第(3)款，以反映此原則。

(g) 關於接納議員逾期提出參加法案委員會方面，委員會認為須在規則第 76 條增訂第(1A)款，以訂明內務委員會在決定議員加入法案委員會的方式及時間方面的權限。

(h) 在實施《基本法》第七十九條(七)項有關譴責議員的程序方面，委員會的結論如下：

— 就根據《基本法》第七十九條(七)項動議的議案，委員會認為有必要為議案訂定較嚴格的規定，藉以防止瑣屑無聊的指控，因此除議案動議人外，有關議案須獲另外 3 名議員倡議；

— 為使議案的目的絕對清晰明確，《議事規則》須訂明該類議案的措辭，而譴責某議員的理由或支持作出譴責的事件情況應載於議案的附表內，而該附表亦為議案的一部分。該類議案不容修正；

— 議案一經動議，辯論便須中止待續，並交付一個由立法會主席任命的調查委員會處理。任何議員若不贊成將事件交付調查委員會處理，可無經預告而動議無須進行調查。若立法會通過此議案，原議案即不得再進行任何程序；

— 調查委員會的職責是確立個案的事實，並就所確立的事實是否構成譴責有關議員的理據提出意見；

— 調查委員會應由 7 名成員組成，包括主席及副主席各一名。為免出現利益衝突，動議及倡議議案的議員，以及被指控行為不檢或違反誓言的議員均不得獲任命加入調查委員會。為鼓勵各成員盡量出席會議，調查委員會的會議法定人數應為包括主席或主持會議的委員在內的 5 名成員；

- 為確保調查過程得以公平地進行，聆訊證人的過程宜閉門進行。若被指控的議員在調查過程開始時選擇讓公眾人士旁聽聆訊，則在整個調查過程中進行的所有聆訊均須公開進行。但若有委員會委員提出要求，或有證人提出申請，委員會如認為有充分理由，可決定閉門進行某部分聆訊。調查委員會的內部商議過程必須閉門進行；
- 調查委員會在完成工作，並向立法會提交報告後，隨即解散。若立法會須就有關議案所引起的事宜再作考慮，該調查委員會亦可恢復運作。然而，有關議員應否受到譴責，以致被取消其議員資格的問題，仍須由立法會作出決定。

為實施上述的建議，議事規則委員會認為須就規則第 30、40、46、47、49B、80 及 81 條作出修訂，並加入增訂新的第 73A 條。

現請各位議員支持我的決議案，對《議事規則》作出修訂。

謝謝主席。

周梁淑怡議員動議的議案如下：

“議決將《香港特別行政區立法會議事規則》修訂 —

(1) 在 A 部中，加入 —

“1A. 議員的排名

(1) 立法會議員的排名序按連續擔任立法會議員的時間而定；連續擔任立法會議員的時間較長者先排。

(2) 如有兩名或以上議員連續擔任議員的時間相同，則根據本議事規則第 1 條（宗教式或非宗教式宣誓）的規定較先宣誓的議員排名較先。”；

(2) 在第 13 條中，在第(1)款之前加入 —

“(1A)行政長官可隨其意願在每一會期首次會議上向立法會發表施政報告。”；

(3) 在第 30 條中，加入 —

“(1A) 議員根據本議事規則第 49B(1A) 條 (取消議員的資格) 動議議案的預告，除由擬動議議案的議員簽署外，須由另外 3 名議員簽署。” ；

(4) 在第 31 條中，廢除 “任何議案或修正案，如其目的或效力經立法會主席或全體委員會主席裁定為” 而代以 “立法會主席或全體委員會主席如認為任何議案或修正案的的目的或效力” ；

(5) 在第 36 條中 —

(a) 在第(3)款中，廢除 “起立或舉手” ；

(b) 在第(4)款中，廢除 “其他擬發言的議員須起立或舉手示意” 而代以 “立法會主席或全體委員會主席須隨即叫喚其他示意或已示意發言的議員發言” ；

(6) 在第 40 條中 —

(a) 在第(6)款中，在 “根據第(2)款中止的辯論” 之前加入 “除第(6A)款另有規定外，” ；

(b) 加入 —

“(6A) 根據本議事規則第 49B(2A) 條 (取消議員的資格) 中止的辯論，須在調查委員會的報告提交立法會省覽後最早一次處理一般事務的立法會會議上恢復進行。” ；

(7) 在第 46 條中 —

(a) 在第(1)款中 —

(i) 廢除 “解除議員的職務” 而代以 “取消議員的資格” ；

- (ii) 廢除 “、第七十九（七）條” ；
- (b) 加入 —
- “（4） 若表決贊成某議題的議員多於在進行表決時在席議員的半數，議題即獲得過半數票。” ；
- (8) 在第 47(2) 條中 —
- (a) 廢除 “解除議員的職務” 而代以 “取消議員的資格” ；
- (b) 廢除 “、第七十九（七）條” ；
- (9) 在第 49 條中 —
- (a) 在第(1)款中，在 “如無議員提出質疑” 之前加入 “立法會秘書亦須在座位表上記錄所有其他在席議員的姓名，並由立法會主席或全體委員會主席相應讀出有關議員的姓名及數目。” ；
- (b) 在第(2)款中，廢除 “及放棄表決” 而代以 “、放棄表決及任何其他在席” ；
- (c) 加入 —
- “（8） 如點名表決鐘發生故障，立法會主席或全體委員會主席須命令立法會秘書作出安排，通知在會議廳範圍內的議員進行點名表決。點名表決將在該命令發出後 6 分鐘進行。” ；
- (10) 在第 49B 條中 —
- (a) 在標題中，廢除 “解除議員的職務” 而代以 “取消議員的資格” ；
- (b) 加入 —
- “（1A） 根據《基本法》第七十九（七）條動議譴責議員的議案，格式如下：

“鑑於（議員姓名）行為不檢／違反《基本法》第一百零四條所規定的誓言／行為不檢及違反《基本法》第一百零四條所規定的誓言（有關詳情一如本議案附表所述），本會根據《基本法》第七十九（七）條對其作出譴責。”；

(c) 在第(2)款中，在“第(1)”之後加入“或(1A)”；

(d) 加入 —

“(2A) 在根據第(1A)款動議的議案提出後，辯論即告中止待續，而議案所述的事宜須交付調查委員會處理，但立法會藉任何議員動議的一項可無經預告的議案而另有命令則除外。如後述議案獲立法會通過，即不得就根據第(1A)款動議的議案再採取任何行動。”；

(e) 在第(3)款中，在“第(1)”之後加入“或(1A)”；

(f) 在第(4)款中，在“職務”之後加入“或對議員作出譴責”；

(11) 在第 51 條中 —

(a) 在第(3)款中，廢除“由立法會議員個別或聯名提出的法案，如經立法會主席裁定為涉及公共開支或政治體制或政府運作者，”而代以“立法會主席如認為任何由立法會議員個別或聯名提出的法案涉及公共開支或政治體制或政府運作，該法案即”；

(b) 在第(4)款中，廢除“如”而代以“立法會主席如認為某”；

(12) 在第 57(6)條中，廢除“任何修正案，如其目的或效力經立法會主席或全體委員會主席裁定為”而代以“立法會主席或全體委員會主席如認為任何修正案的目的或效力”；

(13) 廢除第 71(3)條；

(14)加入 —

“73A. 調查委員會

(1) 根據本議事規則第 49B(2A)條（取消議員的資格）規定成立的調查委員會由一名主席、副主席及 5 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。根據本議事規則第 49B(1A)條動議議案的議員、聯名簽署議案的議員及議案所針對的議員，均不得獲任命為委員會委員。

(2) 調查委員會負責確立根據本議事規則第 49B(1A)條（取消議員的資格）動議的議案所述的事實，並就所確立的事實是否構成譴責議員的理據提出意見。

(3) 委員會的會議法定人數為包括主席在內的 5 名委員。

(4) 除第(5)款另有規定外，調查委員會所有會議須閉門舉行。

(5) (a) 在根據本議事規則第 49B(1A)條（取消議員的資格）動議的議案所針對的議員作出選擇後，凡有一名或多名證人出席的會議均須公開舉行，但有關議員須在該等會議首次舉行前作出如此選擇。

(b) 儘管有關議員已作出(a)段所述的選擇，但若有委員會委員提出要求，或有證人提出申請，調查委員會如認為有充分理由，可決定閉門舉行任何該等會議或某部分會議。

(6) 如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。

(7) 根據本議事規則第 6(7)條（立法會秘書的職責）獲委任的委員會秘書，須列席委員會會議，並製備委員會會議紀要。

(8) 調查委員會進行點名表決時，須由秘書逐一詢問委員會各委員作何表決，並予以記錄。

(9) 調查委員會主席或主持會議的委員均不得參與表決，但如其他委員贊成者及反對者數目相等，則主席或該名主持會議的委員有權作決定性表決。

(10) (a) 調查委員會委員可提交報告供委員會研究。所有報告提交後，主席須從其本人所提交的報告開始，根據其他委員提交報告的次序，逐一提出各報告，直至調查委員會接納其中一份作為討論的基礎為止。主席就報告所提出的待議議題，須為將主席(或.....議員)的報告逐段二讀，當該議題獲得通過後，不得再就其他報告提出待議議題。但其他報告中的部分內容如與獲接納考慮的報告有關，可被用作為對該份獲接納的報告的修正案。

(b) 調查委員會須逐段研究該份被接納的報告。在委員會完成逐段研究該報告後，主席須提出將該報告作為調查委員會提交立法會的報告的待決議題。

(11) 調查委員會的會議紀要，須記錄委員會研究報告的全部過程。委員會如曾進行點名表決，會議紀要須予記錄，並列出參與表決及放棄表決的委員的姓名。

(12) 調查委員會完成調查獲交付的事宜後，須立即向立法會作出報告，而委員會須隨即解散。調查委員會可藉立法會通過決議恢復運作，以處理任何由有關議案再引起的事宜。

(13) 除本議事規則另有規定外，調查委員會的行事方式及程序，由委員會自行決定。”；

(15) 廢除第 75(3) 條；

(16) 在第 76 條中，加入 —

“(1A) 法案委員會的委員為按照內務委員會決定的程序規則(該等規則只可就議員示明加入法案委員會的方式及示明的時間作出規定)示明加入法案委員會的議員(立法會主席除外)。”;

(17) 在第 78 條中 —

(a) 在第(1)款中，廢除“在每一會期內”;

(b) 在第(4)款中，廢除“該會期結束”而代以“任期完結”;

(c) 在第(5)款中，廢除“每個會期結束”而代以“每屆任期完結”;

(18) 在第 80(b)條中，廢除“或專責委員會”而代以“、專責委員會或調查委員會”;

(19) 在第 81(1)條中，廢除“專責委員會”而代以“本議事規則第 80 條(證人的出席)提述的委員會”;

(20) 在第 83 條中 —

(a) 在第(1)款中，廢除“立法會議決通過所指定的日期”而代以“每屆任期舉行首次會議當天”;

(b) 在第(5)(d)款中 —

(i) 將該款重訂為第(5)(d)(ii)款;

(ii) 加入 —

“(i) 議員在其當選為立法會議員的選舉中，以候選人身份或由任何人代表其收取的所有捐贈，而該等捐贈目的為支付該議員在該選舉中的選舉開支；或”;

(21) 在第 84 條中 —

(a) 在第(1)款中，在“表決”之後加入“，除非議員的利益屬香港全體或某部分市民同樣享有，又或議員所表決的

事宜是政府政策。在立法會或全體委員會會議上，如有議員就表決的議題有直接金錢利益，有關議員須在該議題進行表決時退席”；

(b) 在第(3)款中，廢除“，議員如在席”而代以“發言的議員”；

(c) 加入 —

“(3A) 以某議員有第(1)款所述的直接金錢利益為理由而著其退席的議案，可無經預告由任何議員在立法會主席或全體委員會主席提出原議案的待決議題後，及在議員進行表決前動議。”；

(d) 在第(4)款中 —

(i) 廢除“於進行點名表決時，”；

(ii) 廢除“贊成者及反對者的數目後，立即動議，否則不得動議”而代以“按其判斷原議案是否獲得所需的過半數票後，立即動議；如有命令進行點名表決，有關議案可在立法會主席、全體委員會主席、委員會主席或小組委員會主席說出點名表決所記錄的有關議員數目後，立即動議”；

(e) 在第(5)款中 —

(i) 廢除“該議案”而代以“根據第(3A)或(4)款提出的議案”；

(ii) 廢除“其表決”而代以“因其在席或表決”；

(iii) 廢除“其他居民”而代以“全體或某部分市民”；

(iv) 廢除“該議員表決”而代以“所表決”；

(f) 加入 —

“(5A) 某議員須退席的待議議題提出後，該議員可

在立法會或全體委員會會議上在其席位發言解釋，但隨後須於就該議題進行表決時退席。如議案獲得通過，則在立法會或全體委員會將原議題提出待決及進行表決時，該議員須退席或繼續退席。”；

(g) 廢除第(6)及(7)款而代以 —

“(6) 將某議員的表決作廢的待議議題提出後，該議員可在立法會、全體委員會、委員會或小組委員會會議上在其原位發言解釋，但隨後須於就該議題進行表決時退席。如議案獲得通過，立法會主席、全體委員會主席、委員會主席或小組委員會主席須重新說出按其判斷原議題是否獲得所需的過半數票；如為點名表決，立法會主席、全體委員會主席、委員會主席或小組委員會主席須指示立法會秘書、委員會秘書或小組委員會秘書據此將原來的點名表決贊成者及反對者數目更改；如屬立法會或全體委員會的會議，亦一併更改有關議員在席的影響。”；

(22) 在附表中 —

(a) 在第 6 段之前的標題中，廢除“推選主持選舉的議員”而代以“選舉”；

(b) 廢除第 6 段而代以 —

“6. 出席會議的議員中根據本議事規則第 1A 條而定為連續擔任議員時間最長者，須主持立法會主席的選舉。”；

(c) 廢除第 7 段而代以 —

“7. 如根據上文第 6 段連續擔任議員時間最長的該名議員獲提名候選立法會主席一職，則未獲提名為候選人的議員中排名最先者，須主持選舉。”；

(d) 廢除第 8、9、10、11、12、13 及 14 段；

(e) 廢除第 15 段之前的標題；

- (f) 在第 15 段中 —
 - (i) 將該段重訂為第 8 段；
 - (ii) 廢除“繼而須主持會議，立法會主席的選舉隨即開始”而代以“就位後，隨即進行立法會主席的選舉”；
- (g) 將第 16 段重訂為第 9 段；
- (h) 在第 17 段中 —
 - (i) 將該段重訂為第 10 段；
 - (ii) 廢除“III”而代以“II”；
- (i) 將第 18 段重訂為第 11 段；
- (j) 將第 19 段重訂為第 12 段；
- (k) 將第 20 段重訂為第 13 段；
- (l) 在第 21 段中 —
 - (i) 將該段重訂為第 14 段；
 - (ii) 廢除“第 17 至 20 段”而代以“第 10 至 13 段”；
- (m) 將第 22 段重訂為第 15 段；
- (n) 將第 23 段重訂為第 16 段；
- (o) 將第 24 段重訂為第 17 段；
- (p) 廢除附件 II；
- (q) 將附件 III 重訂為附件 II。”

主席：我現在向各位提出的待議議題是：周梁淑怡議員動議的議案，內容一如議程附錄所載，予以通過。

政務司司長：主席，周梁淑怡議員將會透過這項議案，修改《議事規則》內的若干條文，而其中一些建議，我們認為是與《基本法》有所牴觸的。

《基本法》為特區設立了一套新的憲制架構，我們和立法會就《基本法》條文應用於立法會的運作上，持有不同的意見。因此，我希望藉此機會向議員重申我們的立場。

我們完全明白，根據《基本法》第七十五條，立法會《議事規則》是由立法會自行制定。然而，我們必須確保《議事規則》能夠切實符合《基本法》，藉以保障立法程序的合法性。

可是，周梁淑怡議員今天提出的議案，其中兩項與我們對《基本法》有關條文的理解不同。這兩項修訂，分別是對第 51 條第(4)款的修訂，以及新增訂的第 46 條第(4)款。我們必須重申政府當局自去年與議事規則委員會會面以來，立場一直未有改變，有關的詳細內容，我們在去年 9 月向議事規則委員會提交文件，並於委員會會議上詳細解釋了我們的意見。我不在此重複。

此外，議案中建議加入第 13 條第(1A)款，以規定行政長官可隨其意願，在每一會期首次會議上，向立法會發表施政報告。此項條文，一方面似乎是要要求行政長官履行一項職責，另一方面卻又指出行政長官可隨其意願行事。正如周梁淑怡議員向我們解釋，擬議的條文並非硬性規定行政長官只可於每一會期首次會議，而不可在其他任何時間發表施政報告，亦無意憑藉已擬的新規則，要求行政長官履行任何職責。既然如此，我們覺得議員實在沒有必要修改《議事規則》，賦予行政長官這種酌情權。最佳做法是保留現有《議事規則》中的靈活機制。我們相信議案中建議加入第 13 條(1A)款，既非必要，亦沒有法律效力。

主席，基於上述理由，我在此對周梁淑怡議員提出的議案中有關第 13 條第(1A)款、46 條第(4)款及 51 條第(4)款，持保留意見。

謝謝主席。

主席：是否有議員想發言？

劉慧卿議員：主席，我發言支持周梁淑怡議員的議案，我會簡單地談一談我的意見。首先，我想回應政務司司長提出的論據，特別是她提及《議事規則》第 51 條第(4)款及第 46 條第(4)款是違反《基本法》這一點。主席，這一點我們已討論了很多次。

剛才周梁淑怡議員提出了她的論點。我須首先申報利益，因為我是議事規則委員會的成員。我們曾致函政府，要求政府再解釋其理據，而且我們也很想瞭解其理據。然而，正如剛才周梁淑怡議員指出，時至今天，我們仍未收到答覆，我希望政務司司長稍後會作第二次發言，並答覆我們的問題。

主席，相信你也知道，我們從外面聘請了一位律師，聽取了獨立的法律意見，我們的理據並非只是議員自己的意見或只是聽取立法會的法律顧問的意見，我們所得的法律意見，均認為有關建議是沒有問題的。也許我想問一問政務司司長，政府又曾否徵詢過外面的獨立法律意見呢？如有的話，他們的意見是甚麼？能否答覆我們多個月以前致函政府，當中提及的問題呢？我相信這是很重要的。

此外，主席，我相信較早前有關官員亦已提及，政府可能會就此事跟我們興訟。今天我很高興沒有聽到政務司司長再提及這點，不知道政府是否已打消興訟的念頭。但即使不興訟，政務司司長仍表示持不同意見。其實，如果行政機關和立法機關就這樣重要的事情持不同意見，我相信市民是會頗感困擾的。主席，將來一旦真的證實我們所制定的《議事規則》是違反《基本法》的話，我相信後果會非常嚴重。其實，從我個人的角度，或香港的角度，我都認為這件事情應盡快處理，看看是否有恰當的途徑解決問題，還是順其自然。儘管行政機關一直堅持我們是違反《基本法》，但我們卻不予理會，繼續我行我素，現在更要修改《議事規則》。我不知道政務司司長現時有何想法，她會否堅持在適當時機才訴諸法庭？

主席，我只想再指出一點，便是有關履行《基本法》第七十九條(七)項有關議員行為不檢的問題。主席，我相信你還記得（也許你當時不在此議事廳中），在 1995-96 年的議員利益委員會會議席上——當時我是成員，而劉健儀議員是主席——我們曾進行兩次討論，劉健儀議員亦曾提出議案，要求擴大委員會調查議員行為失當的權力，但兩次辯論均異常激烈，劉議員幾乎要拍檯罵人，但議案終於失敗。也許本會稍後不會出現這種場面，因為儘管議員未必同意，但現在已有《基本法》第七十九條(七)項的規定。我不知道是甚麼原因，但如果議員原則上不同意——主席，也請你

容許我說下去 — 即使《基本法》有此規定，我們也應該反對它，我們更應該修訂《基本法》。但我自己是同意應該有這項規則，所以在 1995-96 年的辯論，我是支持劉健儀議員的議案，但當時大部分議員都具有很多原因 — 不知道稍後他們會否再提出來，甚或以那些理由來支持《基本法》第七十九條（七）項。當時我是支持的，但結果沒有成功。現在我們應該有這些規則，我同意是要有。主席，因為我覺得我們身為議員，應該告訴社會，我們自己是要守規則的，如果議員犯規，便會受到懲罰，而程序也是公平、公正、公開的。但我有些遺憾，便是議員大都不認為應該作出定義，因為倘有議員違反誓言或行為不檢，立法會才會作出剛才周梁淑怡議員所提出的程序處理。可是，我們又不能告訴公眾，甚麼是“違反誓言”，甚麼是“行為不檢”。很多同事可就此長篇大論的說一番，因為這是很難界定的。但我認為最低限度也應效法其他國家的議會，即倘有議員的行為令議會的聲譽蒙羞，甚至令整個香港蒙羞，便符合定義了。

主席，我也很識時務，知道沒有希望辦到的事情，我是不會提出來的，所以沒有提出修正案。但我覺得市民會有這種想法，他們會質疑，倘立法會通過這些規定，那麼，行為不檢的定義是甚麼呢？難道我們可以說：不告訴你，當你看見你便會知道！

此外，剛才周梁淑怡議員亦提到，我們會有一套程序來阻嚇那些瑣屑無聊的指控，這點我是絕對同意的；反過來說，要引發整個機制便須由議員提出。那麼會否出現一個情況，便是儘管社會各界人士均認為有問題，但如果議員自己不願意提出，便不會引發整個機制呢？我相信我們應該給公眾一個交代，便是當議員看見社會上發生這些事情，議員即應該提出來討論。如果外間羣情洶湧，認為有議員犯了行為不檢或違反誓言，但我們在座 60 位議員竟面面相覷，懵然不知，那豈不笑話。主席，如果沒有人提出，確實是不能引發機制的。我希望我們給社會一點信息，便是立法會是會嚴格執行有關規定，我們絕不會護短的。主席，我們亦會公正、公平地處理。我支持周梁淑怡議員剛才提出的各項內容；也希望政務司司長可以回應一下，解答我們的疑問，因為有些事情在政務司司長剛才的發言中是解釋得不盡圓滿。謝謝主席。

黃宏發議員：主席：我想就第 46 條的一項修訂及第 51 條的一項修訂，簡單說幾句話。

有關第 46 條的修訂，基本上大家都知道《議事規則》第 46 條的標題是“就議案作出決定”，即取決的公式是怎麼樣。大家都明白，在《基本法》生效前，是按出席並參與表決的議員的贊成者或反對者佔多而作出決定

的，但因《基本法》附件二中有“出席議員過半數”等字句，因而成為本會《議事規則》第 46 條有關取決公式的字眼，更清晰地表明這種方式。當然，政府和我們是有爭拗的，但不只是關於這些微不足道的事，而是牽涉議員議案方面，須分兩部分表決；而政府議案卻無須分兩部分表決。而且在《基本法》附表二中有關政府議案的條文，是有過半數票的“票”字，但在議員議案方面，則沒有過半數票的“票”字，即只有“過半數”，爭拗由此而起。我希望大家仍會記得，我們在這個問題上已考慮了很久，並都覺得有沒有“票”字，分別可能很大，也可能不大，因為按照姬鵬飛主任在 1990 年 3 月 28 日第七屆全國人民代表大會第三次會議上的發言，是這樣說的：“政府提出的法案，如獲出席會議的議員過半數票，即為通過。議員個人提出的法案、議案和對政府法案的修正案均須分別經功能團體選舉的議員和分區直接選舉、選舉委員會選舉產生的議員兩部分出席會議議員各過半數票，方為通過”。兩者都有寫上“票”字。在這樣情況下，我們很難明白當時是甚麼意思，為着慎重起見，似乎那個“票”字應該無須理會。當然，如果大家認為那個“票”字不重要，或本着立法精神，那個“票”字根本是無心之失，那麼，便可回復從前的表決公式，而那表決公式可能會更好。正如張健利大律師亦曾經說過，當時可能完全沒有考慮這一點，所以，當時根本絕無意修改取決公式。

至於第 51 條，主席，這是涉及你的裁判權的問題。如果政府就某項事情或議員就某項事情提交法案，而那項事情是否符合《議事規則》的規定，這點應該由誰人作裁決呢？在議會的角度來說，那自然應該由議長、即主席作裁決。但政府方面則認為，尤其是現在是討論政策問題，因為政策是由政府訂定，而政府則最熟悉政策，因此由它作裁決，看來是最正確的。但事實上，這是一種很愚蠢的想法，為甚麼呢？因為如果那件事情的確屬於政策範圍，而交由主席裁決，倘主席偶一不慎，裁決其可以提出，但到了最後，當議案已獲通過時，政府卻不滿意結果，它便可以提交法庭；而法庭則可以認為，當天的判決錯誤，當初所作的決定是越權，因而從開始起已屬無效。法庭是可以這樣裁決的。但反之，如果不是由主席作裁決，一開始便由行政長官作裁決，倘在他作出裁決後，議會中提交議案的議員甚至大多數的議員，都認為行政長官所作的裁決錯誤，事件便會在會議程序之前，以及議題未經辯論，便已提交法庭，由法庭判斷行政長官的裁決是否正確。由於這種做法不是發生在事後，因而引起的紛爭便會更大。從體制安排來說，政府如果堅持認為這些事情必須由行政長官作裁決的話，確實是一個不均衡的安排，我希望政府能夠三思。

主席，我呼籲政府連有所保留的意見也撤回，或經過考慮後，在下次會議時想起，或許會覺得似乎黃宏發所言甚對。（眾笑）謝謝主席。

主席：周梁淑怡議員，你是否打算發言答辯？

（周梁淑怡議員表示不答辯）

政務司司長：主席女士，我想就剛才各位議員的意見，作出兩點簡單的回應。

有關第 51 條第(4)款新增的修訂，即有關立法會主席決定議員提出的法律草案，是否涉及政府政策，根據《基本法》第七十四條，議員提出的法律草案，凡涉及政府政策者，必須得到行政長官的同意。雖然《基本法》第七十四條並沒有明文指出由誰來決定法律草案是否涉及政府政策，但從必然的含意中，清楚可以看到，決定有關的法律草案是否涉及《基本法》第七十四條的權力，明顯地應該是屬於行政長官的。況且，只有制訂政府政策的政府當局，才是最適合判斷法案是否涉及其政策。再者，《基本法》第四十八條(四)項，亦是清楚訂明行政長官的其中一項職權是決定政府政策。根據上述理由，我們認為行政長官是就這一問題作出決定的最適合人選。而議案中的條文，以立法會主席為裁決者，我們認為是不恰當的。

第二，有關新增的第 46 條第(4)款，即有關表決時的點票方法。我們認為，根據《基本法》附件二的規定，政府提出的建議，在點票時，不應該把棄權票計算在內。議案中新增的第 46 條第(4)款，並沒有列明對政府建議的點票安排。因此，我們認為這一條文，不應該加入《議事規則》之內。

謝謝主席。

主席：我現在向各位提出的待決議題是：周梁淑怡議員動議的議案，內容一如議程附錄內所載，予以通過。現在付諸表決，贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（議員舉手）

劉慧卿議員起立要求記名表決。

主席：劉慧卿議員要求記名表決。表決鐘會響 3 分鐘。

主席：趁現在表決鐘鳴響期間，我再提醒各位議員，現在我們所表決的議題是：周梁淑怡議員動議的議案，內容一如議程附錄內所載，予以通過。

主席：請各位表決。

主席：在我宣布停止表決前，各位有沒有問題？現在停止表決，並顯示結果。

功能團體：

丁午壽議員、田北俊議員、何承天議員、何敏嘉議員、何鍾泰議員、李家祥議員、李啟明議員、呂明華議員、吳靄儀議員、周梁淑怡議員、夏佳理議員、張文光議員、許長青議員、陳國強議員、陳榮燦議員、梁智鴻議員、梁劉柔芬議員、單仲偕議員、黃容根議員、楊孝華議員、劉皇發議員、劉健儀議員、霍震霆議員、羅致光議員、馮志堅議員及鄧兆棠議員贊成。

黃宜弘議員反對。

地方選區及選舉委員會：

何秀蘭議員、何俊仁議員、李永達議員、李卓人議員、李柱銘議員、李華明議員、涂謹申議員、陸恭蕙議員、陳婉嫻議員、梁耀忠議員、程介南議員、黃宏發議員、曾鈺成議員、楊森議員、劉千石議員、劉江華議員、劉慧卿議員、鄭家富議員、司徒華議員、何世柱議員、吳亮星議員、吳清輝議員、馬逢國議員、陳鑑林議員及楊耀忠議員贊成。

主席范徐麗泰議員沒有表決。

主席宣布經由功能團體選舉產生的議員，有 27 人出席，26 人贊成，1 人反對；而經由分區直選及選舉委員會選舉產生的議員，有 26 人出席，25 人贊成。由於議題獲得兩部分在席議員分別以過半數贊成，她於是宣布議案獲得通過。

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1999 年第 107 號法律公告

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

立法會於 1999 年 4 月 28 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決將《香港特別行政區立法會議事規則》修訂——

(1) 在 A 部中，加入——

“1A: 議員的排名

(1) 立法會議員的排名序按連續擔任立法會議員的時間而定；連續擔任立法會議員的時間較長者先排。

(2) 如有兩名或以上議員連續擔任議員的時間相同，則根據本議事規則第 1 條 (宗教式或非宗教式宣誓) 的規定較先宣誓的議員排名較先。”；

(2) 在第 13 條中，在第 (1) 款之前加入——

“(1A) 行政長官可隨其意願在每一會期首次會議上向立法會發表施政報告。”；

(3) 在第 30 條中，加入——

“(1A) 議員根據本議事規則第 49B(1A) 條 (取消議員的資格) 動議議案的預告，除由擬動議議案的議員簽署外，須由另外 3 名議員簽署。”；

(4) 在第 31 條中，廢除“任何議案或修正案，如其目的或效力經立法會主席或全體委員會主席裁定為”而代以“立法會主席或全體委員會主席如認為任何議案或修正案的目的或效力”；

- (5) 在第 36 條中——
- (a) 在第 (3) 款中，廢除“起立或舉手”；
 - (b) 在第 (4) 款中，廢除“其他擬發言的議員須起立或舉手示意”而代以“立法會主席或全體委員會主席須隨即叫喚其他示意或已示意發言的議員發言”；
- (6) 在第 40 條中——
- (a) 在第 (6) 款中，在“根據第 (2) 款中止的辯論”之前加入“除第 (6A) 款另有規定外，”；
 - (b) 加入——
“(6A) 根據本議事規則第 49B(2A) 條 (取消議員的資格) 中止的辯論，須在調查委員會的報告提交立法會省覽後最早一次處理一般事務的立法會會議上恢復進行。”；
- (7) 在第 46 條中——
- (a) 在第 (1) 款中——
 - (i) 廢除“解除議員的職務”而代以“取消議員的資格”；
 - (ii) 廢除“、第七十九 (七) 條”；
 - (b) 加入——
“(4) 若表決贊成某議題的議員多於在進行表決時在席議員的半數，議題即獲得過半數票。”；
- (8) 在第 47(2) 條中——
- (a) 廢除“解除議員的職務”而代以“取消議員的資格”；
 - (b) 廢除“、第七十九 (七) 條”；
- (9) 在第 49 條中——
- (a) 在第 (1) 款中，在“如無議員提出質疑”之前加入“立法會秘書亦須在座位表上記錄所有其他在席議員的姓名，並由立法會主席或全體委員會主席相應讀出有關議員的姓名及數目。”；

- (b) 在第 (2) 款中，廢除“及放棄表決”而代以“、放棄表決及任何其他在席”；
- (c) 加入——
- “ (8) 如點名表決鐘發生故障，立法會主席或全體委員會主席須命令立法會秘書作出安排，通知在會議廳範圍內的議員進行點名表決。點名表決將在該命令發出後 6 分鐘進行。”；
- (10) 在第 49B 條中——
- (a) 在標題中，廢除“解除議員的職務”而代以“取消議員的資格”；
- (b) 加入——
- “ (1A) 根據《基本法》第七十九 (七) 條動議譴責議員的議案，格式如下：
- “鑑於 (議員姓名) 行為不檢／違反《基本法》第一百零四條所規定的誓言／行為不檢及違反《基本法》第一百零四條所規定的誓言 (有關詳情一如本議案附表所述)，本會根據《基本法》第七十九 (七) 條對其作出譴責。”。 ”；
- (c) 在第 (2) 款中，在“第 (1)”之後加入“或 (1A)”；
- (d) 加入——
- “ (2A) 在根據第 (1A) 款動議的議案提出後，辯論即告中止待續，而議案所述的事宜須交付調查委員會處理，但立法會藉任何議員動議的一項可無經預告的議案而另有命令則除外。如後述議案獲立法會通過，即不得就根據第 (1A) 款動議的議案再採取任何行動。”；
- (e) 在第 (3) 款中，在“第 (1)”之後加入“或 (1A)”；
- (f) 在第 (4) 款中，在“職務”之後加入“或對議員作出譴責”；

(11) 在第 51 條中——

(a) 在第 (3) 款中，廢除“由立法會議員個別或聯名提出的法案，如經立法會主席裁定為涉及公共開支或政治體制或政府運作者，”而代以“立法會主席如認為任何由立法會議員個別或聯名提出的法案涉及公共開支或政治體制或政府運作，該法案即”；

(b) 在第 (4) 款中，廢除“如”而代以“立法會主席如認為某”；

(12) 在第 57(6) 條中，廢除“任何修正案，如其目的或效力經立法會主席或全體委員會主席裁定為”而代以“立法會主席或全體委員會主席如認為任何修正案的目的或效力”；

(13) 廢除第 71(3) 條；

(14) 加入——

“73A. 調查委員會

(1) 根據本議事規則第 49B(2A) 條 (取消議員的資格) 規定成立的調查委員會由一名主席、副主席及 5 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。根據本議事規則第 49B(1A) 條動議議案的議員、聯名簽署議案的議員及議案所針對的議員，均不得獲任命為委員會委員。

(2) 調查委員會負責確立根據本議事規則第 49B(1A) 條 (取消議員的資格) 動議的議案所述的事實，並就所確立的事實是否構成譴責議員的理據提出意見。

(3) 委員會的會議法定人數為包括主席在內的 5 名委員。

(4) 除第 (5) 款另有規定外，調查委員會所有會議須閉門舉行。

(5) (a) 在根據本議事規則第 49B(1A) 條 (取消議員的資格) 動議的議案所針對的議員作出選擇後，凡有一名或多名證人出席的會議均須公開舉行，但有關議員須在該等會議首次舉行前作出如此選擇。

(b) 儘管有關議員已作出 (a) 段所述的選擇，但若有委員會委員提出要求，或有證人提出申請，調查委員會如認為有充分理由，可決定閉門舉行任何該等會議或某部分會議。

(6) 如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。

(7) 根據本議事規則第 6(7) 條 (立法會秘書的職責) 獲委任的委員會秘書，須列席委員會會議，並製備委員會會議紀要。

(8) 調查委員會進行點名表決時，須由秘書逐一詢問委員會各委員作何表決，並予以記錄。

(9) 調查委員會主席或主持會議的委員均不得參與表決，但如其他委員贊成者及反對者數目相等，則主席或該名主持會議的委員有權作決定性表決。

(10) (a) 調查委員會委員可提交報告供委員會研究。所有報告提交後，主席須從其本人所提交的報告開始，根據其他委員提交報告的次序，逐一提出各報告，直至調查委員會接納其中一份作為討論的基礎為止。主席就報告所提出的待議議題，須為將主席 (或.....議員) 的報告逐段二讀，當該議題獲得通過後，不得再就其他報告提出待議議題。但其他報告中的部分內容如與獲接納考慮的報告有關，可被用作為對該份獲接納的報告的修正案。

(b) 調查委員會須逐段研究該份被接納的報告。在委員會完成逐段研究該報告後，主席須提出將該報告作為調查委員會提交立法會的報告的待決議題。

(11) 調查委員會的會議紀要，須記錄委員會研究報告的全部過程。委員會如曾進行點名表決，會議紀要須予記錄，並列出參與表決及放棄表決的委員的姓名。

(12) 調查委員會完成調查獲交付的事宜後，須立即向立法會作出報告，而委員會須隨即解散。調查委員會可藉立法會通過決議恢復運作，以處理任何由有關議案再引起的事宜。

(13) 除本議事規則另有規定外，調查委員會的行事方式及程序，由委員會自行決定。”；

(15) 廢除第 75(3) 條；

(16) 在第 76 條中，加入——

“(1A) 法案委員會的委員為按照內務委員會決定的程序規則(該等規則只可就議員示明加入法案委員會的方式及示明的時間作出規定)示明加入法案委員會的議員(立法會主席除外)。”；

(17) 在第 78 條中——

(a) 在第 (1) 款中，廢除“在每一會期內”；

(b) 在第 (4) 款中，廢除“該會期結束”而代以“任期完結”；

(c) 在第 (5) 款中，廢除“每個會期結束”而代以“每屆任期完結”；

(18) 在第 80(b) 條中，廢除“或專責委員會”而代以“、專責委員會或調查委員會”；

(19) 在第 81(1) 條中，廢除“專責委員會”而代以“本議事規則第 80 條(證人的出席)提述的委員會”；

(20) 在第 83 條中——

(a) 在第 (1) 款中，廢除“立法會議決通過所指定的日期”而代以“每屆任期舉行首次會議當天”；

(b) 在第 (5)(d) 款中——

(i) 將該款重訂為第 (5)(d)(ii) 款；

(ii) 加入——

“(i) 議員在其當選為立法會議員的選舉中，以候選人身份或由任何人代表其收取的所有捐贈，而該等捐贈目的為支付該議員在該選舉中的選舉開支；或”；

(21) 在第 84 條中——

(a) 在第 (1) 款中，在“表決”之後加入“，除非議員的利益屬香港全體或某部分市民同樣享有，又或議員所表決的事宜是政府政策。在立法會或全體委員會會議上，如有議員就表決的議題有直接金錢利益，有關議員須在該議題進行表決時退席”；

(b) 在第 (3) 款中，廢除“，議員如在席”而代以“發言的議員”；

(c) 加入——

“(3A) 以某議員有第 (1) 款所述的直接金錢利益為理由而著其退席的議案，可無經預告由任何議員在立法會主席或全體委員會主席提出原議案的待決議題後，及在議員進行表決前動議。”；

(d) 在第 (4) 款中——

(i) 廢除“於進行點名表決時，”；

(ii) 廢除“贊成者及反對者的數目後，立即動議，否則不得動議”而代以“按其判斷原議案是否獲得所需的過半數票後，立即動議；如有命令進行點名表決，有關議案可在立法會主席、全體委員會主席、委員會主席或小組委員會主席說出點名表決所記錄的有關議員數目後，立即動議”；

(e) 在第 (5) 款中——

(i) 廢除“該議案”而代以“根據第 (3A) 或 (4) 款提出的議案”；

(ii) 廢除“其表決”而代以“因其在席或表決”；

(iii) 廢除“其他居民”而代以“全體或某部分市民”；

(iv) 廢除“該議員表決”而代以“所表決”；

(f) 加入——

“(5A) 某議員須退席的待議議題提出後，該議員可在立法會或全體委員會會議上在其席位發言解釋，但隨後須於就該議題進行表決時退席。如議案獲得通過，則在立法會或全體委員會將原議題提出待決及進行表決時，該議員須退席或繼續退席。”；

(g) 廢除第 (6) 及 (7) 款而代以——

“(6) 將某議員的表決作廢的待議議題提出後，該議員可在立法會、全體委員會、委員會或小組委員會會議上在其原位發言解釋，但隨後須於就該議題進行表決時退席。如議案獲得通過，立法會主席、全體委員會主席、委員會主席或小組委員會主席須重新說出按其判斷原議題是否獲得所需的過半數票；如為點名表決，立法會主席、全體委員會主席、委員會主席或小組委員會主席須指示立法會秘書、委員會秘書或小組委員會秘書據此將原來的點名表決贊成者及反對者數目更改；如屬立法會或全體委員會的會議，亦一併更改有關議員在席的影響。”；

(22) 在附表中——

(a) 在第 6 段之前的標題中，廢除“推選主持選舉的議員”而代以“選舉”；

(b) 廢除第 6 段而代以——

“6. 出席會議的議員中根據本議事規則第 1A 條而定為連續擔任議員時間最長者，須主持立法會主席的選舉。”；

(c) 廢除第 7 段而代以——

“7. 如根據上文第 6 段連續擔任議員時間最長的該名議員獲提名候選立法會主席一職，則未獲提名為候選人的議員中排名最先者，須主持選舉。”；

(d) 廢除第 8、9、10、11、12、13 及 14 段；

(e) 廢除第 15 段之前的標題；

- (f) 在第 15 段中——
 - (i) 將該段重訂為第 8 段；
 - (ii) 廢除“繼而須主持會議，立法會主席的選舉隨即開始”而代以“就位後，隨即進行立法會主席的選舉”；
- (g) 將第 16 段重訂為第 9 段；
- (h) 在第 17 段中——
 - (i) 將該段重訂為第 10 段；
 - (ii) 廢除“III”而代以“II”；
- (i) 將第 18 段重訂為第 11 段；
- (j) 將第 19 段重訂為第 12 段；
- (k) 將第 20 段重訂為第 13 段；
- (l) 在第 21 段中——
 - (i) 將該段重訂為第 14 段；
 - (ii) 廢除“第 17 至 20 段”而代以“第 10 至 13 段”；
- (m) 將第 22 段重訂為第 15 段；
- (n) 將第 23 段重訂為第 16 段；
- (o) 將第 24 段重訂為第 17 段；
- (p) 廢除附件 II ；
- (q) 將附件 III 重訂為附件 II 。

立法會秘書
馮載祥

1999 年 4 月 28 日

香港特別行政區立法會議事規則委員會
1998年7月至1999年4月的工作進度報告的節錄

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II. 實施《基本法》的條文

《基本法》第七十四條的適用範圍

2.19 政府當局認為《議事規則》與《基本法》有抵觸的另一部分是《基本法》第七十四條的適用範圍。《基本法》第七十四條規定，立法會議員根據《基本法》規定並依照法定程序提出法律草案，凡不涉及公共開支或政治體制或政府運作者，可由立法會議員個別或聯名提出。凡涉及政府政策者，在提出前必須得到行政長官的書面同意。

2.20 《基本法》第七十四條的規定在立法會《議事規則》第51條(提交法案的預告)，尤其是第(3)及(4)款的條文內予以反映。此外，對於其目的或效力為可導致動用香港任何部分政府收入或其他公帑，或須由該等收入或公帑負擔的任何議案、法案的修正案及議案的修正案，亦有一項"自加"的限制。在該等情況下，議員須獲得行政長官的書面同意方可提出該等議案或修正案。該限制在規則第31條(議案及修正案的規限)及第57(6)條(法案的修正案)內予以反映。至於撥款法案的修正案，根據規則第69條(全體委員會處理撥款法案預算總目的修正案)，議員只准提議削減某開支總目所獲分配的款額。

《基本法》第七十四條的涵蓋範圍

2.21 政府當局對《基本法》第七十四條的涵蓋範圍有不同見解，並特別強調《基本法》第四十八(十)條適用於限制議員提出的議案。政府當局認為，應從寬廣和切合制定目的的角度解釋《基本法》第七十四條。該條文所涵蓋的不應僅是法案，亦應包括委員會審議階段修正案。議員動議的任何修正案，無論就議員或政府提出的法案而動議，均須受《基本法》第七十四條約束。但政府當局歡迎議員向其提出涉及公共開支、政治體制或政府運作的立法建議。然而，政府當局認為，根據《釋義及通則條例》(第1章)第34及35條提出、旨在修訂附屬法例的決議無須受《基本法》第七十四條約束。

2.22 根據《基本法》第四十八(十)條所訂，行政長官的職權之一是批准向立法會提出有關財政收入或支出的動議。關於該條文是否適用於限制議員提出的議案，政府當局認為，議員必須徵得行政長官同意方可提出該等議案，包括不具立法效力的議案。政府當局又指出，規則第31條把須徵得行政長官同意的規定限於"具有由公帑負擔的效力"的議案或修正案，與《基本法》的規定不符，因為該構寫方式較《基本法》第四十八(十)條所指明"有關財政收入或支出"的寫法狹窄。換言之，議員若未徵得行政長官同意，便不得動議任何具有或不具立法效力的議案，包括有關財政收入或支出的議案。但行政長官可就不具立法效力的議案整體給予批准。

2.23 按立法會秘書處法律顧問的意見，《基本法》在提述法案、議案及議員對政府法案的修正案時十分明確，在《基本法》附件二所規定的表決程序中便可見一斑。倘若《基本法》第七十四條是要涵蓋議員對政府法案的修正案，起初實在沒有理由不將之寫入條文之內。委員會認為，把只管限議員提出法律草案的《基本法》第七十四條的涵蓋範圍擴大至包括議員對政府法案的修正案，並不恰當。

2.24 委員會了解政府當局對此事的關注所在，就是凡涉及《基本法》第七十四條所述各個範疇的提案，均應由行政機關而非立法會議員提出。此項原則在《基本法》第七十四條已清楚訂明，而在立法會的《議事規則》內亦予以反映。雖然《基本法》未有訂明立法過程中的具體程序，但從附件二所載的分組表決程序和各項條文對提出、修訂及通過法案的提述可知，《基本法》已預計議員會對政府法案提出修正案。

2.25 委員會認為，必須繼續確保立法過程可讓議員就提交立法會的每項法案或議案進行透徹辯論，並充分考慮該等法案或議案的各方面事宜。立法會現時採用的三讀程序，是在香港行之有效的立法過程，亦廣為香港市民熟悉。在該過程中，全體委員會可在法案進行二讀和三讀之間，討論法案擬議修正案的具體規定。負責法案的議員(亦包括官員)可在法案進行二讀或三讀的程序開始之時，撤回該法案。若政府認為難以接受經修正的政府法案，負責該法案的官員可在三讀階段之前將之撤回。既有撤回法案的程序，政府便有方法決定由其提交的擬議法例的最終內容。在此情況下，把《基本法》第七十四條文意內"法律草案"一詞武斷地當作亦指"對法案的修正案"，實在不合邏輯，亦不合理，因為如此會令立法會沒有機會討論和通過一些有別於法案內所提的建議。《議事規則》所訂的機制確保行政機關與立法機關在某程度上互相制衡，並保留了行政主導的原則。

2.26 至於《基本法》第四十八(十)條，委員會認為，該條文載於專就行政長官作出規定的部分，臚列了行政長官的各項職權。因此，《基本法》第四十八(十)條是指由政府向立法會提出有關財政收入或支出的議案，而不是指由立法會議員提出的議案。議員在立法會上提出事項的唯一限制，在《基本法》第七十四條已有所規定，而該條文是屬於立法機關的章節。此外，根據《基本法》第七十三(六)條，立法會的職能之一是就任何有關公共利益的問題進行辯論；倘若未經行政長官批准，立法會即不得就有關財政收入或支出的議案進行辯論，實在不合邏輯。

就議員提出的法案是否受《基本法》第七十四條涵蓋作出裁定的權力

2.27 政府當局認為，某些提案是否須受《基本法》第四十八(十)及七十四條約束，必須由行政長官裁定，而非一如《議事規則》第51條所規定，由立法會主席裁定。雖然該兩項條文均沒有明確指出作出裁定者的身份，但從必然含意中看出該等裁定必須由行政長官作出。政府當局認為，由於該等條文的目的是在行政機關的權限之下某些指定範疇內，限制立法會議員的權力，倘立法會主席獲賦權作出裁定，此目的便不能達到，特別是立法會主席的裁定可能有別於行政長官的裁定。

2.28 委員會曾就此問題研究《基本法》的有關條文。由於《基本法》第七十四條並無訂明應由誰人就該等事宜作出決定，加上《基本法》第七十五條賦權立法會自行制定議事規則，因此，委員會不同意政府當局的見解。立法會負責自行制定議事規則，該等規則一方面須符合《基本法》的規定，另一方面則有助立法會以最有效的方式處理事務。《議事規則》現時的有關條文並無抵觸《基本法》。假如《基本法》起草委員的意向是由行政長官作出該等決定，如此重要的規定便應有明文載述。

2.29 委員會認為，把每項法案、議案及修正案提交行政長官作出裁定，不但會擾亂行政機關與立法機關之間的適當制衡，亦會嚴重影響立法會的日常運作。此外，若接納政府當局的論點，《基本法》第四十八(十)條與第七十四條便會自相矛盾，因為前者授權行政長官"批准向立法會提出有關財政收入或支出的動議"，但後者卻絕對禁止提出涉及"公共開支或政治體制或政府運作"的法案。

2.30 委員會又研究過《基本法》所規定行政機關、立法機關和司法機關的權力，以及三者之間的相互關係。從行政機關及立法機關的職能和《基本法》第四十九、五十、五十一及五十二條可見，《基本法》的規定使行政機關與立法機關得以互相規管和監察彼此的工作。根據《議事規則》，立法會主席獲賦權就法案、議案及對法案的修正案可否提交立法會作出裁定。該等規則是用來輔助《基本法》第七十二(二)及(六)條所訂，立法會主席決定立法會議程和行使《議事規則》所規定的其他權力和職能。

2.31 委員會亦察悉，立法會主席就法案是否屬於《基本法》第七十四條所訂的特定範疇作出意見的程序，與前立法局《會議常規》所訂的條文相若。根據該等條文，立法局主席對擬議法案或法案的擬議修正案是否"具有由公帑負擔的效力"作出裁決。訂立該等有關具有由公帑負擔的效力的《會議常規》條文，是要實施《皇室訓令》第XXIV條的規定，當中並無指明誰人有權就該等事宜作出裁定。在立法局主席未由議員互選產生之前，香港總督是以立法局主席的身份，而非政府首長的身份作出有關裁決。此外，委員會曾研究其他司法管轄區和前香港立法局的做法和程序。有關的做法和程序足以證明，由立法機關主席就某議題可否在會議上付諸表決作出裁決的程序，在其他普通法適用地區亦被廣泛採用。

2.32 根據上文所述，委員會認為，規則第51(3)及(4)條並無抵觸《基本法》第七十四條。由立法會主席就議員提出的法案是否涉及《基本法》第七十四條所訂的特定範疇作出裁定，此一程序並無問題。委員會認為該項已在規則第51(3)條中訂定的程序，亦應在規則第51(4)條內清楚訂明，以規定立法會主席如認為某法案涉及政府政策，則就該法案所作的預告須附有行政長官的書面同意。

2.33 至於規則第31、57(6)及69條，委員會仍然認為該等規則是一些"自加"的限制，藉以規管由議員動議而具有由公帑負擔的效力的議案及委員會審議階段修正案。該等規則與其他司法管轄區的財政程序相符。儘管該等規定並未載於《基本法》內，但沒有抵觸《基本法》。委員會認為保留該項程序是合理的，故此不會建議對該等規則作任何修改。

2.34 張健利先生亦認為難以接受政府當局的詮釋。按張先生的意見，《基本法》第七十四條中"提出法律草案"的語句顯然是指有關立法過程的展開，而非指立法過程的其他階段，例如委員會審議階段修正案的動議。此外，規則第51(3)條指明立法會主席為"作出裁定者"亦是正確的。至於《基本法》第四十八(十)條，張先生認為該條文所訂的規定只是對行政機關內部適用，而非適用於議員提出的議案。

2.35 委員會的結論是，《議事規則》沒有抵觸《基本法》第四十八(十)及七十四條，亦無須按政府當局的要求予以修改。具體而言，委員會認為：

- (a) 《基本法》第四十八(十)條(關於行政長官職權的條文)只規管由政府向立法會提出有關財政收入或支出的議案，而非由立法會議員提出的議案；
- (b) 《基本法》第七十四條的限制只適用於議員提出的法案，而不適用於議員對政府法案所提的委員會審議階段修正案；
- (c) 議員提出的法案是否在《基本法》第七十四條所訂的規限內，應由立法會主席裁定；及
- (d) 應保留規管由議員動議而具有由公帑負擔的效力的議案及委員會審議階段修正案的自加限制。

2.36 委員會擬備了兩份報告，分別載述其就"表決程序"和"《基本法》第七十四條的適用範圍"兩項事宜進行商議的結果；該兩份報告業已送交立法會全體議員。此外，委員會亦已在1998年9月23日將該等報告送交政府當局，並要求其從法律觀點作出書面回應。委員會迄今仍未接獲政府當局的回覆。

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IV. 其他曾經研究的事項

關於立法會主席作出意見的規則

4.2 一如第2.32段所述，委員會建議在規則第51(4)條中加入"立法會主席如認為"一語。因應該項擬議修訂，委員會覆檢了在《議事規則》英文本中載有"in the opinion of"、"in his opinion"或"of the opinion"的16條規則，該等用詞均與立法會主席或其他立法會議員作出意見或判斷有關，在中文本的對應詞為"認為"或"裁定"。另一方面，"according to his judgment"(中文對應詞為"根據其判斷")則見於規則第47條(立法會及全委員會的表決)，該用詞與立法會主席或全體委員會主席對表決贊成或反對議題的議員數目作出判斷有關。在研究有關用詞是否恰當時，委員會曾參考相類的語句在海外立法機關及本地法例中的用法。

4.3 在海外立法機關方面，"in the opinion"及"of the opinion"經常見於有關議長或其他議員須就下議院／眾議院各項事務提出意見或作出判斷的會議常規或規則。有關例子包括就下列事宜作出的決定：質詢的急切性、議員的陳述、表決結果、議員發言的優先次序、延期處理議案的議題、繼續就法案條文進行辯論，以及違反特權個案的表面證據是否成立。至於本地的法例，一般而言，"in the opinion of"及"opinion"的中文對應詞分別是"認為"及"意見"，倘若是作出"judgment"便會用"判斷"，而"裁定"則用於法庭的決定。

4.4 按上文所述情況，在立法會作出的"opinions"或可分為3個層次：

- (a) 關乎立法會主席或全體委員會主席所作的簡單判斷，例如對表決贊成或反對議題的議員數目所作的判斷；
- (b) 與立法會的行事方式及議事程序有關的情況，該等"opinions"旨在使議會事務得以順利進行，並確保有效運用立法會的議事時間，而有關的事項一般在主席作出決定後便完結，例如另擇一天繼續處理未完事項、額外提出的質詢是否公眾關注的重要質詢，以及議案或議案修正案是否不合乎規程；及
- (c) 有關決定的後果可能會受立法會以外人士(如政府當局)質疑的情況，例如關於議案是否具有由公帑負擔的效力的決定。

上述(b)及(c)項涉及若干程度的衡量和分析，而屬於(a)項的情況則較為明顯。

4.5 委員會認為，在(a)項的情況下應繼續使用"according to his judgment"(中文對應詞為"根據其判斷")，而在(b)及(c)項的情況下，若有關規則的英文本已使用"opinion"一字，則其中文對應詞應是"認為"。因此，委員會對規則第31條(議案及修正案的規限)、第51條(提交法案的預告)及第57條(法案的修正案)的中文本作出相應修訂。

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議事規則委員會認為須予進一步研究的《基本法》條文

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項目	事項	議事規則／ 參考資料	進展／備註
2	考慮《基本法》第七十四及四十八(十)條的詮釋。	第 31、51(3)、57(6) 及 69(3) 條，《基本法》第四十八(十)及七十四條，以及法律政策專員與法律顧問之間的通信	委員會已在 1998 年 7 月 22 日發出文件 (立法會 CB(1)45/98-99 號文件)，載列其就《基本法》第七十四及四十八(十)條的詮釋進行商議的結果。根據張健利先生提供的獨立法律意見，有關的規則並無抵觸《基本法》。秘書處已在 1998 年 9 月 23 日要求政府當局就委員會的商議結果作出回應。秘書處仍在等候政府當局的回應。

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立法會秘書處

1999 年 4 月 12 日

1999年4月28日立法會會議過程正式紀錄的節錄

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發言

主席：發言。周梁淑怡議員會就《香港特別行政區立法會議事規則》委員會 1998 年 7 月至 1999 年 4 月的工作進度報告向本會發言。

《香港特別行政區立法會議事規則》委員會 1998 年 7 月至 1999 年 4 月的工作進度報告

周梁淑怡議員：主席，本人謹代表《議事規則》委員會，向本會提交《議事規則》委員會於 1998 年 7 月至 1999 年 4 月的工作進度報告。

《議事規則》委員會自 1998 年 7 月 10 日成立以來，一共舉行了 22 次會議，就一系列的事項進行討論，該等事項大致分為以下的類別：

- (一) 實施《基本法》特定條文的有關程序；
- (二) 改善立法會的程序安排；及
- (三) 改進《議事規則》及立法會轄下各委員會的規則所訂條文和程序在文字上的表達方式。

本報告主要概述委員會曾經研究的事項，以及對《議事規則》作出的修訂建議。有關修訂建議的細節，本人稍後會在動議通過修訂《香港特別行政區立法會議事規則》的決議案時再作詳細介紹。

由於在首屆立法會成立的初期，政府當局認為本會的《議事規則》有某些條文抵觸《基本法》，因此委員會首先研究該等事項。其中兩項是有關《議事規則》所載的表決程序是否抵觸《基本法》附件二的規定，以及由議員提出的議案等的條文是否抵觸《基本法》第四十八條(十)項及第七十四條。委員會曾經就此兩項事項與行政署長進行商議，並要求資深大律師張健利先生提供獨立的法律意見，所得的結論是《議事規則》的有關條文並無抵觸《基本法》，亦無須按政府當局的要求予以修改。本人稍後會在動議通過修訂《香港特別行政區立法會議事規則》的決議案時再解釋有關情況。

除上述兩項事項之外，委員會曾研究的重要事項包括：

- (一) 實施根據《基本法》第七十九條(六)項解除議員職務的程序；
- (二) 實施根據《基本法》第七十九條(七)項對議員作出譴責的程序；
- (三) 立法會會期開始的時間；及
- (四) 議案辯論中的發言次序。

有鑑於此等事項的重要性和涉及的範圍廣泛，因此委員會就此等事項先行徵詢全體立法會議員的意見，然後才商定其研究結果。

其中有關實施根據《基本法》第七十九條(六)項解除議員職務的程序，委員會在 1998 年 9 月 9 日的立法會會議上已就其工作提交報告，而對《議事規則》所作出的相應修訂，亦於同日由本會通過。因此，委員會就此事項作出的結論，不會在本人現在提交的報告內重複載述。

最後，本人衷心感謝委員會成員所付出的時間及努力，亦謹代表委員會多謝本會其他同事向委員會所提出的寶貴意見，並多謝秘書處多位工作人員的努力。

謝謝主席。

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立法會 *Legislative Council*

立法會CB(1)1772/99-00號文件

檔 號：CB1/R/3

2000年6月9日
內務委員會會議文件

議事規則委員會

就實施《基本法》第四十九、五十及五十一條
與動議已撤回的修正案進行的研究

目的

本文件旨在概述議事規則委員會(下稱“委員會”)就下列事宜進行研究的結果，以及為訂立與該等事宜有關的程序規則而對《議事規則》和《內務守則》提出的修訂建議：

- (a) 重議行政長官按照《基本法》第四十九條發回的法案；
- (b) 處理在立法會根據《基本法》第五十及五十一條拒絕通過財政預算案後提交立法會的撥款條例草案的程序安排；及
- (c) 動議在原動議人動議前已撤回的修正案。

重議行政長官按照《基本法》第四十九條發回的法案

2. 委員會察悉，首屆立法會候任議員在1998年6月審議《議事規則》的擬本時，曾就處理行政長官按照《基本法》第四十九條發回重議的法案的程序，提出了若干須進一步商議的事項，其後並同意《議事規則》(第66條)當時只須就必要的程序步驟作出規定。委員會對此事進行了詳細的研究，以作跟進。

3. 委員會察悉，根據《基本法》第四十九條，行政長官如認為立法會通過的法案不符合香港特別行政區的整體利益，可在3個月內將法案發回立法會重議。立法會如以不少於全體議員三分之二多數再次通過原案，而行政長官仍拒絕簽署該法案，經協商亦未能取得一致意見時，行政長官可按照《基本法》第五十條解散立法會。鑒於此事性質重要，委員會認為有必要在《議事規則》內訂立機制，以便立法會

處理發回的法案。由於有關機制會牽涉行政長官，因此委員會亦在商議過程的每個階段徵詢政府當局的意見。

4. 委員會及政府當局均認為將法案發回立法會重議是重大的事情，因此只應在非常特殊的情況下，並有充分理由支持，才可採取此做法。政府當局尤其關注如何確保有途徑讓當局與議員進行協商，從而取得一致意見。

5. 委員會察悉，根據《議事規則》現有第66條(發回重議的法案)及現行慣例，提交修訂法案對立法會已通過但行政長官尚未簽署的法案作出修訂，並無任何限制。因此，委員會的意見是，行政長官如認為簽署立法會通過的某項法案不符合香港特別行政區的整體利益，可在同一會期內提交修訂法案，對該項已獲得通過的法案作出修訂。修訂法案一如其他法案，在二讀辯論中止待續時須交付內務委員會研究。內務委員會會決定以何方式進一步處理有關的修訂法案。若在原案獲通過後3個月內能夠取得一致意見並通過修訂法案，該兩項法案均可簽署公佈。若修訂法案的審議工作不可能在該3個月期限屆滿前完成，行政長官須按照《基本法》第四十九條把原案發回立法會重議。發回的法案會按照《議事規則》第66(4)、(5)及(6)條予以處理。因此，委員會認為，現行《議事規則》所訂的機制足以應付根據《基本法》第四十九條發回法案的情況。不過，為求清楚明確，委員會接納政府當局提出修訂規則第66(6)條的建議，以述明內務委員會在決定應以何方式研究發回的法案時，可考慮政府就該法案所提交的修訂法案。規則第66條的修訂建議載於附錄1(a)。

6. 委員會亦建議刪除規則第61(5)條(專責委員會就法案作出報告的程序)，該條款是以往因一時不慎而納入《議事規則》的。規則第61條的修訂建議載於附錄1(b)。

處理在立法會根據《基本法》第五十及五十一條拒絕通過財政預算案後提交立法會的撥款條例草案的程序安排

7. 委員會察悉，《基本法》第五十條亦訂明，立法會如拒絕通過政府提出的財政預算案或其他重要法案，經協商仍不能取得一致意見，行政長官可解散立法會。委員會認為有必要檢討《議事規則》的現有條文，以確保定出適當的程序安排，處理在立法會與政府當局取得一致意見後提交的財政預算案。

8. 委員會察悉，“財政預算案”一詞可包括開支和收入兩部分，因此，委員會認為必須澄清該詞的涵蓋範圍，才能研究有關的程序安排。此事在1999年4月16日內務委員會會議上交付政制事務委員會再作研究。政制事務委員會於2000年2月11日向內務委員會作出報告，表示接納政府當局對《基本法》第五十及五十一條中“財政預算案”一詞的詮釋，即該詞僅指撥款條例草案。

9. 經進一步商議後，委員會接納政制事務委員會的意見，認為“財政預算案”一詞應僅指撥款條例草案。然而，委員會認為立法會否決撥款條例草案二讀或三讀議案的決定，應視為立法會拒絕通過財政預算案。

10. 在程序安排方面，委員會認為，從《基本法》第五十條的規定看來，立法會與政府當局應有機會進行“協商”並“取得一致意見”。若雙方能取得一致意見，政府當局應獲准重新提交一項撥款條例草案，不論該法案與原先遭立法會否決的撥款條例草案是否相同或實質相同。重新提交的撥款條例草案若與原有撥款條例草案相同或實質相同，其處理程序便受規則第51(7)(a)條規限。該條規則規定，如某法案載有與另一項在二讀時業經立法會表決的法案實質相同的條文，則該法案在同一會期內不得繼續進行立法程序。因此，委員會同意此類重新提交的撥款條例草案應獲豁免而不在規則第51(7)(a)條的適用範圍內，並應在規則第51條中加入新的第(7A)款，訂明凡撥款法案的二讀或三讀議案遭否決，可在同一會期內提交另一項所載條文相同或實質相同的撥款法案。政府當局支持規則第51條的修訂建議，該等修訂建議載於附錄1(c)。

11. 委員會亦察悉，政制事務委員會將進一步研究何謂《基本法》第五十條所指的“其他重要法案”。待政制事務委員會就此事進行商議後，委員會會考慮應否給予“重要法案”同樣的豁免，使其不在規則第51(7)(a)條的適用範圍內。

動議在原動議人動議前已撤回的修正案

12. 立法會主席曾要求委員會研究修正案在動議前被以其名義提出該修正案的議員撤回時，其他議員動議相同修正案的程序安排。此事有需要進行檢討，源起於一次事件：曾有兩位議員作出預告會在1999年3月10日對《區議會條例草案》動議修正案，但該兩位議員在全體委員會主席叫喚他們動議修正案前撤回所作預告。一位議員認為如此撤回修正案對他及其他支持該等修正案的議員並不公平。因此，他請求全體委員會主席准許其無經預告而動議有關修正案。考慮到擬議修正案的內容已載於議程，而議員又已有充足時間審議修正案，全體委員會主席遂根據規則第57(2)條，批准該議員可無經預告而動議有關修正案。

13. 委員會察悉，在一般情況下，全體委員會主席根據規則第57(2)條批准議員在委員會審議階段無經預告而動議修正案，只為讓有關議員對其擬議修正案的措辭作出修改，使之與其他剛獲得通過的修正案相符。規則第57(2)條甚少用來容許議員動議任何在動議前已撤回預告的修正案。委員會亦察悉，倘已作出動議修正案預告的議員不想動議有關修正案，《議事規則》沒有條文使經預告的有關修正案可獲考慮和付諸表決。

14. 在參考各海外司法管轄區的做法後，委員會得悉，英國、加拿大及澳洲議會所採取的安排容許多於一位議員動議相同修正案。在英國及加拿大，應動議修正案的議員如在待議議題提出前撤回修正案，該修正案可由名單上的下一位議員動議。在澳洲，由於動議修正案無須作出預告，因此不會有議員因沒有作出預告而未能動議修正案的問題。

15. 委員會認為，只要議員有機會在修正案動議前審議有關修正案，即使最先作出預告的議員不想動議修正案，該修正案也沒有理由不能由另一議員動議。因此，委員會建議作出明文規定，容許多於一位議員就相同修正案作出預告。所有議員均須按情況根據規則第29(6)及57(2)條的適用規定作出預告，而他們的名字會按照立法會秘書接獲預告的先後次序列出。名單上的首位議員須被叫喚動議有關修正案。如該議員已撤回或決定不動議修正案，名單上的下一位議員將被叫喚動議有關修正案；如該議員亦已撤回或決定不動議修正案，下一位議員將被叫喚，直至名單上的最後一位議員為止。

16. 為實行上述安排，委員會建議修訂《議事規則》第30條(議案及修正案的預告方式)和第35條(議案及修正案的撤回)，以及在《內務守則》中加入新的第19A條(議案的修正案)。規則第30及35條的修訂建議和擬議新的《內務守則》第19A條，分別載於附錄1(d)、1(e)及2。

徵詢意見

17. 謹請議員察悉附錄1及2分別所載《議事規則》與《內務守則》的修訂建議。

18. 視乎議員所提出的意見，議事規則委員會主席周梁淑怡議員會在2000年6月21日的立法會會議上動議議案，以便按建議對《議事規則》作出修訂。為符合12整天的預告期規定，周梁淑怡議員已作出動議議案的預告。《內務守則》會在有關議案獲得通過後作出修訂。

立法會秘書處
議會事務部1
2000年6月7日

建議對《議事規則》第66條作出的修訂

66. 發回重議的法案

(1) 立法會通過的法案如須發回立法會重議，有關的預告須於該法案獲通過後的3個月內送交立法會秘書；該預告須附有法案文本，以及由行政長官簽署的證明書，證明其根據《基本法》第四十九條將該法案發回立法會重議。

(2) 立法會秘書接獲須予重議的法案後，須安排將該法案的一份文本送交每名議員，並在憲報刊登該法案全文，除非立法會主席指示在立法會會議上宣讀該發回的法案的簡稱前，該法案不須在憲報刊登。

(3) 該法案的簡稱須按立法會主席的指示列入立法會會議的議程內。

(4) 在立法會秘書讀出法案簡稱後，一名獲委派官員可以就該法案發回發言，該法案隨即交付內務委員會，除非立法會就任何議員提出的一項可無經預告而動議的議案另有命令。

(5) 立法會如命令法案不須交付內務委員會，即當作已命令安排就該法案動議一項“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案，該議案可由任何議員無經預告而動議。會議紀要內須記錄立法會作出此項命令。

(6) 如發回的法案交付內務委員會，內務委員會須立即安排(如認為有需要，可連同任何為修訂該發回的法案而提交並已交付內務委員會的法案)按其認為適當的方式研究該發回的法案。內務委員會在完成該發回的法案的商議工作後，可在立法會會議上動議一項“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案。

(7) 議員不得動議修正根據第(5)或(6)款動議的議案。

(8) 如贊成“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案的議員數目不少於全體議員三分之二多數，立法會秘書須讀出該法案的簡稱，並在該法案末端寫上“由香港特別行政區立法會於今天重議，並以不少於全體議員三分之二多數通過”，並註明日期。立法會秘書須核證該法案的真確本一份，並將之呈交行政長官簽署。

(9) 如贊成“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案的議員數目少於全體議員三分之二多數，立法會秘書須讀出該法案的簡稱，並在該法案末端寫上“由香港特別行政區立法會於今天重議，贊成行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過的議案的議員少於全體議員三分之二多數”，並註明日期。立法會秘書須核證該法案的真確本一份，並將之呈交行政長官。

(10) 在有關該法案的議案根據第(5)或(6)款動議前，如行政長官已根據《基本法》第七十六條簽署發回的法案，而立法會秘書亦已接獲有關通知，則不得就該法案再進行任何程序。

建議對《議事規則》第61條作出的修訂

61. 專責委員會就法案作出報告的程序

(1) 專責委員會就法案作出報告後，立法會可藉一項由該專責委員會主席動議採納該報告的議案，審議專責委員會所呈報的法案。

(2) 如該議案未經修正而獲通過，立法會即當作已命令將該法案進行三讀，而會議紀要內須記錄立法會作出此項命令；負責該法案的議員無須就三讀作出預告。

(3) 議員可就一項根據第(1)款動議的採納法案專責委員會報告的議案動議修正案，於原議案後加入以下字句：“但須將該法案(全部，或某部分，或擬議新條文，或擬議新附表)再付委予全體委員會”。

(4) 如該議案按照第(3)款修正後獲得通過，該法案按議案的規定即告再付委，而立法會則須立即轉變為全體委員會審議該法案。

~~——(5)——本條不適用於為審議行政長官發回立法會重議的法案而成立的專責委員會就法案作出報告的程序。~~

建議對《議事規則》第51條作出的修訂

51. 提交法案的預告

(1) 議員或獲委派官員可隨時作出預告，表明有意提交法案；該預告須送交立法會秘書辦事處，並須附有法案文本及本議事規則第50條(法案的格式)所規定的摘要說明；如作出預告者為議員，則須附有由法律草擬專員按第(2)款的規定簽署的證明書。

(2) 對於由議員提交的法案，法律草擬專員如信納該法案符合本議事規則第50條(法案的格式)的規定及香港法例的一般格式，即須簽發證明書加以證明。

(3) 立法會主席如認為任何由立法會議員個別或聯名提出的法案涉及公共開支或政治體制或政府運作，該法案即不得提出。

(1999年第107號法律公告)

(4) 立法會主席如認為某法案涉及政府政策，則就該法案所作的預告須附有由行政長官對該法案的書面同意。

(1999年第107號法律公告)

(5) 如法案依據《法定語文條例》(第5章)第4(3)條所發出的指示，以一種法定語文提交，則預告須附有證明書，說明行政長官會同行政會議已指示該法案須以中文或英文(視乎所提交文本的語文而定)提交。

(6) 由議員提交的法案如具有本議事規則第50(8)條(法案的格式)所述的意向，則預告須附有由該議員簽署的證明書，說明該法案已連續兩期在憲報刊登，並已在每日在本港出版的中英文報章各一份各刊登廣告兩次，就該法案作出預告。

(7) (a) 除第(7A)款及本議事規則第66條(發回重議的法案)另有規定外，如立法會主席認為某法案載有與另一項在二讀時業經立法會表決的法案實質相同的條文，則該法案在同一會期內不得繼續進行立法程序，並須予撤回。

(b) 如某法案在二讀後被撤回，則另一項載有實質相同條文的法案可在同一會期內提交，但該另一項法案必須符合本議事規則第50條(法案的格式)、本條及第52條(法案的提交及刊登)的規定。

(7A) 凡撥款法案的二讀或三讀議案遭否決，可在同一會期內提交另一項所載條文相同或實質相同的撥款法案。

(8) 在其後就該法案所進行的整個過程中，提交法案的議員稱為負責該法案的議員。如法案由多於一名議員聯名提出，則該等議員須於提交法案時指定其中一人為負責該法案的議員，而該負責議員須在提交法案的預告上如此示明。

(9) 在其後就該法案所進行的整個過程中，提交法案的官員稱為負責該法案的官員；而本議事規則所提述負責法案的議員，亦包括負責法案的官員。

建議對《議事規則》第30條作出的修訂

30. 議案及修正案的預告方式

(1) 議員就議案或修正案作出預告，須將該議案或修正案以書面送達立法會秘書辦事處。在符合《基本法》第七十三(九)條的規定下，擬動議議案或修正案的議員須在該預告上簽署，與議案或修正案動議人聯合提出議案或修正案的其他議員，須在該預告上聯署。

(1A) 議員根據本議事規則第49B(1A)條(取消議員的資格)動議議案的預告，除由擬動議議案的議員簽署外，須由另外3名議員簽署。
(1999年第107號法律公告)

(2) 如議案以中文撰寫，有關修正該議案的預告須以中文撰寫；如議案以英文撰寫，則有關修正該議案的預告須以英文撰寫。

(3) 就議案或修正案所作預告，須呈交立法會主席，由其指示按以下方式處理——

- (a) 按所交來的原有措辭印載；或
- (b) 按其指示修改，然後予以印載；或
- (c) 因其認為不合乎規程，將該預告退回簽署該預告的議員。

(4) 如立法會秘書就相同修正案接獲多於一項預告，最早作出預告而未有撤回該預告的議員為修正案的動議人。

建議對《議事規則》第35條作出的修訂

35. 議案及修正案的撤回

(1) 經預告的議案或修正案在動議之前，可隨時由以其名義動議該議案或修正案的動議人議員指示立法會秘書將其撤回。

(2) 議案或修正案的議題在付諸表決之前，可應動議人的要求予以撤回，惟須在無議員提出異議的情況下，獲立法會或全體委員會許可。經撤回的議案或修正案可再次動議，但議案則須按本議事規則的規定作出預告。

擬議新的《內務守則》第19A條

19A. 議案的修正案

- (a) 議員可作出預告就議案或法案提出相同修正案，但須符合《議事規則》第29(6)及57(2)條所訂的適用預告規定。
- (b) 若有超過一位議員就相同修正案作出預告，有關修正案會載於作出修正案預告的議員名單之下發出，而名單上議員會按照立法會秘書接獲其修正案預告的先後次序排列。
- (c) 名單上的首位議員須被叫喚動議有關修正案。如該議員已撤回修正案預告或決定不動議修正案，名單上的下一位議員將被叫喚動議有關修正案；如該議員亦已撤回修正案預告或決定不動議修正案，下一位議員將被叫喚，直至名單上的最後一位議員為止。

2000年6月9日內務委員會會議紀要的節錄

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VI. 將於 2000 年 6 月 21 日立法會會議席上處理的事項

(e) 議員議案

(i) 根據《中華人民共和國香港特別行政區基本法》第七十五條提出的決議案—由周梁淑怡議員動議

31. 內務委員會主席表示，該決議案旨在修訂《議事規則》第 23、25、30、31、35、51、61 及 66 條。

32. 內務委員會主席進一步表示，在 2000 年 4 月 28 日會議上，議員同意議事規則委員會主席在今個會期的立法會會議上動議議案，修訂《議事規則》第 23、25 及 31 條，就避免預議規則應用於議會事務作出規定。他補充，該委員會會在下文議程第 XI(a)項下，就修訂規則第 30、35、51、61 及 66 條作出報告。

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XI. 議事規則委員會提交的文件

(a) 就實施《基本法》第四十九、五十及五十一條與動議已撤回的修正案進行的研究

(立法會 CB(1)1772/99-00 號文件)

107. 議事規則委員會主席周梁淑怡議員簡介有關文件，當中詳述委員會就實施《基本法》第四十九、五十及五十一條和動議在原動議人動議前已撤回的修正案等事宜進行研究的結果。

108. 周梁淑怡議員請議員留意文件第 5 段，並表示委員會已接納政府當局提出修訂《議事規則》第 66(6)條的建議，以述明內務委員會在決定應以何方式研究根據《基本法》第四十九條發回的法案時，可考慮政府就該法案所提交的修訂法案。

109. 周梁淑怡議員繼而扼述委員會就處理在立法會根據《基本法》第五十及五十一條拒絕通過財政預算案後提交立法會的撥款條例草案所涉程序安排進行商議的結果，詳情載於文件第 10 段。

110. 周梁淑怡議員亦解釋文件第 15 及 16 段所載的委員會建議，該建議關乎在《議事規則》及《內務守則》作出明文規定，容許多於一位議員就相同修正案作出預告。

111. 周梁淑怡議員補充，為符合 12 整天的預告期規定，她已作出預告，將於 2000 年 6 月 21 日立法會會議上動議議案，按照載於文件附錄 1(a)至(e)的方式對《議事規則》作出修訂。

112. 何俊仁議員表示，屬於民主黨的立法會議員認為，《基本法》第五十及五十一條中"財政預算案"一詞應包括開支及收入兩部分。他們認為，立法會若否決撥款條例草案或任何重要的收入建議，該兩條所訂立的機制便應予啟動。

113. 議員對周梁淑怡議員在 2000 年 6 月 21 日立法會會議上動議修訂《議事規則》的議案並無異議。

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立法會秘書處

2000 年 6 月 15 日

香港特別行政區立法會議事規則委員會
1999年5月至2000年6月的工作進度報告的節錄

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2. 實施《基本法》的條文

處理有關立法會根據《基本法》第五十條拒絕通過財政預算案的程序安排

2.15 在程序安排方面，委員會認為，從《基本法》第五十條的規定看來，立法會與政府當局應有機會進行"協商"並"取得一致意見"。若雙方能取得一致意見，政府當局應獲准重新提交一項撥款條例草案，不論該法案與原先遭立法會否決的撥款條例草案是否相同或實質相同。重新提交的撥款條例草案若與原有撥款條例草案相同或實質相同，其處理程序便受《議事規則》第51(7)(a)條規限。該條規則規定，如某法案載有與另一項在二讀時業經立法會表決的法案實質相同的條文，則該法案在同一會期內不得繼續進行立法程序。因此，委員會同意此類重新提交的撥款條例草案應獲豁免而不在規則第51(7)(a)條的適用範圍內，並應在規則第51條中加入新的第(7A)款，訂明凡撥款法案的二讀或三讀議案遭否決，可在同一會期內提交另一項所載條文相同或實質相同的撥款法案。政府當局支持上述規則第51條的修訂建議。

2.16 委員會亦察悉，政制事務委員會將進一步研究何謂《基本法》第五十條所指的"其他重要法案"。待政制事務委員會就此事進行商議後，委員會會考慮應否給予"重要法案"同樣的豁免，使其不在規則第51(7)(a)條的適用範圍內。

2.17 關於處理行政長官按照《基本法》第五十一條提出的臨時撥款申請的程序安排，委員會察悉，根據《公共財政條例》(第2章)第7(1)條，立法會可在撥款條例制定前藉決議批准將某財政年度的政府服務開支記在政府一般收入上。委員會贊同政府當局的意見，認為《公共財政條例》第7(1)條的立法用意及目的，可能已涵蓋拒絕通過撥款條例草案的情況，因此沒有需要就《公共財政條例》作任何修訂或補充。委員會又認為，立法會可根據《議事規則》G部(議案)所規定的程序處理藉議案方式提出的臨時撥款申請。因此，委員會同意無須就此事制定任何法例或程序規則。

2.18 至於行政長官行使憑藉《基本法》第五十一條獲賦予的權力，在立法會被解散後批准臨時短期撥款所涉及的程序，委員會認為不宜由立法會決定有關程序。

2.19 委員會在2000年6月9日內務委員會會議上向內務委員會提出此事，徵詢議員意見。議員對規則第51條的修訂建議並無提出疑問。然而，委員會察悉，民主黨的議員認為《基本法》第五十及五十一條中"財政預算案"一詞應有更廣的涵義，當中應包括開支和收入。

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議事規則委員會

在 1998 至 2000 年立法會任期內
研究的事項一覽表

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項目	事項	參考資料	進展／備註
5	<p>考慮需否制訂具體規則，以便立法會：</p> <p>(a) 審議在立法會拒絕通過財政預算案後提交的撥款條例草案；及</p> <p>(b) 如拒絕通過政府提出的財政預算案，可考慮行政長官提出的臨時撥款申請。</p>	《基本法》第五十及五十一條，《議事規則》第 51 條	<p>內務委員會已在 2000 年 6 月 9 日通過規則第 51 條的修訂建議。</p> <p>修訂《議事規則》的決議案將在 2000 年 6 月 21 日的立法會會議上動議。</p>
14	研究關於立法會主席及其他議員作出意見和將有直接金錢利益的議員的表決作廢的條文，以及有關議員示意發言的規定。	《議事規則》第 31、36、51、57 及 84 條	<p>內務委員會已分別在 1999 年 1 月 19 日及 2 月 9 日通過規則第 31、36、51、57 及 84 條的修訂建議。</p> <p>修訂《議事規則》的決議案在 1999 年 4 月 28 日的立法會會議上獲得通過。</p>

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2000 年 6 月 21 日立法會會議過程正式紀錄的節錄

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主席：周梁淑怡議員會就《香港特別行政區立法會議事規則》委員會 1999 年 5 月至 2000 年 6 月的工作進度報告向本會發言。

《香港特別行政區立法會議事規則》委員會 1999 年 5 月至 2000 年 6 月的工作進度報告

周梁淑怡議員：主席，本人謹代表《議事規則》委員會，向本會提交《議事規則》委員會 1999 年 5 月至 2000 年 6 月的工作進度報告。

這份報告是《議事規則》委員會自 1998 年 7 月 10 日成立以來向大會提交的第二份報告。報告載述委員會在過去 1 年就下列 3 大類事項所進行的研究：

第一，實施《基本法》第四十九、五十及五十一條的程序安排；

第二，改善立法會的程序安排；及

第三，改善立法會轄下委員會的程序安排。

這份報告亦載述委員會就上述事項對《議事規則》作出的修訂建議，當中有關“辯論時發言的規則”及“致謝議案的預告規定”的修訂建議，已於 4 月 5 日在本會獲得通過；至於其餘的修訂建議，本人會在今次會議的稍後時間動議通過有關的決議案，屆時本人會就建議修訂的條文，詳細解釋。

由於這份報告是總結委員會在本任期內的工作，本人想在此講述一下委員會在執行職務時所採取的工作模式。我們認為制訂立法會《議事規則》，是一件十分重要和嚴肅的工作，所以當我們檢討任何事宜時，必定先進行十分詳細的研究，包括參考其他地區的做法和香港本身的先例和慣常做法。我們亦從不同的角度，以開放的態度探討各種可行方案，經過反覆的討論後，將建議提交內務委員會，進行諮詢，然後才正式提交大會建議通過。

當研究的事宜涉及《基本法》的實施或可能影響政府方面的工作時，我們會諮詢政府，例如在考慮實施《基本法》第四十九條有關行政長官將立法會已通過的法案發回重議的程序時，我們透過秘書處，與行政署長進行了多次討論。我稍後代表委員會作出的修訂建議，是完全照顧到政府和立法機關兩方面的需要的。

在考慮實施《基本法》第五十條有關立法會拒絕通過財政預算案後的程序時，委員會亦就“財政預算案”一詞的解釋，透過改制事務委員會理解政府的看法，而最後委員會亦接受政府在這方面的看法，並建議有關的程序安排。

由本人以上所述的，大家可以看到，在我們提出任何程序上的修改或建議之前，委員會的委員和秘書處的同事做了很多工夫，但我們認為這些工作是必須和值得做的，因為我們所制訂的，是一個令立法機關可以有效地工作，而又能照顧到立法會每一位議員的應有權利的運作模式。

本人很感激各位議員對委員會的支持和信任，亦藉此機會感謝秘書處同事兩年來以高度的專業水準對委員會作出的貢獻。

謝謝主席。

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2000 年 6 月 22 日立法會會議過程正式紀錄的節錄

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議員議案

主席：議員議案。根據《中華人民共和國香港特別行政區基本法》第七十五條動議的決議案。

根據《中華人民共和國香港特別行政區基本法》第七十五條動議的決議案

周梁淑怡議員：主席女士，我動議通過以我名義提出有關修訂《香港特別行政區立法會議事規則》的決議案，決議案的內容已載列於議程內。

議事規則委員會今次就《議事規則》作出的修訂建議，主要是關於以下 4 個事項：

第一項是修改《議事規則》第 66 條，以改善現時《議事規則》就行政長官按照《基本法》第四十九條將立法會已通過的法案發回重議的程序安排。委員會所考慮的是，如何讓行政長官在認為簽署立法會通過的某項法案不符合香港特別行政區的整體利益時可提出其他建議，以便立法會與政府當局可取得一致意見。委員會在參考過本會在處理法案的慣常做法後，認為行政長官可提交一項修正法案對該法案作出修正。修正法案將如其他法案一般處理。因此，委員會認為現行《議事規則》所訂的機制足以應付根據《基本法》第四十九條發回法案的情況。不過，委員會亦接納政府當局的建議，在規則第 66 條第(6)款內，說明如果行政長官按照《基本法》第四十九條的規定，在 3 個月內將原案發回立法會重議，內務委員會在決定如何處理該發回的法案時，亦須同時考慮任何就該法案所提交的修正法案。

第二項是有關立法會根據《基本法》第五十條拒絕通過財政預算案後的程序安排。正如我較早前在提交委員會的工作進度報告時指出，委員會經內務委員會同意，邀請政制事務委員會就《基本法》第五十及五十一條中“財政預算案”一詞的詮釋，徵詢政府當局的意見。根據政府當局提交政制事務委員會的文件中指出，《基本法》及香港法例均沒有界定“財政預算案”一詞的涵義。不過，如果就有關係文的目的而作出相應的解釋，《基本法》第五十、五十一及五十二條實際上是有連續性而互相關連的。《基本法》第五十一條條文訂明，如立法會拒絕通過財政預

算案，行政長官可向立法會申請臨時撥款。“撥款”一詞，毫無疑問是指一般透過每年的《撥款條例草案》撥款備付政府開支。因此，政府當局認為《基本法》第五十及五十一條中的“財政預算案”一詞，是指財政預算的開支部分，亦即是《撥款條例草案》。

就此，政制事務委員會於今年 2 月向內務委員會提交報告，表示接納政府當局的看法。委員會經商議後，接納政制事務委員會的意見，認為“財政預算案”一詞應僅指《撥款條例草案》。基於此項詮釋，委員會研究有關的程序安排。委員會認為，在《撥款條例草案》被否決後，立法會與政府當局如經協商後取得一致意見，政府當局應獲准重新提交一項《撥款條例草案》。就此，委員會建議修訂《議事規則》第 51 條，訂明如《撥款條例草案》的二讀或三讀議案遭否決，可在同一會期內提交另一項所載條文相同或實質相同的《撥款條例草案》。政府當局支持此項修訂建議。

第三項是將“避免預議規則”應用於議會事務。委員會認為，“避免預議規則”可以協助議會以最有效的形式來處理議會事務及運用議會時間。該規則應適用於質詢、議案及法案。至於委員會討論的事宜，委員會認為“避免預議規則”的應用，應規限於常設委員會、專責委員會或獲立法會授權而進行調查的委員會正在審議的事宜。就此，委員會認為不得以效力較小的議事形式，即是質詢和無法律效力的議案，預先討論上述委員會正在審議的事宜。委員會認為有需要在《議事規則》訂明有關的規定，並建議修訂規則第 25 及 31 條。

第四項是有關容許其他議員動議一項已撤回的修正案的程序安排。委員會在參考過其他議會的做法後，認為應該容許超過 1 位議員就相同的修正案作出預告。如果最先作出預告的議員不想動議修正案，該修正案亦可由下一位已作出預告的議員動議。排列次序是按照立法會秘書接獲預告的先後次序列出。為實施上述安排，委員會建議修訂《議事規則》第 30 及 35 條。

謹請各位議員支持我的決議案，對《議事規則》作出修訂。

謝謝主席女士。

周梁淑怡議員動議的議案如下：

“議決將《香港特別行政區立法會議事規則》修訂 —

(1) 在第 23(3)條中，廢除兩度出現的“不具”而代以“不擬具”；

(2) 在第 25 條中 —

(a) 廢除第(1)(e)款；

(b) 加入 —

“(3) 立法會主席如認為根據本議事規則第 24(2)條（質詢預告）作出預告的質詢或其中某部分的主題與下述事宜的主題實質相同 —

(a) 在另一項較早時已作出預告會在同一次立法會會議上提出的質詢中提出的事宜；或

(b) 在較早時已作出預告會在某次立法會會議上提出的議案或法案中提出的事宜；或

(c) 常設委員會、專責委員會或獲立法會授權對某事宜進行調查的委員會正在審議的事宜，

立法會主席可指示通知有關議員該質詢或質詢的有關部分不合乎規程。”；

(3) 在第 30 條中，加入 —

“(4) 如立法會秘書就相同修正案接獲多於一項預告，最早作出預告而未有撤回該預告的議員為修正案的動議人。”；

(4) 在第 31 條中 —

(a) 將該條重訂為第 31(1)條；

(b) 加入 —

“(2) 如有議員就某項不擬具立法效力的議案（不屬由獲委派官員提出的議案）作出預告，而該議案的主題與下述議案、法案或事宜的主題實質相同 —

- (a) 擬具立法效力的議案或法案，該議案或法案較早時已作出會在某次立法會會議上提出的預告；或
- (b) 常設委員會、專責委員會或獲立法會授權對某事宜進行調查的委員會正在審議的事宜，

立法會主席須因其認為不合乎規程，指示將該預告退回簽署該預告的議員。”；

(5) 在第 35(1)條中，廢除“動議人”而代以“議員”；

(6) 在第 51 條中 —

(a) 在第(7)(a)款中，在“本議事規則”之前加入“第(7A)款及”；

(b) 加入 —

“(7A) 凡撥款法案的二讀或三讀議案遭否決，可在同一會期內提交另一項所載條文相同或實質相同的撥款法案。”；

(7) 廢除第 61(5)條；

(8) 在第 66(6)條中，在“安排”之後加入“(如認為有需要，可連同任何為修訂該發回的法案而提交並已交付內務委員會的法案)”。”

主席：是否有議員想發言？

（沒有議員表示想發言）

主席：我現在向各位提出的待決議題是：周梁淑怡議員動議的議案，內容一如議程所載，予以通過。現在付諸表決，贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得經由功能團體選舉產生及分區直選和選舉委員會選舉產生的兩部分在席議員，分別以過半數贊成。我宣布議案獲得通過。

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2000 年第 228 號法律公告

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

立法會於 2000 年 6 月 22 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決將《香港特別行政區立法會議事規則》修訂——

- (1) 在第 23(3) 條中，廢除兩度出現的“不具”而代以“不擬具”；
- (2) 在第 25 條中——
 - (a) 廢除第(1)(e) 款；
 - (b) 加入——

“(3) 立法會主席如認為根據本議事規則第 24(2) 條(質詢預告)作出預告的質詢或其中某部分的主題與下述事宜的主題實質相同——

- (a) 在另一項較早時已作出預告會在同一次立法會會議上提出的質詢中提出的事宜；或
- (b) 在較早時已作出預告會在某次立法會會議上提出的議案或法案中提出的事宜；或
- (c) 常設委員會、專責委員會或獲立法會授權對某事宜進行調查的委員會正在審議的事宜，

立法會主席可指示通知有關議員該質詢或質詢的有關部分不合乎規程。”；

- (3) 在第 30 條中，加入——
“**(4)** 如立法會秘書就相同修正案接獲多於一項預告，最早作出預告而未有撤回該預告的議員為修正案的動議人。”；
- (4) 在第 31 條中——
(a) 將該條重訂為第 31(1) 條；
(b) 加入——
“**(2)** 如有議員就某項不擬具立法效力的議案（不屬由獲委派官員提出的議案）作出預告，而該議案的主題與下述議案、法案或事宜的主題實質相同——
(a) 擬具立法效力的議案或法案，該議案或法案較早時已作出會在某次立法會會議上提出的預告；或
(b) 常設委員會、專責委員會或獲立法會授權對某事宜進行調查的委員會正在審議的事宜，
立法會主席須因其認為不合乎規程，指示將該預告退回簽署該預告的議員。”；
- (5) 在第 35(1) 條中，廢除“動議人”而代以“議員”；
- (6) 在第 51 條中——
(a) 在第 (7)(a) 款中，在“本議事規則”之前加入“第 (7A) 款及”；
(b) 加入——
“**(7A)** 凡撥款法案的二讀或三讀議案遭否決，可在同一會期內提交另一項所載條文相同或實質相同的撥款法案。”；
- (7) 廢除第 61(5) 條；

- (8) 在第 66(6) 條中，在“安排”之後加入“(如認為有需要，可連同任何為修訂該發回的法案而提交並已交付內務委員會的法案)”。

立法會秘書
馮載祥

2000 年 6 月 22 日

2001年6月29日內務委員會會議紀要的節錄

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VI. 將於2001年7月11日立法會會議席上處理的事項

(e) 議員議案

(i) 根據《中華人民共和國香港特別行政區基本法》
第七十五條提出的決議案 — 由曾鈺成議員動議

(議案措辭已於2001年6月21日隨立法會
CB(3)821/00-01號文件發出。)

60. 內務委員會主席表示，曾鈺成議員將於2001年7月11日動議上述議案。她提醒議員，每位議員的發言時間以15分鐘為限。

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立法會秘書處
2001年7月5日

《中華人民共和國香港特別行政區基本法》

決議

(根據《中華人民共和國香港特別行政區基本法》第七十五條)

《香港特別行政區立法會議事規則》

議決將《香港特別行政區立法會議事規則》修訂 ——

(1) 廢除第 50(8)條而代以 ——

“(8) 法案如屬《私人條例草案條例》(第 69 章)所界定的“私人條例草案”，則必須載有以下條文：

“保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過或藉著他們提出申索者除外。”。

(2) 在第 51(6)條中，廢除“具有本議事規則第 50(8)條(法案的格式)所述的意向”而代以“屬本議事規則第 50(8)條(法案的格式)所提述者”。

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

立法會於 2001 年 7 月 12 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決將《香港特別行政區立法會議事規則》修訂 ——

(1) 廢除第 50(8)條而代以 ——

“(8) 法案如屬《私人條例草案條例》(第 69 章)所界定的“私人條例草案”，則必須載有以下條文：

“保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過或藉著他們提出申索者除外。”。

(2) 在第 51(6)條中，廢除“具有本議事規則第 50(8)條(法案的格式)所述的意向”而代以“屬本議事規則第 50(8)條(法案的格式)所提述者”。

立法會秘書
馮載祥

2001 年 7 月 12 日

**香港特別行政區立法會議事規則委員會
2000年10月至2001年6月的工作進度報告的節錄**

X X X X X X

4. 修飾條文和程序規則的用語

4.1 在2000至2001年度會期內，委員會修飾了《議事規則》的條文和《內務守則》中文本的措辭。

私人法案中的保留條文

4.2 委員會察悉，在1997年7月1日回歸前，《皇室訓令》規定每條私人法案均須載有"保留女皇陛下、其世襲繼承人及其繼任人的權利"的條文。當時立法局的《會議常規》亦加入了該項條文。在回歸後，香港特別行政區第一屆立法會於1998年7月訂立《議事規則》時，採納了《會議常規》中的保留條文，但把當中的措辭適應化修改為保留"政府的權利"(《議事規則》第50(8)條)。

4.3 然而，憑藉〈全國人民代表大會常務委員會關於根據《中華人民共和國香港特別行政區基本法》第一百六十條處理香港原有法律的決定〉(下稱"〈全國人大常務委員會的決定〉")附件三第10段所載的原則，任何對保留條文的提述，須解釋為"本條例的條文不影響亦不得視為影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利(*nothing in this Ordinance shall affect or be deemed to affect the rights of the Central People's Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws*)"。政府當局在1998年10月提交《1998年法律適應化修改條例草案》；該法案旨在對若干法例作多項適應化修改，其中一項是按〈全國人大常務委員會的決定〉附件三所載，對保留條文作適應化修改。鑒於〈全國人大常務委員會的決定〉內某些用語的中英文本存在差異("中央(Central People's Government)"、"和其他法律(*or other laws*)")，政府當局接納有關法案委員會的意見，對該法案提出委員會審議階段修正案，建議在英文本中以"Central Authorities"取代"Central People's Government"，以及以"*and other laws*"取代"*or other laws*"，藉以反映中文本內相應用語的涵義。該法案經修正後於1999年4月28日獲得通過，並制定成為《1999年法律適應化修改(第5號)條例》。

4.4 基於以上情況，委員會認為有必要使《議事規則》第50(8)條所訂保留條文的措辭與上述法律適應化修改條例所訂保留條文的措辭一致。

4.5 由於提交私人法案的預告須附有由法律草擬專員簽署的證明書，證明有關法案符合《議事規則》第50條的規定及香港法例的一般格式，因此委員會曾就規則第50(8)條的修訂建議，徵詢法律草擬專員的意見。委員會與法律草擬專員雙方同意的有關擬議修訂獲內務委員會支持。另外，規則第51(6)條亦會作出相應修訂。

4.6 委員會主席曾鈺成議員將於2001年7月11日的立法會會議上，動議修訂《議事規則》第50(8)及51(6)條的議案。

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議事規則委員會

在 2000 至 2001 年度立法會會期內
研究的事項一覽表

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項目	事項	參考資料	進展／備註
2	考慮是否需要修改規則第 50(8)條內有關保留條文(即保留政府權利)的措辭,使其符合立法會就若干條例所載保留條文作出的決定。	《議事規則》第 50(8)及 51(6)條	內務委員會已在 2001 年 5 月 25 日通過規則第 50(8)條的修訂建議。 修訂《議事規則》的議案將在 2001 年 7 月 11 日的立法會會議上動議。

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立法會秘書處
2001 年 6 月 29 日

2001年7月11日立法會會議過程正式紀錄的節錄**X X X X X X****發言**

主席：發言。曾鈺成議員會就議事規則委員會 2000 年 10 月至 2001 年 6 月的工作進度報告向本會發言。

香港特別行政區立法會議事規則委員會 2000 年 10 月至 2001 年 6 月的工作進度報告

曾鈺成議員：主席，我以議事規則委員會主席的身份，向本會提交《香港特別行政區立法會議事規則委員會 2000 年 10 月至 2001 年 6 月的工作進度報告》。

這份報告重點載述委員會在過去 1 年就 3 方面所進行的研究：

- (一) 檢討與立法會會議有關的程序安排；
- (二) 檢討立法會轄下委員會的程序和工作機制；及
- (三) 修飾條文和程序規則的用語。

首先，在檢討與立法會會議有關的程序安排方面，委員會就施政報告辯論的程序安排作出詳細的研究和討論。由於《基本法》第七十三條(四)項訂明立法會的職能之一，是聽取行政長官的施政報告並進行辯論，委員會就現時與“致謝議案”有關的程序進行檢討，其中包括現有議案措辭是否恰當，以及對該議案提出修正案的安排。

經過研究之後，委員會認為目前藉動議議案的方式辯論施政報告的安排，與《基本法》並無抵觸。在議案措辭方面，委員會認為應保留現時所用的措辭，即“本會感謝行政長官發表施政報告”。

至於議案修正案，委員會認為應保留現行的安排，即是只可在議案句末增添字句。

在檢討“致謝議案”的程序時，委員會認為現時採用的辯論模式可以有所改善。在參考過其他司法管轄區的做法後，委員會認為如果辯論按政策範疇進行，則辯論的焦點便會更為集中，效率亦會更高。經諮詢內務委員會及政府當局後，委員會建議改變現時由議員兩天發言、政府官員一天答辯的程序安排，而採用就特定政策範疇進行 3 天 6 節的辯論及就一般政策進行一天辯論的新模式。有關的政策局局長將在有關的辯論環節中作出回應。

委員會將繼續研究有關的細節安排，以期在下一會期就 2001 年施政報告進行辯論時，可試行新安排。

至於在檢討立法會轄下委員會的程序和工作機制方面，委員會應內務委員會的邀請，研究吳靄儀議員就事務委員會及法案委員會審議立法及財務建議的工作機制所提出的建議。

在研究過程中，委員會曾研究香港立法機關審議立法及財務建議的現行安排，並參考過海外國家包括英國、澳洲、加拿大及美國的立法機關在此方面的做法。委員會亦邀請了各事務委員會的正副主席及政府當局的代表，對現行工作機制及吳靄儀議員的建議提出意見。

經考慮事務委員會主席及政府當局的意見後，委員會定出一系列改善措施，其中包括要求政府當局在切實可行範圍內，盡早就重大的立法及財務建議諮詢有關的事務委員會，並在有關的事務委員會會議舉行最少一星期前提供文件，以及要求政府當局定期提供立法議程的最新資料。該等措施在今年 1 月獲內務委員會接納後，已交政府當局跟進。委員會隨後在 5 月檢討有關情況，並於 6 月 15 日向內務委員會提交報告，進一步建議要求政府當局就提交討論文件的時間，以及就財務建議諮詢事務委員會的文件資料兩方面作出改善。

在修飾條文和程序規則的用語方面，委員會就《議事規則》的一些條文作出修飾的建議，以及就《內務守則》中文本所用的措辭進行詳細的檢討和修訂。我將於稍後動議一項決議案，就委員會的建議對《議事規則》作出修正。

最後，我想藉此機會感謝各位議員對委員會的工作給予的支持及寶貴意見。

謝謝主席。

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2001年7月12日立法會會議過程正式紀錄的節錄

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根據《中華人民共和國香港特別行政區基本法》第七十五條動議的決議案

曾鈺成議員：主席，我動議通過以我名義提出有關修訂《香港特別行政區立法會議事規則》的決議案。決議案的內容已載列於議程內。

議事規則委員會今次就《議事規則》提出的修訂建議，主要是令規則中第 50 條第(8)款所訂有關“私人條例草案”的保留條文的措辭，與《1999 年法律適應化修改（第 5 號）條例》所訂的保留條文一致。委員會亦建議就規則第 51 條第(6)款作相應修訂。

主席，我請各位議員支持此項決議案，對《議事規則》作出修訂。

謝謝。

曾鈺成議員動議的議案如下：

“議決將《香港特別行政區立法會議事規則》修訂 —

(1) 廢除第 50(8)條而代以 —

“(8) 法案如屬《私人條例草案條例》（第 69 章）所界定的“私人條例草案”，則必須載有以下條文：

“保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過或藉著他們提出申索者除外。”。

(2) 在第 51(6)條中，廢除“具有本議事規則第 50(8)條（法案的格式）所述的意向”而代以“屬本議事規則第 50(8)條（法案的格式）所提述者”。

主席：我現在向各位提出的待議議題是：曾鈺成議員動議的議案，予以通過。

主席：是否有議員想發言？

（沒有議員表示想發言）

主席：我現在向各位提出的待決議題是：曾鈺成議員動議的議案，予以通過。
現在付諸表決，贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得經由功能團體選舉產生及分區直選和選舉委員會選舉產生的兩部分在席議員，分別以過半數贊成。我宣布議案獲得通過。

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2001 年第 176 號法律公告

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

立法會於 2001 年 7 月 12 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決將《香港特別行政區立法會議事規則》修訂——

(1) 廢除第 50(8) 條而代以——

“(8) 法案如屬《私人條例草案條例》(第 69 章) 所界定的“私人條例草案”，則必須載有以下條文：

“保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過或藉著他們提出申索者除外。”。

(2) 在第 51(6) 條中，廢除“具有本議事規則第 50(8) 條 (法案的格式) 所述的意向”而代以“屬本議事規則第 50(8) 條 (法案的格式) 所提述者”。

立法會秘書
馮載祥

2001 年 7 月 12 日

立法會

Legislative Council

立法會 CROP 43/20-21 號文件

檔 號：CB(2)/CROP/3/90
電 話：3919 3204
日 期：2021 年 2 月 11 日
發 文 者：議事規則委員會秘書
受 文 者：立法會全體議員

議事規則委員會

就修訂《議事規則》及《內務守則》的建議進行諮詢

議事規則委員會現邀請議員就盧偉國議員和陳克勤議員所提交有關修訂《議事規則》及《內務守則》的建議提出意見。

背景

2. 鑒於立法會及委員會過往的拉布事件、委員會主席的選舉過程冗長、某些議員行為極不檢點並濫用程序干擾立法會及委員會的會議過程，一直有聲音要求檢討立法會的規則及程序，以便有秩序、有效率及公平地處理議會事務。此外，有意見認為現在是適當時候全面檢討《議事規則》及《內務守則》，以進一步確保議會能以有效及具效率的方式運作，緊貼最新事態發展，同時維護議員發言及辯論的權利。

3. 議事規則委員會於 2021 年 2 月 3 日的會議上考慮了多項事宜，當中包括盧偉國議員和陳克勤議員就修訂《議事規則》及《內務守則》多個部分所提交的建議，該等建議的內容涵蓋委員會的運作、議會事務的處理、可能出現濫用程序的情況等。會上建議應進一步研究涉及會議法定人數規定及委員會委員人數的擬議修訂。就這兩方面的事宜而言，與委員會主席處理規程問題的權力及委員會正副主席選舉有關的建議會在稍後時間再作考慮。議事規則委員會同意應推展兩位議員其餘的建議，並邀請議員就該等建議提出意見。該等

建議可分為 5 組("建議 1 至建議 5")，其主要目的載述於下文各段，而各組建議的詳情則載於**附錄 I**。

修訂《議事規則》及《內務守則》的建議

建議 1：訂明立法會辯論時限及調整議員發言時間(請參閱**附錄 I** 第 1 組擬議修訂)

4. 盧偉國議員的建議旨在訂明立法會辯論時限及個別議員在每項辯論中的發言時限。相關擬議修訂概述如下：

- (a) 辯論時限：建議就(i)"實質議案"(即根據《議事規則》第 18(1)(i)至(n)條所述事項動議的涉及實質辯論的議案)¹及(ii)"程序議案"(屬程序性質及與規管立法會會議程序有關者)訂明辯論時限。整項辯論(包括表決)須在訂明時限內完成，但立法會主席將有酌情權調整有關時限。然而，此項建議將不適用於個別政府法案和議員法案(即《議事規則》第 18(1)條下的事項(i)及(k))的辯論。一如既往，立法會主席在根據《基本法》第七十二條第(一)項行使其主持會議的職權時，將可就個別法案訂明時限及辯論安排；²及
- (b) 個別議員的發言時限：建議考慮修訂《議事規則》第 36(5)條及其他相關條文，對 15 分鐘的議員發言時限作出適當調整。個別議員就各類議案在每項辯論中的擬議發言時限會在《內務守則》中訂明。

相關擬議修訂的詳情載於**附錄 I** 的附件 A。此外，謹請議員進一步考慮，若落實推行盧議員就訂明辯論時限及議員發言時限所提出的建議，則是否需要引入相關程序，藉"即時表決議案"把正在進行的辯論終止。

5. 下述建議 2 至建議 5 是由陳克勤議員提交予議事規則委員會，內容廣泛涵蓋《議事規則》及《內務守則》多項條文。該等建議的主要目的綜述如下。

¹ 《議事規則》第 18(1)(a)至(h)條所述事項不容辯論。

² 終審法院在**梁國雄訴立法會主席(2014) 17 HKCFAR 689**一案(判案書第 46 段)中裁定，"立法會主席有權對辯論設定限制和終結辯論。.....此項權力本已存在於或附帶於[《基本法》]第七十二條第(一)項授予立法會主席主持會議的權力"。

議議 2： 在任委員會主席在新會期的委員會主席選出前處理一般事務的權力(請參閱**附錄 I**第 2 組擬議修訂)

6. 現建議在《議事規則》加入一條新規則，明確規定在任委員會主席須繼續享有委員會主席的一切權力，直至新會期的主席選出為止。

建議 3： 不再容許在委員會會議上無經預告而動議議案(請參閱**附錄 I**第 3 組擬議修訂)

7. 現建議修訂《內務守則》第 22(p)條，訂明委員如擬在委員會會議上動議議案，須在有關會議前最少 6 整天以書面形式向相關秘書作出預告，而就該議案提出的任何擬議修正案則須不遲於該次會議日期前 2 整天以書面形式送達相關秘書。

8. 此外，謹請議員考慮財務委員會應否檢討其(及其轄下兩個小組委員會)有關在審議某議程項日期間無經預告而動議議案的現行程序，以及在認為適當的前提下採納上述擬議程序。

建議 4： 完善立法會的辯論中止待續程序(請參閱**附錄 I**第 4 組擬議修訂)

9. 現建議《議事規則》第 40(1)條將不適用於根據**附錄 I**第 4 組擬議修訂所指明的某些條文進行的辯論。此外，為求貫徹一致，亦建議按照與《議事規則》第 40(4)條實質上相同的措辭修訂《議事規則》第 40(1)條。

建議 5： 防止可能出現濫用程序的其他擬議修訂(請參閱**附錄 I**第 5 組擬議修訂)

10. 藉此機會，謹建議對《議事規則》作出若干修訂以提高運作效率。相關擬議修訂的詳情載於**附錄 I**的附件 B。

問卷

11. 謹請議員填妥載於**附錄 II**的問卷，就上述 5 組擬議修訂提出意見，並於**2021 年 2 月 17 日(星期三)或該日前**將問卷交回秘書處。若議事規則委員會主席謝偉俊議員同意，秘書處或會因應接獲議員的意見及運作需要，作出必需及適當的修改，以協助完善相關擬議修訂。倘議事規則委員會同意，獲得足夠支持的擬議修訂隨後會提交內務委員會通過。

議事規則委員會秘書

(莫穎琛)

連附件

副本致：梁君彥議員, GBM, GBS, JP (立法會主席)

謝偉俊議員, JP (主席)

秘書長、法律顧問、副秘書長、助理秘書長 1、

助理秘書長 2、助理秘書長 3、助理秘書長 4、

高級助理法律顧問 3、主管(公共資訊部)、助理法律顧問 2

盧偉國議員和陳克勤議員
就修訂《議事規則》及《內務守則》所提交的建議的概要

組	事宜	擬議修訂 ^註
1.	<p>訂明立法會辯論時限及調整議員發言時間</p> <p>有議員認為必須訂明立法會辯論時限及個別議員在每項辯論中的發言時限，以提高立法會的效率，讓立法會可更有效運用議會時間處理各類議案和履行其在《基本法》下的憲制職能。</p>	<p>相關擬議修訂載於附件 A。</p> <p><i>需進一步考慮的事宜：</i></p> <p>議員可考慮，若落實推行有關訂明辯論時限及議員發言時限的建議，則是否需要引入"即時表決議案"，藉以把正在進行的辯論終止。視乎議員的意見，對《議事規則》及《內務守則》的所需修訂須作進一步研究。</p>
2.	<p>在任委員會主席在新會期的委員會主席選出前處理一般事務的權力</p> <p>《議事規則》明確規定，就內務委員會和事務委員會而言，正副主席的任期直至下一會期的正副主席選出或該會期開始為止，以較遲者為準。因此，有需要明確規定(特別是就內務委員會主席而言)在任主席須繼續享有主席的一切權力，直至新會期的主席選出為止。有關權力包括就會議日期及議程作出決定。</p>	<p>現建議在《議事規則》加入一條新規則，訂明委員會正副主席的任期直至下一會期的主席在該下一會期選出為止，或(若下一會期的主席選舉是在下一會期開始前進行)直至該下一會期開始為止，而在任的正副主席須具有委員會正副主席可行使的一切權力，直至其任期在下一會期開始時或在選出下一會期的主席時為止，以較遲者為準。</p>

組	事宜	擬議修訂 ^註
3.	<p>不再容許在委員會會議上無經預告而動議議案</p> <p>《內務守則》中適用於事務委員會的第 22(p)條* 和財務委員會("財委會")及其小組委員會的程序均訂明，委員可無經預告而動議主席認為與議程項目直接相關的議案，惟該議案須獲過半數參與表決的委員同意。有議員認為，這項旨在確立委員會共同立場的安排在當今政治氣候下已不再有意義。</p> <p>*《內務守則》擬加入新訂第 22(f)(ii)條，訂明實施有關在內務委員會特別會議上動議議案的兩整天預告規定。</p>	<p>現建議修訂《內務守則》第 22(p)條，訂明委員如擬在委員會會議上動議議案，須在有關會議前最少 6 整天以書面形式向相關秘書作出預告。視乎主席的指示，上述擬議議案須在該次會議前最少 5 整天送交委員會全體委員及相關政策局傳閱。就該議案提出的任何擬議修正案須不遲於該次會議日期前 2 整天以書面形式送達相關秘書。有關議案獲編配的討論時間及委員的相關發言時間由主席決定，並會在議程中列明。</p> <p><u>需進一步考慮的事宜：</u></p> <p>議員可考慮財委會應否檢討其(及其轄下兩個小組委員會)有關在審議某議程項目期間無經預告而動議議案的現行程序，以及在認為適當的前提下採納上述擬議程序。</p>

組	事宜	擬議修訂 ^註
4.	<p>完善立法會的辯論中止待續程序</p> <p>使《議事規則》第 40(1)條不適用於根據《議事規則》某些條文進行的若干辯論。</p>	<p>現建議《議事規則》第 40(1)條將不適用於根據下列《議事規則》條文進行的辯論：</p> <ul style="list-style-type: none"> ➤ 第 40(6A)條(根據第 49B(2A)條中止的辯論恢復進行)； ➤ 第 16 條(立法會休會待續議案)； ➤ 第 49B(2A)條(取消議員的資格)； ➤ 第 49E(2)條(就內務委員會有關研究附屬法例及其他文書的報告提出的議案)； ➤ 第 54(4)條(就二讀辯論須中止待續另有命令而提出的議案)； ➤ 第 55(1)(a)條(法案的付委)； ➤ 第 84(3A)條(在有直接金錢利益的情況下退席)； ➤ 第 84(4)條(在有直接金錢利益的情況下將某議員的表決作廢)； ➤ 第 89(2)條(就議員出席民事法律程序擔任證人一事取得許可的程序)；及 ➤ 第 90(2)條(就立法會會議程序提供證據一事取得許可的程序)。 <p>為求貫徹一致，亦建議按照與《議事規則》第 40(4)條實質上相同的措辭修訂《議事規則》第 40(1)條。</p>
5.	<p>防止可能出現濫用程序的其他擬議修訂</p> <p>部分議員認為現在是適當時候改善《議事規則》中可能會被濫用的某些規定。</p>	<p>相關擬議修訂載於附件 B。</p>

註：若議事規則委員會主席謝偉俊議員同意，秘書處或會因應接獲議員的意見及運作需要，作出必需及適當的修改，以協助完善相關擬議修訂。

議員在各項辯論中的發言時限

(由盧偉國議員提出的初步建議 — 此建議取代盧議員於2021年1月15日向議事規則委員會提交的建議)

目前，就議員在辯論中的發言時限，根據《議事規則》第36(5)條，除內務委員會另有規定外，每名議員如未獲立法會主席或全體委員會主席許可，發言不得超過15分鐘。《議事規則》第38(1)條規定，除指定的例外情況，議員就每項議題發言不得多於一次。鑒於每次立法會會議的時間有限(通常為期兩天，共18小時)，並主要以辯論形式處理議程事項，以每位議員在一項辯論發言15分鐘計算，每小時只可讓4位議員發言；發言議員的數目越多，立法會完成處理一項辯論所需的時間便越長，容易令議程上其他事項延擱，甚至因有關限期屆滿而失效。

就此，議員可參考海外議會的做法，考慮修訂《議事規則》，訂明立法會會議處理下表所列的“實質議案”及“程序議案”的時限，並相應修訂第36(5)條及其他相關條文，以適當調整議員的發言時間，並在《內務守則》訂明每位議員在各項辯論中的發言時限。此舉既可鼓勵議員精簡發言，提高立法會的議事效率，亦希望能令立法會妥為履行其憲制職能。

實質議案

盧偉國議員的建議：就處理議案設定時限(包括辯論及表決)			盧偉國議員的建議：議員在辯論中的發言時限			
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除另有規定外， 以下議案須在 訂明時限內完成 辯論及表決， 但主席可 酌情調整時限)	現時安排		建議安排	
			每位議員		每位議員	
			(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)		(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)	
			發言次數	每次時限	發言次數	每次時限
(i) 政府法案	恢復二讀辯論	一如既往， 主席可視乎情況， 就審議個別法案 設定時限	1	15分鐘	1	10分鐘
	全委會審議修正案/納入條文		(就法案委員會 作出報告的議員 可額外發言， 時間不限)		(就法案委員會 作出報告的議員 可額外發言， 時間不限)	
	三讀辯論		多次	15分鐘	多次	5分鐘
(i) 政府議案 (下列(ja) 所指議案 除外)	具立法效力政府議案，例如 委任法官的議案	不多於4小時	1	15分鐘	1	3分鐘
	無立法效力政府議案，例如 涉及政府政策的議案					
(ja) 政府就 附屬法例 提出的 議案	具立法效力政府議案，主要是 審議附屬法例的議案(不論經 “先審議後訂立”positive vetting 程序或經“先訂立 後審議”negative vetting 程序)		1	15分鐘	1	5分鐘

盧偉國議員的建議：就處理議案設定時限(包括辯論及表決)			盧偉國議員的建議：議員在辯論中的發言時限			
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除另有規定外， 以下議案須在 訂明時限內完成 辯論及表決， 但主席可 酌情調整時限)	現時安排		建議安排	
			每位議員		每位議員	
			(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)		(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)	
			發言次數	每次時限	發言次數	每次時限
(j) 議員就 附屬法例 提出的 議案	延展議案：建議無經辯論而付諸表決		1	15分鐘	不適用	
	修訂/廢除附屬法例的議案 (不論經“先審議後訂立” positive vetting 程序或經 “先訂立後審議”negative vetting程序)	不多於4小時	1	15分鐘	1	5分鐘
	察悉議案	不多於2小時	1	15分鐘	1	5分鐘
(k) 議員法案	恢復二讀辯論		1	15分鐘	1	10分鐘
	全委會審議修正案/納入條文		多次	15分鐘	多次	5分鐘
	三讀辯論		1	15分鐘	1	3分鐘

盧偉國議員的建議：就處理議案設定時限(包括辯論及表決)			盧偉國議員的建議：議員在辯論中的發言時限			
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除另有規定外， 以下議案須在 訂明時限內完成 辯論及表決， 但主席可 酌情調整時限)	現時安排		建議安排	
			每位議員		每位議員	
			(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)		(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)	
			發言次數	每次時限	發言次數	每次時限
(1) 議員議案 (但上列 (jb)所指 議案除外)	具立法效力/約束力的議員議案： - 彈劾行政長官的議案 - 修訂《議事規則》的議案 - 修訂《基本法》的議案 - 解除議員職務的議案 - 譴責議員的議案 - 委任專責委員會或傳召議案 - 根據《基本法》動議的其他議案 - 與個人利益、工作開支或營運資金有關的處分的議案	不多於4小時	1	15分鐘	1	5分鐘
	無立法效力議員議案		議案動議人 除可在動議 議案時發言 最多15分鐘， 亦可再次發言 答辯最多 15分鐘，以及 可就修正案 (如有)發言 最多15分鐘	議案動議人 除可在動議 議案時發言 最多5分鐘， 亦可再次發言 答辯最多 5分鐘，以及 可就修正案 (如有)發言 最多5分鐘		
			內務守則第17(b)條規定的 發言時限：		建議發言時限：	
			議案動議人動議 發言及答辯	15分鐘 (總計)	議案動議人動議發 言及答辯	10分鐘 (總計)
			議案動議人就 修正案發言	5分鐘	議案動議人就修 正案發言	5分鐘
			修正案動議人 發言	10分鐘	修正案動議人及 其他議員發言	5分鐘
			其他議員發言	7分鐘		
			議員獲准重訂 其原有的 修正案措辭以 修正某項較早 時經修正的 議案的發言 (即就經修改 修正案發言)	3分鐘		建議取消 有關經修改 修正案的 3分鐘發言 時間

程序議案

盧偉國議員的建議：就處理議案設定時限(包括辯論及表決)		盧偉國議員的建議：議員在辯論中的發言時限			
議員根據《議事規則》可提出的 程序議案	建議時限 (除另有規定外，以下議案須在訂明時限內完成辯論及表決，但主席可酌情調整時限)	現時安排 每位議員		建議安排 每位議員	
		發言次數	每次時限	發言次數	每次時限
<ul style="list-style-type: none"> - 40(1)條辯論中止待續議案 - 40(4)條全委會休會待續議案 - 49B(2A)條不將譴責議案所述事宜交付調查委員會處理的議案 - 54(4)條不將法案交付內會處理的議案 - 55(1)(a)條法案獲二讀後將法案付委予專責委員會(而非全委會)的議案 - 84(3A)條因某議員有直接金錢利益但不退席而著其退席的議案 - 84(4)條以某議員有直接金錢利益為理由而將其表決作廢的議案 - 88(1)條動議新聞界及公眾人士離場的議案 - 89(2)條就議員出席民事法律程序擔任證人一事拒絕給予許可的議案 - 90(2)條就立法會會議程序提供證據一事拒絕給予許可的議案 - 91條暫停執行《議事規則》的議案 	不多於2小時	1	15分鐘	1	3分鐘
		議案動議人除可在動議議案時發言最多15分鐘，亦可再次發言答辯最多15分鐘		議案動議人除可在動議議案時發言最多3分鐘，亦可再次發言答辯最多3分鐘	

盧偉國議員的建議：就處理議案設定時限(包括辯論及表決)		盧偉國議員的建議：議員在辯論中的發言時限			
議員根據《議事規則》可提出的程序議案	建議時限 (除另有規定外，以下議案須在訂明時限內完成辯論及表決，但主席可酌情調整時限)	現時安排 每位議員		建議安排 每位議員	
		(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)		(除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)	
		發言次數	每次時限	發言次數	每次時限
16(2)條休會待續議案	<p>建議與16(4)條休會待續議案一致，詳情如下：</p> <p><u>16(4)條議案現行規定</u></p> <p>《議事規則》第16(6)條及《內務守則》第18(b)條：</p> <p>辯論不多於1.5小時 (包括15分鐘供官員答辯)。每位議員(包括提出休會辯論的議員)最多可發言5分鐘</p>	1	15分鐘	1	5分鐘
		<p>議案動議人除可在動議議案時發言最多15分鐘，亦可再次發言答辯最多15分鐘</p>		<p>議案動議人除可在動議議案時發言最多5分鐘，亦可再次發言答辯最多5分鐘</p>	

防止可能出現濫用程序的其他擬議修訂

項目	擬議修訂概要	本人的意見
1.	<p>現建議對《議事規則》第 16 條作出修訂：</p> <p>(a) 根據《議事規則》第 16(2)條提出的休會辯論應只可於《議事規則》第 18(1)條所述的兩事項之間動議；</p> <p>(b) 應就處理根據《議事規則》第 16(2)條動議的議案訂明時限，而該時限應與適用於根據《議事規則》第 16(4)條動議的議案的時限一致(即 90 分鐘)；及</p> <p>(c) 若有議案擬於某次立法會會議上根據《議事規則》第 16(2)或 16(4)條動議，但在立法會休會待續前仍未輪到該議案，該議案不得延擱至下次立法會例行會議再行處理，而須視作已獲得處理。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
2.	<p>現建議《議事規則》第 19(1A)條應明確規定立法會主席可就辯論任何議案或法案或其擬議修正案設定時間表。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
3.	<p>現建議修訂《議事規則》第 26(3)條，明確規定提出議程所載口頭質詢的議員在獲立法會主席叫喚提出該質詢時，只可讀出印載於議程的質詢版本。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：

項目	擬議修訂概要	本人的意見
4.	<p>現建議：</p> <p>(a) 加入一條新規則，訂明為按照《釋義及通則條例》(第 1 章) 延展修訂附屬法例的期限而根據《議事規則》第 29(3)條動議的議案應不容辯論；及</p> <p>(b) 如在立法會會議上有多於一項有關附屬法例或《議事規則》第 29(2)(b)或 29(3)條所提述的文書的議案，則現行《議事規則》第 49(6)條應適用於這些議案，即容許點名表決鐘鳴響 1 分鐘而非 5 分鐘。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
5.	<p>現建議修訂《議事規則》第 56 條，訂明全體委員會只可討論應否支持法案的擬議修正案，並決定應否將經修正或無經修正的法案條文納入該法案。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
6.	<p>現建議修訂《議事規則》第 63 條，訂明議員在三讀辯論時就是否支持法案所作的發言必須扼要，且不可再次討論法案的整體優劣及原則或法案的擬議修正案或個別條文，因該等事宜在二讀辯論時已作討論。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
7.	<p>現建議根據《議事規則》第 91 條動議暫停執行某條議事規則的議案，除非獲內務委員會推薦，否則不得動議。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：

項目	擬議修訂概要	本人的意見
8.	由於《議事規則》第 18(1)(m)條所提述處理根據《議事規則》第 89 條(就議員出席民事法律程序擔任證人一事取得許可的程序)及第 90 條(就立法會會議程序提供證據一事取得許可的程序)給予許可的要求有時間迫切性，並應盡早在立法會議程上獲得處理，現建議在立法會議程上，該等議案應編排於議員法案(《議事規則》第 18(1)(k)條所提述者)之前。	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
9.	由於根據《議事規則》第 49E(2)條動議的議案(即察悉議案)並無立法效力，現建議修訂《議事規則》第 18(1)條，訂明該等議案須在個別議員獲編配時段後方可提出的不擬具立法效力的議員議案處理完畢後才處理。	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
10.	現建議把議員根據《議事規則》第 20(2)條就其擬向立法會提交呈請書一事知會立法會主席的預告期由"不遲於該會議日期前一天"修訂為"該會議日期前 3 整天"。	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
11.	現建議修訂《議事規則》第 21(1)條，訂明獲委派官員或議員如擬提交文件，須受兩整天的預告規定所規限，而立法會主席可免卻有關預告。	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：

項目	擬議修訂概要	本人的意見
12.	<p>因應法案委員會以外的委員會擬就交付其作研究的法案提交報告的情況，現建議修訂《議事規則》第21(4)及21(4A)條，以包括對根據《議事規則》第54(4)條獲交付某法案作研究的委員會的提述。因此，亦建議相應修訂《議事規則》第54(7)條，以包括對該委員會的提述，致使就該委員會研究法案的工作提交報告的議員在法案恢復二讀辯論時可優先發言。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
13.	<p>現建議修訂《議事規則》第21(5)條，訂明議員或獲委派官員如擬向立法會發言，須在立法會會議開始前向立法會主席作出書面預告，並須獲立法會主席同意，方可向立法會發言。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
14.	<p>現建議修訂《議事規則》第51條，訂明有意根據《議事規則》第51(1)條提交法案的議員，須事先就該法案擬稿諮詢相關事務委員會，方可提交該法案。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：
15.	<p>現建議修訂《議事規則》第93(b)條對"整天"所作的定義，訂明凡一段期間被訂定為若干整天，該段期間的結束時間應在其最後一天的下午5時。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見/建議(如有的話)：

問卷

(請於 2021 年 2 月 17 日(星期三)或該日前交回)

傳真號碼：2509 9055

致：立法會
議事規則委員會秘書
莫穎琛小姐

議事規則委員會

諮詢全體議員

對於立法會 CROP 43/20-21 號文件所載有關修訂《議事規則》及《內務守則》的建議，本人的意見如下：

(請在適當方格內加上"✓"號。如有需要，請附另頁提出意見。)

I. 訂明立法會辯論時限及調整議員發言時間(附錄 I 第 1 組擬議修訂)

修訂《議事規則》及/或《內務守則》的相關條文，訂明立法會辯論時限及個別議員在每項辯論中的發言時限，建議詳情載於附錄 I 的附件 A。

支持

不支持^{註 1}

沒有意見

註 1：如議員認為應只採納某些個別的修訂建議或對個別建議有意見，請在問卷的附件的適當地方註明。

其他意見/建議(如有的話)：

徵詢進一步意見：

若落實推行上述有關訂明辯論時限及議員發言時限的建議，亦引入“即時表決議案”。

支持

不支持

沒有意見

其他意見/建議(如有的話)：

II. 在任委員會主席有權在新會期的委員會主席選出前處理一般事務(附錄 I 第 2 組擬議修訂)

在《議事規則》加入一條新條文，明確規定在任委員會主席須繼續享有委員會主席的一切權力，直至新會期的主席選出為止。

支持

不支持

沒有意見

其他意見/建議(如有的話)：

**III. 不再容許在委員會會議上無經預告而動議議案(附錄 I 第 3 組
擬議修訂)**

修訂《內務守則》第 22(p)條，訂明委員如擬在委員會會議上動議議案，須在有關會議前最少 6 整天以書面向相關秘書作出預告，而就該議案提出的任何擬議修正案則須不遲於該次會議日期前兩整天以書面形式送達相關秘書。

支持

不支持

沒有意見

其他意見/建議(如有的話)：

徵詢進一步意見：

(a) 財務委員會應檢討其有關在審議某議程項日期間無經預告而動議議案的現行程序(及其轄下兩個小組委員會的相關程序)，以及在認為適當的前提下採納上述擬議程序。

支持

不支持

沒有意見

其他意見/建議(如有的話)：

(b) 如議員認為某一或某些其他委員會(而非所有委員會)應該/不應該(請刪去不適用者)採納上述擬議程序，請註明：

IV. 完善立法會的辯論中止待續程序(附錄 I 第 4 組擬議修訂)

(a) 《議事規則》第 40(1)條將不適用於根據附錄 I 第 4 組擬議修訂所指明的某些條文進行的辯論。

支持 不支持 沒有意見

其他意見/建議(如有的話)：

(b) 將按照與《議事規則》第 40(4)條實質上相同的措辭修訂《議事規則》第 40(1)條。

支持 不支持 沒有意見

其他意見/建議(如有的話)：

V. 防止可能出現濫用程序的其他擬議修訂(附錄 I 第 5 組擬議修訂)

修訂《議事規則》的相關條文，以防止日後可能出現濫用情況及提高運作效率，建議詳情載於附錄 I 的附件 B。

支持

不支持^{註 2}

沒有意見

註 2：如議員認為應只採納某些個別的修訂建議或對個別建議有意見，請在附錄 I 的附件 B 的適當地方註明。

其他意見/建議(如有的話)：

簽署：_____

議員姓名：_____

日期：_____

議員在各項辯論中的發言時限

(請在適當方格內加上"✓"號)

I. 實質議案

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)				盧偉國議員的建議：議員在辯論中的發言時限		
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除非另有註明， 以下議案須在 訂明時限內完成 辯論及表決，但 立法會主席可 酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員， 包括議案動議人及修正案動議人)		
				發言次數	每次時限	本人的意見
(i) 政府法案	恢復二讀 辯論	一如既往， 立法會主席可就 視乎情況，就案 審議個別法案 訂明時限	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：	1	10分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
	全體委員會 ("全委會") 審議修正案/ 納入條文			多次	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
	三讀辯論			1	3分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
				其他意見(如有的話)：		

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)				盧偉國議員的建議：議員在辯論中的發言時限		
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除非另有註明， 以下議案須在 訂明時限內完成 辯論及表決，但 立法會主席可 酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員， 包括議案動議人及修正案動議人)		
				發言次數	每次時限	本人的意見
(i) 政府議案 (下列(ja) 所指議案 除外)	具立法效力 無立法效力	不多於4小時	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：	1	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：
(ja) 政府就 附屬法例 提出的 議案	具立法效力，主要是 審議附屬法例的 議案(不經"先立 後審"或"先立 後審"程序)					
(jb) 議員就 附屬法例 提出的 議案	延展審議期的議案：建議無經 辯論而付諸表決		<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見	不適用 其他意見(如有的話)：		

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)				盧偉國議員的建議：議員在辯論中的發言時限		
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除非另有註明， 以下議案須在 訂明時限內完成 辯論及表決，但 立法會主席可 酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員， 包括議案動議人及修正案動議人)		
				發言次數	每次時限	本人的意見
	修訂 / 廢除 附屬法例 議案(不經 "先審議後 "先訂立或 "先立後審 議"程序)	不多於4小時	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：	1	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：
	察悉議案	不多於2小時	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：	1	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)				盧偉國議員的建議：議員在辯論中的發言時限		
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除非另有註明， 以下議案須在 訂明時限內完成 辯論及表決，但 立法會主席可 酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員， 包括議案動議人及修正案動議人)		
(k) 議員法案	恢復二讀 辯論	一如既往， 立法會主席可就 視乎情況，就案 審議個別法案 訂明時限	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：	發言次數	每次時限	本人的意見
	全委會審議 修正案/納入 條文			1	10分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
	三讀辯論			多次	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
				1	3分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)				盧偉國議員的建議：議員在辯論中的發言時限		
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除非另有註明， 以下議案須在 訂明時限內完成 辯論及表決，但 立法會主席可 酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員， 包括議案動議人及修正案動議人)		
				發言次數	每次時限	本人的意見
(1) 議員議案 (上列(jb) 所指議案 除外)	具立法效力 / 約束力的 議員議案	不多於4小時	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的 話)：	1	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
	無立法效力 的議員議案			其他意見(如有的話)：	建議發言時限：	
				議案動議人動 議發言及答辯	10分鐘 (總計)	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
				議案動議人就 修正案發言	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
				修正案動議人 及其他議員 發言	5分鐘 建議取消 有關經修改 修正案的 3分鐘發言 時間	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)				盧偉國議員的建議：議員在辯論中的發言時限		
《議事規則》 第18(1)條下 涉及實質辯論 的事項	實質議案	建議時限 (除非另有註明， 以下議案須在 訂明時限內完成 辯論及表決，但 立法會主席可 酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員， 包括議案動議人及修正案動議人)		
				發言次數	每次時限	本人的意見
				其他意見(如有的話)：		

II. 程序議案

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)			盧偉國議員的建議：議員在辯論中的發言時限		
議員根據《議事規則》可提出的程序議案	建議時限 (除非另有註明，以下議案須在訂明時限內完成辯論及表決，但立法會主席可酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)		
			發言次數	每次時限	本人的意見
根據《議事規則》第40(1)、40(4)、49B(2A)、54(4)、55(1)(a)、84(3A)、84(4)、88(1)、89(2)、90(2)或91條動議的議案	不多於2小時	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見	1	3分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見
其他意見(如有的話)：			其他意見(如有的話)：		

盧偉國議員的建議：就處理議案訂明時限(包括辯論及表決)			盧偉國議員的建議：議員在辯論中的發言時限		
議員根據《議事規則》可提出的程序議案	建議時限 (除非另有註明，以下議案須在訂明時限內完成辯論及表決，但立法會主席可酌情調整時限)	本人的意見	建議安排 每位議員 (除非另有註明，否則以下時限適用於所有議員，包括議案動議人及修正案動議人)		
			發言次數	每次時限	本人的意見
根據《議事規則》第16(2)條動議的休會待續議案	<p>建議與根據《議事規則》第16(4)條動議的休會待續議案的時限一致，詳情如下：</p> <p><u>有關根據《議事規則》第16(4)條動議的議案的現行規定</u></p> <p>《議事規則》第16(6)條及《內務守則》第18(b)條：</p> <p>辯論不多於1.5小時(包括15分鐘供官員答辯)。每位議員(包括提出休會辯論的議員)最多可發言5分鐘。</p>	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：	1	5分鐘	<input type="checkbox"/> 支持 <input type="checkbox"/> 不支持 <input type="checkbox"/> 沒有意見 其他意見(如有的話)：

2021年3月19日內務委員會會議紀要的節錄

X X X X X X

IV. 將於 2021 年 3 月 24 日立法會會議席上處理的其他事項

(b) 議員議案

謝偉俊議員根據《基本法》第七十五條動議修訂
《議事規則》的擬議決議案
(立法會CB(3)402/20-21號文件)

21. 內務委員會主席表示，是次立法會會議將會處理上述擬議決議案。

X X X X X X

立法會秘書處
議會事務部2
2021年3月24日

立法會
Legislative Council

(只透過電郵發放)

立法會CB(3) 402/20-21號文件

檔 號： CB(3)/M/MR
電 話： 3919 3300
日 期： 2021年3月15日
發文者： 立法會秘書
受文者： 立法會全體議員

2021年3月24日的立法會會議

**謝偉俊議員根據《基本法》第七十五條動議
修訂《議事規則》的擬議決議案**

立法會主席已批准謝偉俊議員於上述會議，根據《基本法》第七十五條動議隨附的擬議決議案。主席已指示把該擬議決議案按所交來的原有措辭印載在立法會議程上。

立法會秘書

(韓律科代行)

連附件

《中華人民共和國香港特別行政區基本法》

決議

(根據《中華人民共和國香港特別行政區基本法》第七十五條)

《香港特別行政區立法會議事規則》

議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

修訂《香港特別行政區立法會議事規則》

1. 修訂第 16 條(立法會休會待續議案)

(1) 第 16(2)條，在“兩事項”之前——

加入

“本議事規則第 18(1)條(各類事項的次序)所載列的”。

(2) 在第 16(2)條之後——

加入

“(2A) 如在根據第(2)款動議的議案動議後一個半小時，或在立法會主席於個別會議上決定的更長時限屆滿後，議案仍未獲得通過，立法會主席不得提出該議案的待決議題，而立法會須著手處理下一事項。”。

(3) 在第 16(7)條之後——

加入

“(8) 若有議案擬於某次立法會會議上根據第(2)或(4)款動議，但在立法會休會待續前仍未輪到該議案，該議案不得延擱至下次會議再行處理，而須視作已獲得處理。”。

2. 修訂第 18 條(各類事項的次序)

(1) 第 18(1)(jb)條——

廢除句號

代以

“，但根據本議事規則第 49E(2)條(就內務委員會有關研究附屬法例及其他文書的報告提出的議案)動議的議案除外。”。

(2) 在第 18(1)(jb)條之後——

加入

“(jc) 根據本議事規則第 89 條(就議員出席民事法律程序擔任證人一事取得許可的程序)及第 90 條(就立法會會議程序提供證據一事取得許可的程序)給予許可的請求。”。

(3) 第 18(1)(l)條——

廢除

“議案，但(jb)段所指明者除外”

代以

“其他議案”。

(4) 第 18(1)條——

廢除(m) 段。

(5) 第 18(2)條——

廢除

“(d)、(e)、”。

3. 修訂第 19 條(立法會議程)

第 19(1A)條——

廢除句號

代以

“，以及就審議該等議案或法案設定時限。”。

4. 修訂第 20 條(呈請書的提交)

(1) 第 20(2)條——

廢除

“須不遲於該會議日期前一天知會立法會主席”

代以

“須不遲於該會議日期前 3 整天向立法會主席作出預告”。

(2) 第 20(2)條——

廢除

“就此事知會立法會主席”

代以

“作出該預告”。

5. 修訂第 21 條(文件的提交)

(1) 第 21(1)條——

廢除句號

代以

“，惟議員或獲委派官員必須在擬提交文件的立法會會議不少於兩整天前作出預告，否則不得如此提交文件，但立法會主席可酌情免卻預告。”。

(2) 第 21(1)條，中文文本——

廢除分號

代以

“，而”。

(3) 第 21(4)條，在“凡有法案委員會報告”之後——

加入

“或根據本議事規則第 54(4)條(二讀)獲交付某法案作研究的委員會的報告”。

(4) 第 21(4A)條——

廢除

“就有關法案委員會研究法案的工作提交報告的議員”

代以

“提交法案委員會報告的議員或提交獲交付該法案作研究的委員會報告的議員”。

(5) 第 21(5)條——

廢除

“獲立法會主席同意後，”。

(6) 第 21(5)條——

廢除

“須在該次會議開始前知會立法會主席”

代以

“須在該次會議開始前向立法會主席作出書面預告，並須獲立法會主席同意，方可向立法會發言”。

6. 修訂第 26 條(質詢的提出及答覆)

第 26(3)條——

廢除

“起立提出質詢”

代以

“起立並讀出載於議程的質詢”。

7. 修訂第 29 條(議案及修正案的預告)

在第 29(3)條之後——

加入

“(3A) 在根據第(3)款動議議案後，立法會主席須無經辯論而就該議案提出的待決議題付諸表決。”。

8. 修訂第 37 條(內務委員會建議的發言時間)

第 37 條——

廢除第(1)款

代以

“(1) 就將於立法會會議上動議的任何議案或議案修正案，不論該議案或修正案當時是否已列入立法會議程內，內務委員會可就辯論時間及議員在辯論中的發言時限作出建議，但立法會主席或全體委員會主席可酌情調整相關的辯論時間及發言時限。”。

9. 修訂第 40 條(辯論中止待續或全體委員會休會待續)

(1) 第 40(1)條，在“在立法會會議上”之前——

加入

“除第(1A)及(1B)款另有規定外，”。

(2) 第 40(1)條，在“可無經預告”之前——

加入

“在發言前”。

(3) 在第 40(1)條之後——

加入

“(1A) 凡就根據第(6A)款、本議事規則第 16 條(立法會休會待續議案)、第 49B(2A)條(取消議員的資格)、第 49E(2)條(就內務委員會有關研究附屬法例及其他文書的報告提出的議案)、第 54(4)條(二讀)、第 55(1)(a)條(法案的付委)、第 84(3A)或(4)條(在有直接金錢利益的情況下表決或退席)、第 89(2)條(就議員出席民事法律程序擔任證人一事取得許可的程序)或第 90(2)條(就立法會會議程序提供證據一事取得許可的程序)動議的議案進行辯論，不得無經預告而動議將辯論中止待續的議案。

(1B) 如立法會主席認為動議現即將辯論中止待續的議案是濫用程序，可決定不提出該議案的待議議題或無經辯論而把議題付諸表決。”。

(4) 第 40(8)條，在“(1)”之後——

加入

“、(1B)”。

10. 加入第 45A 條

I 部，在第 45 條之後——

加入

“45A. 點名及暫停職務

(1) 如基於有議員行為極不檢點的理由，立法會主席認為，就該等極不檢點行為而言，其在本議事規則第 45(2)條(立法會及委員會會議中的秩序)下的權力有所不足，立法會主席可在任何其認為適當的時間，將該議員點名。

- (2) 凡立法會主席得悉，有議員曾在全體委員會、財務委員會或內務委員會作出極不檢點行為，而立法會主席認為，就該等極不檢點行為而言，全體委員會主席、財務委員會主席或內務委員會主席在本議事規則第 45(2)條(立法會及委員會會議中的秩序)下的權力有所不足，則立法會主席可在任何其認為適當的時間，將該議員點名。
- (3) 凡有議員被立法會主席根據第(1)或(2)款點名，立法會主席須就立法會代理主席隨即動議的議案提出“(該議員姓名)的立法會職務予以暫停”的待決議題。
- (4) 根據第(3)款動議的議案不容修正或辯論而須隨即付諸表決。
- (5) 如有議員藉根據第(3)款動議及通過的議案被暫停職務，其暫停職務的期限(包括暫停職務當天)如下——
 - (a) 於首次被暫停職務，暫停職務期限為一星期；
 - (b) 在同一屆立法會任期內第二次被暫停職務，暫停職務期限為兩星期；及
 - (c) 在同一屆立法會任期內其後每次被暫停職務，暫停職務期限為上次期限的兩倍，惟該期限不得超逾有關任期完結的日期。
- (6) 任何議員如根據本條被暫停立法會職務，須立即離開會議廳。在暫停職務期間，被暫停職務的議員不得參與行使立法會在《基本法》第七十三條下的職權。

- (7) 如被暫停職務的議員拒絕遵從第(6)款，立法會主席須命令立法會秘書採取必要的行動，以確保該款獲得遵從。”。

11. 修訂第 49 條(點名表決)

- (1) 第 49(6)條，在“29(2)(b)”之後——

加入

“或(3)”。

- (2) 第 49(6)條——

廢除

“(本議事規則第 29(3)條提述的議案除外)”。

12. 修訂第 51 條(提交法案的預告)

- (1) 第 51(1)條，在“議員或獲委派官員”之前——

加入

“除第(1A)款另有規定外，”。

- (2) 在第 51(1)條之後——

加入

“(1A) 有意根據第(1)款提交法案的議員，須事先就該法案擬稿諮詢相關事務委員會，方可提交該法案。”。

13. 修訂第 54 條(二讀)

- 第 54(7)條——

廢除

“根據本議事規則第 76(9)條(法案委員會)就法案委員會研究法案的工作作出報告的議員”

代以

“根據本議事規則第 76(9)條(法案委員會)就法案委員會的工作作出報告的議員，或就根據第(4)款獲交付某法案作研究的委員會的工作作出報告的議員，”。

14. 修訂第 56 條(委員會就法案的職能)

第 56(1)條——

廢除

“只可討論該法案的細節，不得討論其”

代以

“只可討論是否支持就該法案提出的修正案，以及經修正或無經修正的法案條文應否納入該法案，不得討論該法案的整體優劣及”。

15. 修訂第 63 條(三讀)

第 63(1)條——

廢除

“須限於法案的內容，”

代以

“須以簡短扼要的發言形式進行，辯論內容只限於應否支持該法案，而非就該法案的整體優劣及原則，或就該法案的擬議修正案或個別條文進行辯論；”。

16. 加入第 79D 條

在第 79C 條之後——

加入

“79D. 在任委員會主席及副主席的權力

- (1) 凡本議事規則規定，委員會主席(*在任主席*)任期直至下一會期的委員會主席在該下一會期選出為止，或若下一會期的委員會主席選舉是在下一會期開始前進行，其任期直至該下一會期開始為止，則在任主席具有委員會主席可行使的一切權力，直至下一會期開始或選出下一會期的委員會主席為止，以較遲者為準。
- (2) 凡本議事規則規定，委員會副主席(*在任副主席*)任期直至下一會期的委員會副主席在該下一會期選出為止，或若下一會期的委員會副主席選舉是在下一會期開始前進行，其任期直至該下一會期開始為止，則在任副主席具有委員會副主席可行使的一切權力，直至下一會期開始或

選出下一會期的委員會副主席為止，以較遲者為準。”。

17. 修訂第 91 條(議事規則的暫停執行)

(1) 第 91 條，在“除非”之後——

加入

“獲內務委員會建議及”。

(2) 第 91 條——

廢除

“或經”

代以

“並經”。

18. 修訂第 93 條(釋義)

(1) 第 93(b)條，在““整天”一詞”之後——

加入

“作為一段期間，”。

(2) 第 93(b)條——

廢除分號

代以

“，而結束時間為該段期間最後一天的下午 5 時；”。

2021 年 3 月 24 日立法會會議過程正式紀錄的節錄

X X X X X X

議員議案

代理主席：議員議案。根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

代理主席：有意發言的議員請按"要求發言"按鈕。

我現在請謝偉俊議員發言及動議議案。

根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案

謝偉俊議員：代理主席，我謹以議事規則委員會主席身份，動議通過印載於議程內的擬議決議案，修訂《香港特別行政區立法會議事規則》的若干條文。

代理主席，自 2020-2021 年度開始，議事規則委員會一直研究議員就修訂《議事規則》及《內務守則》提出的多項建議，旨在進一步確保議會有效運作，並維護議員發言及辯論的權利。除個別須進一步研究的擬議修訂，議事規則委員會決定推展其餘建議，並先後進行 3 次諮詢，建議均獲絕大部分議員支持。該等建議可分為 8 組，當中 5 組建議涉及修訂《議事規則》的相關條文，包括：

- 建議 1：訂明如立法會主席認為《議事規則》第 45(2)條的退席罰則不足以處理議員在立法會、全體委員會、財務委員會或內務委員會會議上作出的單一次或多次極不檢點行為，立法會主席可將該議員點名，而代理主席隨即動議一項不容辯論及修正的暫停職務議案。如議案獲通過，該議員便不得於議案指明期間參與立法會事務(包括所有會議及處理申訴)，而若相關法例已作出所需修訂，該段期間的酬金亦可能會被扣起。儘管大部分議員不支持設立上訴、反對程序或機制，但並不妨礙立法會主席根據《基本法》、香港法例及《議事

規則》行使其權力及酌情權，以確保相關程序符合程序公義原則和自然公正規則；

- 建議 2：在《議事規則》訂明立法會處理各類議案的時限及在相關辯論中的發言時限。但一如既往，立法會主席可視乎情況，就審議個別政府法案和議員法案設定時限；
- 建議 3：在《議事規則》明確訂定在任委員會主席在新會期的委員會主席選出前有權處理一般事務，包括決定會議日期及議程；
- 建議 4：完善立法會的辯論中止待續程序，訂明《議事規則》第 40(1)條將不適用於若干議案辯論，並按照第 40(4)條實質上相同的措辭修訂第 40(1)條；及
- 建議 5：修訂《議事規則》若干條文，防止濫用程序及提高運作效率。

代理主席，按議事規則委員會建議，內務委員會已於本年度 2 月 26 日的會議上通過全部擬議修訂。若我的擬議決議案獲立法會通過，就《內務守則》相關條文提出的擬議相應修訂將於本星期五(3 月 26 日)提交內務委員會批准。如獲批准，有關相應修訂亦將即時生效。

代理主席，剛才是議事規則委員會的所謂"法定"發言，我現在稍為說說我的個人意見。

代理主席，我很高興有機會在本屆立法會任期內第二次作出重大的修訂，修訂的目的並不是要限制議員的憲制權利，而是最重要的是，希望可以一方面平衡議會的有效運作，另一方面亦可以適當地平衡議員的憲制權利甚至義務，令議會運作可以撥亂反正，重拾正軌。

代理主席，較多議員提出質詢或傳媒關注的問題是，第一，現在反對聲音似乎已經減少，搞事的情況亦已減少，為何還要搞那麼多修訂呢？我只說一句說話，就是為了亡羊補牢。事實上，有關修訂並不是針對個別議員、政黨或人士，而是希望整個制度和《議事規則》本身可以給予議會應有的尊嚴。說到"藐視法庭"，大家都明白是甚麼意思，但其實無論是法院的制度或是立法會的制度，這兩條支柱同樣有藐視規則的情況出現。這次修訂主要是要尊重建制應有的尊嚴，而且也是操作上必須的。所以，既然大家都熟悉何謂"藐視法庭"，我們為

何不可以同樣重視"藐視議會"這事情呢？我們這次修訂當中有一部分就是希望可以在這方面撥亂反正。

代理主席，容許我在這裏多謝就《議事規則》或《內務守則》提出修訂的同事，包括張宇人議員、盧偉國議員、陳克勤議員和張國鈞議員均就有關修訂提出大量意見，十分有幫助。我並感謝所有同事就有關諮詢作出非常積極的回應和支持。我希望可以再次感謝秘書處的同事，因為無論是秘書處的議會秘書或是法律顧問也就這次修訂做了很多工作，令今天的修訂得以進行。

我的發言時間不多，或許我略為談談今次數項較為重要的修訂。我剛才提到 5 個範圍，或許我聚焦談談其中數項，第一是有關 **naming**，即點名的程序。這個程序本身並不是新事物，因為大家也知道，以往立法會主席或委員會主席均有權懲處現場一些行為極之不當的情況，但以往的做法可能是兩個極端，一個只是趕議員離場，然後當作沒事發生，有關同事還樂得可以外出吸煙喝酒，傳媒朋友很多時候亦有報道這種現象。另一個極端情況是根據《基本法》的機制罷免有關同事，兩種情況可能也是過分的，一種過分寬鬆，一種過分嚴格。其中一個多屆立法會均為人詬病的問題，是我們沒有一個中間落墨的機制，令涉及行為極不檢點的同事得到適當制裁，對他產生一定的警嚇作用。

今次修訂其中一個重要方向便是要處理這個問題，我們經參考其他多個國家的做法，特別是我們相當熟悉的英國議會的做法，我們認為今次修訂的機制大家也很熟悉，有觀看足球比賽的同事也知道甚麼是黃牌和紅牌，球員被罰出場後不是就此作罷，還要承擔責任和後果。

今次修訂下的暫停職務罰則無論罰多少星期，一星期、兩星期，還是 4 星期，相比英國議會已經相對寬鬆。詳細情況我無須多說，但總的來說，我們希望這是一個嚴謹的程序，而且也不是所有委員會均有這種權限。基本上是大會、全體委員會、內務委員會和財務委員會出現行為極不檢點的情況，才有機會動用這個程序，由主席引用 **naming procedure**，所謂點名的程序，還須經動議議案——雖然議案無須辯論，最後並要得到議員投票通過才能成事。當中的過程，即使《議事規則》沒有清楚訂明，但正如我剛才所說，主席必然完全遵守一般應有的程序公義或 **natural justice**，即自然公正的程序，所以我相信可以產生足夠的制衡。

第二，我想簡單談談發言的限制，這是另一個傳媒比較關注的地方。環顧全世界的普通法議會，我們曾研究英國、澳洲、加拿大、美國和新西蘭的議會，基本上所有地方均傾向設下限制，他們並不是要限制議員的基本權利，而是要作出適當的平衡。無論是整項辯論的時限，或是個別議員的發言次數或時限，他們均作出適當的預先設定。我們現在選擇發言時限為 5 分鐘的議案，以我的理解基本上均符合英國議會的慣常時限，他們差不多接近五成的議案均設有這個時限，所以無須擔心我們過分限制議員的發言時間。當然，遇到重要議題或遇到適當情況，無論是主席本身，或內務委員會主席均可以作出適當決定，就有關時限作出適當調節甚或放寬，這是有一定保障的。

(主席恢復主持會議)

第三，或者大家記憶猶新的是，內務委員會曾經出現 7 個月無法選出主席的風波。就這方面，其中一項比較重要的修訂，是清楚說明在內務委員會未選出新主席之前，在任主席或副主席有權根據原有權力處理事務。由於時間所限，其他有關如何改善議會被濫用或過分"拉布"的細節條文，我不多說了，有機會時我再作回應。

在此，或許我再提一提，有兩個事項是我們希望能夠在餘下任期一併處理的，一是有關法定人數的問題。雖然《基本法》限制了我們的法定人數，但遇到法定人數不足時，該如何處理呢？根據以往慣例，便是響鐘 15 分鐘，但其實這只是《議事規則》的設計而已，並不是法律上的限制，更不是《基本法》的限制。所以，就這方面，我們希望研究一個方案，避免議會的運作浪費在響鐘時間，至於怎樣做，恐怕要再研究，可能也需審慎諮詢法律意見，希望做得更為恰當。

另外是關於行為極不檢點的議員，除了被逐離開，即所謂被罰"停賽"之外，會否對他實施經濟制裁呢？恐怕我們要進一步研究，甚至需要政府提交修訂議案配合方可進行。

我在此再次感謝有關議員、秘書處同事和法律顧問。多謝主席。

謝偉俊議員動議的議案如下：

"議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

修訂《香港特別行政區立法會議事規則》

1. 修訂第 16 條(立法會休會待續議案)

(1) 第 16(2)條，在"兩事項"之前——

加入

"本議事規則第 18(1)條(各類事項的次序)所載列的"。

(2) 在第 16(2)條之後——

加入

"(2A) 如在根據第(2)款動議的議案動議後一個半小時，或在立法會主席於個別會議上決定的更長時限屆滿後，議案仍未獲得通過，立法會主席不得提出該議案的待決議題，而立法會須著手處理下一事項。"。

(3) 在第 16(7)條之後——

加入

"(8) 若有議案擬於某次立法會會議上根據第(2)或(4)款動議，但在立法會休會待續前仍未輪到該議案，該議案不得延擱至下次會議再行處理，而須視作已獲得處理。"。

2. 修訂第 18 條(各類事項的次序)

(1) 第 18(1)(jb)條——

廢除句號

代以

"，但根據本議事規則第 49E(2)條(就內務委員會有關研究附屬法例及其他文書的報告提出的議案)動議的議案除外。"。

(2) 在第 18(1)(jb)條之後——

加入

"(jc) 根據本議事規則第 89 條(就議員出席民事法律程序擔任證人一事取得許可的程序)及第 90 條(就立法會會議程序提供證據一事取得許可的

程序)給予許可的請求。"。

(3) 第 18(1)(l)條——

廢除

"議案，但(jb)段所指明者除外"

代以

"其他議案"。

(4) 第 18(1)條——

廢除(m)段。

(5) 第 18(2)條——

廢除

"(d)、(e)、"。

3. 修訂第 19 條(立法會議程)

第 19(1A)條——

廢除句號

代以

"，以及就審議該等議案或法案設定時限。"。

4. 修訂第 20 條(呈請書的提交)

(1) 第 20(2)條——

廢除

"須不遲於該會議日期前一天知會立法會主席"

代以

"須不遲於該會議日期前 3 整天向立法會主席作出預告"。

(2) 第 20(2)條——

廢除

"就此事知會立法會主席"

代以

"作出該預告"。

5. 修訂第 21 條(文件的提交)

(1) 第 21(1)條——

廢除句號

代以

"，惟議員或獲委派官員必須在擬提交文件的立法會會議不少於兩整天前作出預告，否則不得如此提交文件，但立法會主席可酌情免卻預告。"

(2) 第 21(1)條，中文文本——

廢除分號

代以

"，而"。

(3) 第 21(4)條，在"凡有法案委員會報告"之後——

加入

"或根據本議事規則第 54(4)條(二讀)獲交付某法案作研究的委員會的報告"。

(4) 第 21(4A)條——

廢除

"就有關法案委員會研究法案的工作提交報告的議員"

代以

"提交法案委員會報告的議員或提交獲交付該法案作研究的委員會報告的議員"。

(5) 第 21(5)條——

廢除

"獲立法會主席同意後，"

(6) 第 21(5)條——

廢除

"須在該次會議開始前知會立法會主席"

代以

"須在該次會議開始前向立法會主席作出書面預

告，並須獲立法會主席同意，方可向立法會發言"。

6. 修訂第 26 條(質詢的提出及答覆)

第 26(3)條——

廢除

"起立提出質詢"

代以

"起立並讀出載於議程的質詢"。

7. 修訂第 29 條(議案及修正案的預告)

在第 29(3)條之後——

加入

"(3A) 在根據第(3)款動議議案後，立法會主席須無經辯論而就該議案提出的待決議題付諸表決。"

8. 修訂第 37 條(內務委員會建議的發言時間)

第 37 條——

廢除第(1)款

代以

"(1) 就將於立法會會議上動議的任何議案或議案修正案，不論該議案或修正案當時是否已列入立法會議程內，內務委員會可就辯論時間及議員在辯論中的發言時限作出建議，但立法會主席或全體委員會主席可酌情調整相關的辯論時間及發言時限。"

9. 修訂第 40 條(辯論中止待續或全體委員會休會待續)

(1) 第 40(1)條，在"在立法會會議上"之前——

加入

"除第(1A)及(1B)款另有規定外，"

(2) 第 40(1)條，在"可無經預告"之前——

加入

"在發言前"。

(3) 在第 40(1)條之後——

加入

"(1A) 凡就根據第(6A)款、本議事規則第 16 條(立法會休會待續議案)、第 49B(2A)條(取消議員的資格)、第 49E(2)條(就內務委員會有關研究附屬法例及其他文書的報告提出的議案)、第 54(4)條(二讀)、第 55(1)(a)條(法案的付委)、第 84(3A)或(4)條(在有直接金錢利益的情況下表決或退席)、第 89(2)條(就議員出席民事法律程序擔任證人一事取得許可的程序)或第 90(2)條(就立法會會議程序提供證據一事取得許可的程序)動議的議案進行辯論，不得無經預告而動議將辯論中止待續的議案。

(1B) 如立法會主席認為動議現即將辯論中止待續的議案是濫用程序，可決定不提出該議案的待議議題或無經辯論而把議題付諸表決。"

(4) 第 40(8)條，在"(1)"之後——

加入

"、(1B)"。

10. 加入第 45A 條

I 部，在第 45 條之後——

加入

"45A. 點名及暫停職務

(1) 如基於有議員行為極不檢點的理由，立法會主席認為，就該等極不檢點行為而言，其在本議事規則第 45(2)條(立法會及委員會會議中的秩序)下的權力有所不足，立法會主席可在任何其認為適當的時間，將該議員點名。

(2) 凡立法會主席得悉，有議員曾在全體委員會、財務委員會或內務委員會作出極不檢點行為，而立法會主席認為，就該等極不檢點行為而言，全體委員會主席、財務委員會主

席或內務委員會主席在本議事規則第 45(2) 條(立法會及委員會會議中的秩序)下的權力有所不足，則立法會主席可在任何其認為適當的時間，將該議員點名。

- (3) 凡有議員被立法會主席根據第(1)或(2)款點名，立法會主席須就立法會代理主席隨即動議的議案提出"(該議員姓名)的立法會職務予以暫停"的待決議題。
- (4) 根據第(3)款動議的議案不容修正或辯論而須隨即付諸表決。
- (5) 如有議員藉根據第(3)款動議及通過的議案被暫停職務，其暫停職務的期限(包括暫停職務當天)如下——
 - (a) 於首次被暫停職務，暫停職務期限為一星期；
 - (b) 在同一屆立法會任期內第二次被暫停職務，暫停職務期限為兩星期；及
 - (c) 在同一屆立法會任期內其後每次被暫停職務，暫停職務期限為上次期限的兩倍，惟該期限不得超逾有關任期完結的日期。
- (6) 任何議員如根據本條被暫停立法會職務，須立即離開會議廳。在暫停職務期間，被暫停職務的議員不得參與行使立法會在《基本法》第七十三條下的職權。
- (7) 如被暫停職務的議員拒絕遵從第(6)款，立法會主席須命令立法會秘書採取必要的行動，以確保該款獲得遵從。"

11. 修訂第 49 條(點名表決)

(1) 第 49(6)條，在"29(2)(b)"之後——

加入

"或(3)"。

(2) 第 49(6)條——

廢除

"(本議事規則第 29(3)條提述的議案除外)"。

12. 修訂第 51 條(提交法案的預告)

(1) 第 51(1)條，在"議員或獲委派官員"之前——

加入

"除第(1A)款另有規定外，"。

(2) 在第 51(1)條之後——

加入

"(1A) 有意根據第(1)款提交法案的議員，須事先就該法案擬稿諮詢相關事務委員會，方可提交該法案。"

13. 修訂第 54 條(二讀)

第 54(7)條——

廢除

"根據本議事規則第 76(9)條(法案委員會)就法案委員會研究法案的工作作出報告的議員"

代以

"根據本議事規則第 76(9)條(法案委員會)就法案委員會的工作作出報告的議員，或就根據第(4)款獲交付某法案作研究的委員會的工作作出報告的議員，"。

14. 修訂第 56 條(委員會就法案的職能)

第 56(1)條——

廢除

"只可討論該法案的細節，不得討論其"

代以

"只可討論是否支持就該法案提出的修正案，以及經修正或無經修正的法案條文應否納入該法案，不得

討論該法案的整體優劣及"。

15. 修訂第 63 條(三讀)

第 63(1)條——

廢除

"須限於法案的內容，"

代以

"須以簡短扼要的發言形式進行，辯論內容只限於應否支持該法案，而非就該法案的整體優劣及原則，或就該法案的擬議修正案或個別條文進行辯論；"。

16. 加入第 79D 條

在第 79C 條之後——

加入

"79D. 在任委員會主席及副主席的權力

- (1) 凡本議事規則規定，委員會主席(*在任主席*)任期直至下一會期的委員會主席在該下一會期選出為止，或若下一會期的委員會主席選舉是在下一會期開始前進行，其任期直至該下一會期開始為止，則在任主席具有委員會主席可行使的一切權力，直至下一會期開始或選出下一會期的委員會主席為止，以較遲者為準。
- (2) 凡本議事規則規定，委員會副主席(*在任副主席*)任期直至下一會期的委員會副主席在該下一會期選出為止，或若下一會期的委員會副主席選舉是在下一會期開始前進行，其任期直至該下一會期開始為止，則在任副主席具有委員會副主席可行使的一切權力，直至下一會期開始或選出下一會期的委員會副主席為止，以較遲者為準。"

17. 修訂第 91 條(議事規則的暫停執行)

(1) 第 91 條，在"除非"之後——

加入

"獲內務委員會建議及"。

(2) 第 91 條——

廢除

"或經"

代以

"並經"。

18. 修訂第 93 條(釋義)

(1) 第 93(b)條，在""整天"一詞"之後——

加入

"作為一段期間，"。

(2) 第 93(b)條——

廢除分號

代以

"，而結束時間為該段期間最後一天的下午 5 時；"。"

主席：我現在向各位提出的待議議題是：謝偉俊議員動議的議案，予以通過。

是否有議員想發言？盧偉國議員，請發言。

盧偉國議員：主席，我們現在要審議的，是謝偉俊議員以議事規則委員會主席的身份根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

主席，"拉布"近年不幸地成為本議事堂的常態，自從 2013 年起，每年 4 月、5 月之間，立法會均要就財政預算案展開持續 1 個多月的"拉布"攻防戰，少數議員就《撥款條例草案》提出合共數百項以至數千項的修正案。立法會主席閣下要根據《基本法》第七十二條及《議事規則》第 92 條賦予的權力，就處理相關條例草案定出時限，俗稱"剪布"。以《2020 年撥款條例草案》為例，有 16 位議員提出合共 124 項修正案，最終有 52 項修正案獲准提出，主席預留約 36 小時審議，至 2020 年 5 月 14 日才完成審議，三讀通過。

然而，"拉布"成風，越演越烈，已經不是針對個別議題，而是全面性的"甚麼都反對、甚麼都拉布"，蔓延到財務委員會及其轄下的工務小組委員會和人事編制小組委員會，以至其他事務委員會，工務工程項目的審批亦受到立法會"拉布戰"的嚴重影響。一些反對派議員更是無所不用其極，行為極不檢點並濫用程序，用盡各種方法"拉布""攪炒"，甚至出現肢體暴力、擲臭彈、潑臭水，企圖阻撓立法會的正常工作，以破壞特區政府的管治。這些惡劣行徑嚴重損害香港社會整體利益，也影響經濟民生。社會上一直有聲音要求檢討立法會的《議事規則》，以便有秩序及有效率地處理議會事務。

事實上，關於《議事規則》的修訂，這次並非第一次。較近期的一次是在 2017 年 12 月完成修訂，當時主要取得 3 項效果：其一，會議法定人數更具彈性，減少流會的機會，規定立法會全體委員會會議法定人數包括主席在內由 35 人改為 20 人，主席也可以在下次定期會議前的任何時間召開會議。其二，加強立法會主席的權力，賦予其選擇及合併擬議修正案的酌情權。其三，防止濫用程序，立法會主席如認為某些議案屬濫用程序，可以決定不就該等議案提出待議議題或無須經辯論立即將議題付諸表決。儘管本議事堂的運作曾經變得稍為暢順，但仍然無法杜絕一些反對派議員對議事程序的濫用。

2019 年就《逃犯條例》修訂爭議引發的社會動亂，不但使立法會大樓遭到嚴重破壞，也令"拉布""攪炒"的歪風持續籠罩並毒化整個議會。2019-2020 年度立法會會期開始，出現了內務委員會("內會")主席的選舉被嚴重拖延的困局。按照正常情況，內會主席的選舉在一次會議內便會完成，但在 2019 年 10 月 15 日至 2020 年 5 月 8 日期間，內會共舉行 17 次會議，仍未選出新任主席，皆因當時由前議員郭榮鏗主持相關會議，不正當執行《議事規則》有關選舉內會主席的規定，容許委員就一些與選舉無關的事宜作冗長及無限制次數的發言，或藉提出多項規程問題發表意見，浪費大量會議時間。內會經過約 7 個月時間仍未選出主席，實屬前所未見，更令社會譁然。

由於新任內會主席選舉長期延誤，內會一直未能按慣常方式處理其事務，包括未能處理政府提交的 14 項法案和 90 多項附屬法例，以及資深司法人員的任命等。直到立法會主席閣下在尋求外間法律意見之後，決定根據《議事規則》第 92 條行使權力，指明由陳健波議員在 2020 年 5 月 18 日上午的內會會議上主持有關選舉，建制派議員亦排除議事堂上各種干擾和搗亂，選出李慧琼議員擔任內會主席，才結束上述亂局。

經此一役，大家更加明白到《議事規則》原本屬於君子之間的協議，但若然所訂條文過分寬鬆，便難免讓別有用心者鑽空子。因此，社會各界有十分強烈的意見，要求議會盡快修訂《議事規則》，除了要求堵塞各種漏洞，更要求對行為極不檢點並刻意干擾議會運作的議員訂立罰則，這次的擬議修訂積極地回應了社會人士的訴求。

立法會在 2020-2021 年度會期開始以來，議事規則委員會一直研究議員就修訂《議事規則》及《內務守則》提出的多項建議。我作為委員會的成員，曾在 2021 年 1 月 15 日致函委員會主席謝偉俊議員，提交了有關立法會會議處理各類議案設定發言時限的建議。在 1 月 29 日，我再次向謝偉俊議員提交進一步的意見，對各環節中每位議員發言次數及時限有更細節的建議，供議事規則委員會考慮。議事規則委員會其後考慮了我及其他委員提出的各項擬議修訂，內容廣泛涵蓋《議事規則》及《內務守則》多項條文。委員會先後於 2020 年 11 月及 2021 年 2 月就各項擬議修訂致函諮詢全體議員，隨後同意將獲得足夠議員支持的第一批擬議修訂提交內會討論，而內會已於今年 2 月 26 日的會議上通過《議事規則》第一批擬議修訂。謝偉俊議員隨即根據《基本法》第七十五條動議這項擬議決議案，以修訂《議事規則》的相關條文。如果獲得通過，就《內務守則》相關條文提出的相應修訂將提交內會批准。

主席，今天的擬議決議案主要涵蓋已獲內會通過的關於《議事規則》的第一批擬議修訂，包括 5 項建議。第一項建議是針對議員行為極不檢點的處分，加入有關點名及暫停職務的第 45A 條，訂明有議員曾在全體委員會、財務委員會或內會作出極不檢點行為，而在《議事規則》第 45(2)條(立法會及委員會會議中的秩序)下的權力有所不足，立法會主席可在任何其認為適當的時間，將該議員點名。立法會代理主席繼而會動議一項不容辯論亦不容修正的議案，以供立法會決定應否在該議案指明的期間暫停該議員的職務。釐定暫停職務的期限時須以嚴重程度遞增級別為依據。如該議案獲得通過，被暫停職務的議員便不得參與立法會所有事務。其效果是對任何議員被暫停職務的前提條件、暫停職務的期限，以及對相關條款的執行，作出非常明確而詳盡的規定。

第二項建議主要反映了我提出的建議，擬修訂關於內會建議的發言時間的第 37 條，訂明在立法會就"實質議案"(即根據《議事規則》第 18(1)(i)至(n)條所述事項動議的涉及實質辯論的議案)及"程序議案"(屬程序性質及與規管立法會會議程序有關者)進行辯論的時限，並訂明個別議員就各類議案在每項辯論中的發言時限，但立法會主席可酌情調整相關的辯論時間及發言時限。此項建議旨在尋求適當的平衡，既鼓勵議員精簡發言，提高立法會的議事效率，同時希望能令立

法會妥為履行其憲制職能。

第三項建議是擬議加入第 79D 條，訂明在任委員會主席在新會期的委員會主席選出前處理一般事務的權力，明確規定委員會正副主席的任期直至下一會期的主席選出為止，而在任的正副主席須具有委員會正副主席可行使的一切權力，直至其任期完結為止，即下一會期開始時或選出下一會期的主席時，以較遲者為準。這一項修訂的現實作用是顯而易見的，是為了防止 2020 年內會主席選舉亂局的再度出現。

第四項建議是關於完善立法會的辯論中止待續程序，包括擬議加入第 40(1B)條，訂明如立法會主席認為動議現即將辯論中止待續的議案是濫用程序，可決定不提出該議案的待議議題或無經辯論而把議題付諸表決。此舉使主席的權限更為明確。

第五項建議是關於防止可能出現濫用程序的擬議修訂，包括擬修訂第 63 條，訂明議員在三讀辯論時就是否支持法案所作的發言必須扼要，而且不可再次討論法案的整體優劣及原則或法案的擬議修正案或個別條文，因該等事宜在二讀辯論時已作討論。此舉實質上是把主席以往執行相關《議事規則》的不成文裁決、規勸或慣例改為成文的規則。

主席，綜合而言，今次對《議事規則》的 5 項擬議修訂，或者使相關原有條文的規定更趨嚴謹，或者填補了原有條文的不足或疏漏，或者對立法會主席的權限及酌情權有更為明確的規定，總之，是為了使立法會撥亂反正，防止再持續出現先前令人痛心的亂局。不過，我相信對《議事規則》的修訂，這不會是最後一次。基於與時俱進的精神，若本議事堂日後的運作反映出《議事規則》仍然存在其他問題，又或者碰到新的情況，到時候進一步優化《議事規則》，使本會更妥當地履行作為香港立法機關根據《基本法》第七十三條所賦予的各項憲制職能，絕對是應有之義。

主席，我謹此陳辭，支持通過謝偉俊議員動議的擬議決議案。

陳振英議員：主席，立法會是香港特別行政區的立法機關，立法會有責任按照《基本法》的規定及依照法定程序制定、修改和廢除法律，根據政府的提案，審核、通過財政預算，批准稅收和公共開支，聽取行政長官的施政報告並進行辯論，對政府的工作提出質詢，以及就任何有關公共利益的問題進行討論等。

《基本法》明文規定立法機關的職權、立法會主席的職權及個別議員的權利，但沒有就如何行使這些職權和權利作出具體的規定。《基本法》第七十五條賦予立法會自行制定《議事規則》的權利，並且訂明所定的規則不得與《基本法》相抵觸。過去法庭在多宗案件的判決均確認和重申這方面的權力。

香港特區第一屆立法會是在 1998 年 7 月 2 日起採用回歸前香港立法機關議會行事方式及程序制訂的《會議常規》作為《議事規則》的藍本。其後《議事規則》不時按照立法會的慣常做法和程序予以修訂。但是，《議事規則》畢竟篇幅有限，未能夠將所有的情景一一囊括在內，這些留白需要依靠議員之間的互相尊重和諒解，即所謂的君子協定，但一旦被有心人加以利用，便會帶來災難性效果。

主席，回歸前，立法機關稱為立法局，1843 年成立並由總督和 3 名官守議員組成，時任總督擔任立法局主席。要到 1850 年才委任首兩位非官守議員，30 年後(即 1880 年)才出現首位立法局的華人非官守議員。立法局議員的人數亦隨着年月逐步有所增加，及至 1985 年，立法局議員的人數已增至 57 席。回歸後，第一屆立法會議員人數有 60 人。2012 年第五屆立法會會議人數增至 70 人。而根據人大常委會剛於 3 月 11 日通過的決議，下屆立法會議員人數更會增至 90 人。屆時議員人數會是 1843 年的 22.5 倍。

主席，觀乎海外議會的情況，很多時候也會因應議員人數的不斷增加而不得不設置辯論時限，以維護議會的有效運作。由於人數的遞增，如果每名議員也沒有時限在議事廳暢所欲言，只會令會議沒完沒了，甚至失去議會應有的效率。在 1988 年，英國國會下議院修訂其會議常規，列明在某些辯論設置恆常的發言時限，將每名議員的辯論發言時限定為最多 10 分鐘，當中包括一些公共法案的二讀辯論。

提到二讀發言，令大家不其然也會想起，本會《2016 年醫生註冊(修訂)條例草案》的場景，該條例草案當時經過 7 日的辯論，耗時超過 45 小時，由於時任的醫學界議員及部分泛民議員瘋狂要求點算人數和"拉布"，最終未能趕及在該立法年度休會前投票和通過，整項法案要推倒重來。

過往數年，"攪炒派"議員在議會經常濫用《議事規則》賦予的權力，透過刻意製造流會及提出中止待續議案等"拉布"手段進行所謂的抗爭，例如 2012 年 5 月審議《2012 年立法會(修訂)條例草案》時，有個別議員聯合提交厚達 2 464 頁、共 1 306 項的修正案，意圖拖倒立法會議席出缺安排議案的表決，這些議員頻繁地要求點算法定人數，提出數以千百計的修正案，亦造成多次流會，時任立法會主席不得不引用《議事規則》第 92 條中止辯論，並且立即進行逐項表決，以結束歷時共 100 小時 23 分鐘的冗長辯論。

又正如上個立法年度，有議員玩弄程序，千方百計阻撓內務委員會("內會")主席的選舉，耗用 7 個月仍未能選出內會的正副主席，令內會完全癱瘓，多項法案無法審議，以及在本立法年度的首次會議上，主席，如你記得，在將上年度未完成的政府法案恢復二讀辯論期間，"攪炒派"議員十二度提出要求點算法定人數，亦耗時兩小時。"攪炒"議員瘋狂"拉布"行徑，其實嚴重扭曲《議事規則》原有的議事精神，令立法會運作失衡，結果嚴重窒礙政府的施政，削弱香港競爭力，令經濟和民生均嚴重受損。

主席，我也是立法會議事規則委員會的委員之一，我十分感謝盧偉國議員、陳克勤議員、張國鈞議員及張宇人議員提出修訂《議事規則》和《內務守則》的建議，經過 3 次會議的討論，其實委員會支持 4 位議員提交的相關修訂，並提交今次大會予以通過。這次的修訂內容大致可分為數方面。

第一方面，對議員行為不檢的處分機制。過往立法會對個別經常做出破壞議會秩序的議員行為，束手無策，變相鼓勵這些行為重複出現，參考英國國會下議院相類似的處分，議員在立法會全體委員會、內會或財務委員會作出單一次或多次極不檢點行為，立法會主席便可以動議議案，要求該議員暫時停止立法會職務，更可按他的停職時間扣除其薪金。

第二方面，是調減議員在相關法案和附屬法例的發言時間。政府或議員提出法案及議員議案的動議人，發言時間由 15 分鐘縮減至 10 分鐘，至於附屬法例的議案則由 15 分鐘減至 5 分鐘，更設置 4 小時上限。正如我剛才所說，海外議會亦因應議員人數不斷遞增而設定發言時限，這方面的修訂可說是與國際上的做法和趨勢一致。事實上，議員的發言應該重質不重量，相信縮減發言時間並不會影響議事的質素。

第三方面，是增設審查機制，防止類似休會待續議案、《立法會(權力及特權)條例》等程序被無理濫用。

第四方面，是堵塞各委員會年度選舉正副主席的選舉機制漏洞，避免內會被癱瘓的歷史重現。

上述兩方面均是針對過往部分被濫用程序的對應措施，防患於未然。

主席，《香港國安法》的實施和"攞炒派"議員集體辭職後，立法會的秩序已基本回復正常，但汲取過往的教訓，堵塞規則的漏洞，做好各項情況的預案，以及與時並進地對《議事規則》進行必要的修訂，是可以避免立法會再次出現失衡的情況，保證立法會依法有序地運行，讓香港在"一國兩制"下行穩致遠，這應是本屆立法會應有的責任，亦應是每位議員的責任。

所以，我支持議事規則委員會向大會提請的修訂建議。我謹此陳辭，多謝主席。

謝偉銓議員：主席，香港立法會的議會文化、秩序，議政質素和議事效率，在最近 10 年每況愈下，情況可謂"沒有最差，只有更差"。在反對派、"攞炒派"的摧殘肆虐下，最近數年更變得禮崩樂壞，導致特區施政舉步維艱，嚴重損害香港的經濟、社會和民生發展。

在言論暴力方面，由最初說粗俗用語，辱罵政府，變成說粗口，詛咒官員，鼓吹仇恨，我相信沒有任何國家或地區的議會會容許或容忍有關言論。

在肢體暴力方面，由最初的擲香蕉、擲紙板、擲玻璃杯，演變成近年的搶麥克風、搶文件、搶手機、擲蟲、擲臭彈，甚至拉起巨型黑布企圖阻擋鏡頭，然後推撞、毆打立法會保安人員。尊貴的立法會代議士淪為違法暴徒，行為甚至與恐怖分子無異。

在"拉布"行為方面，由最初偶爾為之、針對特定法案或撥款"拉布"，變成完全無定向、無理據、無間斷和無所不用其極的"攞炒"式瘋狂"拉布"。當中最經典、最離譜的，當然是由公民黨前法律界立法會議員郭榮鏗主演的內務委員會主席選舉"拉布"鬧劇，前後拉了 7 個多月，也未能選出內務委員會主席，令立法會的審議法案職能完全癱瘓，影響大量經濟民生政策的落實推展。

部分反對派議員更公然作出賣國賣港行為，包括將宣誓變"宣獨"，在明在暗地鼓吹"港獨"、煽動"黑暴"、策動"攬炒"，甚至到外國乞求外部反華勢力制裁中國和香港，要全港 700 萬市民"攬着一起死"，要全國 14 億人民同受經濟損害。這樣的人不單不配當議員，甚至連當香港人、中國人也不配。

針對反對派、"攬炒派"的種種惡行，針對香港憲制和法律制度存在的漏洞與不足，中央政府近年多次果斷出手，協助香港止暴制亂，撥亂反正，藉此維護香港的繁榮穩定與長治久安，確保"一國兩制"實踐行穩致遠，包括在 2016 年就立法會議員宣誓規定釋法、在去年 6 月制定《中華人民共和國香港特別行政區維護國家安全法》、在去年 11 月就立法會議員資格問題釋法，以及剛剛在本月 11 日通過有關完善香港選舉制度的全國人民代表大會("人大")決定。

上述的人大決定及全國人民代表大會常務委員會("人大常委會")釋法，成功迅速地幫助香港解決"港獨"、"黑暴"和外國干預等問題，並從選舉源頭堵截了立法會的"攬炒"、"黑暴"和癱瘓施政行為，確保"愛國者治港"的原則得以全面落實，我對此當然全力支持，並會積極配合往後的本地立法工作。

不過，對於一些打擦邊球，未到明顯違法違憲的劣質議會行為，有關的人大決定和人大常委會釋法未必完全可以處理，而事實上，這些問題亦不應該由中央處理。香港特區政府、香港立法會、香港的建設力量絕對有責任和能力自行處理。

今天這項由立法會議事規則委員會主席謝偉俊議員所提出的議案，目的正是要糾正過往的議會亂象，堵塞現行立法會《議事規則》存在的種種漏洞，為人大的"三一一決定"所要求的切實提高特區治理效能，在議會規程方面提供更健全、有效及長遠的制度保障。對於這項原則和改革方向，我是全力支持的。

這項議案共涉及 18 項修訂條文，內容相當細緻而全面，涵蓋防止議員濫用議會規程，假借休會待續議案、中止待續議案、私人法案或根據《立法會(權力及特權)條例》提出的議案來"拉布"，並對議員的發言範圍、發言時限和表決安排加以規範等。我在此再次感謝各位議事規則委員會委員，以至立法會秘書處相關同事所作出的努力。

當中，最多人談論的是修訂條文第 10 條，即設立議員"停賽機制"。對於屢次被裁定行為極不檢點、屢勸不改及屢罰不理的議員，

立法會主席可藉通過議案，暫停他們的議員職務一段時間，以避免這種滋事分子繼續破壞議會秩序及阻撓議會進行，減輕他們的劣質議會行徑對經濟及社會所造成的影響。

其實，有關做法並非香港首創，不少外國議會均有同樣安排。我希望有關方面會進一步研究能否向被停職的議員扣薪，即暫停向他們發放議員酬金及相關工作開支津貼，因為這樣才最具阻嚇性，亦減少浪費納稅人的公帑。

此外，是修訂條文第 16 條，訂明任何委員會如未能及時選出新一年的正副主席，原有的上年度正副主席可以繼續履行職務，確保相關委員會的工作可如常進行。這項修訂正可針對一如去年的內務委員會主席選舉鬧劇，大可稱為"郭榮鏗事件"。我就郭榮鏗的"攞炒"、"拉布"行為先後寫過不下四五篇文章批評他，對於修訂有關條文，我當然會支持。

最後，我想談談有關縮短議員發言時限的問題。我在內務委員會討論有關修訂建議時曾表示，原建議把部分議案的發言時限大幅縮短，由每人最多發言 7 分鐘至 15 分鐘，削減至只有 3 分鐘至 5 分鐘，我對此有所保留。對於一些較複雜、專業及對個別業界會造成較大影響的法案和議案，5 分鐘的發言時限相信是太短。雖然人大決定立法會議員人數將增至 90 人，每人發言多 1 分鐘，相加起來便要多用上近 1 小時 30 分，但其實這問題可透過限制個別議案的整體辯論時間處理。現在的修訂建議——即修訂條文第 8 條——並沒有明文規定議員就個別議案的發言時限，改為授權內務委員會向立法會主席作出建議，而主席亦有權酌情調整議員及議案的發言時限。我希望內務委員會其後作出建議，以及主席執行有關規定時，會考慮我的觀點。

主席，我相信不少在任的立法會議員均感受到，在大部分"攞炒派"議員被取消議員資格、自行辭職或"着草走路"後，大家的工作量有所增加，工作壓力加重，選民、市民以至國家對我們的期望更高。在這次通過修訂《議事規則》，以及稍後通過有關完善選舉制度的本地立法後，這種壓力和期望也會更大。希望大家繼續加倍努力，積極與會議政，更有效地配合及監察特區政府施政，是其是，非其非，提高特區的治理效能，致力為香港老百姓謀福祉，向市民展現高質、高效及高尚的新議會文化。

我謹此陳辭，支持議案。

張宇人議員：主席，我發言支持根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

就是次修訂，我想談談數個重點。剛才有數位議員也曾提及一些我想說的事，包括於今天提出修訂的背景及原委。我特別想說的，是《議事規則》第 45A 條"點名及暫停職務"和第 79D 條"在任委員會主席及副主席的權力"。我和自由黨均認為，這些修訂建議是為了撥亂反正，但另一方面，我很是感慨，為何立法會會變成今天的模樣？

我們的《議事規則》，主要是把英國那套搬過來。外國(尤其英國)的議會每年也會邀請本會議員前往交流，我也曾去過。一如剛才有議員提到，外國議會的議事規則中，有許多屬君子協定(即 gentlemen's agreement)，只簡單列出條文，未有訂明執行細節，因為假設大家也是君子，知道何事可為或不可為。

可是，大約自 10 年前開始，部分立法會議員便不停地在《議事規則》中鑽空子，他們自以為很熟悉《議事規則》，但其實只是利用一些漏洞破壞立法會的秩序，每天在立法會"做 show"。最令我看不過眼的，是他們逢政府必反，旨在拖垮政府的所有施政(尤其德政)，不理市民死活。這些絕非君子所為，簡直是"爛仔"行徑。

事實上，當時我無法理解為何市民會容許他們這樣做。為何他們這樣做，也能獲得選民支持的呢？我亦想不通，為何明明是好事，他們也要反對？他們反對政府，亦反對政府的政策(包括德政)。近這兩年，我便了解到，這是因為搞革命的人通常都希望民不聊生，當每個人也無法生活，他們便有藉口去搞革命了。假如所有人也都豐衣足食，當然便難以搞革命了。因此，市民應要看清楚這些人所幹的事。

不少議員會認為，立法會亂局的至高峰是於 2019 年的"黑暴"時期出現，但我擔任立法會議員 21 年，親眼見證立法會的淪陷，其實始於 2012 年的反國教事件。一些所謂議員為了贏得選票，便逢政府必反，推倒政府所有的利民政策，刻意製造民不聊生的景況。

例如當年在擔任財務委員會主席期間，我便親眼看到有議員反對增加"生果金"，又不停就第 37A 段提出問題——不是數以百計，而是數以千計的問題。當時，我曾想過自己需要花多長時間處理一個問題——一般只需 1 分多鐘便行。由於他們"拉布"，有關增加"生果金"的撥款申請，在兩個月後才獲得通過。其實，當時大部分委員也表示支持的。我記不起當年的投票結果為何，但泛民議員就像隔岸觀火般。

其實，要是他們反對的話，是會令選民有所損失的，他們難道並不在乎嗎？

剛才也有議員詳細談及數年前香港醫務委員會("醫委會")的改革，故我亦不再多談。在此，我只想提醒正在聆聽我們辯論的市民，其實當年醫委會提出的改革建議，是要在 24 位委員中增加 4 位非醫生代表，令委員人數增至 28 人。當時，絕大多數醫生也贊成，投票結果是 20：8，而醫生並沒有失去在醫委會的控制權。

話說當時有些個案是連法官也看不過眼的，因為有醫委會的醫生在審查個案時，發覺被審查的醫生原來是自己的同班同學，只是並不相熟——大家同是醫生，更曾是同班同學，若說互不相熟，會有人相信嗎？就這樣，便導致有關的病人家屬追討長達 10 年。在那時候，我便提出了一項私人法案，只為能讓病人或其家屬安心，至少也要讓他們清楚知悉涉事醫生有否醫學失德，而不應讓他們苦候 10 年之久。

剛才有議員表示，該項法案最終被拖延至第二年，才再次提交立法會審議。由此，市民應看到，有立法會議員本身是醫生，但在討論此項法案時，竟然從沒申報自己是醫生。他提出反對意見及"拉布"，但一直只說自己是新界西的代表，彷彿他可以任意而為。請大家看清楚這種行徑。當議會內有這樣的議員，我們便應撥亂反正。

促成今次修訂的導火線，當然是 2019 年的"黑暴"事件了。當時，有"攞炒派"議員作出所謂的裏應外合，即暴徒在外四處縱火及投擲汽油彈，"攞炒派"則在議會搞破壞。此外，最令大家印象深刻的，就是內務委員會主席選舉足足拖延了 7 個月一事。有人在莊嚴的議事堂投擲臭彈、衝擊主席台，場面甚是混亂。他們的破壞行為，令議會運作停頓，陷入癱瘓狀態，甚至整個香港亦因而停滯不前。

因此，我和自由黨十分贊成將行為不檢點的議員點名及暫停其職務。我們認為，這樣絕對能起阻嚇作用。我們不能再讓一小撮破壞分子影響整個議會的運作，以及拖垮政府推動的民生政策。香港已再沒本錢停滯不前，故我贊成阻止議員藉拖延內務委員會主席選舉阻礙立法會會議的進行。

主席，今天的修訂旨在堵塞《議事規則》的漏洞，以免不遵守君子協定的人再鑽空子。我和自由黨支持這項根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案，訂定清晰條文，以確保議會運作暢順。

主席，我已記不清自己擔任議事規則委員會委員有多少年了。多年來，無論主席是誰(例如謝偉俊議員及前主席譚耀宗先生)，也會不時要求秘書處做研究，我卻認為不必浪費時間。雖然我不停說不必做甚麼研究，但幸好秘書處仍有做，因為到了今天，便可以證明，秘書處資料研究組過去多年所做的工作，是完全沒有白費的。今次我們可以用這麼多時間好好處理此項有關修訂《議事規則》的議案，全賴秘書處過去一直辛勤工作，明知道即使做了，也未必可以推動任何事情，但照樣做了。我們今天可以向立法會提交此項擬議決議案，真的十分感謝秘書處。

主席，我謹此陳辭。

暫停會議

主席：會議現在暫停，明天上午 9 時恢復。

立法會遂於下午 6 時 47 分暫停會議。

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2021 年 3 月 25 日立法會會議過程正式紀錄的節錄

X X X X X X

議員議案

主席：本會繼續就根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案進行辯論。

葉劉淑儀議員，請發言。

根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案**恢復於 2021 年 3 月 24 日動議的議案辯論**

葉劉淑儀議員：主席，早晨。我是次發言是代表新民黨支持修改《議事規則》的建議。今次修改《議事規則》及《內務守則》的建議，是我們在 2017 年秋季進行第一次修改後的跟進工作，因為在 2017 年作出修改後，我們發現《議事規則》仍有很多漏洞，嚴重影響了立法會及議員的工作效率，亦導致立法會出現秩序大亂時沒有足夠權力作出處理。

是次修改共包括 8 組擬議修訂，是我們需要先處理的第一批修訂。這些修訂例如"建議 1：針對議員行為極不檢點的處分"，均屬非常有必要訂定的明文規定。為何要訂定新的處分呢？因為《議事規則》第 45(2)條所訂有關退席的罰則確實顯然不足。例如在我本人擔任有關"一地兩檢"的法案委員會主席時，經常有議員在座位上叫囂，而這種情況其實亦有在其他會議上出現。他們不斷利用及高呼要引用《議事規則》，力圖中斷討論程序，即使主席要求他們停止也沒有用，他們亦會在離席後不久再次返回會議室。所以，我們的確需要訂定一些加強措施，新民黨對此極表支持。

至於"建議 2：訂明立法會辯論時限及調整議員發言時間"，在主席你就任後，議會的秩序管理已有長足進步，在很多法案的審議過程中，例如我印象特別深刻的《廣深港高鐵(一地兩檢)條例草案》、《國

歌條例草案》，主席你均有進行時間管理。過往在沒有作出適當的時間管理時，法案的審議過程往往拖延太久，造成極大問題。

我曾翻查過往紀錄，並記得在我於 2008 年當選立法會議員後，黃毓民和陳偉業曾在 2012 年 5 月就《2012 年立法會(修訂)條例草案》聯合提交了 1 306 項修正案，篇幅合共 2 464 頁，目的是拖延時間，拉倒就立法會議席出缺安排進行的表決。此外，梁國雄亦頻繁要求點算會議法定人數，結果造成多次流會。直至當年 5 月 17 日，時任立法會主席引用《議事規則》第 92 條中止辯論，亦即俗稱的"剪布"，方可結束為時 100 小時 23 分鐘的冗長辯論。

當年這項"剪布"行動，亦導致梁國雄提出司法覆核，而法庭的裁決充分肯定了主席的權力，表明作為主席的議員並非只能坐在這裏主持會議，而是有責任和權力管理立法會、管理辯論某項議案或法案的過程，確保議事程序可有序和高效地進行。因此，主席絕對有權就審議法案訂定辯論時限，亦即作出時間管理，以便議員精簡和有序地發言。新民黨完全歡迎和支持作出擬議修訂，而按照法庭的裁決，儘管法官亦有提到 **Separation of Powers**(三權分立)，但其實是在判詞中表明不會干預立法會如何處理其內部事宜，故此有關修訂是完全符合《基本法》和香港法例。

此外，"建議 3：在任委員會主席在新會期的委員會主席選出前處理一般事務的權力"，以及有關如何選出新任主席等的修訂內容，當然亦屬非常必要的措施。在 2019 年開始的選舉內務委員會主席的鬧劇中，郭榮鏗作為負責選舉事宜的副主席，由 2019 年 10 月或 11 月一直拖延至 2020 年 5 月，吵鬧了六七個月才能夠選出主席，其間內務委員會的工作完全停頓，很多法案均無法處理，癱瘓了立法會的工作。因此，我們極有必要修補這個漏洞，不能再容許任何人濫用現有規例鑽空子，從而癱瘓立法會的工作。

關於"建議 4：完善立法會的辯論中止待續程序"，其實僅局限於若干議案辯論，例如根據第 49B(2A)條恢復進行中止待續的辯論、立法會休會待續議案等，這並非毫無限制的權力，故有關的擬議修訂亦值得我們支持。

當然，我們亦非常支持作出防止出現濫用程序的擬議修訂。過往無論是在立法會大會或個別委員會，特別是在我們今天尚未處理的一些情況下，透過提出修訂以阻撓立法會的工作亦屬極之常見。我清楚記得在過往一次財務委員會("財委會")會議上，當議員討論長者生活

津貼("長生津")(Old Age Living Allowance)時，前議員黃毓民竟然提出極荒謬的要求，動議政府必須研究保加利亞是否訂有長生津、羅馬尼亞是否訂有長生津等過千項修正案，對財委會通過這項利民措施造成極大阻礙。對於這類濫用程序、重複無聊的修正案，作為主席，無論是立法會主席、財委會主席還是法案委員會主席，均應有權力作出處理。

至於第二批擬議修訂，現正進行諮詢，但當中也涵蓋一些我們常見的情況，因為無論在事務委員會、財委會、人事編制委員會會議上，很多時均有議員忽然提出無經預告的議案。儘管這些議案並無約束力，特別是在事務委員會會議上提出的議案，但要通過這類議案也須經一個辯論的過程，因而會影響在會議上處理事務的進程。

我認為議員要提出修訂實屬無可厚非，我們也曾這樣做，但純粹在開會期間忽發奇想，然後在紙上草草擬就便提出議案，其實是有欠認真。所以，如果將來能通過一項修訂，要求在例如兩天或 3 天前提出建議，經秘書處審閱後才提出修訂，相信會合理得多。

主席，總言之，《議事規則》其實源自英國議會的 *Erskine May*，而且久已未有作出修訂，在 2017 年之前幾乎未曾作出大幅度檢討。隨着立法會的工作越趨繁重，議會秩序越見受到破壞，實在極有必要作一次深刻的檢討和修訂。

正如我曾在內務委員會會議上向李慧琼主席指出，立法會的每年工作時間並不太長，過往亦有行政機關人員詢問我們為何要設有暑假休會期，為何不能在暑期繼續工作。其實，全世界的議會均設有休會期，因為所有議員，無論是"一人一票"選出或功能界別議員，均有需要跟選民保持聯繫，落區工作，接受投訴，這亦是我們作為民選議員的一大主要工作。

試看立法會的時間表，當年度會期於 10 月展開後，我們首先要聽取施政報告，然後就此作出辯論。不久之後，到了 12 月中便進入聖誕節休會期。在 1 月復會後，農曆新年期間會有數天假期，之後在"兩會"期間又會有 10 天、8 天暫停舉行立法會會議，不久之後又有 4 天復活節假期。財政預算案("預算案")通常在 2 月底宣讀，立法會要安排時間讓財委會舉行特別會議，然後進行有關預算案的辯論。

因此，議員真正可以在立法會會議上辯論重要議案、政府議案及審議法案的時間其實不多。我們實應好好檢討《議事規則》，提高我

們的辦事效率，以及杜絕過往在立法會出現的種種不堪入目的混亂情況，例如擲物、在座位上叫囂、不斷濫用《議事規則》阻撓進行議事程序等，這些均是任何一個具尊嚴的議會所絕不容許的行為。

所以，新民黨支持修訂《議事規則》的擬議決議案。主席，我謹此陳辭。

姚思榮議員：主席，《基本法》第七十五條訂明："立法會議事規則由立法會自行制定"。所以，《議事規則》可說是立法會的家規，目的是規管立法會議員在參加會議時的權利、操守及行為準則，令會議能夠順利進行，議員可以代表其業界及市民暢所欲言。

《議事規則》的藍本源於 1997 年回歸前香港立法機關的《會議常規》。《會議常規》是一套源自英國國會的制度，包括一系列的慣例、先例及傳統。無論是回歸前的《會議常規》還是現行的《議事規則》，都因應了實際情況進行多次修訂，目的是為了更新規則，以適應立法會運作的實際需要，所以，只要理由充分，《議事規則》是可以修訂的。又或是當立法會的運作出現問題的時候，導致有議員因此不能履行職能的時候，立法會議事規則委員會便有責任檢討正在實施的《議事規則》是否不合時宜，以保障立法會所有議員可以履行《基本法》所訂明的職能。

回歸後 10 多年，立法會的整體運作尚算順利，議員比較自律，即使有不同觀點和立場，有激烈的辯論，都希望通過辯論以理服人，衣着亦比較莊重、得體，整個立法會予人的感覺是有尊嚴、理性及有水平。正如葉劉淑儀議員剛才提到 2012 年 5 月，泛民議員發動了"拉布"戰，黃毓民及陳偉業就《2012 年立法會(修訂)條例草案》提交了共 1 306 項修正案，發動了冗長的辯論，要求點算法定人數造成了多次流會。最後，該項辯論歷時 100 小時 23 分鐘。自此之後，立法會會議的"拉布"、冗長辯論、不停點名製造流會等情況已成為常態；隨後，"拉布"的風氣蔓延至財務委員會及轄下的小組委員會，例如工務小組委員會，導致很多工程撥款遲遲未能批出，影響香港經濟。

在此之前，我們曾經耻笑台灣的立法院出現全武行，認為台灣的議政水平差，只會表演，不是解決問題的地方。但近年，香港亦開始學習台灣，立法會成為了政治鬥爭的主要舞台。每當一些議題有機會令政府得分或與內地政策及撥款有關，反對派就會利用《議事規則》的灰色地帶，通過大小不同的會議，拖延會議的進行，以似是而非的

歪理設法令法案失效，公共開支不能按時批出，甚至以肢體衝撞的方式影響會議的正常進行，影響如我們想正常開會議員的工作安排。

2019 年出現了修例風波，為了阻止成立法案委員會，反對派開始變種成為"攪炒派"，他們利用《議事規則》拖延內務委員會主席選舉，令內務委員會癱瘓了整整 7 個月，提交予立法會的所有法案都未能進入審議，令立法會運作差不多停擺。

今次《議事規則》的修訂是因應立法會過去近 10 年出現的亂象，作出一次比較全面的梳理，逐一進行修訂，以確保立法會未來能夠暢順履行其職能。今次修訂其中一項建議是對議員不檢點行為作出處罰，包括停止職務一段時間及停發部分薪金，如在停職期間重犯，罰則將會加碼。第一次暫停職務是 1 星期，第四次暫停職務會增加至 8 星期。我在看過有關資料後，個人認為罰則比較嚴厲，在諮詢期間，我的意見是重犯期間停職罰則無需加碼，即是每一次停職都是 1 星期，重犯也是 1 星期，這樣其實已達到警戒效果。當然，後來議事規則委員會參考了英國及其他海外立法機關的經驗，而且諮詢了其他議員的意見，最後，我亦同意用累進式的罰則，所以，最後我同意支持所有相關的修訂。

今次《議事規則》的修訂較能保障立法會議員執行權責及履行權利，除非議員無理地干預會議進行，否則，議員的權利根本沒有受影響。隨着人大的決定進一步得到落實，我相信立法會的亂象不會再發生，香港的政治、經濟和民生將重回正軌，香港昔日的光輝必定重現。

主席，我謹此陳辭，支持對《議事規則》進行修訂的議案。

林健鋒議員：主席，擔任立法會主席這職位真的不容易，立法會內上至行政立法，下至掃把垃圾也要處理。

昨天，主席告訴我這座講稿架是古董，不過即使我損壞了也不要緊。雖然《議事規則》已就很多作出損壞的行為是否需要賠償等清楚列明，但我相信主席也不會要求我就講稿架作出賠償的。再者，主席非常好，今天已安排一個全新的講稿架給我，我已 check 過相當穩陣，多謝主席。

主席，我們身為立法會議員，本來應該感到無上光榮，因為能夠參與制定法律、審批公共開支和監察政府施政，是十分榮幸和有意義的事情。但是，這數年只要提及立法會，市民便會想起"拉布"、搞事、

流會和擲東西，我身處這個如此嚴肅、如此莊嚴的議事廳，想起過去一幕幕近乎荒謬的場面，真的感到既無奈又痛心。

事實上，自從 2011 年，個別議員利用《議事規則》的灰色地帶發動"拉布"之後，近 10 年來，部分議員瘋狂濫用《議事規則》的議事程序，但凡涉及跟內地有關的議題，包括《國歌法》、高鐵"一地兩檢"等也無法避開被"拉布"的命運。個別前議員"逢中必反"，"逢特區政府必反"，甚至"為反而反"。在 2016 年至 2020 年的立法會會期內，"攬炒派"議員不斷"拉布"拖延會議，涉及 501 次濫用點算法定人數機制，導致流會 14 次，造成最少 14 項法案無法成立法案委員會審議。

2019 年 10 月開始，前立法會議員郭榮鏗濫用《議事規則》惡意阻撓、阻礙立法會運作，加上其他反對派議員裏應外合，導致立法會內務委員會癱瘓足足超過 6 個月。其間多項法案無法及時審議，超過 80 項附屬法例在限期屆滿前得不到處理，一些跟經濟民生息息相關的法例亦未能及時通過。

因應疫情，雖然政府在去年 7 月宣布押後立法會選舉 1 年，但"攬炒派"繼續搞事，令立法會根本沒有一次會議能夠順利舉行。去年復會第一天，"攬炒派"就連續 12 次點算法定人數，用點算人數的方式"拉布"，又以"扯貓尾"的方式，互相提名選舉主席，阻撓會議進行，甚至衝擊主席台等。我們看到有部分前議員無所不用其極，癱瘓立法會運作，阻礙政府施政，令香港陷入議而不決，決而不行的局面。

主席，濫用《議事規則》的後果，除了導致很多工程超支和延期或延誤，影響到政府和立法會的正常運作外，更會損害本港長遠的經濟營商環境，以至社會民生的穩定發展。我們看到這數年高鐵香港段、港珠澳大橋香港段、蓮塘/香園圍口岸等跨境工程，全部因為"拉布"出現延誤，這樣不但會增加工程成本，最終要納稅人"埋單"，更會影響香港的就業市場，以及對市民提供的服務。

眼見鄰近城市急速發展，香港卻天天糾纏於政治爭拗，事事陰謀論、政治化，甚至很多關乎民生、教育和醫療的政策均無法推行，我相信所有愛香港的市民都感到十分心痛。當然，《議事規則》本身是防君子不防小人，如果大家也是謙謙君子——好像主席一樣——有權又不會用盡，根本無須修改《議事規則》。但是，在過去一段長時間裏，大家也看到立法會秩序是每況愈下，反映我們絕對有需要按照實際情況再一次修改《議事規則》，所以我也很高興看到謝偉俊議員提出有關議案。

主席，經過反修例運動和持續超過 1 年的疫情，香港已經元氣大傷，社會各界期望立法會盡快恢復有效的運作，我認為縮短發言時間，要求精簡、一針見血也是合理的安排。修訂可以提高立法會的效率，令關乎經濟民生的法例可以盡快通過，現在的建議亦已參考其他地方議會的趨勢，在議會有效運作，以及不影響議員發言權利之間取得很好的平衡。

有人說建制派今次在這個時間提出修訂規則是乘人之危，我認為這樣說絕對不公道，因為立法會早在 2008 年已經研究多個其他地方、國家和普通法國家的議會做法，今次修例亦並非針對任何黨派、任何人士，而是因時制宜。如果建制派為了表現出自己的君子風度而放棄這個時間修改《議事規則》，撥亂反正，我認為這樣真的對不起全香港市民。

主席，香港正處於經濟發展的十字路口，今年亦是“十四五”規劃開局之年，而面對粵港澳大灣區建設、“一帶一路”等機遇，未來數年是關鍵時刻，而這些機遇對香港而言，也是千載難逢，我們一定要好好把握，發展國家所需、香港所長。

今次修改《議事規則》，關係到行政立法關係、關係到立法會議事效率、關係到特區政府能否有效依法施政，以及全體市民根本的利益。所以，我們一定要做，一定要撥亂反正，糾正歪風，而修改立法會《議事規則》已成為香港社會的主流共識。

主席，立法會議員的職責是監察政府，而不是癱瘓施政，市民期望我們開會，而不是製造流會。我真心希望通過今次修改《議事規則》，日後大家可以透過溝通化解矛盾。如果大家可以多吃一些實際工作，我相信是議會之福，也是市民之福。

主席，我謹此陳辭。

李慧琼議員：主席，立法會是香港特別行政區的立法機關，《基本法》訂明立法會的主要職能是依照法定程序制定、修改和廢除法律；審核通過財政預算案；批准稅收及公共開支等。行政、立法和司法作為香港政治體制中重要的組成部分，各有職能，如果立法機關經常無法正常運作，政府提交的法案或有關公共開支的撥款申請未能及時處理，導致政策無法實施，公眾利益自然會受損，影響香港的經濟、民生及

法治發展。

主席，我自 2008 年起擔任立法會議員，目睹議會文化的變質。議會不再莊嚴，優質民主在香港立法會不復再，取而代之的是議會文化劣質化、暴力化，香港議會的亂象往往成為國際新聞的部分內容。香港市民除了憤怒和感慨外，其實感到更加心痛的，是香港因為政治內耗而蹉跎大量歲月，我們的競爭力每況愈下。長此下去，香港恐怕會淪為全國的二線城市。

主席，過去的議會亂象，市民心中有數，只要隨便在網上搜尋，都可以找到相關數字。例如，在 2016 年至 2020 年立法會會期中，有議員在大會"拉布"，涉及 501 次濫用點算法定人數機制，導致流會 14 次。而情況最嚴重的，當然是內務委員會("內會")主席選舉的鬧劇。由於內會遲遲選不出主席，總共有 93 項附屬法例未能在修訂期內成立小組委員會審議，有部分法例亦因為時間關係而未能夠完成審議。當然，現在我們延任一年，事情已經稍為緩和，得到了處理。所以，在去年我作為內會主席，在總結時我提出了四大遺憾，分別是內會變成議會抗爭的主要戰場，令到民生法案被拖延甚至被犧牲；行政立法關係變得惡化；議會暴力升級；以及香港和中央的互信未能建立。我當時亦清楚指出，隨着社會的新形勢，負責任的議會、負責任的議員需要定期研究《議事規則》，並要更新《議事規則》，讓我們可以適應新的時代變化。

主席，說回今天的議題，提出修改《議事規則》的建議總共分為 5 類：第一，是包括針對議員行為極不檢點的處分；第二，是立法會主席可視乎情況，設定辯論和發言時限；第三，是在任委員會主席在新會期的委員會主席選出前，擁有處理一般事務的權力；第四，是完善立法會的辯論中止待續程序；及第五，是防止可能出現的濫用程序的擬議修訂。

第一點是針對議員行為極不檢點的處分。其實，這個部分的討論已經在本會進行了很久，自從有議員在立法會擲出了第一隻香蕉後，自從立法會的暴力鬧劇越來越嚴重後，市民已經多次要求我們收緊對行為不檢點議員的罰則和處分。因為大家也知道，事實上，現時鬧事的議員只可以被趕出場，除了被趕出場外，中間是沒有一個落墨點的，正如之前亦有議員指出。所以，今次其實是想填補這方面的真空。

主席，作為立法會議員，我們在審議.....主席，我們也看到今次修訂填補了這方面的真空，因為過去除了罰有關議員離場外，最嚴重的就是透過譴責議案，使議員喪失資格。主席，我們在討論和研究這

方面的罰則時也相當審慎，我們考慮過其他國會的例子，亦考慮到整體議會的運作。

主席，至於設下辯論發言的時限，其實議事論事是議員的天職，所以很多議員都希望在議事堂上暢所欲言，不受限制。早前在辯論時間，以及在內會表達意見時，也有議員表達這方面的想法，這是可以理解的。可是，總結過去經驗，某些議員是利用了現時《議事規則》較寬鬆的空間，為了拖延議案、反對議案，令議會的效率受到限制。

因此，我們便需要作出平衡，大家亦清楚知道，議會的時間其實是十分有限的，而香港很多方面的法例也需要與時並進，有很多議案亦需要進行討論，以及要通過撥款申請等。所以，如何確保議會可以運作暢順，便是今次《議事規則》修訂的一個大挑戰。我亦知道議事規則委員會已經參考了英國、新西蘭、澳洲、加拿大及美國國會的經驗，概括而言，很多議會也會為辯論設定時限，這做法是相當普遍的。設下規定一方面可以讓議員能夠在議會內有更多發言空間，另一方面，亦可以讓議會在一段合理時間內作出決定，避免議會長期議而不決。

至於不同議會所採取的限制類型都各有不同，常見的辯論時間設限形式，包括為辯論設定整體設限——主席，你過去亦曾多次引用——限制在辯論中發言的總次數，以及限制每名議員的發言時限和次數；這些在不同議會中也是有引用的。

主席，第三項修訂是回應內會的鬧劇。大家也清楚知道，內會之前的鬧劇是由於在新會期的委員會主席選出前，由於《議事規則》未有明確指出在任主席在這段期間所擁有的權力，以致會議被不斷拖延。對於這部分修訂，我也是相當支持的。

主席，《議事規則》需要與時並進，今次我們每位議員其實也相當謹慎，我亦想在此藉這個機會感謝參與《議事規則》修訂過程中的每位同事，特別是議事規則委員會的成員及秘書處的同事，他們都花了大量時間和非常努力，讓這部分的《議事規則》修訂能夠走到今天這一步。我們接下來還有其他關於《議事規則》的修訂，香港議會需要向前走，我們亦需要好好總結經驗，需要前瞻未來。大家也知道，新一屆立法會的議席共有 90 席，所以如何在當中取得平衡，確實是我們接下來一項重要的工作。

主席，近年議會失效，未能有效履行其憲制職能，甚至淪為拖慢

香港發展的一個主要角力場。香港長期陷入政治內耗，反觀回歸過去 20 多年的發展，我們真是錯過了許多機會，也花了太多時間在政治爭拗上。眼見周邊城市及其他競爭者不斷追上，現在新加坡、深圳甚至澳門在很多範疇上其實都已超越香港，實在是一次又一次的敲響了警號，最近中央都忍無可忍出手。所以，我十分期望透過《議事規則》的修改及“愛國者治港”原則落實後，香港政治可以回復穩定，立法會能成為一個真正有序、健康的議事平台，讓香港可以集中精力，發展經濟，改善民生，謀劃長遠。

我謹此陳辭，支持議案。

鄭松泰議員：我們現在辯論的，是根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。對於這次修訂《議事規則》，我比較關注 3 方面，但在我說出我的看法前，我要說一聲抱歉，事關就這次修訂《議事規則》的範疇，說實話，我沒有深入研究當中的修訂對立法會的議事空間和議事文化的長遠影響。在面對全國人民代表大會（“人大”）通過修改香港選舉制度的決定的當前，我們現在進行修訂《議事規則》，我不會說後者是微不足道，因為事實上也會有所影響；但是，當比較兩者的時候——我要說聲不好意思——我對這次修訂的探討沒有這麼深入，如果我的發言內容有偏差的話，歡迎其他議員作出糾正。

首先，我覺得這次修訂，很明顯在法案審議和重大議案審議的部分，會直接扼殺我們僅餘的議事空間。這樣對於我們的議事文化會否有影響？我可以反過來問，我們的議會還有甚麼議事文化呢？我要說清楚這兩點——我想我的言論是很清晰的——這次修訂的影響就是會扼殺我們僅餘的議事空間；至於會否破壞我們的議事文化？這便要問問究竟我們的議事文化是甚麼。

議會制定法例的程序，就像我們要撰寫一篇議論文，兩者的格式（format）很相似，要清楚說明我對於有關法例的立場、是否支持，要有論點、論據、論證、推論和結論，有 5 至 6 個部分。這些法定程序在我們的《議事規則》中，便演變成首讀、二讀及三讀；當然，每個地方的議會或國會做法不同，但這是基本格式。不過，為何我說這次修訂會破壞議事文化或扼殺議事空間？因為議事背後有一個原則，或議事背後有一個假設，是假設我們在議事堂裏能夠越辯越明。

何謂越辯越明？就是我們希望透過議事或辯論過程，就着我剛才

說的 5 至 6 個部分來說明當中的原理、道理或原則。但是，越辯越明中的"明"，並不是要追求真相。一般對議會的看法是，大家追求一個最大公約數；即議事堂上的代表，各自代表着一定的選民數目或民意，在這個公約數下，大家如何能夠達到共識或社會共識？所以簡單來說，越辯越明並不是追求真理或定律，這點大家很清楚，越辯越明所指的是追求最大公約數。

究竟這次修訂會否破壞議會文化呢？說實話，站在議事角度，我們的議會文化已所餘無幾。例如過去反對派或泛民——泛民相對地較少這樣做——例如當時屬於社會民主連線的議員作出一些議會抗爭或姿態，這其實是就着議事文化被扼殺，而作出的一些反對行動或表態，這並不是——我強調並不是——我們一般理解的所謂議事文化。所以，如果單純抽出這個片段，嚴格來說，我們的議會一直以來都是一個表態式的議會；至於一些舉動或打架等行為，則另作別論。但是，我們理解，如果現在議會沒有反對派、沒有泛民，我們是否便回復議事文化呢？我簡單舉出昨天一個例子，大家便會明白。

昨天我們就着皇崗口岸"一地兩檢"安排進行議案辯論，大家各自表述自己的議論，進行議事。我萬萬想不到的是——主席當時也在席——我發言 7 分半鐘，我認為這是一項很平常、尋常的議案；我說得白一點，我認為昨天這項皇崗口岸"一地兩檢"的議案，不是涉及在香港的司法管轄區——即好像西九的做法，要撥部分地方讓內地人員執法——而是關乎在深圳執行香港法例。我覺得為何要這麼敏感或有需要在社會上作出很大的反應呢？所以，我認為這是一項很尋常及平常的議案。但是，為甚麼我認為議事文化不存在呢？因為並不單純是議員要表態。表態是重要的，因為如果沒有人知道你的立場的話，這便是你的問題。但是，我想不到的是，政府——李家超局長——昨天就我發言內容的回應，並不是我們所理解的議事，他就着我的發言抽出一兩句話，然後說我妖言惑眾。我說就一項這麼尋常、平常的議案，根本不需要辯論兩三小時，但他要作出表態。

所以，為甚麼我說我們議會的議事文化蕩然無存？政府要作政府的表態，要表達出它有多激進(radical)，這是它的選擇，但不應扭曲我的言論。反過來說，其實我們也是有責任的。

為甚麼過去的議會會變成只流於表態、喊口號，甚至作出一兩個手勢？其實，所有人都有責任，有怎樣的選民便會選出怎樣的議員——當然，如果還有選舉的話。我昨天在發言時說，我覺得一項這麼尋常的議案不需要花這麼多時間進行議事，結果被《蘋果日報》認為

我不需要記名表決，便作為新聞題材作出報道——不過，其實我某程度上已經習慣。

為何會這樣子呢？我們的議事文化蕩然無存，是因為我們不明白議事本身是追求越辯越明，並不是單純的表態。表態是重要的，因為別人要知道你的立場是甚麼。不過問題是，我們的議會理論上是整個社會的人士、各個板塊、階級集中在這裏的反映，如果只有表態會如何？如果只有表態，其實便不需要修改《議事規則》關於罰停賽的部分。就罰停賽的部分，我們今天會堂而皇之地討論。如果在這裏，我們賦予主席權力，除了可趕某議員離場之外，還有一個所謂的懲罰，便是罰他停賽，這種做法在未有人大修例之前，我會認為是荒謬的；因為如果罰我離場，還要停賽，加上有機會罰錢，那樣一定是扼殺議事空間，我便不多說了，只是表態便算，我進來發言，給一個手勢便完結。昨天也一樣，大家只是表態罷了，便是這樣子。

但是，在人大修例後，我不理解在實際上，這一項修訂能達到甚麼你想得到的效果。之後的立法會候選人已經有一個審查委員會來篩選，如果還有議員可以在這裏做到你認為是違反規例的事，然後你要罰他離場，我便會很懷疑愛國者的門檻是否未免太兒戲了。在未有人大修例之前，我認為這次修訂似乎真的為了僅餘的空間而去扼殺一些少數派，即使是餘下十個八個，都要以防萬一。但是，既然我們理解未來的議會是愛國者治港時，那麼這項修訂便未免……怎麼說呢？小心謹慎是好的，但未免有點多此一舉……甚麼？你說我好像是支持這項修訂嗎？所以，我的立場是重要的。

關於對未經預告的的休會待續議案的限制，坦白說，我認為是有問題的，事實上，除了星期三和星期四的立法會會議外，我們沒有甚麼空間可讓全港市民、其他國家甚至是北京去了解香港，立法會是一個議員最能夠集中並即時回應到香港問題的地方。關於未經預告的休會待續議案，我認為如果要賦予主席一項權力——其實他本身已經有權力——作出限制，將來即使修訂了香港的政制之後，其實也是作繭自縛的。

很簡單，舉例而言，在 2019 年反《逃犯條例》之前，甚至有建制派議員亦提出休會待續議案，為甚麼呢？原因是那個狀況不是單純因為那是否搞事的一批人，而事實上真的有些法例會影響某些業界當下的利益，又或影響香港當下很重要的事情。不過，當然，現在有關修訂是指主席可以作出判斷。但是，按此邏輯，到了法案三讀，給予主席限制議員在三讀的發言時限，又未免太過低估主席判斷議員的發

言內容是否冗長和重複的能力了吧？本身議員在三讀時有 15 分鐘發言時限，但主席要限制，因為他說辯論時間會太長。然而，未來將有 90 位議員，大家應該早已預料到辯論時間將會更長，因此議員的發言時限便會由 15 分鐘可能減至 5 分鐘、7 分鐘。

我一開始說何謂議事的文化，最重要的部分並不是在於表達立場(即表態)，亦不單純是你個人的立場；你舉出你的論點、論證、推論，但重點是結論，對嗎？我們假設議會真的是民選，或者是一個真正有代表性的議會，在法案三讀時，我們預設法案是已經過議員討論的過程，經過越辯越明的過程，議員在三讀時可藉此機會作出是否支持某項修正案或議案的結論。即是議事本身最後是有空間，讓大家作出總結。此外，基於設計上的限制，並不是每個人都能在法案委員會聽到我發表的意見，你可能在立法會會議上才聽到我說，例如究竟我支持全面禁止電子煙，還是支持規管加熱煙、禁止電子煙呢？又例如，我沒有加入有關法案委員會，我要在立法會會議上，在討論有關法案的過程中才能表達我的理據，然後在結論時，你聽過我的理據或會認為我有道理。舉例來說，為何香港對於肛交設有年齡的限制，但不相信市民在 18 歲時有能力判斷應否抽煙呢？這是違反常理的，對嗎？你聽畢我的發言後，你便可能會調整你的結論。

所以，關於在三讀限制議員發言時間的修訂，是看低主席閣下的能力，因為你有能力判斷三讀辯論是否冗長和重複的。現時的設計是把本身的 15 分鐘減至 5 分鐘，這便是沒有必要的修訂。我們的議會本身已經有太多表態，你是不耐煩於大家的表態，你希望能夠透過修訂而改變某些事——雖然這樣說有點荒誕——但設計便是這樣子。但是，現在是切割了後面的部分，前面則讓議員表態，不就變成昨天的情況嗎？昨天便是每位議員只懂得表態了。但是，我重申表態是重要的。謹此陳辭。

陳健波議員：主席，自從佔中事件以來，"攞炒派"不斷利用《議事規則》的漏洞，在立法會發動"拉布戰"，令立法會多次陷入半癱瘓的狀態，拖垮立法的工作，目的是想"拖政府後腿"，令香港跌入"攞炒"的陷阱。及至 2019 年，"拉布"已達到最嚴重的地步，"攞炒派"議員在行為上越趨暴力和激進，衝擊保安人員已是司空見慣，最後更有人投擲臭蛋，簡直荒謬。根據統計，由 2016 年至 2020 年，他們的"拉布"行為濫用超過 500 次的點算法定人數程序，導致 17 次流會，最少 14 項法案受到拖延。

事實上，為了遏止"拉布"潮，立法會在 2017 年通過由建制派議員提出的 24 項《議事規則》的修訂，在 2018 年亦曾修改兩項財務委員會("財委會")程序，目的是收窄他們的"拉布"空間。他們在一開始時收斂了一點，但沒有多久後，"攪炒派"便挖空心思，想到很多"拉布"的手法。最經典的是他們在 2019 年阻礙內務委員會("內會")主席選舉，當時由於內會原主席李慧琼議員要參選，按照《議事規則》，主持內會會議的工作由郭榮鏗副主席擔任，結果他使用其很獨特的主持會議方式，包括議員發言可以不限時限，而範圍亦十分寬鬆，令相關選舉一直拖延。內會花了 7 個月仍未能選出主席，這是史無前例的。

最後，要由大主席"老人家"出手，在參考法律意見後，指明由我主持內會會議。我亦很感謝當時主席表明應直接投票，不得處理規程問題，最終順利選出內會主席。但是，我回想起當天的情況，其實是非常混亂且暴力的。當時有關會議在 2 時 30 分舉行，而會議室大門會於 2 時打開，其實我在 2 時已經坐在主席座位上，當時有一群議員衝進來，在我面前不斷指罵，"粗口爛舌"，說了很多侮辱性說話。但我作為主席不可以開啟麥克風反駁他們，唯有默默承受。但是，我認為我並不是最辛苦的，最辛苦的是保安同事，因為議員與保安員有很多肢體碰撞，他們在保安員面前.....保安員受到他們衝擊，需要奮力抵抗，有部分女保安員更為辛苦。因此，我認為在該次事件及在過去數年間，就他們對議會的衝擊而言，其實最辛苦是秘書長、法律顧問和秘書處同事，因為他們受到很無理的指責，甚至人身攻擊。保安同事更可憐，直接受到議員衝擊，所以，我認為他們專業地處理這數年的事情，是值得表揚的。

經過各位同事研究後，議事規則委員會提出 8 項修訂，其中 5 項是修訂《議事規則》，即是今天會審議及表決的議案，另外有 3 項涉及《內務守則》。今天的 5 項修訂，包括行為極不檢點的議員將會被暫停職務和被扣除該期間的酬金；訂明立法會辯論的時限和調整議員發言的時間；在任的正副主席在有關委員會選出下一屆主席前，須具有正副主席可行使的一切權力；完善立法會辯論中止待續程序；以及第五項，防止可能出現濫用程序的修訂。

是次修訂亦會引入所謂的"紅牌"制度，如主席認為在現行的《議事規則》第 45(2)條下，不足以處理行為極不檢點的議員，便會對該議員點名，再由代理主席動議一項不容辯論和修正的議案，議案獲通過後便可暫停該議員的職務，初犯者會被暫停職務一星期，再犯則會逐步增加其暫停職務的期限，停職期間亦會停止發放酬金。這項修訂

表面上好像比較"辣"，但我認為是有需要的，因為我主持過很多年的財委會會議，多次被人無理攻擊，但作為主席，被他們指罵後卻沒有甚麼可以做，個人侮辱是可以承受的，但事實上，這些行為令立法會各個會議不能運作。大家看到在過去數年，香港真的落後於全世界，這是由於議會不能運作，議員有很多事項不敢提出，提交事項予立法會大會固然是大件事，當時議員是想提出也不敢提出，這令香港倒退，甚至不能前進，而這局面絕對與這些行為有關。

為何他們膽敢衝擊主席台呢？因為我們過去沒有認真執行《立法會(權力及特權)條例》，而且《議事規則》根本是"無牙老虎"，即使議員的行為極不檢點，最多只是被趕離場，明天又可重新出席會議；過往更誇張，議員一天內可以重返會議數次。所以議會對議員其實並沒有太多懲罰。反而有關行為被傳媒廣泛報道後，那些議員被人視為英雄，變相有收穫而沒有付出，結果越來越多人這樣做，行為越來越激烈，因為制度令人樂於做此事。現在設有"紅牌"制度及扣薪制度，我相信阻嚇力會更大。

另一項受到關注的是調整議員發言的時間，大家都知道主席可以把發言時間限制為最多 4 個小時，休會待續的時限則最多為一個半小時。在每名議員就議案發言的時間方面，經修訂後，發言時間會縮短。有議員認為發言時間太短，將來發言時間不足夠，我認為我們將來唯有精簡地發言。其實很多時候，發言無需 10 多分鐘；如議員能夠用兩三分鐘的時間完成 10 多分鐘的發言，這樣會有更多人留意，因為人的聚焦時間十分短，3 分多鐘已十分長，如發言長達 10 多分鐘，誰會認真聆聽他們的發言內容，我認為議員精簡地發言數分鐘會更有效。但是，我相信主席會運用他的權力，在討論特別複雜的議案時，發言時間可能真的不足夠，我相信主席會運用酌情權來彈性處理。而且，從現實角度來看，立法會議員將增加至 90 人，縮減發言時間也是無可避免的。

主席，立法會的《議事規則》大體上沿用港英立法局那一套，再逐步作出修改。當年議員均是循規蹈矩，因為當時是委任制度，如議員胡搞，下次便不會再獲委任，所以，當時的《議事規則》和《內務守則》是君子協定，所有議員都自覺地遵守，條文也寫得比較寬鬆。但是，在過去數年，確實有人以行動證明他們不會尊重《議事規則》，所以一定要把條文寫得清楚一些，令他們無法鑽空子。這句說話其實很可悲，因為最好是議員自己管自己，但事實上，如不收緊條文，他們便盡量鑽空子和濫用有關規則，結果是議會受害、所有同事受害、香港受害。所以，我認為我們真的有責任堵塞《議事規則》的漏洞，

亦是必要的工作，因此我是支持這項議案的。多謝主席。

廖長江議員：主席，我發言支持議事規則委員會主席謝偉俊議員動議的根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

主席，為還社會一個理性、莊嚴的立法機關，建制派曾於 2017 年 12 月經艱苦努力，成功修改了《議事規則》，以減少非理性的"拉布"，使立法會與時俱進，重回正軌。在 2019 年 6 月前，我們可以看到當初的修訂起到成效，立法會整體運作暢順；特別是有關修訂賦權立法會主席可以決定在流會後重新舉行立法會會議，以進行未完成的會議議程，以及賦權主席裁決合併議案辯論等措施，均大大減少了"拉布"的空間。

然而，反對派為達致政治目的，對《議事規則》進行不當演繹，無所不用其極地鑽空子。在上一個立法年度，反對派政治挾持整個立法會機關，主持內務委員會("內會")主席選舉的前議員郭榮鏗不斷僭建程序，濫權違規，耗費 7 個多月都未能選出內會主席，導致立法會停擺，眾多重要的法案及民生建設受阻積壓，社會民意口誅筆伐。因應新冠疫情，全國人民代表大會常務委員會通過延長第六屆立法會任期的決定。然而，重返立法會的反對派仍迷途忘返，罔顧民生，在總辭前對不具爭議性的法案，例如有關貨櫃規格的法案及《2019 年成文法(雜項規定)條例草案》，繼續進行"拉布"。在審議《2019 年成文法(雜項規定)條例草案》時，反對派每隔半小時便要求點算法定人數，並且有反對派議員發言嚴重離題，以致立法會連續 3 星期流會，嚴重浪費香港人的時間和公帑，阻礙香港社會經濟發展和民生措施的落實。

為確保日後立法會有序高效地運作，我們必須修改《議事規則》，進一步堵塞漏洞，阻止議事堂再出現亂象。針對議員極不檢點的行為，目前《議事規則》第 45(2)條所訂的現有罰則——即命令有關議員立即退席，不得繼續參與立法會或委員會的該次會議——不足以處理議員在立法會會議上作出的極不檢點行為。社會上，很多市民不滿議員在議事廳內為達政治目的胡作非為，而且在作出極不檢點的行為後，竟然可以在議事廳外繼續大搖大擺，仿若無事發生，不受約束。參照英國國會下議院和德國聯邦議院等海外立法機關所採用的制度而訂立的處分機制，是一種以嚴重程度遞增級別為依據的新處罰方式，而且按比例計算財政處分，有利於提高罰則的阻嚇性，以規範議員的行為。

主席，立法會會議時間寶貴。實際上，在立法會會議每年的議程

安排中，除去辯論施政報告及財政預算案的時間和假期，可供審議法案的時間並不多，議員需要好好掌握時間，高效及具質素地進行立法工作。本立法年度已安排的立法會會議，包括今天，只剩下 13 次，其中兩次要處理財政預算案辯論，即僅有 11 次會議可以處理法案立法工作，而目前尚有 30 項法案有待審議。此外，行政長官亦表明希望在任內完成 5 項立法，包括把區議會納入公職人員宣誓要求、引入非本地培訓醫生、“劏房”租務管制、反“起底”及加強舊式樓宇消防安全法例。立法安排時間緊湊，工作繁重。在立法會辯論時限及議員的發言時限方面，根據法案和議案的性質，對議員發言時限和辯論時限作出適當調整，把議員發言時限由 15 分鐘降至 3 至 10 分鐘，有利於議員精簡發言，提高立法會的議事效率。與此同時，根據《基本法》第七十二條第(一)項，立法會主席在行使其主持會議的職權時，可以運用酌情權。擬議修訂亦包括賦權立法會主席可酌情調整辯論時限，這對上述擬議議員發言時間的修訂提供了補充，達至平衡，有利於立法會妥善履行其憲制職能。

為防止再度發生類似去年內會長期未能選出主席的情況，擬議修訂賦權在任委員會主席在選出新會期的委員會主席之前處理一般事務的權力。擬議修訂亦包括完善立法會的辯論中止待續程序，以及對可能出現濫用程序的一系列規則進行修訂。過往有議員在三讀階段再次討論本應在法案二讀辯論時提出的事項，包括法案的整體優劣和原則，以及法案的擬議修正案或個別條文。這不僅偏離法案分為二讀辯論及三讀安排的原意，更浪費議會的時間。對議員在三讀階段發言作出的擬議規定，有利提高議員發言質量和立法效率。

主席，今次對《議事規則》的修訂，是因應近年來反對派濫用《議事規則》程序及發言時限的問題而進行針對性的修改，擬議修訂亦在代議士議政論政的權利，以及立法會履行憲制職能及社會責任之間取得了一個合理和適當的平衡。我認為修訂並無削弱議會的功能，反而是撥亂反正，有利於回歸理性，提高議會的整體質素和效率，務求促進香港的整體利益和發展，我支持這項議案。

主席，立法會建制派將會不時檢討現行《議事規則》，並會在有需要時作出修訂，務求維護立法會的尊嚴，完善整體立法會的制度、運作和秩序。

主席，我謹此陳辭。

梁美芬議員：主席，根據《基本法》第七十五條，香港特別行政區立法會可以自行制定議事規則。"自行制定"的提述，代表賦予香港特別行政區立法會"高度自治"的信任，讓我們制訂符合香港特色的議事文化。

我記得在加入立法會前，立法會對我而言是相當莊嚴的，我非常尊重，而立法會議員亦是市民和議員本身皆感到非常光榮的身份。為何會有"Honourable"的尊稱呢？為何會有這個尊稱呢？因為市民和社會對我們有所期望。

主席，在 2008 年至 2021 年的 13 年間，大家看到立法會的文化的确每況愈下。我記得剛加入立法會不久，便在議事廳內目睹前立法會議員黃毓民擲出第一隻蕉。他聲稱因為自己擲出這隻蕉，所以成功爭取"生果金"，這樣便打開了潘朵拉的盒子。我當天其實已在議事規則委員會會議上提出應設有紅黃牌制，亦一直參與議事規則委員會，自 2008 年起參考其他國家(不論是普通法或成文法國家)的議事規則，理解到香港立法會的《議事規則》的規定非常寬鬆。別人設有"腰斬令"，以及不同層級的罰則，並賦予議長很大酌情權，可以根據社會政治情況和議會情況作出有效判斷。

《議事規則》每況愈下的情況，在 2011 年拉起戰幔，我當時可謂主角之一。當時有 5 位立法會議員聲稱要進行五區總辭，變相公投，在辭職後又立即參加立法會補選。如是者，立法會的輪候發言次序等要待他們 5 人當選後才能定奪，簡直是一齣鬧劇。此舉除浪費公帑外，亦對多位議員製造很大誘惑，可以透過辭職說出心中所想，而且毫無代價可言。於是，我提出私人條例草案，修訂《立法會條例》，以訂明已辭職的議員不得在同一屆任期內再參選。結果，整個社會有很大爭議，而我亦遭受傳媒在黃金時間海陸空的人身攻擊，肆意抹黑。終於，政府吸納了我提出的修訂建議，但卻作出調整，訂明已辭職的議員須在半年後才可以再參選，十分寬鬆。其實，我覺得一屆任期是相當合理的。

在這情況下，反對派進行第一次"拉布"行動，提出了 1 306 項修訂。在會議廳內，我們曾通宵達旦聆聽他們閱讀佛經、《聖經》。凡此種種，皆不應在這場合發生，他們只是為了"拉布"而已。"拉布"便猶如病毒般，渲染一屆又一屆的新進議員，成為常態。傳召鐘聲不但教市民厭倦，亦是令立法會議員感到羞愧的議事現象。

我猶記得，當楊岳橋經補選首次加入立法會時，我期待這位新任反對派新星可以好好發揮其作用，豈料他一進入議會便要求點算人數。我曾經主動聯絡特別是沒有政黨背景的新進議員交談，並向他們

說道，他們無所不用其極，完全失控，等於政治跳崖，將來勢必出事。不過，玩弄程序便猶如吸毒般，他們沒法子收手。

我曾經找一位後來入獄的時任議員交談，問他為何進入議會後既不提出議案，又不提出口頭質詢。他自己有很多政治理想，但為何加入議會後，只是沉迷於擲東西、搶東西、擲玻璃杯、偷選票、潑臭水、擲臭蛋等不文明的手段呢？為何不好好運用自己議員的身份呢？我至今仍然記得當時他說的一席話。他說道，雖然自己沒有政黨背景，但卻是反對派議員之一，沒有議員教導他如何提出議案，要捆綁行動，加入議會後便是做這些事情。

我剛才細心聆聽鄭松泰議員的發言。我覺得，我們要好好珍惜他的發言，因為他代表……本屆是他第一屆任期，而我相信，他是其中一位議員，認為加入議會便是為了做這些事情。我亦曾根據《議事規則》第 49B 條動議調查他不檢的行為。

我想跟鄭松泰議員或仍然有心聆聽我們發言的人說句，《議事規則》的確不應該隨便或肆意修改。以前，議會要動用《議事規則》第 49B 條彈劾議員是極不容易的，我記得首次引用該條便是為了調查甘乃威事件。當時，雙方皆非常嚴肅，大家要調查他，並非因為他是對家議員。各位議員皆經歷選舉，有民意授權，大家不想用上這方法，但結果卻彷如吃飯般，沒有後果。

正如《立法會(權力及特權)條例》("《條例》")，我是少數建制派議員曾兩次提出引用《條例》成立專責委員會。第一次，是在 2008 年我剛加入立法會當議員，最終成功與反對派攜手根據《條例》成立專責委員會，針對雷曼事件。雷曼事件的調查歷時足足 4 年，各議員便彷如學習金融制度般，最後成功促進大和解，並成立金融糾紛調解中心，亦修訂了與銀行業相關的法例，這才是我們需要為民生做的事情。在第二次，我最後決定撤回預告，因為政治氣氛和議會已經不再需要動用《條例》調查 2019 年反修例事件引致的社會騷亂。我希望當有議員動用這把"尚方寶劍"時，是為社會好，而非鬧着玩的。

由於反對派不斷根據《條例》動議議案插隊，以致——我相信很多新進議員(包括建制派議員)或許不曾參與根據《條例》成立的專責委員會——很多人認為這是差勁的做法，是洪水猛獸。其實，事到如今，我認為很是可惜。我認為大家仍要珍惜這把"尚方寶劍"，因為自回歸以來，香港的《基本法》設計及當中的條文沒有改變，而中央的態度亦沒有改變，只是因為議會嚴重濫用這項程序，以致大家認為香

港的三權運作出了問題。

在有關設計下，香港從來並非實踐西敏寺式或美國式的三權分立。大家可能會問，當有人提述三權分立，甚至有法官亦用上"separation of powers"，為何中央沒有指正呢？其實，中央對香港一直無限包容和忍耐，不想直接出手。香港的三權一直分工清晰，互相制衡。在最近一次座談會上，中央的代表也再次表達希望三權的分工健康，互相制衡。三權分工並非三權分裂，癱瘓運作。

當郭榮鏗主持內務委員會的主席選舉時，我非常失望，因為他畢竟來自法律界，不應該用上完全沒有水平的方式。我對此亦感到羞愧，因為他來自法律界，但過程卻完全顯示出他沒有能力作出獨立判斷，只是跟隨兒戲的"攞炒派""攞炒"選舉和《議事規則》的程序，結果是必須修訂《議事規則》。否則的話，如果我們又沒有正確解讀《議事規則》.....我一直認為，他不可以這樣做。如果他沒有能力主持選舉，便應該 stand down，讓擔任內務委員會主席的議員主持。現在，我們要"畫公仔畫出腸"，寫得明明白白，以防日後有類似人等負責主持主席選舉。

修改《議事規則》是為了應對所出現的問題。我記得立法會秘書處曾表示，正常的議事文化只有一種，但不正常的情況卻有很多種，因此《議事規則》本來是為君子而設的，希望訂明文明的方式，只不過有人玩到失控，令病毒散播到幾乎癱瘓議會的地步。

我在此很想說句，我知道日後的立法會主席和內務委員會主席將會任重道遠。我希望議會仍然會有傳球的景象，一如有法國隊對巴西隊般，有建制派對反對派，而大家的發言亦有水準。所以，日後的主席必須準確拿捏，要容許持不同意見的議員有充分時間表達己見，代表市民，發揮所長。我記得是黃毓民第一次用上"坐以待'幣'"這說法。我曾對他說道："毓民，香港議會一直缺乏這種幽默感，你應該把才華用在這些地方，透過文字表達，不應用上低下的手段。"由於他的影響力很大，以致有新進議員搶手提電話，不懂得用語言表達意見。西方議會可能亦有議員被調侃，但當下他卻未能意會，之後才猛然想通，"背脊骨落"。

我希望傳媒不要透過其眼球——我希望有傳媒聽到——鼓勵肢體衝突，大家亦不應學習香港以前蔑視的台灣議會文化，有議員持棍棒進入議事廳——後來日本的議會亦仿效了——打得頭破血流，以為這

樣傳媒才會報道。不過，在會議結束後，兩名涉事的議員在外邊卻可以攬頭攬頸，因為他們剛才只是"做 show"。我曾經訪問一名有德國博士銜頭的台灣議員，他表示亦會這樣做，因為傳媒喜歡報道。

我們是老不情願，不想隨便修改《議事規則》的，但我希望日後的新進議員——我們希望有不同想法的議員加入——可以與我們抱有共同目標，最低限度保護我們的遊戲規則，讓我們有一場高水準的比賽，讓市民看到立法會.....現時真的很慘，市民無緣無故已不再說"立法會"了，我們聽過市民無數次說道"你們這個垃圾會"。大家應一同把有尊嚴、有水平、有擔當、向市民負責、理性而文明的立法會還給香港市民。

主席，我謹此陳辭。

柯創盛議員：主席，我發言支持謝偉俊議員根據《基本法》第七十五條動議修訂《議事規則》的擬議決議案。

在此，我想再次感謝議事規則委員會主席及委員、立法會秘書處和法律顧問在經過多次進行研究後，擬備了今天這項擬議決議案。是次修訂，將有助約束一些議員極不檢點的行為，以免影響立法會的效率和莊嚴，好讓議會的議事職能得以提升，並且整個議會回復理性討論。

主席，《議事規則》確是有漏洞的。就以往所見，主席只能把一些違反《議事規則》的議員趕離會議廳。事實是，這一招根本無法阻嚇他們的滋擾行為。以往數年，我們目睹反對派議員頻繁地利用《議事規則》的漏洞，不斷以各種手法(如大家熟悉的"拉布"、提出中止待續議案及要求點算法定人數等)癱瘓我們的議會，禍害香港。

市民批評這些行為不單浪費了納稅人的金錢，更拖垮了社會發展，亦令許多有利社會民生的議案因而被拖垮或未能通過。"打工仔"手停口停，在艱難度日的情況下，反對派議員仍不收手，反而變本加厲地，進一步干擾議會運作，令立法會失衡，實行"攬炒"，實在令市民感到極之憤怒。

主席，回顧一下歷史：於 1996 年，時任立法局議員梁耀忠在會議上說了一句"臭坑出臭草"後，便開了議員破壞議會秩序的先例。其後在 2008 年，便發生了"掙蕉"、"掃檯"、謾罵、說粗言等情況。及至 2010 年，反對派更藉"五區總辭"發動"變相公投"，最終上演了一場大

龍鳳，浪費公帑，之後那些人再參加補選而返回議會。從此，反對派搞事便無日無之，而繼續鬧事的，仍然是那幾位。

大家也許還記得，2010年1月有關高鐵的撥款申請，便是因為有議員"拉布"而被拖延長達兩個多月。此外，在審議《2012年立法會(修訂)條例草案》時，反對派更提交了2464頁共1306項修訂，故意拖延就有關立法會議席出缺安排議案的表決。自此，立法會便進入了"拉布"時代，反對派除了在大會"拉布"外，"拉布"的情況更蔓延至財務委員會及其他事務委員會。他們的整體目的只有一個，就是要拖垮香港的整體發展，令許多民生問題不能及時獲得處理。市民對他們的批評直截了當："反對派唯恐天下不亂，害死香港"！

主席，去年立法會曾修訂《議事規則》，但仍然沒法令議會的議事程序暢順地進行。剛才也有議員提及，內務委員會("內會")的主席選舉竟然拖延了足足半年時間。他們的目的十分簡單，除要阻礙立法會選出內會主席外，更要阻止本會恢復就《國歌條例草案》的二讀辯論。此外，亦有議員使出不同的伎倆，例如投擲臭彈、衝向主席台，甚至利用"黑暴"阻礙議會的正常運作。老實說，市民看在眼裏，自是心裏有數。

上述種種，再次證明《議事規則》仍有許多漏洞，已是非修訂不可。我們的議會由當年如此嚴格，議員可以因為說了一句話而被趕離會議廳，演變成今天即使議員衝到主席台打架，主席也是拿他們沒法。市民期望立法會是一個莊嚴的議事堂，但現時的境況卻十分可笑，全然辜負了全港市民的期望。

主席，市民希望我代為轉述兩句說話："一屋不掃，何以掃天下？"假如立法會連自己也管不好，又如何監督政府，為市民發聲呢？議員需有公信力。在我落區工作時，經常也有市民問我："柯仔，為何立法會那麼混亂，連小學生的課室秩序也較他們好呢？為何你們不處理呢？"此外，亦有人問我，許多議員在吵吵鬧鬧後便不見人影，他們究竟到哪裏去了？是否去了喝茶呢？

其實，對於這些，大家是完全摸不着頭腦的，但他們向我指出了最重要的一點："柯仔，當他們走出會議廳後，不論是去喝茶還是吃飯，他們仍然是有薪酬津貼的，而且是由公帑支付的呢！"老實說，已有許多市民曾表示，他們現時連"生果金"或工作也不保了，如果我們再不堵塞《議事規則》的漏洞，又如何能秉持公平的原則呢？

主席，我當時的解釋很簡單，我告訴他們，《議事規則》其實是用來招呼君子的，屬於君子協定，故無法約束小人。而街坊們也相當

機靈，他們問我："柯仔，明知是這樣，為何不作出修改呢？"我當時真的無言以對。老實說，大家以往亦曾見識過反對派是如何力阻我們修改《議事規則》的。幸好在經過漫長的討論後，現時我們已能開始撥亂反正，讓議會回復理性討論。

我想再次重申，撥亂反正是全港市民所期盼的，他們希望透過今次修改《議事規則》，能令立法會的運作回復暢順，並提升其協助政府施政的效率。我相信，這不單是作為代議士的議員須向市民有所交代，更是社會各界所希望看見的。

主席，《議事規則》的擬議修訂分 3 方面：第一，是停賽；第二，是經濟制裁；第三，是防止"拉布"出現。當我詢問市民對此有何意見時，他們對經濟制裁的意見最為強烈，認為應對一些行為極不檢點的議員施加經濟制裁。聽到"經濟制裁"這 4 個字時，市民甚感興趣，並說："這就對了，他們'玩嘢'，便不要給他們發放薪津，反要扣減他們的薪酬。"這是因為市民如在上班時缺勤，也會被僱主扣減薪酬的。主席，我拿着這份單張在地區做諮詢時發現——雖然我沒有把它的内容放大——原來市民認為，施加經濟制裁是最佳做法，因為這意味一些不負責任、只求爭取鎂光燈的議員，必須親自承擔搞破壞的後果。

主席，我認為現在是時候撥亂反正，堵塞《議事規則》的漏洞，令立法會重回正軌，回復其議事堂真正應有的面貌。我經常說，立法會可不是遊樂場或動物園，即使議員有不同意見，亦可從不同角度辯論。真理是越辯越明的，議員在議事廳內理性並清晰地表達意見，絕對是可以做到的。然而，倘若我們再不修訂《議事規則》的漏洞，便等同縱容一些有心人繼續罔顧《議事規則》，在議會肆意搗亂。坦白說，所有修訂也是為香港及議會好，並達致社會各界對立法會的期望。

主席，當我落區收集意見時，每 10 人中便會有 9 人表示認同是次修訂，但總有 1 人會質疑修改《議事規則》是因為不想聽到反對聲音。我便會以自己作例子，告訴他們建制派議員會在立法會或其他不同場合向政府提出反對聲音，而以往大家所看到的，卻是反對派騎劫議會。議員本應善用在議會發言的機會，就各項議題清晰地表達意見，但反對派議員卻藉着"拉布"來拖垮會議，難道這些也算是反對聲音嗎？街坊也認為我的話有道理。

我進一步指出，建制派議員以往在與政府官員會面時及在立法會

會議上的發言，也有向政府反映市民的關注和意見。我認為，任何一位議員也必定能在議會監察政府，只有那些無知的人，才會說立法會不想聽到反對聲音。我相信立法會完全沒有限制議員在議會反映民意的權利。

(代理主席李慧琼議員代為主持會議)

代理主席，有人問，今次有關防止議員"拉布"的修訂建議，是否就是訂明議案的總辯論時間及縮短發言時限？另有市民問，限制及縮短發言時間是否一種倒退？代理主席，我那天就像參加辯論會一般。我向他們表示，發言長不一定代表內容精準。我經常說，這個世界講求精準，扶貧如是，援助失業也如是，凡事也要精準，如議員發言精準，便有助提高議會的議事效率。事實上，多說無謂，行動最實際。市民在思考我的話後，亦表示同意。

代理主席，我還想指出一點，就是議員除了在立法會議事廳表達意見外，還可以主動邀約官員會面(或官員邀請議員會面亦可)，甚至議員可以要求官員配合，跟進市民關心的事宜。議員可循多種途徑充分表達意見及為民發聲，這不會因為發言時間縮短而有所不同。我始終認為，我們有責任幫忙向市民釐清歪理。

代理主席，我在落區收集意見時，有許多市民要求我在議事廳說出他們對立法會的心願。他們期望立法會真的能成為一個堂堂正正、莊嚴、具議事效率的議會，亦希望日後屬不同黨派或界別的議員均能以香港整體利益和市民的整體意願為依歸。我認為，今次的修訂能有效堵塞《議事規則》的漏洞。

此外，代理主席，亦有市民問：是否只有在"一國兩制"下的香港特別行政區政府才會修訂《議事規則》？我對這位青年人——我不在此公開他的名字了——我請他翻查資料，那他便會發現英國、美國及其他國家會與時並進，不時修訂和更新議事規則。或會有人質疑：若是如此，議會豈非更易"搬龍門"嗎？由此可見，我每次落區與市民談話時，他們在向我表達意見之餘，亦會把他們的憂慮及坊間的一些謬論告訴我們。

代理主席，依我之見，這次修改《議事規則》，是一個讓立法會重回正軌的大好機會，因此我是絕對支持的。立法會本應是一個有規有矩、認真議事及做實事的議會。它是監察及協助改善政府施政的機關，更可以成為推動社會向前行的動力。

代理主席，有市民希望以一句話作為我這次發言的總結："香港市民忍夠了！香港市民忍夠了！香港市民忍夠了！"重要的話得說3遍才行。他希望透過今次的修訂，議會能撥亂反正，回歸理性討論。事實上，我們應盡快就《議事規則》的修訂作出整體安排。

代理主席，我重申，我是全力支持謝偉俊議員動議修訂《議事規則》的擬議決議案的。

我謹此發言，多謝代理主席。

張國鈞議員：代理主席，我發言支持這項旨在修訂《議事規則》的擬議決議案。

議員由昨天至今的發言中，以至在社會上，大家皆經常說道立法會的《議事規則》是君子協議，條文非常寬鬆，因為原意是尊重和相信議員在會議廳內應該表現出君子之風，因此《議事規則》留有充足空間和彈性，讓大家暢所欲言。不過，這建基於一項很重要的假設，便是儘管議員在會議廳內對社會上各項政策持不同意見，或會狹隘於地區的選民利益或業界利益而寸土不讓，甚或對官員不體諒、不理解，也沒有問題，但在座各位議員皆要支持"一國兩制"、擁護《基本法》、效忠香港特別行政區。這是會議廳內各位議員應有的標準，亦是《議事規則》的重要基礎。

的而且確，社會近年出現急劇變化，有部分我形容為立心不良的人進入議會後，我想大家皆記得，在會議廳內公然宣示"港獨"標語、叫喊"港獨"口號，亦有人不斷在此玩弄議會程序、癱瘓議會工作、拖垮特區政府施政，甚至宣諸於口，利用議員身份建立所謂的議會戰線，配合外邊"黑暴"的街頭戰線，配合外邊要求西方制裁國家和特區官員的國際戰線。凡此種種，我會形容是一股衝擊特區"一國兩制"的暗黑力量。

在此情況下，《議事規則》寬鬆的基礎看來難以維持，這亦是要修改《議事規則》的重要原因。《議事規則》本來可確保議會秩序，但非常諷刺地，在過去一段時間內，寬鬆的《議事規則》便成為立心不良的議員的護身符。他們濫用《議事規則》的每一寸空間，動聽的說法是"寸土不讓"，但在我看來卻是"焦土政策"，令莊嚴的會議廳變成充斥爭吵的菜市場、打"爛仔交"的街頭、表演行為藝術的大笪地。

代理主席或各議員或許仍記得會議廳或 1 號會議室過去數年發生的場面——我將來離開議會後亦一定會記得——包括有人衝擊主席台；有人在 1 號會議室為接近主席台而一如馬騮般攀爬主席台後方的牆；有人站在議員桌上，將《議事規則》逐頁撕毀；有人撞門；有人衝擊保安防線；有人如同球員在球場般"插水"假裝受傷；有人將擴音器鎖在議員的抽屜內播放口號或音樂，干擾大家議事；更有人用鐵鏈鎖櫈。凡此種種的行為，全皆在過去數年在會議廳內不斷重複發生。

如果一條村莊的村民能安分守己、互相尊重，各家各戶其實無需關門睡覺。不過，正正有人濫用這種信任和尊重做盡壞事，所以過去夜不閉戶的美好時光確實已不復存在。我們可以怎樣做呢？只能鎖好門窗、保護議會、守護香港，就是這麼簡單。

據我們過去所見，有議員在議會內的言行舉止可謂極不檢點，雖然在發言時的確沒有講粗口，但我們聽到有些說法非常尖酸刻薄，對官員或議會其他同事充滿人身攻擊，可謂比粗口更難聽。我想代理主席也知道我正在談論哪些議員。當然，議員擲物件、搶官員文件、搶主席的麥克風，以及各式各樣市井式打、砸、搶的粗暴行為，過去不斷在議會內發生。雖然主席可按照《議事規則》驅逐行為不檢的議員，但正如陳健波議員所說，過去議員只是不准出席餘下會議，甚或是例如財務委員會每節兩小時的辯論環節，但在兩小時過後，喝完咖啡又可以繼續參與會議，對行為不檢的議員可謂完全沒有阻嚇作用。

鄭松泰議員剛才表示議會並非只是表態場地，而應該讓事情越辯越明，這是對的。不過，他繼後的發言卻教人不明所以，他表示擔心行為不檢會被罰停賽。我不知道他是否因為自己行為不檢而無法將道理說清楚。

是次修訂就"點名及暫停職務"建議懲處機制，我在此不重複有關細節，但我認為這是非常合適及必須的。大家試想想，即使世界盃或英格蘭超級足球聯賽等足球比賽，球員及領隊最怕球證出示紅牌，因為這不單代表有關球員不能參與該場球賽的餘下部分，領隊更會擔心球員不得參與往後的賽事。這種阻嚇性在足球比賽是非常重要的，球員在領到黃牌後變乖，便是出於這原因。議會這次引入停賽機制，我認為正好發揮這作用。

除懲處機制外，是次修訂還提出了一系列修訂建議，我認為皆是針對過去議會經常出現的真實情況，包括廢除"起立提出質詢"，白紙黑字寫明"起立並讀出載於議程的質詢"。社會上可能有人會質疑為何要如此"小學雞"，仔細地教導已是成人的議員讀出議程內的質詢，原因是這種"小學雞"行為過去在議會內發生了一段長時間。

除此之外，修訂建議亦防止有議員濫用根據《立法會(權力及特權)條例》("《條例》")或《基本法》提出議案傳召證人或成立專責委員會來插隊。數字顯示，過去一年多以來，立法會已沒有進行無立法效力的議員議案辯論，原因是有人不斷根據《基本法》或《條例》提出議案插隊，以致議會無法正常進行。此外，是無經預告提出中止待續議案。如果主席日後認為議員濫用這程序，可決定不提出該議案的待議議題或無經辯論而把議題付諸表決，防止有人利用這些程序重複發言，令議會無法做正經事。

代理主席，就三讀程序，我們現在列明每位議員——過去其實亦應如此，只是沒有白紙黑字清楚列明而已——只可辯論應否支持法案，不可以重複二讀或全體委員會審議階段時的辯論內容、法案的整體優劣及原則。其實，這是我們作為議員理應知道的 ABC。如果議員互相尊重，根本無需在《議事規則》說明。不過，沒有辦法，因為過去的確有部分議員不知悉或假裝不知悉這些 ABC，因此我們唯有清清楚楚寫明，以防日後出現爭拗。很多時候，由於沒有白紙黑字寫明，他們只是佯作無知，與主席爭拗，目的是拖延時間，令議會無法做正經事。這是我們要將事情寫得清清楚楚的原因。

代理主席，修訂內容太多，我無法就各項修訂發言，只能提出我認為重要的部分。我想提述最後一項修訂。按大家的理解，當委員會選舉正副主席時，在任的正副主席在尚未選出繼任人前理應繼續享有正副主席的權力，但不知何故，這樣清清楚楚的事情竟然在議會內弄得一場糊塗，以致內務委員會無法選出主席，所以現在只能白紙黑字寫得清清楚楚，以免將來出現無謂爭拗。

代理主席，雖然是次修訂未必能夠完全避免有人再濫用《議事規則》，但我希望是次修訂能堵塞過去一些較明顯的疏漏，令立法會將來能夠暢順地議事論事，讓議員發揮代議士的憲制作用。

我謹此陳辭。多謝代理主席。

何君堯議員：代理主席，我支持修訂《香港特別行政區立法會議事規則》("《議事規則》")，我在此特別感謝議事規則委員會的敢作敢為，亦感謝秘書處的高效，對如此複雜的《議事規則》修訂工作下了大量工夫。當然，議案能否獲得通過，也要視乎本會。

今次這項議案未提交前已進行詳細的諮詢，大部分議員，可說差不多 99% 的議員均支持議案。昨天張宇人議員表示，修訂《議事規則》的工作實際上做不到便不要做，以免浪費時間。他當時對修訂《議事規則》感到絕望、失望或不寄予厚望，他昨天道出箇中道理。但任何事哪怕看似不可能和很艱難，只要有決心，鐵柱磨成針，我很高興聽到他昨天也認同這一點。

香港過去數年發生很多匪夷所思的事情，但最近這一兩年又出現很多奇跡，因為香港能夠得到強大祖國的臂彎支持和擁抱，我們可以做到平時我們思維上認為不可以做到的事情。有些潛規則或慣常的行事方式是我們思想上不能夠超越的，但在過去兩年發生的事情正正將之否定。

這些思想實際上過於迂腐，亦未能配合國家的速度。國家的速度是有章有節、按時完成目標的，現在"十四五"規劃已經出台，這正正是我們在議會裏要處理的事情，經過深思熟慮後便大膽地進行。今天我們將《議事規則》修訂，然後才可無障立法、無障施政，支持特區政府行政主導。可以說，行政長官可在這寬大的寬頻上，不單如 5G 般滑浪而去，更能面對 6G 般的無障無阻，能做到所想象的事。

所以，我反而有種想法，既然議會內已經自我完善，包括議會現行的選舉制度亦正在完善當中，我所想和期望的是，特區政府如何自行完善其工作態度，在云云 19 萬人的公務員團隊裏，要如何自行提速，如何去除自己內在的阻力，這是一個大問題。我相信特首已不止是思考這項工作，因為思考很久了，而是如何達到這個目標和效果。香港電台是其中一個問題，在議會裏很多同事也認為這個問題需要處理，例如容海恩議員昨天就此提出口頭質詢，她做得十分正確，而現在亦已有新台長出任。這些是我們要做的工作。

說回今天這項議案的修訂內容，議案的靈魂是甚麼呢？我認為真的很好，有賞亦有罰，議員做得好，政府固然會獎賞，作為議員有表現，日後會有獎賞。有關的懲罰機制最大亮點是，在 18 項修訂中建議加入第 45A 條。這項條文真的是"無得彈"，為甚麼？哪名議員行為不檢，立法會主席可以點名，而點名的意思不是讓他"小登科"，"中

狀元"，而是指他行為不檢，然後由立法會代理主席動議議案，將這位被點名的議員停職。代理主席動議議案後，議案的內容不容修改和辯論，直接表決。在 18 項修訂裏、在云云修訂中，這是最完善和最亮的亮點，我十分欣賞。當初有議員說這樣不可行，但我們今天已經做到。

代理主席，此外，議員在同一屆任期內行為極不檢點，被主席點名並且議案被通過，後果是第一次會被停職一星期；第二次停職兩星期；如有第三次及第四次，便按照上次紀錄作雙倍懲罰。被懲處的議員不僅要停職，亦不能行使《基本法》下的議會職權，連薪酬也會被扣除。不僅議員個人的薪酬被扣除，更可引申至為他工作、混飯吃、到處滋事如黃之鋒之流、稱為議員助理的人。

這是我們需要思考的問題，議員要有水平，議員助理是否需要呢？有刑事紀錄及行為不檢的人，可否任意讓他進來呢？這個問題是需要思考的。所以，雖然今次修訂加入的第 45A 條沒有說明，但也是沒有封頂的，我們必須就此繼續探討。

現時議會內還有一名"珍品"，就是鄭松泰議員。我也頗欣賞他，他多少有點改過自新，不過間中仍會語無倫次，但不要緊，難得有機會讓他改過，便好好改過吧。可是，問題在於在議事堂上胡亂響起 *quorum bell*，點算法定人數。其實我已經就此多次提出，如果議員每小時要求點算一次，這是否算是行為不檢呢？這是值得思考的。我們並非反對《基本法》第七十五條第一款提到，要有過半數議員在席作為法定人數，但如果在很短的時間內，任由議員點算法定人數，而且要求點算的人又離開議事堂的話，我認為這算是行為不檢。

《議事規則》的擬議第 45A 條便可以涵蓋這些行為，如果議員真誠要求點算法定人數，大家最好安坐不要走開，否則便是不真誠地履行議員責任。如果議員要求點算法定人數，但自己卻離開議事堂，這算是甚麼態度呢？豈不是行為極不檢點嗎？此外，如果在要求點算法定人數後，短短兩小時內也沒有流會，即是說議員是想刻意刁難，浪費時間，違反了我們其他 18 項修訂。

主席限制議員的發言時間，就是因為不想有人"拉布"，其精神在於不容許"拉布"阻礙議會正常運作，包括託詞藉着點算法定人數，要求點名但自己卻離開議事堂，這樣做必定屬於表證成立，是行為極不檢點。我今天特別在此提出上述內容，希望可以作為日後參考，在通過修訂加入第 45A 條後，繼續優化《議事規則》，全面完善香港特區

議會，繼續為市民服務，這便是當中的主旨和神髓。

我深信，經過雷厲風行、撥亂反正後，我們將踏入一個新時代，特區要 50 年不變，但不是因循苟且那種"不變"，而是變好了，以及不好的事情也要改善。我們除了要保留好的事情外，更要變得更加好，這便是 50 年不變的精神，而非原地踏步。有誰會停頓在此呢？大家看看國家的速度，它說就連火星也可以在下個月到達了。如果我們在這個時候仍然原地踏步，又是否浪費了時間、浪費了金錢？會否令投票給我們的市民相當失望呢？

我曾經說過，去年的延任不會少於 1 年。事實上我們任重道遠，我們可能要在 1 年內做好 4 年的工作。現時《議事規則》的修訂做到了，昨天討論"一地兩檢"的議案也要趕緊做好，剛剛在 3 月 11 日發出的人大有關完善香港選舉制度的決定，這也是要完善及做好的。國家推出了"十四五"規劃，對香港寄予厚望，希望在創科方面推陳出新，帶領潮流，我們的政策又該如何出台呢？

我對政府其實也相當支持，但有時候我也支持不住，就是由於它有時候確實相當"龜速"，做事情的速度相當緩慢。例如我們現時要在河套區發展 85 公頃土地，竟然要等到 2033 年才可以完成。我之前也提到，國家的火箭也準備在下個月登陸火星了。香港所有基建工程，沒有 10 年以上也無法完成，只是建造一條長 8.5 公里的十一號幹線，竟然要花 16 年時間，這怎樣對得起國家，怎樣對得起香港呢？我們錢照樣花，而且費用並不便宜，較別人貴了 3 倍，但時間卻同樣拖長了三四倍，這樣繼續下去，我們該怎麼辦呢？

今天立法會修訂《議事規則》，就是我們要自我完善，全力協助以行政主導，交由行政長官做，那麼她一定要大刀闊斧。在下一個環節，我希望看到第二十三條的立法時間，因為《香港國安法》第七條提到，香港特別行政區應當盡早完成——而不是"起步"——維護國家安全立法。

李家超局長上星期告訴我，今屆政府將沒有辦法完成第二十三條立法，很遺憾我上星期有一個重要約會，不然我便會當面指責他，因為他是宣誓要盡力做好的。國家為我們立法，只須 5 星期便可以完成，他竟然說第二十三條立法很複雜，但第二十三條不是在昨天剛寫出來的，而是在 1990 年 4 月 4 日，在 1997 年 7 月 1 日已經生效，在 2003 年也曾編寫過，只是放下了。在這 17 年間沒有任何進展，現時國家為我們做了七分之二，餘下的七分之五他竟然說很複雜，這件事究竟有

多複雜呢？

所以，代理主席，我在此既感到高興，我完全支持我們自我完善，但同時我亦寄予厚望，政府 19 萬公務員不能再光坐着等收長俸，抱着"無驚無險又到五點"的心態。現時再沒有 5 時可下班的光景了，即使工作到晚上 12 時也要做，要在指定時間內完成工作，這是我們的應有態度。

我謹此陳辭。

陳克勤議員：代理主席，我發言支持謝偉俊議員動議修改《議事規則》的議案。正如代理主席剛才的發言所說，今次的修改有五大部分，內容非常多，而我們已經就這項議案，辯論了差不多 3 小時，很多同事已就每一個細項說出他們的看法。我不會在此具體重複他們的觀點。但是，我想告訴大家，為何我們要修改《議事規則》，背後的理念和精神是甚麼？

其實，我們這個議會對我手上這本《議事規則》已經做過一個"大手術"，修訂了兩次。而這兩次，我都有比較深度的參與。所以，我想藉此機會對大家說我們修改《議事規則》的原因。

當然，當我們表示要修改《議事規則》時，反對派議員或其支持者肯定只說出一種觀點：修改《議事規則》，就是削減議員在議會內發言的空間。這就是他們經常說的一個觀點。

不過，我想對大家說，《議事規則》是不會無緣無故修改的。我們回歸了 20 多年，為何只是這一兩年才開始修改《議事規則》，之前十多二十年為何不修改呢？因為之前運作議會時，並無那麼多古靈精怪及違反《議事規則》的事情出現。所以，為何要修改《議事規則》？就是因為"攬炒派"議員破壞了《議事規則》、破壞了議會一向運作的共識，所以我們才要提出修改。就是因為他們破壞議會的運作，否則我們根本無須修改這麼多，亦無須修改這麼多次。我們這數次修改《議事規則》，最主要都是避免有議員繼續以"拉布"方式阻撓議會的正常運作。有破壞，我們才要糾正。如果有破壞，我們都不糾正，責任就在於議會。正如我們很多法例，其實未必需要立法。如果人人都守法，不去破壞社會治安，不去破壞社會秩序，便無須這麼多法律去規限每個人的行為。這個就是我回應他們為何我們要修改《議事規則》一個很重要的原因。

第二，就是有兩個概念要說清楚。修改《議事規則》，第一是要

糾正歪風，第二是要與時俱進。我們的議會長時間以來，都是靠議員自律地運作。不單是香港的議會，外國的議會都是這樣。有些議會可能好像我們有數十人，有些更有數百人，如果人人都博出位，人人都濫用程序，議會根本無法運作。所以，便要有一套規矩去規管議員的行為。這套規矩很大程度上，就是議員之間的一項君子協定。但是，如果你不跟從這項君子協定，不根據這個規則，在座位上大呼小叫、時而衝出來，有時又擲東西、潑臭水，導致無法開會，議會如何運作呢？

(主席恢復主持會議)

此外，更重要的是，大家看到我們很多議員同事，或者反對派的動作，搞到議會亂七八糟，完全開不到會，聽不到議員的發言及官員的回應。所以，如果每次都是這樣，而每次都放生他，他們是沒有後果、不用付出代價，只是當天將他趕離會議廳便了事，我相信對其他認真開會的議員，是非常不公道的。也有反對派議員進入議會時，已經帶着這種想法去做。他當天表達其政治訴求，攪亂了議會、搞停了議會，在鎂光燈拍下他被抬出議事廳，然後他將那張相、那片段放在社交網站上，得到其支持者的讚許。這個就是他們最主要的目的，他們並無想過在議會內以道理、辯論，對大家說他的理念是甚麼。所以，他便賺了他的政治本錢，但是，議會卻負上停止運作這個最大的代價。

因此，對於這些議員，如果我們不懲罰他們，可能剛才我說的情況便會不斷發生，即使今天有些反對派議員總辭，但日後如果再有相類似議員加入議會，他一人便可以阻礙整個議會的運作。所以，我們今次修改《議事規則》時，也加入一個罰停賽的代價，當然亦有削減薪酬等動作。

我也想在此談談我的一些個人看法。我剛才聽到姚思榮議員說，其實他只是同意罰停賽，而不應累進，在這個議題上，我亦曾公開表示，我只是同意罰停賽而已，但對於罰款，我個人是有保留的，因為我認為罰停賽，不讓議員回來開會，已經是一種很大的懲罰。不過，我們經過諮詢，加上建制派議員之間的討論，大家均認為應該雙軌並行，我亦服從建制派議員之間的共識，所以今天雙軌並行，既罰停賽、累進和罰款。

這個問題反映出甚麼呢？有些人認為，現在議會沒有反對派議

員，建制派就是橡皮圖章，甚麼也會同意。不是的，從這件事可見，姚思榮議員有他的看法，我也有自己的看法，只是最後大家要下決定時，我們便要作妥協和共識，否則議會如何進行呢？如果好像反對派議員一樣，永遠站在自己一方，自己永遠正確，贏的永遠是自己，對方有不同意見時又不肯討論，只是走出來把對方的東西推倒，或不讓大家開會投票……這便是他們的做法，而我們的做法不一樣，對嗎？很多同事也會說，如果我們看到《議事規則》或議會內有漏洞而不加以堵塞，其實議會要負上責任，是很難開脫的。所以，今天修訂《議事規則》，也是一個很艱難的決定，而且是我們經過相當深入的討論和共識才作出的。

當然，剛才也有很多議員提到，早兩年選舉內務委員會("內會")主席的鬧劇，因為有議員濫用主持人的職權，阻撓內會正副主席的選舉，他根本無權處理規程的問題，但卻藉着規程問題拖延，不讓我們選出內會正副主席。所以，經歷了如此慘痛的教訓，內會主席經半年，甚至更長時間也無法選出，其他事務委員會選舉主席時，也有類似情況出現，而若我們不加以堵塞，日後會否再出現相類似情況呢？如果是這樣，我們真的沒有做好議員的職責。這便是我剛才所說的糾正歪風。

第二，與時俱進的概念便相對簡單，因為每個議會也要按照社會發展和實際情況作出相應改變。很明顯，由於人大的決定，未來會議議員將由 70 名增加至 90 名，議員數目增加，開會時間亦會變長。如果我們有效率地舉行會議，可能在某些程序上，每一位議員的發言時間便會相對減少，為何減少呢？因為要讓更多議員可以發言，這點便不能單說限制議員發言，就是不讓他們發言，這是錯誤的。所以，我們並非好像反對派所說的，只有他們才可以發言，別人不能發言才是公平，公平是要讓每一位議員也有發言時間、發言空間和發言機會。

此外，今次修改《議事規則》時，亦加入一個與時俱進的做法，便是因應現時新冠肺炎，容許議員用視像軟件開會，並明文訂明，視像開會的發言內容，可以受到特權法保護，令會議和議員的發言更受保障。其實，這不僅是香港的做法，其他國家可能做得比我們更快更早。

主席，我想指出，今次《議事規則》的修改，是出師有名的，亦是針對現時《議事規則》的漏洞和實際需要作出相關修訂，所以我發言支持謝偉俊議員的議案。我謹此陳辭。

鍾國斌議員：主席，我的發言會很短。當然，我會支持謝偉俊議員今天有關修改《議事規則》的擬議決議案。

正如陳克勤議員剛才提到，《議事規則》過去二三十年都沒有修改，但為何忽然在這兩年間改了兩次呢？過去制訂《議事規則》是為了作為 gentleman rules(譯文：君子規則)，即讓一些守規矩、有紳士風度的人士遵從的規則，但過去幾年，議會內完全沒有這些所謂的 gentleman(譯文：君子)，有的全都是流氓，所以，現在作出修改是正常的，大家亦有共識。

剛才其他同事已說了很多細節，我就不再作論述，而且過往發生的事，我亦不需要再提，因為大家已很清楚。我只是想談談修改後的《議事規則》，我們是否用得着，它們又是否真的有助於立法會的討論和政府施政，令兩者暢順地進行。

當然，在我們提出修改《議事規則》時，全國人民代表大會常務委員會("人大常委會")還未作出有關完善選舉制度的決定，所以，有關修訂都是百分百針對我們過去曾經面對的情況，即反對派、泛民人士所作的行為。但如果下星期一或星期二，人大常委會通過有關新一屆立法會選舉的完善選舉制度的方案後，所有未來參與選舉或參政的人士，必定是愛國、愛港人士。他們進入議會後當然不會搞破壞，對吧？主席再不會動輒需要作出將議員逐離議事廳的決定，所以，我認為這次修改《議事規則》的出發點必定是好。但未來，我們是否有需要用到這些經修改的規則呢？我相信，很多我們現在修改的規則，可能不會用得着，所以，大家不用擔心甚麼罰款機制、罰停賽機制會出現。我相信由之後新一屆立法會開始，這些情況均不會出現，主席亦不用費神作出有關這些情況的決定。

事有湊巧，當我們這次修改《議事規則》將一些發言時間縮短，我們正好有這個需要，尤其我們將由現在的 70 位議員增至 90 位議員。大家可以計算一下，如果每人有 7 分鐘或 15 分鐘發言時間的話，這樣，開會時間必定會拖長很多，每項議案的審議時間可能會多三分之一甚至五分之二。例如今天這項有關修改《議事規則》的討論，我們只有 40 多位議員，但已討論了三四個小時。如果《議事規則》不作修改，當立法會有 90 位議員，主席，你便可能要坐在會議廳，花多 1 倍時間主持審議條例的會議。所以，這次修改誤打誤撞地為未來

的議事進程帶來幫助，或者說，令會議的 efficiency 提高很多。

當然，關於"拉布"、選委員會主席等.....我相信永遠不會再發生如去年內務委員會選主席的情況，因為現在——正如我剛才所說——所有進入立法會的皆為愛國人士，不論來自甚麼黨派，泛民也好、甚麼都好，凡是進入立法會的人士，都必定會遵守過去所訂的規矩，不會再亂來，亦不夠膽亂來。我相信完善選舉制度的方案再配合經修改的《議事規則》，必定會提高香港未來的議政速度和效率，讓香港的運作更暢順。

多謝主席，我謹此發言。

葛珮帆議員：主席，我記得以往收看新聞報道時，只要看到台灣議會有人擲鞋、打架至跌在地上，我們就會取笑台灣有劣質的議會文化。那時，香港議會仍是君子之地，即是很文明，真是議事、做事的地方，然而，我自從加入議會——今年便踏入第九年——便目睹香港的立法會越來越"台灣化"、暴力化。我看到一些本來是泛民主派的議員變為反對派，後來再變成"攪炒派"，他們為了"做 show"、"博上鏡"，不斷把暴力行為升級。因此，我今天發言支持這項有關修訂《議事規則》的擬議決議案。香港是時候要撥亂反正。

主席，我們知道立法會的《議事規則》向來是為君子而設，不防小人，但是，正如我剛才所說，我們看到立法會的議會文化向劣質議會文化的方向走。當我在街頭做服務的時候，很多市民很憤怒的問我：你們這個議會究竟是立法會還是"垃圾會"？其實，我真的覺得很難過。我回想自己擔任議員的初心，是希望為香港做實事。我一心希望自己在加入議會後，可以推動創新科技發展、推動環保、為婦女發聲、為民請命。然而，這幾年的情況真的令人始料不及，原來擔任議員的人不單要議事、辯論、推動政策，竟然還要打架。不下一次有議員要報案甚至入院驗傷，我真的沒有想到，擔任立法會議員原來會面對這樣的情況。

我看到議會由擲香蕉到擲玻璃杯、擲臭蛋、再到搶文件，看到一些"攪炒派"議員瘋狂"拉布"、瘋狂要求點算法定人數、企圖製造流會、不斷發言，在一些 Panels、委員會會議上提出一些我覺得完全是瘋狂、無知、令人發笑的問題，以及不斷提出中止待續、無經預告的議案，目的都是為了"阻住地球轉"、逢中必反、為反而反。我們看到有"攪炒派"的議員濫用權力，例如郭榮鏗，他霸佔主持一職 7 個月也選不

出內務委員會主席，令立法會停擺 7 個月，無法審議法案。我們看到議會越來越暴力，"攬炒派"議員每次發言都侮辱官員及建制派議員，而除了言語暴力，他們還用肢體暴力，衝擊主席台，不斷製造混亂，目的也是為了妨礙會議。有時候，坐在議會裏聆聽他們的發言，看着他們的肢體暴力，我真的覺得自己似在浪費生命，但最重要的，是香港的時間被浪費。香港原本是一個高效的地方，我們一向說香港人做事快、有拼勁，但我們看到香港在過去數年變得越來越慢，我們周邊的城市在每一方面都慢慢追過我們。我看到自己很想在香港推動的創新科技非常緩慢地發展，而深圳卻一直發展，超越香港。

主席，為何香港會變成這樣？就是因為有很多人利用一些漏洞，包括《議事規則》一些原本不防小人、只為君子而設的規矩。他們鑽盡空間，利用《議事規則》來作出破壞香港的工作。因此，來到今天，我覺得我們立法會議員，尤其是今屆的立法會議員，是有責任修訂《議事規則》，以處理我們看到的那些問題。有人說未來的立法會選舉是按照愛國者治港原則，所以，無須修訂《議事規則》，但我並不同意。既然我們看到有問題出現，我們就有責任要在今屆立法會做好修訂的工作。

我也是議事規則委員會的委員，今次《議事規則》的修訂其實十分全面，也針對了我剛才所說的一些行為。以往我們看到有議員在立法會做出一些極不檢點的行為，大主席只可再三警告，繼而把有關議員趕離會議廳，之後就甚麼也做不了。那些議員在下次會議又可以再次擲物件。要處分這些議員，有關門檻極高，我們要提出一項譴責議案，看看可否取消其議員資格，但其間，有關議員並不會受任何其他處分。今次《議事規則》的修訂包括了停職、停職期限累進制、罰款等處分，希望藉此增加阻嚇力，不會再有議員純粹為了"博上鏡"而利用極不檢點的行為來不斷阻礙議會運作。就選舉委員會主席的程序，我們亦作出了修訂，如果委員會未選出新任主席，前任主席可繼續處理委員會的事務等。其實，每項修訂都是必要及重要的。我很希望，在今天通過了這些修訂之後，香港的立法會真的可以重回正軌，為民生做實事。

其實，香港市民都期望香港的立法會真的可以做實事，解決香港很多的問題。香港面對的問題，很多都急需解決，以往，我們真的難以把事情辦妥，因為每項工作都被拖延。主席，好像昨天我們通過有關皇崗口岸"一地兩檢"的議案，如果"攬炒派"議員還在議會內，大家可以想象到，他們會利用《議事規則》容許的方法，例如不斷要求點算法定人數、提出中止待續議案，然後衝擊主席台，我們又可能會被

包圍，他們又會繼續煽動暴力，我相信有關皇崗口岸"一地兩檢"的議案實難以在昨天的會議中獲得通過，而且，這件如此簡單而必須要做的事也不知要拖延到何年何月何日才可以做到。

香港未來還要解決房屋、醫療、教育等問題，我們希望可以把握國家"內外循環"、大灣區的機遇、"十四五"規劃的機遇。我們有很多事情要做。

主席，我支持今次的修訂，希望這些修訂盡快獲得通過，讓議會可以重回正軌，讓香港可以由亂入治。我謹此陳辭。

郭偉強議員：我發言支持議事規則委員會主席謝偉俊議員提出的擬議決議案。當然，我也要感謝秘書處在過去數年就着有關的修訂搜集世界各地不同議會的資料供我們參考，以及做了長期的諮詢和大量的工作。

主席，很簡單，大亂之後必有大治，正如唐朝初年唐太宗和魏徵的一段對話所說。唐太宗問，如果國家剛結束戰爭，是否難以在短時間內令民風有所改變，魏徵則說不是。正正因為大亂之後，大家仍感到痛楚，仍擔心會再有一次"黑暴"重臨，所以這段時間最適宜做好革新的工作，因為剛剛捱過餓的人是不會挑吃揀喝的。這是一個很深刻的印象，經歷 2019 年的大亂，無論是整個香港，以至立法會，皆身受其害，這個革新是必然會出現的。

剛才聽到很多同事說，我們的《議事規則》其實不應隨便修改，不是經常修改的，沒有甚麼必要也不會修改；他們想出很多理由解釋為何要修改《議事規則》。但是，我認為修改《議事規則》是很顯淺的事。最簡單的例子是，你被人敲一下膝蓋，自然便會動一下，這稱為條件反射。事實上，大家看到無論是"黑暴"或"攪炒"議會，其實對我們是一個打擊，而對於這個打擊我們是否要給反應呢？必須給反應的；如果這樣也沒有反應，便是我們本身遲鈍了。主席，既然這是反射動作，就根本不需要解釋太多。但是，當然，我們希望公眾明白究竟修改的理據和需要何在。

主席，首先我想說，這次《議事規則》的修改有 5 項，其實焦點大部分落在紅牌黃牌這個機制上，所以目標很清晰。由於過去的罰則不嚴，所以便要修改《議事規則》，加入紅牌、黃牌的機制。有人問，罰則不嚴是否個人的主見？你認為不嚴便是不嚴，那麼何謂嚴、何謂不嚴呢？其實有一個客觀的標準，便是究竟原有的罰則有否阻嚇性。

很多同事已經說過，由原本的一小撮人"拉布"、擲香蕉，演變至整個"攪炒"陣營的奪權行為，以至犯規的人越來越多，犯規的次數也越來越多，犯規的事情亦越來越嚴重，在客觀標準上，說明罰則不嚴。

主席，在過去 10 年，議會上發生的事情實在太多。反對派最初只是按下"反對"按鈕；無論是財政預算案或施政報告，是否"派錢"也好，他們都投反對票。後來發展到"拉布"、擲香蕉、擲水杯、爬高躺下、在議會叫囂、謀求被趕離場，又阻止保安執行主席的裁決，又掃走桌面的東西，又把防狼器丟入 locker 再鎖上，又自攜擴音器進場，又衝擊以至佔領主席台。再到後來便是擲臭水和擲臭蛋。後期甚至露出狐狸尾巴，便是癱瘓議會。內務委員會花了 7 個月也未能選出主席，最終目的就是要令施政停擺。

主席，如果把剛才說的多個事情分開來看，你只會覺得他們越來越激進。這班人為了吸選票，為了搏上鏡，為了搏出位，每次的行為好像是越來越激進。但是，如果把他們做的所有事情和過去 10 年在議會發生的事情串連在一起來看，其實這是一個故事，這是"尋找他鄉的故事"。這個"他鄉"是甚麼"鄉"呢？便是要搞垮香港的那個"鄉"，要搞垮議會的那個"鄉"，亦是.....

事實上，大家都留意到，議會其實代表香港。立法會有多亂，便是國際對香港的形象的見解之一。所以，這群人這樣搞，其實暴露出這個"尋找他鄉的故事"便是要搞垮香港，然後走他們的奪權之路。其實這是溫水煮蛙的鋪排，即是甚麼呢？最初少許激進，待你習慣了便再激進點，你再習慣了又再激進點，後來便露出肚皮對你說："我要憑'35+'奪權，我要'攪炒'。"這條奪權之路，只要把事情串連一起便能夠看出來。當然，今天大家看到他們想搞垮香港，但香港未垮，他們便找到自己的家鄉了。

主席，另一個情況是，究竟.....理由已經說了，即是要把事情串連一起看。我們現時已經到了一個革新的時代，中央已祭出完善選舉制度的大招，其實是為了令大亂之後有大治；而 238 萬個簽名亦反映出市民正正仍然對前年的"黑暴"和議會這數年發生的嚴重衝突所作出的反應，便是他們都不想再亂，不想"黑暴"重臨，不想再"攪炒"議會，信息十分明確。

當然，亦有很多同事提及，其實《議事規則》能防君子而不能防小人，其實過去我們在議會亦經常提及，但我認為這種說法仍然是輕描淡寫了。嚴格來說，《議事規則》不但不能防小人，更不能防惡人，

為何這麼說呢？謝偉俊議員和一群議事規則委員會的委員在開會時便知道，這個紅牌黃牌機制不是第一次提出的，已經提出了數年，但為何一直未提交立法會，要做大量的諮詢工作呢？就是因為當時"攪炒派"議員在議事規則委員會裏，他們堅決反對進行相關修訂。他們不單表面上反對，而且嘴臉帶出一個信息——雖然這是閉門會議，大家不能從立法會網頁找到，但因為我有份參與會議，所以看到。我必須說的是，他們雖然有法律背景，但給我們的感覺是他們要"擺正牌"搗亂。因為《議事規則》沒有明文規定不可以搗亂，如果不讓他們搗亂的話，便是不公平、不公義，容許他們搗亂才是公平公義，這是他們的解說。他們開會時還經常板着臉，好像碰到殺父仇人那樣，這就是他們開會時的嘴臉，的確令人很難接受。不過，各位議員同事齊心協力，終於捱過了這段日子。

當然，大家說過很多次，不想重蹈台灣覆轍，因為大家都歷歷在目。我唸中學的時候，從電視看到台灣議會有一名議員將他的鞋底貼到另一名議員的臉上。大家都覺得台灣那麼一團糟，好像鄉下地方一樣。殊不知，香港竟然反過來步台灣後塵。希望這次大治後可以將這個問題解決。如果我們不積極修改《議事規則》來改善這個問題的話，便會被人質疑，究竟我們有沒有認真看待我們曾經歷的慘痛教訓？如果我們無動於衷，甚至乎不作為的話，會否變成助紂為虐？

主席，我剛才提到，時間性很重要。要大亂後大治，時間上有緊迫性，而我們修改《議事規則》也有正當性。另一點要提出的，關乎立法會的保安同事。根據我同事取得的資料，2017 年至 2020 年，保安同事因為處理議會衝突或維持議會秩序，有 16 宗受傷個案，這個情況大家都不想看到，但問題是，當"攪炒派"議員爭取上鏡的時候，他們便會失去常理，沒有關心前線工作人員的安全。他們不單橫衝直撞，甚至爬上爬下。總言之，"攪炒派"議員突然一個 free fall(譯文：自由下墜)，下面的人便要接住他；如果沒有接住他，令他跌傷了，他便會反咬一口，惡人先告狀，所以真的難為了立法會的保安同事。

再者，我們經常跟保安同事交談，得悉他們也有難處：第一，他們即使受傷也不能主動報警，要經由行政管理委員會處理。另外，在工作分配上，由於他們的人手安排十分緊張，如果有同事受傷的話，要由其他在職同事補上，會加重他們的工作壓力。所以，儘管有呈報的工傷是 16 宗，我相信沒有呈報的會更多，因為他們的 teamwork(譯文：團隊合作性)很強，不想影響其他同事的工作。我們擔心問題會繼續惡化，故此認為有必要加強罰則，阻止日後出現混亂情況。當然，"停賽"規則訂明暫停職務期限由一星期、兩星期、四星期這樣

double(譯文：雙倍)遞增，我們覺得這個安排是相對合理的。

主席，還有一件事情我認為需要解決，就是濫用規程的問題。雖然我們這次修訂強調，行為不檢點的會被趕離會議廳，但是濫用規程是否屬於行為不檢點呢？當然是由主席來決定。不過，根據過往的經驗，很多"攬炒"議員濫用規程，即其實問題不涉及規程，但他們以規程問題的方式來提出。事實上，過去我們強調應該有一個格式，提出規程問題的議員先要說出根據哪項規程，然後才提出內容。但是，過往經常出現的情況是，"攬炒"議員先說出一堆無關痛癢的理由，拖延時間，但說不出關於哪項規程。事實上，這方面我們需要靠主席明察秋毫的判決來處理，防止濫用規程的問題繼續發生。

此外，有一項修訂關乎發言時間的安排。這其實很簡單，很多議員剛才也說過，由於要完善選舉制度，日後我們的議席由 70 席增加至 90 席。參與人數增加，分配的時間便會減少。如果立法會仍然只在星期三和星期四舉行會議，時間有限。當然，我覺得這項修訂合理，因為現在每個社會都面對資源有限的問題，即是說"餅"就這麼大。如果議員要促膝長談，要討論數天，沒有人會阻止，但是我認為議會需要體現社會對於時間、限制和有限資源運用的期望。如何善用有限資源，就是透過更好地分配時間，達到公平參與的目標。

主席，很艱難才走到這一步，希望這次修訂能夠為議會日後暢順運作做一個好的開始和藍本，希望將來的議員同事能夠繼續通力合作，更有效地審議政府提交的法案及其工作，為改善民生和發展經濟出一分力。

多謝主席。

邵家輝議員：主席，其實，我們自由黨主席張宇人議員已代表我們表達對這次修改《議事規則》的支持。我本來並不打算發言，但在聽聞多位同事提及過去——尤其近這一年來——所發生的事，勾起我許多的回憶，故此我也想跟大家分享一下我的個人感受。

首先，就今天這項擬議決議案，我十分感謝議事規則委員會主席謝偉俊議員及其他委員，因為要作出如此大刀闊斧的修訂，當中所涉及的，並不止於市民今天所見的辯論內容或委員會以往開會時所討論的。他們今天之所以能成功提交這項擬議決議案，是因為他們耗費了大量時間逐項審議《議事規則》，以找出漏洞，並加以堵塞。因此，我要感謝他們為我們付出了這麼多時間。

其次，為何香港要立法？為何世界各地也要制定不同的法律呢？正如我經常提及：為何人要群居？為何不是每個人獨自過活？原因在於當人們走在一起時，便可互相保護及互謀福祉。可是，當人多了，便必須訂立一些規則讓各人遵守，否則，當每個人只考慮自己的利益，或只從個人角度看事情時，社會便會大亂。因此，每一個地方也會各自制定適合當地的法律，而立法會便負責為香港立法。按同一原理，議事規則委員會認真檢視《議事規則》，並設法堵塞以往出現的漏洞。

有市民問：我們是否自我收緊限制？其實，這次修訂不是為了收緊限制，而是要完善《議事規則》。至於如何完善，之前已有多位議員給大家闡釋及舉例——就好像我的這個座位，竟然會給潑灑糞水，對嗎？又例如我以往吃一頓飯——大家也知道的——我到樓下餐廳吃飯，但來回走了 4 遍，也未能吃完一頓飯。

有些人想利用一切漏洞，尤其是在過去一年多——坐在我右手邊的那群人，現在全部消失了——那些人彷彿已完全喪失理智，做了許多根本不應做及支持不應支持的事。當他們應該站出來發聲時——單就"爆眼女"事件，一整群人就站在我右手邊，人人用手掩着一隻眼。那名女子是否真的被人打爆眼睛，其實現在大家已心中有數。若真有其事，她便早已站出來確認了，但他們仍堅持認為確有其事。

其實，他們的反智行為顯而易見——利用立法會的漏洞，不斷拖延，浪費我們的時間。他們不單阻礙議會正常運作，更拖累整個香港，使其無法前行。就選舉內務委員會("內會")主席一事，他們浪費了多少時間？有接近半年的時間，香港正是因為他們而被迫停滯不前。簡言之，修改《議事規則》以堵塞漏洞實屬必須，我相信許多香港市民也支持。

最後，我想指出一點，就是所有事情也會有好的一面和壞的一面。壞的一面就不用說了，其他議員已"鬧爆"那些人了；至於好的一面，主席，我從整個過程中領悟到一事：我從前總是以為當立法會主席似乎挺不錯，不用參加其他委員會，只須坐在上面說數句話，問問某位議員說了甚麼便是了，可真輕鬆的。然而，這一年多以來，我才發現立法會主席的工作其實十分繁重。

舉例而言，梁君彥主席曾數度代我們應付他們那些古靈精怪的議

案，尤其在那長達半年、仍未選出內會主席的時期，沒有李慧琼議員代為主持會議。於是，每逢星期三、四，我便看到主席從上午 9 時坐至晚上，翌日又是從早坐至晚，更要聚精會神聆聽那些人的無聊發言；當那些人說錯話時，他又得立刻指正，不能有片刻分神。這樣長時間集中精神，絕非易事。因此，我十分感謝梁君彥主席的付出。

謝謝。

黃定光議員：主席，首先，我十分感謝謝偉俊議員帶領立法會轄下的議事規則委員會("委員會")完成新的任務，並於今天動議修訂《議事規則》的擬議決議案。此外，我亦要向主席梁君彥議員、代理主席李慧琼議員，以及立法會秘書處保安組致謝，他們這數年來，確實須應付十分艱巨的工作。

當然，我十分支持這次《議事規則》的修訂。屈指一算，我已在立法會工作了十六七年，亦看着立法會的風氣轉變——由莊嚴的議事堂，變成連街市也不如的地方。堂堂一個立法會，現在竟被稱為"垃圾會"，令我心痛不已。

我聽到許多議員表示十分支持這次修訂《議事規則》之舉，我當然也支持。可是，我們不能大意。訂定規則後，最重要是執行，即如立法但不執法，便等於"零"。因此，對於立法會日後出現的一些歪邪之風，我希望各位議員務必站出來堅決抵制、奮力對抗。

另一方面，我希望市民對議會的一些下三濫行為直斥其非。至於香港的傳媒，我希望他們不要吹捧某些議員的"爛仔"行徑，以冠冕堂皇的言詞加以美化，甚至褒獎他們，但亦不要默不作聲，裝作視而不見，因為這樣只會助長他們的氣焰。

在擺脫"黑暴"和疫情的陰霾後，我希望立法會及整個香港社會能重新上路，開創一番新氣象。

在此，我再次感謝謝偉俊議員領導委員會完成如此艱辛的工作。同時，我亦感謝主席。

主席：是否有其他議員想發言？

(沒有其他議員表示想發言)

主席：如果沒有，我現在請謝偉俊議員答辯。之後辯論即告結束。

謝偉俊議員：主席，首先感謝有超過半數在席議員發言，當中絕大部分均支持擬議的修訂，亦很多謝他們對我個人表示的謝意，但真正最勞苦功高的應是秘書處的同事，無論是委員會秘書或法律顧問均非常努力。

主席，為求精簡，我只會作出很簡短的回應，提出未曾探討的論點或稍微作出澄清和修正某些概念，以記錄在案。第一，有多位議員引用了與時並進或與時俱進的概念，對此我絕對贊同。不過，郭偉強議員剛才以"膝跳反射"解釋為何需要作出修訂，相信大家也知道該詞的英文是"knee-jerk reaction"，但這可能不是太適合用作解釋是次修訂的形容詞。因為是次修訂應一如過往所作修訂，是非常嚴謹的工作，並非 knee-jerk reaction 這類反射動作，而是經過多年沉澱、很多分析和研究後才作出修訂。

按部分同事的批評或坊間的說法，既然立法會選舉方式將會作出修訂，為何仍要修改規則呢？正如我較早時發言所提到，這是亡羊補牢的概念。若以現時較流行的說法，這相當於社會上現時存在病毒，但由於我們在一段時間內未有抗體和疫苗，所以要長時間處於痛苦之中。我們希望在有疫苗和抗體後，可以作出處理，而今次的修訂正是其中一個增強抗體的機制。

有意見包括鄭松泰議員亦質疑，是次修訂是否多此一舉？首先我想指出，今次修訂並非針對個別群體、政黨或個別人士，而是採取了"家家有求"的概念，懂得打麻將的都會明白。我希望在訂立規矩後，議員會更加守規。事實上，過往也曾有多位建制派議員被驅逐離場。如我沒有記錯，連比較溫文的陳健波議員也曾被前議員梁家傑驅逐離場，何君堯議員則更不在話下，郭偉強議員和黃定光議員亦曾有相同遭遇。正因為不少同事均曾被驅逐離場，我希望在訂定清晰的規矩後，此手段不會被濫用。

更加重要的是，我想帶出一點：過往不少案例均基於舊有《議事規則》處理，在作出修訂並引入新字眼、新結構及新理解之後，將可容許日後執法的主席有一個 new chapter 及新機會重新啟動一種全新

的演繹。這是重要的舉措，因為坊間批評立法會議會文化逐步衰敗的其中一個原因，在於過往執法不嚴。今次修訂可提供重新出發、重新啟動的機會，希望新訂《議事規則》能給予主席新的機會，重新啟動新一套演繹方法，令議會文化進一步向前邁進。

熱愛運動的人均明白，無論是足球還是籃球賽事，即使多麼完善的規例也要不斷與時俱進。以往沒有 VAR，不能讓球證借助 video 作出判決。說到足球，對於梁美芬議員剛才以巴西對法國的球賽作為例子，我感到有些費解，因為這是 1998 年的賽事，未必能反映最新情況……

(梁美芬議員在座位上回應)

對，大家均對該場賽事印象深刻，但那似乎是較為年代湮遠的球賽。

我想提出的另一點是，正如我在較早時的發言中提及，立法會應和法庭一樣享有獲得尊重的尊嚴，對此相信我也不用多說。有同事曾提到擲蕉事件，這可說是破窗的第一着，亦即我過往曾引用的 **broken windows theory**。當窗戶被打破而不收拾時，予人的感覺便會越來越差，議會文化便會走向衰敗。擲蕉事件確實是令議會文化走向衰敗的第一步，可惜滋事者至今仍逍遙法外，無論在議會內或議會外均未受到真正的制裁。

我也想談談代價的問題，就此剛才也有多位議員提到，議會文化敗壞已導致社會的退步和裹足不前，這其實不僅限於抽象的退步情況，也是客觀上和實質上的金錢和資源問題。社會花費不少公帑在議會運作之上，但在缺乏完善《議事規則》或足夠議會制裁的情況下，按秘書處過去曾作出的統計，每小時以百萬元計的公帑曾被白白浪費掉。所以，"拉布"的確是一項 **dollars-and-cents issue**，是金錢問題。

這不單涉及金錢問題，一如郭偉強議員剛才所特別提到，還出現近年更普遍的保安人員受傷的情況。這情況在過往兩屆立法會均未有發生，但在今屆立法會則特別常見，因為有些新任及特別激進的議員完全不介意受傷，也沒有考慮保安人員的人身安全。他們是始作俑者，固然不會考慮自身安全，但不考慮其他員工的情況，則是非常自私和不恰當的行為，也導致過往發生多宗意外。

就香港的情況而言，比起英國對拒絕遵從主席命令的議會成員所

作的制裁，我們實在遠遠落後及相對寬鬆。以英國議會為例，在主席作出命令後，如有關議員不肯自動自覺離場而需要保安人員執法，後果可以非常嚴重。不用說被抬離現場這麼嚴重，但按照英國的傳統和規矩，只要保安人員或他們稱為 *sergeant-at-arms*、負責執法的人員走到涉事議員身旁，並輕輕拍一拍其肩膀，這位議員在餘下任期內已不能再出席議會的會議。英國的做法遠較香港嚴謹，香港議會實遠遠不及。

主席，關於多位同事提及的回歸理性的說法，我要感謝鄭松泰議員在現時較少反對聲音的情況下，提出了有關空間和文化的問題。他的發言有時可能會令大家不明所以，可能他想以較學術性方式討論文化事宜，但我想指出議會確實應一如法庭般動口不動手，透過唇槍舌劍鬥智和發揮幽默感，而不應動手。

不同議員有不同風格，例如柯創盛議員會利用和街坊的互動及對話作出有趣的闡釋，梁美芬議員較喜歡交代自己過往的工作，讓大家可了解當中歷程。各有不同風格實在不成問題，最重要的是要越辯越明，始終圍繞議題發言，讓彼此得益。即使像鍾國斌議員那樣，簡潔地以三言兩語概括，不再重複，也是一樁美事。

說到越辯越明，這必須有優秀的議會文化才能做到。如果只着重所謂的 *antics*，譁眾取寵或做 *show*，雖然較能吸引傳媒多作報道，但對辯論本身卻未能發揮作用，相信大家對此也非常明白。

此外，我也想談談議會文化問題。反對派甚至激進派議員往往指出，議會內如沒有程序公義，社會上如沒有公義，他們便需要在議會內作出鬥爭行為，這便是鄭松泰議員所提出的立場表態問題。我理解這一點並希望藉此機會指出，在修改《議事規則》之餘，也希望能發揮議會優秀的傳承、文化及文明。雖然我們強調少數服從多數，但也絕對需要尊重少數聲音，特別留意他們的意見，所以我也會特別留意鄭松泰議員的發言，希望可採用不同角度衡量事情。

更重要的是，我希望政府不要以為在提出“愛國者治港”的概念，經過人大常委通過或本會作出修訂後，日後在施政上便可橫行無忌。如非德政，並在社會上製造大量怨氣，本會始終會承受壓力，淪為政治抗爭的場所。希望不僅在議會文化方面帶來良好的進步和修訂，在議會外、社會上也可同時令怨氣消滅，讓作為社會縮影的議會不會出現太多鬥爭。

主席，有一些技術問題需要澄清，包括第一，是次修訂並不包括經濟制裁。雖然我們曾經討論也大致上同意，但由於需要修例，所以市民如以為通過擬議修訂後可立刻既罰離場亦罰款，抱歉要告訴他們暫時未能做到，必須修例後才能成事。第二是舉行視像會議的問題，這並不包括在是次修訂之中，但上次通過的議案已作出有關安排。

至於鄭松泰議員剛才提出的兩點，雖然他為求公道，已表明本身對有關修訂沒有十分深入的了解，但我也想略作簡單的澄清。首先關於三讀的安排，他認為會扼殺空間，令議員再無發揮機會，不能在經過討論和辯論或聽畢其他議員發言，以及在討論修正案後，作出最後的陳述。事實上，就過往所訂的 15 分鐘發言時間，第一，通常只有少數議員發言，發言內容也多以"拉布"為主；第二，議員的發言經常會被主席打斷，因為內容多數離題。現有的《議事規則》第 63 條已訂明所作辯論須限於法案的內容，但由於字眼有欠清晰，過往經常出現爭拗。

是次修訂的主要目的是希望第一，將發言時間由 15 分鐘減省至 3 分鐘；第二，規定議員只就支持與否作出表態，而不容許或不需要他們再就有關建議的優劣重新作出辯論，因這應已在二讀程序中完成；以及第三，不用再就個別條文進行辯論。希望有關做法在作出修訂後會更加清晰，亦希望鄭松泰議員明白是項修訂的用意和效果。

我想補充的第二點則和休會辯論有關。鄭松泰議員認為這是很好的機制，讓我們有機會在星期三及星期四舉行的會議上，聆聽社會對備受關注的重大和緊急議題的意見。這機制在作出修訂後其實仍然存在，我們只是透過修訂把辯論時間限定為一般的 1.5 小時，而不希望依循以往那種有欠清晰的做法。議員仍然可以動議休會辯論，希望鄭松泰議員明白這空間並無縮小。

主席，最後，我要再次感謝所有就擬議修訂提出意見的議員、議事規則委員會委員及全體議員，他們均就擬議修訂的諮詢作出了非常全面和正面的回應。我通常不大願意提及這事，但請容許我在此重申個人作為兩屆直選議員的參選政綱，那便是推動健康民主。我一直相信無論是法院或議會，如沒有健康的制度、文化和文明規範，便不能為社會作出適當的貢獻。

在這方面，議事規則委員會過往曾多次希望作出修訂，但礙於分組點票規定的框架或障礙，多次均無法做到。正如張宇人議員所說，他比較實事求是，只要是他認為做不來的事情，他都不會強求，而事實亦確是如此。有同事或許會問，為何以往由譚耀宗擔任主席時沒有這麼多修訂，現在卻大幅修訂呢？這並非因為譚耀宗有甚麼不足之處，而主要是因為我們以往在制度上做不到而已。

我很感謝亦十分慶幸可在本屆任期內作出兩次重大修訂。希望議會可藉此回歸比較理性的討論空間，也能繼續秉持香港的傳統優質文化，跟法院一樣擁有優質的辯論空間，令社會得以進步。多謝主席。

主席：我現在向各位提出的待決議題是：謝偉俊議員動議的議案，予以通過。贊成的請舉手。

(議員舉手)

主席：反對的請舉手。

(議員舉手)

鄭松泰議員起立要求點名表決。

主席：鄭松泰議員要求點名表決。表決鐘會響 5 分鐘。

主席：現在開始表決。

主席：請各位議員核對所作的表決。如果沒有問題，現在停止表決，顯示結果。

功能團體：

石禮謙議員、張宇人議員、林健鋒議員、黃定光議員、李慧琼議員、陳健波議員、何俊賢議員、易志明議員、姚思榮議員、馬逢國議員、

張華峰議員、廖長江議員、潘兆平議員、盧偉國議員、吳永嘉議員、周浩鼎議員、邵家輝議員、陳振英議員、陸頌雄議員、劉國勳議員、劉業強議員及謝偉銓議員贊成。

主席梁君彥議員沒有表決。

地方選區：

陳克勤議員、梁美芬議員、黃國健議員、葉劉淑儀議員、謝偉俊議員、陳恒鑾議員、梁志祥議員、麥美娟議員、郭偉強議員、葛珮帆議員、蔣麗芸議員、何君堯議員、柯創盛議員、容海恩議員、張國鈞議員及鄭泳舜議員贊成。

鄭松泰議員反對。

主席宣布經由功能團體選舉產生的議員，有 23 人出席，22 人贊成；而經由分區直接選舉產生的議員，有 17 人出席，16 人贊成，1 人反對。由於議題獲得兩部分在席議員分別以過半數贊成，他於是宣布議獲得通過。

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2021 年第 47 號法律公告
B3226

2021 年第 47 號法律公告

《中華人民共和國香港特別行政區基本法》

立法會決議

《香港特別行政區立法會議事規則》

立法會於 2021 年 3 月 25 日根據《中華人民共和國香港特別行政區基本法》第七十五條提出和通過的決議。

議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

修訂《香港特別行政區立法會議事規則》

1. 修訂第 16 條 (立法會休會待續議案)

- (1) 第 16(2) 條，在“兩事項”之前——

加入

“本議事規則第 18(1) 條 (各類事項的次序) 所載列的”。

- (2) 在第 16(2) 條之後——

加入

“(2A) 如在根據第 (2) 款動議的議案動議後一個半小時，或在立法會主席於個別會議上決定的更長時限屆滿後，議案仍未獲得通過，立法會主席不得提出該議案的待決議題，而立法會須著手處理下一事項。”。

- (3) 在第 16(7) 條之後——

加入

“(8) 若有議案擬於某次立法會會議上根據第 (2) 或 (4) 款動議，但在立法會休會待續前仍未輪到該議案，該議案不得延擱至下次會議再行處理，而須視作已獲得處理。”。

2. 修訂第 18 條 (各類事項的次序)

- (1) 第 18(1)(jb) 條——

廢除句號

代以

“，但根據本議事規則第 49E(2) 條 (就內務委員會有關研究附屬法例及其他文書的報告提出的議案) 動議的議案除外。”。

- (2) 在第 18(1)(jb) 條之後——

加入

“(jc) 根據本議事規則第 89 條 (就議員出席民事法律程序擔任證人一事取得許可的程序) 及第 90 條 (就立法會會議程序提供證據一事取得許可的程序) 給予許可的請求。”。

- (3) 第 18(1)(l) 條——

廢除

“議案，但 (jb) 段所指明者除外”

代以

“其他議案”。

- (4) 第 18(1) 條——

廢除 (m) 段。

- (5) 第 18(2) 條——

廢除

“(d)、(e)、”。

3. 修訂第 19 條 (立法會議程)

第 19(1A) 條——

廢除句號

代以

“，以及就審議該等議案或法案設定時限。”。

4. 修訂第 20 條 (呈請書的提交)

(1) 第 20(2) 條——

廢除

“須不遲於該會議日期前一天知會立法會主席”

代以

“須不遲於該會議日期前 3 整天向立法會主席作出預告”。

(2) 第 20(2) 條——

廢除

“就此事知會立法會主席”

代以

“作出該預告”。

5. 修訂第 21 條 (文件的提交)

(1) 第 21(1) 條——

廢除句號

代以

“，惟議員或獲委派官員必須在擬提交文件的立法會會議不少於兩整天前作出預告，否則不得如此提交文件，但立法會主席可酌情免卻預告。”。

(2) 第 21(1) 條，中文文本——

廢除分號

代以

“，而”。

- (3) 第 21(4) 條，在“凡有法案委員會報告”之後——
加入

“或根據本議事規則第 54(4) 條 (二讀) 獲交付某法案作研究的委員會的報告”。

- (4) 第 21(4A) 條——
廢除

“就有關法案委員會研究法案的工作提交報告的議員”
代以

“提交法案委員會報告的議員或提交獲交付該法案作研究的委員會報告的議員”。

- (5) 第 21(5) 條——
廢除

“獲立法會主席同意後，”。

- (6) 第 21(5) 條——
廢除

“須在該次會議開始前知會立法會主席”

代以

“須在該次會議開始前向立法會主席作出書面預告，並須獲立法會主席同意，方可向立法會發言”。

6. 修訂第 26 條 (質詢的提出及答覆)

- 第 26(3) 條——
廢除

“起立提出質詢”

代以

“起立並讀出載於議程的質詢”。

7. 修訂第 29 條 (議案及修正案的預告)

在第 29(3) 條之後——

加入

“(3A) 在根據第 (3) 款動議議案後，立法會主席須無經辯論而就該議案提出的待決議題付諸表決。”。

8. 修訂第 37 條 (內務委員會建議的發言時間)

第 37 條——

廢除第 (1) 款

代以

“(1) 就將於立法會會議上動議的任何議案或議案修正案，不論該議案或修正案當時是否已列入立法會議程內，內務委員會可就辯論時間及議員在辯論中的發言時限作出建議，但立法會主席或全體委員會主席可酌情調整相關的辯論時間及發言時限。”。

9. 修訂第 40 條 (辯論中止待續或全體委員會休會待續)

(1) 第 40(1) 條，在“在立法會會議上”之前——

加入

“除第 (1A) 及 (1B) 款另有規定外，”。

- (2) 第 40(1) 條，在“可無經預告”之前——

加入

“在發言前”。

- (3) 在第 40(1) 條之後——

加入

“(1A) 凡就根據第 (6A) 款、本議事規則第 16 條 (立法會休會待續議案)、第 49B(2A) 條 (取消議員的資格)、第 49E(2) 條 (就內務委員會有關研究附屬法例及其他文書的報告提出的議案)、第 54(4) 條 (二讀)、第 55(1)(a) 條 (法案的付委)、第 84(3A) 或 (4) 條 (在有直接金錢利益的情況下表決或退席)、第 89(2) 條 (就議員出席民事法律程序擔任證人一事取得許可的程序) 或第 90(2) 條 (就立法會會議程序提供證據一事取得許可的程序) 動議的議案進行辯論，不得無經預告而動議將辯論中止待續的議案。

(1B) 如立法會主席認為動議現即將辯論中止待續的議案是濫用程序，可決定不提出該議案的待議議題或無經辯論而把議題付諸表決。”。

- (4) 第 40(8) 條，在“(1)”之後——

加入

“、(1B)”。

10. 加入第 45A 條

I 部，在第 45 條之後——

加入

“45A. 點名及暫停職務

- (1) 如基於有議員行為極不檢點的理由，立法會主席認為，就該等極不檢點行為而言，其在本議事規則第 45(2) 條 (立法會及委員會會議中的秩序) 下的權力有所不足，立法會主席可在任何其認為適當的時間，將該議員點名。
- (2) 凡立法會主席得悉，有議員曾在全體委員會、財務委員會或內務委員會作出極不檢點行為，而立法會主席認為，就該等極不檢點行為而言，全體委員會主席、財務委員會主席或內務委員會主席在本議事規則第 45(2) 條 (立法會及委員會會議中的秩序) 下的權力有所不足，則立法會主席可在任何其認為適當的時間，將該議員點名。
- (3) 凡有議員被立法會主席根據第 (1) 或 (2) 款點名，立法會主席須就立法會代理主席隨即動議的議案提出“(該議員姓名)的立法會職務予以暫停”的待決議題。
- (4) 根據第 (3) 款動議的議案不容修正或辯論而須隨即付諸表決。

- (5) 如有議員藉根據第 (3) 款動議及通過的議案被暫停職務，其暫停職務的期限 (包括暫停職務當天) 如下——
- (a) 於首次被暫停職務，暫停職務期限為一星期；
 - (b) 在同一屆立法會任期內第二次被暫停職務，暫停職務期限為兩星期；及
 - (c) 在同一屆立法會任期內其後每次被暫停職務，暫停職務期限為上次期限的兩倍，惟該期限不得超逾有關任期完結的日期。
- (6) 任何議員如根據本條被暫停立法會職務，須立即離開會議廳。在暫停職務期間，被暫停職務的議員不得參與行使立法會在《基本法》第七十三條下的職權。
- (7) 如被暫停職務的議員拒絕遵從第 (6) 款，立法會主席須命令立法會秘書採取必要的行動，以確保該款獲得遵從。”。

11. 修訂第 49 條 (點名表決)

- (1) 第 49(6) 條，在“29(2)(b)”之後——
加入
“或 (3)”。
- (2) 第 49(6) 條——
廢除
“(本議事規則第 29(3) 條提述的議案除外)”。

12. 修訂第 51 條 (提交法案的預告)

(1) 第 51(1) 條，在“議員或獲委派官員”之前——
加入

“除第 (1A) 款另有規定外，”。

(2) 在第 51(1) 條之後——
加入

“(1A) 有意根據第 (1) 款提交法案的議員，須事先就該法案擬稿諮詢相關事務委員會，方可提交該法案。”。

13. 修訂第 54 條 (二讀)

第 54(7) 條——

廢除

“根據本議事規則第 76(9) 條 (法案委員會) 就法案委員會研究法案的工作作出報告的議員”

代以

“根據本議事規則第 76(9) 條 (法案委員會) 就法案委員會的工作作出報告的議員，或就根據第 (4) 款獲交付某法案作研究的委員會的工作作出報告的議員，”。

14. 修訂第 56 條 (委員會就法案的職能)

第 56(1) 條——

廢除

“只可討論該法案的細節，不得討論其”

代以

“只可討論是否支持就該法案提出的修正案，以及經修正或無經修正的法案條文應否納入該法案，不得討論該法案的整體優劣及”。

15. 修訂第 63 條 (三讀)

第 63(1) 條——

廢除

“須限於法案的內容，”

代以

“須以簡短扼要的發言形式進行，辯論內容只限於應否支持該法案，而非就該法案的整體優劣及原則，或就該法案的擬議修正案或個別條文進行辯論；”。

16. 加入第 79D 條

在第 79C 條之後——

加入

“79D. 在任委員會主席及副主席的權力

- (1) 凡本議事規則規定，委員會主席 (*在任主席*) 任期直至下一會期的委員會主席在該下一會期選出為止，或若下一會期的委員會主席選舉是在下一會期開始前進行，其任期直至該下一會期開始為止，則在任主席具有委員會主席可行使的一切權力，直至下一會期開始或選出下一會期的委員會主席為止，以較遲者為準。

- (2) 凡本議事規則規定，委員會副主席（**在任副主席**）任期直至下一會期的委員會副主席在該下一會期選出為止，或若下一會期的委員會副主席選舉是在下一會期開始前進行，其任期直至該下一會期開始為止，則在任副主席具有委員會副主席可行使的一切權力，直至下一會期開始或選出下一會期的委員會副主席為止，以較遲者為準。”。

17. 修訂第 91 條（議事規則的暫停執行）

- (1) 第 91 條，在“除非”之後——
加入
“獲內務委員會建議及”。
- (2) 第 91 條——
廢除
“或經”
代以
“並經”。

18. 修訂第 93 條（釋義）

- (1) 第 93(b) 條，在““整天”一詞”之後——
加入
“作為一段期間，”。
- (2) 第 93(b) 條——
廢除分號
代以

“，而結束時間為該段期間最後一天的下午 5 時；”。

立法會秘書
陳維安

2021 年 3 月 25 日

**香港特別行政區立法會議事規則委員會
2020年10月至2021年10月的工作進度報告的節錄**

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第 2 章 立法會處理事務的方式

C. 處理規程問題的程序

2.8 自第六屆立法會開始以來，部分議員傾向濫用程序提出規程問題，以拖延處理事項或拖長辯論及討論。《議事規則》沒有任何條文處理屬濫用性質的規程問題，導致出現可予濫用的空間。為防止有議員濫用程序提出規程問題，以致會議程序一再受到干擾，陳克勤議員於2021年1月向議事規則委員會提交一套有關修訂《議事規則》的建議，以供考慮。

2.9 議事規則委員會於2021年5月11日的會議上考慮並同意着手邀請議員就陳議員對《議事規則》第39及44條提出的擬議修訂表達意見，該等修訂旨在訂定程序處理屬濫用性質的規程問題(包括要求點算法定人數的規程問題)。⁹根據就《議事規則》第39及44條的擬議修訂進行諮詢的結果，大多數議員均支持：

(a) 修訂《議事規則》第39條，藉以：

- (i) 述明議員不得打斷其他議員的發言，除非起立要求就規程問題發言，並獲立法會主席或全體委員會("全委會")主席叫喚發言；及
- (ii) 訂明立法會主席或全委會主席如認為某議員打斷其他議員的發言之舉屬濫用程序，可指示該議員不得繼續發言。

上述對《議事規則》第39條的擬議修訂將適用於委員會，讓委員會主席享有擬議的酌情權，以處理在委員會會議上提出的規程問題；及

⁹ 有關諮詢藉於2021年5月21日發出的通告(立法會 CROP65/20-21 號文件)(<https://www.legco.gov.hk/yr20-21/chinese/procedur/papers/cropcrop-65-c.pdf>)進行。

- (b) 修訂《議事規則》第44條，以述明立法會主席、全委會主席或任何委員會的主席或副主席(不包括主持該委員會的會議的任何委員)如認為議員提出規程問題之舉屬濫用程序，可決定何時及如何處理該規程問題。此外，主持立法會及全委會會議的議員可行使擬議的酌情權，而主持任何其他委員會會議的委員則不得行使此酌情權。

2.10 按照議事規則委員會的建議，上述修訂已於2021年6月25日的內務委員會會議及2021年7月14日的立法會會議上獲得通過。經修訂的《議事規則》第39及44條已於2021年7月16日該決議案刊憲時開始實施。

2.11 除以上所述外，議事規則委員會亦於2021年2月對陳議員就他認為可能容易被濫用的《議事規則》條文提出的其他修訂建議進行諮詢。¹⁰該等建議包括：(a)修訂《議事規則》第16條，以訂明除非立法會主席延長辯論時間，否則根據《議事規則》第16(2)條進行的休會辯論不應超逾一個半小時；(b)修訂《議事規則》第18(1)條，以訂明根據《議事規則》第49E(2)條動議的議案(即察悉議案)應在不擬具立法效力的議員議案處理完畢後才處理；及(c)修訂《議事規則》第26(3)條，以明文規定提出議程所載口頭質詢的議員只應讀出載於立法會議程的質詢。該等修訂已於2021年2月26日的內務委員會會議及2021年3月24日的立法會會議上獲得通過，修訂詳情載於**附錄V**。

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¹⁰ 請參閱本章註腳4，以了解有關諮詢的詳情。

議事規則委員會

在 2020 年 10 月至 2021 年 10 月期間研究的事項一覽表

X X X X X X

項目	事項/建議 [工作進度報告的相關段落]	《議事規則》/《內務守則》 相關條文
立法會處理事務的方式		
3.	處理規程問題的程序 [第2.8至2.11段]	《議事規則》第16、18、19、20、 21、26、29、39、44、49(6)、51、 54、56、63、91及93條 《內務守則》第2、9A、13、15、 18及22條

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就立法會會議程序及運作安排而對《議事規則》作出的修訂

項目	修訂概要
1.	<p>《議事規則》第16條已予修訂，以規定：</p> <p>(a) 根據《議事規則》第16(2)條提出的休會辯論只可於《議事規則》第18(1)條所述的兩事項之間動議；</p> <p>(b) 須就處理根據《議事規則》第16(2)條動議的議案訂明時限(即90分鐘)；及</p> <p>(c) 若有議案擬於某次立法會會議上根據《議事規則》第16(2)或(4)條動議，但在立法會休會待續前仍未輪到該議案，該議案不得延擱至下次立法會例行會議再行處理，而須視作已獲得處理。</p>
2.	<p>《議事規則》第19(1A)條已予修訂，以明確規定立法會主席可就審議任何議案或法案或其擬議修正案設定時限。</p>
3.	<p>《議事規則》第26(3)條已予修訂，以明確規定提出議程所載口頭質詢的議員在獲立法會主席叫喚提出該質詢時，只可讀出載於議程的質詢。</p>
4.	<p>《議事規則》第29條已予修訂，加入《議事規則》新訂第29(3A)條，以訂明在根據《議事規則》第29(3)條動議議案後，立法會主席須無經辯論而就該議案提出的待決議題付諸表決。</p>
5.	<p>《議事規則》第49(6)條已予修訂，以表明如有多於一項有關立法會議程所列附屬法例或《議事規則》第29(2)(b)或(3)條所提述的文書的議案，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例或文書提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。</p>

項目	修訂概要
6.	《議事規則》第56條已予修訂，以表明全體委員會只可討論是否支持就法案提出的修正案，以及經修正或無經修正的法案條文應否納入該法案。
7.	《議事規則》第63條已予修訂，以表明議員在三讀辯論時就應否支持法案所作的發言必須扼要，且不得就該法案的整體優劣及原則，或就該法案的擬議修正案或個別條文發言，因該等事宜在二讀辯論時已作討論。
8.	《議事規則》第91條已予修訂，以訂明具有暫停執行某條議事規則的目的或效力的議案，除非獲內務委員會建議，否則不得動議。
9.	《議事規則》第18(1)條已予修訂，以表明《議事規則》第18(1)(m)條所提述根據《議事規則》第89條(就議員出席民事法律程序擔任證人一事取得許可的程序)及第90條(就立法會會議程序提供證據一事取得許可的程序)給予許可的要求，在立法會議程上須編排於議員法案(《議事規則》第18(1)(k)條所提述者)之前。
10.	《議事規則》第18(1)條已予修訂，以表明根據《議事規則》第49E(2)條動議的議案(即察悉議案)須在個別議員獲編配時段後方可提出的不擬具立法效力的議員議案處理完畢後才處理。
11.	《議事規則》第20(2)條已予修訂，以表明議員就其擬向立法會提交呈請書一事知會立法會主席的預告期，為不遲於其擬提交該呈請書的會議日期前3整天。
12.	《議事規則》第21(1)條已予修訂，以表明獲委派官員或議員如擬提交文件，須受兩整天的預告規定所規限，而立法會主席可免卻有關預告。
13.	因應法案委員會以外的委員會擬就交付其作研究的法案提交報告的情況，《議事規則》第21(4)及(4A)條已予修訂，以包括對根據《議事規則》第54(4)條獲交付某法案作研究的委員會的提述。因此，《議事規則》第54(7)條亦已作相應修訂，以包括對該委員會的提述，致使就該委員會研究法案的工作提交報告的議員在法案恢復二讀辯論時可優先發言。

項目	修訂概要
14.	《議事規則》第21(5)條已予修訂，以訂明議員或獲委派官員如擬向立法會發言，須在立法會會議開始前向立法會主席作出書面預告，並須獲立法會主席同意，方可向立法會發言。
15.	《議事規則》第51條已予修訂，以訂明有意根據《議事規則》第51(1)條提交法案的議員，須事先就該法案擬稿諮詢相關事務委員會，方可提交該法案。
16.	《議事規則》第93(b)條對"整天"所作的定義已予修訂，以訂明"整天"一詞作為一段期間，不包括作出預告當天、舉行有關會議當天及有關期間內的公眾假期，而結束時間為該段期間最後一天的下午5時。

2021年10月27日立法會會議過程正式紀錄的節錄

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發言

主席：發言。謝偉俊議員就"議事規則委員會 2020 年 10 月至 2021 年 10 月的工作進度報告"向本會發言。

香港特別行政區立法會議事規則委員會 2020 年 10 月至 2021 年 10 月的工作進度報告

謝偉俊議員：主席，我謹以議事規則委員會主席身份，向本會提交議事規則委員會 2020 年 10 月至 2021 年 10 月的工作進度報告。

主席，鑒於立法會及委員會過往發生"拉布"事件，以致委員會主席的選舉程序被拖延；而且某些議員行為極不檢點，並濫用程序干擾會議過程，以及第七屆立法會議員人數將會增加至 90 人，議事規則委員會於本年 1 月就《議事規則》及《內務守則》展開檢討，以提升議事效能。

為盡快完成檢討，議事規則委員會於本年度一共舉行了 11 次會議，並進行了 6 次諮詢，以就個別修訂建議徵詢議員意見。經審議及諮詢後，議事規則委員會就《議事規則》及《內務守則》提出的全部 4 批修訂，合共 18 組建議均已獲內務委員會("內會")通過及立法會批准，當中若干修訂已於相關決議案刊憲當日起生效，其餘的修訂則將會由第七屆立法會開始當日起實施。整個檢討工作於 10 月正式完成。主席，這次檢討共修訂或新增 31 項《議事規則》的條文及 21 項《內務守則》的條文，涵蓋多個範疇，以下我只就重點修訂作簡單概述。

主席，在立法會會議程序和議員在會議上的行為舉止方面，《議事規則》及《內務守則》為立法會處理議案及議員在辯論中的發言設定時限，並訂定程序以處理主席認為屬濫用性質的規程問題。《議事規則》亦規定議員必須穿着商務衣飾出席立法會及全體委員會會議，在發言期間展示物件亦必須符合相關規定。

隨着《2021 年立法會(紀律制裁及遙距會議(雜項修訂)條例》於今年 9 月制定，立法會已有明確法定權限對下述議員施加罰款：(a)因行為極不檢點而被暫停立法會職務的議員在停職期間的酬金將會按比例扣減，以及(b)在無合理原因下缺席以致立法會流會的議員須支付罰款，金額為非兼任行政會議成員的議員一天的酬金。

由於來屆立法會議員人數會增加，為確保委員會的運作效率，委員會的委員組合及選舉正副主席的程序已作出修訂。事務委員會、法案委員會及小組委員會的委員人數上限為 20 或 15 名委員；財務委員會及內會須各由不少於 50 名委員組成，議員可自行選擇加入。此外，這次的檢討工作亦對《議事規則》及《內務守則》的其他部分作出修訂，例如取消負責法案的議員或官員就法案在立法會恢復二讀辯論與內會主席磋商的規定，以及不再容許議員在委員會會議上無經預告而動議議案以表達意見或立場等。

主席，這次檢討範圍非常廣泛，並涉及複雜的程序，能夠在本年度完結前完成工作，我謹代表議事規則委員會感謝各位議員的意見及支持。多謝主席。

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**RULES OF PROCEDURE
OF THE LEGISLATIVE COUNCIL
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

MADE BY THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION ON 2 JULY 1998 IN PURSUANCE OF ARTICLE 75 OF THE BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

**PART K
PROCEDURE ON BILLS**

51. Notice of Presentation of Bills

(1) Subject to subrule (1A), a Member or a designated public officer may at any time give notice of his intention to present a bill; such notice shall be sent to the office of the Clerk and shall be accompanied by a copy of the bill and memorandum required by Rule 50 (Form of Bills), and in the case of a Member, also by a certificate signed by the Law Draftsman pursuant to subrule (2).

(L.N. 47 of 2021)

(1A) A Member who intends to present a bill under subrule (1) may only do so after he has consulted the relevant Panel on a draft of the bill.

(L.N. 47 of 2021)

(2) In the case of a bill to be presented by a Member, the Law Draftsman, if satisfied that the bill conforms to the requirements of Rule 50 (Form of Bills) and the general form of Hong Kong legislation, shall issue a certificate to that effect.

(3) Members may not either individually or jointly introduce a bill which, in the opinion of the President, relates to public expenditure or political structure or the operation of the Government.

(L.N. 107 of 1999)

(4) In the case of a bill which, in the opinion of the President, relates to Government policies, the notice shall be accompanied by the written consent of the Chief Executive in respect of the bill.

(L.N. 107 of 1999)

(5) In the case of a bill presented in one official language in pursuance of a direction under section 4(3) of the Official Languages Ordinance (Cap. 5), the notice shall be accompanied by a certificate stating that the Chief Executive in Council has directed that the bill should be presented in the Chinese language or, as the case may be, the English language.

(6) In the case of a bill presented by a Member such as is referred to in Rule 50(8) (Form of Bills), the notice shall be accompanied by a certificate signed by the Member, stating that the bill has been published in two successive publications of the Gazette and that notice of the bill has been given by two advertisements in each of two daily newspapers published in Hong Kong, one being a Chinese language newspaper and another being an English language newspaper.

(L.N. 176 of 2001)

(7) (a) Except as otherwise provided in subrule (7A) and Rule 66 (Bills Returned for Reconsideration), a bill which, in the opinion of the President, contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session and shall be withdrawn.

(L.N. 228 of 2000)

(b) If a bill which has been read for the second time is subsequently withdrawn another bill with substantially the same provisions may be presented in the same session, subject to the provisions of Rule 50 (Form of Bills), this Rule and Rule 52 (Presentation and Publication of Bills).

(7A) Where the motion for the second or third reading of an Appropriation Bill is negatived, another Appropriation Bill containing the same or substantially the same provisions may be presented within the same session.

(L.N. 228 of 2000)

(8) A Member presenting a bill shall be known throughout the subsequent proceedings on the bill as the Member in charge of the bill. In the case of a bill introduced jointly by more than one Member, these Members shall designate among themselves a Member as the Member in charge of the bill at the time of presenting the bill and the Member so designated shall signify himself as such in the notice for presentation.

(9) A public officer presenting a bill shall be known throughout the subsequent proceedings on the bill as the public officer in charge of the bill; and references in these Rules of Procedure to a Member in charge of a bill include a public officer in charge of a bill.

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Rule	Committee		House Committee		Legislative Council		Gazette	
	Meeting date	Encl.	Meeting date	Encl.	Meeting date	Encl.	Encl.	
51					1998.04.07	1, 2		
					1998.07.02	3, 4	5	
			1999.04.16	6	1999.04.28	7	8	
					1999.04.28	9, 10		
			2000.06.09	11, 12	2006.06.22	15	16	
					2006.06.21	13, 14		
			2001.06.29	17	2001.07.12	18, 21	22	
					2001.07.11	19, 20		
		2021.02.11 [#]	23	2021.03.19	24	2021.03.24	25, 26	
					2021.03.25	27	28	
				2021.10.27	29, 30			
51(1)					1998.04.07	1, 2		
					1998.07.02	3, 4	5	
	2021.02.11 [#]	23	2021.03.19	24	2021.03.24	25, 26		
					2021.03.25	27	28	
				2021.10.27	29, 30			
51(1A)	2021.02.11 [#]	23	2021.03.19	24	2021.03.24	25, 26		
					2021.03.25	27	28	
					2021.10.27	29, 30		

[#]Issue date

Rule	Committee		House Committee		Legislative Council		Gazette
	Meeting date	Encl.	Meeting date	Encl.	Meeting date	Encl.	Encl.
51(2)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(3)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			1999.04.16	6	1999.04.28	7	8
					1999.04.28	9, 10	

#Issue date

Rule	Committee		House Committee		Legislative Council		Gazette
	Meeting date	Encl.	Meeting date	Encl.	Meeting date	Encl.	Encl.
51(4)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			1999.04.16	6	1999.04.28	7	8
					1999.04.28	9, 10	
51(5)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(6)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			2001.06.29	17	2001.07.12	18, 21	22
					2001.07.11	19, 20	
51(7)(a)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
			2000.06.09	11, 12	2006.06.22	15	16
					2006.06.21	13, 14	
51(7)(b)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(7A)			2000.06.09	11, 12	2006.06.22	15	16
					2006.06.21	13, 14	
51(8)					1998.04.07	1, 2	5
					1998.07.02	3, 4	
51(9)					1998.04.07	1, 2	5
					1998.07.02	3, 4	

#Issue date

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
6	HC	CB(2)1729/98-99	Extract of the minutes of the House Committee meeting	1999.04.16
7	CM		Extract of the Official Record of Proceedings of the Legislative Council	1999.04.28
8			Legal Notice 107 of 1999	1999.04.30*
9	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period July 1998 to April 1999	1999.04.28
10	CM		Extract of the Official Record of Proceedings of the Legislative Council	1999.04.28
11	HC	CB(1)1772/99-00	Paper on studies on the implementation of Articles 49, 50 and 51 of the Basic Law and moving of amendment	2000.06.09
12	HC	CB(2)2301/99-00	Extract of the minutes of the House Committee meeting	2000.06.09
13	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period May 1999 to June 2000	2000.06.21
14	CM		Extract of the Official Record of Proceedings of the Legislative Council	2000.06.21
15	CM		Extract of the Official Record of Proceedings of the Legislative Council	2000.06.22
16			Legal Notice 228 of 2000	2000.06.23*
17	HC	CB(2)2006/00-01	Extract of the minutes of the House Committee meeting	2001.06.29
18	CM	CB(3)821/00-01	Resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China	2001.07.11

#Issue date; *Gazette date

CM = Council Meeting; HC = House Committee;

CRoP = Committee on Rules of Procedure

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51				
19	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2000 to June 2001	2001.07.11
20	CM		Extract of the Official Record of Proceedings of the Legislative Council	2001.07.11
21	CM		Extract of the Official Record of Proceedings of the Legislative Council	2001.07.12
22			Legal Notice 176 of 2001	2001.07.13*
23	CRoP	CROP43/20-21	Paper on consultation on proposals to amend the Rules of Procedure and House Rules – First batch of proposed amendments	2021.02.11 [#]
24	HC	CB(2)905/20-21	Extract of the minutes of the House Committee meeting	2021.03.19
25	CM	CB(3)402/20-21	Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure	2021.03.24
26	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.03.24
27	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.03.25
28			Legal Notice 47 of 2021	2021.03.26*
29	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2020 to October 2021	2021.10.27
30	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.10.27

[#]Issue date; *Gazette date

CM = Council Meeting; HC = House Committee;

CRoP = Committee on Rules of Procedure

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(1)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
23	CRoP	CROP43/20-21	Paper on consultation on proposals to amend the Rules of Procedure and House Rules – First batch of proposed amendments	2021.02.11 [#]
24	HC	CB(2)905/20-21	Extract of the minutes of the House Committee meeting	2021.03.19
25	CM	CB(3)402/20-21	Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure	2021.03.24
26	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.03.24
27	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.03.25
28			Legal Notice 47 of 2021	2021.03.26*
29	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2020 to October 2021	2021.10.27
30	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.10.27

[#]Issue date; *Gazette date

CM = Council Meeting; HC = House Committee;

CRoP = Committee on Rules of Procedure

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(1A)				
23	CRoP	CROP43/20-21	Paper on consultation on proposals to amend the Rules of Procedure and House Rules – First batch of proposed amendments	2021.02.11 [#]
24	HC	CB(2)905/20-21	Extract of the minutes of the House Committee meeting	2021.03.19
25	CM	CB(3)402/20-21	Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure	2021.03.24
26	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.03.24
27	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.03.25
28			Legal Notice 47 of 2021	2021.03.26*
29	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2020 to October 2021	2021.10.27
30	CM		Extract of the Official Record of Proceedings of the Legislative Council	2021.10.27

[#]Issue date; *Gazette date

CM = Council Meeting; HC = House Committee;

CRoP = Committee on Rules of Procedure

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(2)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*

* Gazette date

CM = Council Meeting

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(3)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
6	HC	CB(2)1729/98-99	Extract of the minutes of the House Committee meeting	1999.04.16
7	CM		Extract of the Official Record of Proceedings of the Legislative Council	1999.04.28
8			Legal Notice 107 of 1999	1999.04.30*
9	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period July 1998 to April 1999	1999.04.28
10	CM		Extract of the Official Record of Proceedings of the Legislative Council	1999.04.28

* Gazette date

CM = Council Meeting

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(4)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
6	HC	CB(2)1729/98-99	Extract of the minutes of the House Committee meeting	1999.04.16
7	CM		Extract of the Official Record of Proceedings of the Legislative Council	1999.04.28
8			Legal Notice 107 of 1999	1999.04.30*
9	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period July 1998 to April 1999	1999.04.28
10	CM		Extract of the Official Record of Proceedings of the Legislative Council	1999.04.28

* Gazette date

CM = Council Meeting

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(5)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*

* Gazette date

CM = Council Meeting

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(6)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
17	HC	CB(2)2006/00-01	Extract of the minutes of the House Committee meeting	2001.06.29
18	CM	CB(3)821/00-01	Resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China	2001.07.11
21	CM		Extract of the Official Record of Proceedings of the Legislative Council	2001.07.12
22			Legal Notice 176 of 2001	2001.07.13*
19	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2000 to June 2001	2001.07.11
20	CM		Extract of the Official Record of Proceedings of the Legislative Council	2001.07.11

* Gazette date

CM = Council Meeting; HC = House Committee

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(7)(a)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*
11	HC	CB(1)1772/99-00	Paper on studies on the implementation of Articles 49, 50 and 51 of the Basic Law and moving of amendment	2000.06.09
12	HC	CB(2)2301/99-00	Extract of the minutes of the House Committee meeting	2000.06.09
15	CM		Extract of the Official Record of Proceedings of the Legislative Council	2000.06.22
16			Legal Notice 228 of 2000	2000.06.23*
13	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period May 1999 to June 2000	2000.06.21
14	CM		Extract of the Official Record of Proceedings of the Legislative Council	2000.06.21

* Gazette date

CM = Council Meeting; HC = House Committee

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(7)(b)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*

* Gazette date

CM = Council Meeting

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(7A)				
11	HC	CB(1)1772/99-00	Paper on studies on the implementation of Articles 49, 50 and 51 of the Basic Law and moving of amendment	2000.06.09
12	HC	CB(2)2301/99-00	Extract of the minutes of the House Committee meeting	2000.06.09
15	CM		Extract of the Official Record of Proceedings of the Legislative Council	2000.06.22
16			Legal Notice 228 of 2000	2000.06.23*
13	CM		Extract of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period May 1999 to June 2000	2000.06.21
14	CM		Extract of the Official Record of Proceedings of the Legislative Council	2000.06.21

* Gazette date

CM = Council Meeting; HC = House Committee

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(8)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*

* Gazette date

CM = Council Meeting

PART K PROCEDURE ON BILLS

Rule 51

Notice of Presentation of Bills

Encl.	Council / Committee	PLC / LC Paper No.	Document	Meeting date
Rule 51(9)				
1	CM	CB(1)1236	Report of the Committee on Rules of Procedure of the Provisional Legislative Council	1998.04.07
2	CM		Extract of the Official Record of Proceedings of the Provisional Legislative Council	1998.04.07
3	CM	CB(3)12/98-99	Resolutions on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and Timing of the first meetings of the Finance Committee, the House Committee and Panels	1998.07.02
4	CM		Extract of the Official Record of Proceedings of the Legislative Council	1998.07.02
5			Extract of the Legal Notice 265 of 1998	1998.07.03*

* Gazette date

CM = Council Meeting

Ref: CB1/R/1/1

**Report of the Committee on Rules of Procedure
of the Provisional Legislative Council**

Purpose

This Report gives an account of the work of the Committee on Rules of Procedure (the Committee) since its establishment on 19 September 1997, and outlines its deliberations on issues considered.

The Committee

2. The Committee was established by resolution of the Council on 10 September 1997 through amendment to the Rules of Procedure of the Council. The functions of the Committee are to review the Rules of Procedure of the Council and to propose to the Council such amendments or changes as are considered necessary.

3. Twelve Members of the Council, including the Chairman, Hon Mrs Selina CHOW, and the Deputy Chairman, Hon CHENG Kai-nam, were appointed to the Committee on 17 October 1997 by the President of the Provisional Legislative Council in accordance with Rule 74(2). A membership list is in **Appendix I**.

The work of the Committee

4. Since its formation in October 1997, the Committee has held a total of nine meetings. At its first meeting on 17 November 1997, the Committee reviewed matters which required consideration during the term of the Council and decided to undertake the following:

- (a) update the House Rules in the light of the amendments made to the Rules of Procedure on 10 September 1997 and to reflect current practices of the Council and its committees;

- (b) ensure that essential steps pertaining to the effective processing and enactment of legislation are properly incorporated in the present legislative procedures; and
- (c) refine the Rules of Procedure and other procedural arrangements to ensure conformity with provisions in the Basic Law and other statutory requirements.

Updating of the House Rules

5. During the course of the detailed study in updating the House Rules, the Committee also took the opportunity to review some of the administrative and procedural arrangements with a view to removing ambiguities and improving efficiency in the conduct of Council business. Before the Committee embarked on its study of the House Rules, it invited views from Members of the Council and received a number of suggestions. These suggestions were taken into account in the Committee's deliberations.

6. Apart from recommending amendments to the House Rules to reflect the changes to the Rules of Procedure endorsed by the Council on 10 September 1997, the Committee also made the following recommendations to the House Committee:

- (a) that the administrative procedures for the application for and allocation of slots for debates on Members' motions be set out in detail (Rule 14);
- (b) that the arrangements for dealing with Members' motions withdrawn before or after the deadline for giving notice be clearly spelt out (Rule 14);
- (c) that the principle that only the mover of a motion should have the right of reply be upheld and reflected in the allocation of speaking time (Rule 17); and
- (d) that panels' activities outside Hong Kong be endorsed by the House Committee (Rule 22).

7. The House Committee accepted the recommendations of the Committee and revised its House Rules on 20 February 1998. A summary of major revisions to the House Rules is in **Appendix II**.

Notice of Motions and Amendments

8. The Committee is aware that no specific provision has been made in the Rules of Procedure for moving motions relating to the scrutiny of a statutory instrument such as technical memorandum or code of practice, which is not subsidiary legislation but is subject to legislative scrutiny mechanism similar to that for subsidiary legislation. As a result, 12 clear days notice is required in respect of motions for amending or extending the period of scrutiny. This leaves Members very little time to consider the instrument, and the leave of the President to waive the required notice is sought each time when an amendment has to be moved. The Committee considers it appropriate to bring the notice requirements in line with those for subsidiary legislation.

9. In response to the Committee's enquiry, the Administration has raised no objection to the Committee's view that the same notice requirements should apply to subsidiary legislation and other statutory instruments which are subject to similar legislative scrutiny mechanism. However, as motions relating to statutory instruments are very few, the Committee has concluded that there is no urgency in amending the Rules of Procedure of the Provisional Legislative Council (PLC), and that the Secretariat should draw to the attention of the first Legislative Council the need to make such changes in its future Rules of Procedure.

Adaptation of legislative procedures

10. The Committee has reviewed the present position in the adaptation of provisions on legislative procedures as contained in the former Royal Instructions, and consulted the Administration on the need to make suitable adaptation of Clause XXV (Rules and regulations under which Ordinances are to be enacted) and Clause XXVI (Description of Bills not to be assented to and Proviso in cases of emergency for immediate operation of an Ordinance) of the Royal Instructions. While the Committee has no strong views on the Administration's conclusion that no replacement is required for the provision in Clause XXVI on the types of bills not to be assented to on the grounds that Article 17 of the Basic Law has served the purpose, the Committee has requested the Administration to consider localizing the provisions in Clause XXV which served to regulate the form of legislation in Hong Kong, and to provide ample time for the legislature to scrutinise the relevant bill.

Compliance with the Basic Law and other statutory requirements

11. In addition to the above, the PLC Secretariat has also sought the views of the Committee on proposed revisions to the Rules of Procedure in order to comply with the provisions in the Basic Law. These include the following two major issues:

- (a) the new voting procedures for Members' business as stipulated in Annex II of the Basic Law; and
- (b) the procedure for processing bills passed by the Legislative Council but returned by the Chief Executive to the Council for reconsideration.

Voting procedures

12. Annex II of the Basic Law specifies that the passage of Members' bills, motions and amendments to bills shall require a simple majority vote of each of the two groups of Members present: Members returned by functional constituencies, and those returned by geographical constituencies through direct elections and by the Election Committee. Having regard to the need for compliance with the Basic Law on the one hand and ensuring efficient conduct of Council business on the other, the Committee has considered the pros and cons of conducting the voting either by the collection of voice or by electronic voting, or both. The Committee has also reviewed a number of related issues such as the casting vote of the President and Chairman, and made reference to the practices of other legislatures. As the Committee considers it more appropriate for the first Legislative Council to determine its own procedure, it has given its views on the various options for the Secretariat to consolidate them into a proposal for the first Legislative Council.

Procedure for bills returned by the Chief Executive for reconsideration

13. Under Article 49 of the Basic Law, if the Chief Executive considers that a bill passed by the Legislative Council is not compatible with the overall interests of the Region, he may return it to the Legislative Council within three months for reconsideration. As neither the Rules of Procedure of the PLC nor the Standing Orders of the former Legislative Council have provided for any procedure to cater for such a situation, the PLC Secretariat has sought the Committee's views on the procedural steps to be followed.

14. Given that the reconsideration of a passed bill returned by the Chief Executive is an important matter to be dealt with by the Council, the Committee is of the view that specific procedure should be provided in the Rules of Procedure on how the returned bill shall be proceeded with. In this respect, the Committee has made reference to the procedures in other legislatures and come up with the following views:

- (a) The returned bill and the Chief Executive's reasons for the return of the bill should be carefully examined by a committee, e.g. a select committee, unless the majority of Members decide otherwise;

- (b) The procedure should allow the returned bill to be amended after taking into account the views from all parties concerned, including the Government, the Member in charge of the bill, and other interested parties;
- (c) Members should be allowed to debate on the bill in the Council and amend the bill in a committee of the whole Council if considered necessary;
- (d) The bill, irrespective of its being amended or not, should be voted on upon a motion "That the bill do pass after reconsideration". If the bill is passed in its original form by two-thirds of the Members of the Council, Article 50 of the Basic Law shall be triggered off.

15. The Committee considers that the Secretariat should reflect the views of the Committee to the first Legislative Council when the latter draws up its Rules of Procedure.

Acknowledgement

16. Members of the Committee wish to record their appreciation of the valuable views from fellow Members of the Council and their support for the work of the Committee.

Provisional Legislative Council Secretariat
1 April 1998

Appendix I

Provisional Legislative Council

Membership list of Committee on Rules of Procedure

Hon Mrs Selina CHOW, JP (Chairman)
Hon CHENG Kai-nam (Deputy Chairman)
Dr Hon Raymond HO Chung-tai, JP
Hon Mrs Elsie TU, GBM
Hon CHAN Choi-hi
Hon CHAN Yuen-han
Hon Andrew WONG Wang-fat, JP
Hon Kennedy WONG Ying-ho
Hon Bruce LIU Sing-lee
Hon Mrs Miriam LAU Kin-ye, JP
Hon Ambrose LAU Hon-chuen, JP
Hon CHOY So-yuk

Total : 12 Members

Appendix II

Summary of major revisions to the House Rules recommended by the Committee on Rules of Procedure

- (a) that the procedure for the election of the President, formerly included as an appendix in the House Rules, has already been provided in the Schedule to the Rules of Procedure (House Rule 1(d));
- (b) that the Chief Executive may at his discretion attend meetings of the Council to answer questions from Members (House Rule 4(a));
- (c) that the time allowed for six oral questions at Council meetings is limited to one to one-and-a-half hours, and for 10 oral questions to be not more than two-and-a-half hours (House Rule 7(a));
- (d) that the deadline for the application for the allocation of debate slot is specified as 24 days in advance of the Council meeting (House Rule 14);
- (e) that the procedure for allocating slots for debates on motions which have no legislative effect, as well as the arrangements for determining the priority of Members to sponsor such debates after they have withdrawn their original notice, should be clearly spelt out (House Rule 14);
- (f) that the stipulation in the Rules of Procedure that a mover of an amendment to a motion does not have the right of reply should be reflected in the House Rules, and that the time limit for the speech of a mover of an amendment to a motion with no legislative effect should be extended to 10 minutes, and that he will no longer have the 5 minutes to respond to other Members' speeches on his amendment (House Rule 17(c));
- (g) that the deadline for enrollment in a Bills Committee or subcommittee of the House Committee to study legislative proposals should normally be one clear day before the date of the first meeting of the Bills Committee/subcommittee (House Rule 21(b));
- (h) that reports of Panels and Bills Committees are to be tabled in the Council (House Rules 21(i) and 22(u));
- (i) that the activities of Panels to be undertaken outside Hong Kong should require the endorsement of the House Committee (House Rule 22(t)); and
- (j) that the Parliamentary Liaison Subcommittee set up under the House Committee is responsible for co-ordinating parliamentary liaison activities (House Rule 34).

**Extract of the Official Record of Proceedings
of the Provisional Legislative Council meeting held on 7 April 1998**

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ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mrs Selina CHOW will address the Council on the Report of the Committee on Rules of Procedure 1997/98. Mrs Selina CHOW.

Report of the Committee on Rules of Procedure 1997/98

MRS SELINA CHOW (in Cantonese): Madam President, on behalf of the Committee on Rules of Procedure of the Provisional Legislative Council, I submit the Report as set out in the PLC Paper No. CB(1) 1236 circularized to Members days ago.

The Committee on Rules of Procedure was formally established in October 1997 to take over the duties of the Working Group on Rules of Procedure. Members of the Committee are basically members of the former Working Group. During the 14 months from the Working Group to the Committee on Rules of Procedure, we have held 23 formal meetings and nine informal meetings for exchange of views, among which many were held in marathon sessions.

The work of the Committee can be divided into two major parts. The first part is the formulation of the Rules of Procedure, the House Rules and the Procedure of the Finance Committee of the Provisional Legislative Council, in the hope that the business of the Provisional Legislative Council can be conducted in a smooth manner. The Committee is also committed to ensuring that essential steps pertaining to the effective processing and enactment of legislation are properly incorporated into the present legislative procedures.

The second part is the tendering of advice on the Rules of Procedure pertaining to the first Legislative Council of the Hong Kong Special Administrative Region (SAR), particularly on the incorporation of certain procedures into the Rules of Procedure in accordance with the stipulations of the Basic Law in order to tie in with the existing mechanism. Some examples are the matters related to the voting procedures and the procedure for reconsideration of bills returned by the Chief Executive. The Committee hopes that it can provide advice to the Provisional Legislative Council Secretariat in regard to policies and principles on some significant and controversial issues and that it can be taken as reference when the Secretariat prepares the draft Rules of Procedure for the first Legislative Council of the SAR.

I am delighted to inform Members that the Committee has already attained the above goals. Here, I would like to thank members of the Committee for their time and efforts. On behalf of the Committee members, I would also like to thank all other Members of this Council for their precious advice and support for the Committee. Besides, I have to thank the staff of the Secretariat for their hard work. This I hope to put on record.

Thank you, Madam President.

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Ref. : CB(3)/M/MR

Tel : 2869 9205

Date : 26 June 1998

From : Assistant Secretary General 3


To : All Members-elect of the Legislative Council

First Legislative Council meeting on 2 July 1998

**Resolutions on
Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region
and
Timing of the first meetings
of the Finance Committee, the House Committee and Panels**

I forward for Members-elect's consideration two resolutions which will be moved at the Council meeting on 2 July 1998 by Dr LEONG Che-hung after he has taken the Legislative Council Oath and the President has been elected. The resolution on the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region is attached in **Appendix I** and the second resolution is in **Appendix II**.

2. The President's permission to waive the notice will be sought to enable Dr LEONG to move these resolutions without notice.



(Ray CHAN)
Assistant Secretary General 3

Encl.

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
OF THE PEOPLE'S REPUBLIC OF CHINA

RESOLUTION

(Made 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 the Rules of Procedure set out in the Annex to this resolution
be made under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China.

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 2 July 1998**

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MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' Motions. First Motion. Dr LEONG Che-hung, you have my consent to move the resolution on the Rules of Procedure.

RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

DR LEONG CHE-HUNG (in Cantonese): Madam President, today is a big day for the Legislative Council and an important milestone for the legislature of Hong Kong as we are the first Legislative Council returned by open, impartial and fair election after the detachment of Hong Kong from colonial rule and we have become masters of our own house. For a legislature to operate properly and to ensure that matters we wish to see passed stand a decent chance of approval, we need to have an applicable set of rules of procedure. As it has been only a month or so since the election, we cannot possibly work out an impeccable set of rules of procedure. Besides, the rules of procedure have to be revised as time passes. Therefore, Madam President, I hope that Honourable colleagues will find the Rules of Procedure of the Legislative Council I shall propose later suitable for adoption for the time being, so that we can complete our tasks as soon as possible.

Madam President, I move that the motion standing in my name that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China be approved. The Annex has been circularized to Members for reference.

We have the first meeting of the first Legislative Council of the Hong Kong Special Administrative Region today. As I have just said, the proper operation of a legislature requires a sound set of rules of procedure. Therefore, we must expeditiously formulate and adopt a set of rules that could immediately allow us to operate in a highly efficient and effective manner.

To achieve this aim, the Legislative Council Secretariat has earlier worked out a draft set of Rules of Procedure of the Legislative Council, arranged a series of seminars in early June and invited Members elect to attend these seminars so that they can understand the contents of the draft and certain material matters as soon as possible. A total of 30 Members elect attended these seminars, and Miss Margaret NG and I were greatly honoured to be elected the Deputy Convenor and Convenor. Now I would like to brief Members on some of the points we discussed.

The draft Rules of Procedure of the Legislative Council was worked out on the basis of the rules and practices adopted by the former legislature of Hong Kong with some procedures having been formulated in accordance with the relevant provisions of the Basic Law, for instance, the voting procedure specified in Annex II of the Basic Law and the procedure for dealing with bills already passed by the Legislative Council but returned by the Chief Executive for reconsideration in accordance with Article 49 of the Basic Law. Members have discussed these procedures, policies and principles in detail.

As regards the voting procedure, after studying the provisions in Annex II of the Basic Law and drawing reference from the voting practices of the former legislature of Hong Kong, we agreed to the following:

1. Motions, bills and amendments to bills, whether voted upon by the whole Council or in groups, shall be supported by a majority of Members present before being approved.
2. To allow the President to determine whether a majority of Members support a motion, the former voice vote shall be changed into calling upon Members to raise their hands to indicate whether they are in favour of or against the motion.
3. As a motion is deemed as not approved when the number of Members in favour of the motion is merely equal to half of the number of Members present, we think that it is not necessary for the President to have a casting vote.

As to how to deal with the bills returned by the Chief Executive in accordance with Article 49 of the Basic Law, we think that this has to be discussed in greater depth. However, as it is considered very unlikely that bills will be returned for reconsideration in accordance with Article 49 of the Basic Law in the near future, Members agreed that we need only make provisions for the essential procedures and steps for dealing with such bills.

Under the existing arrangement, unless otherwise instructed by the whole Council that the relevant bills shall be immediately reconsidered, the bills will be referred to the House Committee. Upon the completion of scrutiny and approval by more than two thirds of all Members, that is, 40 Members or more, the reconsidered bills may be dealt with in accordance with Article 50 of the Basic Law. When the Committee on Rules of Procedure is established in future, it will make an in-depth study into issues such as whether Members can propose amendments to bills returned.

We also considered the restrictions of Article 74 of the Basic Law on the introduction of bills by Members. As the views of Members on the scope covered by this Article differ, especially as far as fiscal revenues and expenditures are concerned, we considered it necessary to conduct further deliberations. Before our further deliberations offer any conclusion, we think that it is necessary to incorporate the relevant restrictions of the former legislature into the Rules of Procedure. For example, Members must have the consent of the Chief Executive before they can propose any motion or amendment with the effect or purpose of causing the use of any government revenue or other public moneys or imposing a charge on the revenue or other public moneys.

During the discussions, Members thought that various other matters should also be discussed, and they include the mechanism for convening urgent meetings after the dissolution of the Legislative Council and whether the session of select committees should come to an end at the end of a Session or at the end of the term of office of Members. As these matters do not require urgent handling now, Members agreed to set them out in a schedule for follow-up by the Committee on Rules of Procedure to be established later.

Here, I would also like to point out that the Legal Advisor of the Secretariat received on 30 June a letter from the Solicitor General concerning the views of the Department of Justice on the draft Rules of Procedure of the Legislative Council. The Solicitor General holds different views on the draft Rules of Procedure of the Legislative Council, namely, the rules in respect of Article 74 of the Basic Law and the voting procedure for bills introduced by the Government. In fact, Members discussed these matters at the three seminars and agreed that they would further study Article 74 of the Basic Law and the relevant provisions immediately after the Committee on Rules of Procedure has been established, and that the views of the Solicitor General would be referred to the Committee for follow-up.

The Rules of Procedure of the Legislative Council that I have proposed for approval today is aimed at allowing the first Legislative Council to start working as soon as possible and enabling us to establish various committees to conduct business in accordance with the provisions of the Rules. As the President of the Legislative Council can make a ruling on the relevant matters if necessary, I suggest that Members should first adopt the Rules of Procedure of the Legislative Council that I have proposed for approval today and refer the outstanding matters to the future Committee on Rules of Procedure for follow-up expeditiously.

Madam President, I would like to thank the staff of the Legislative Council Secretariat for the efforts they made in drafting the Rules of Procedure and Honourable Members for the invaluable views they expressed in the course of our study. I urge Honourable colleagues to support my motion and adopt the Rules of Procedure.

With these remarks, I beg to move.

Dr LEONG Che-hung moved the following resolution:

"That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. Does any Member wish to speak?
Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): We in the Democratic Party very much support Dr the Honourable LEONG Che-hung's proposal that we should pass the Rules of Procedure of the Legislative Council as quickly as possible today. Any amendments, if they are ever required, should be moved at future meetings, and it is imperative that the Legislative Council should get down to business immediately. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung.

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, a large part of the Rules of Procedure of the Legislative Council is modelled on the Standing Orders of the Legislative Council. While I agree to and support many of the provisions in the Rules of Procedure, I must however point out that the Rules of Procedure does contain many unfair and unreasonable provisions which have been incorporated in accordance with the Basic Law. As a result, when we discuss the Rules of Procedure today, I feel compelled to state my position very clearly.

First, let me refer to Article 74 of the Basic Law. Although Dr LEONG Che-hung has stated that we may need to conduct further discussions, I must still point out that this particular Article has certainly restricted the power of Members to introduce Members' Bills. In the days of the former Legislative Council, the absence of any charging effect and the consent of the Governor were the only restrictions on the introduction of Members' Bills. A Member may introduce a Member's Bill as long as it is in line with the two principles. Now, however, many more restrictions have been incorporated in accordance with the Basic Law, making it difficult for Members to introduce Members' Bills. This is obviously a move to thwart Members' attempts to introduce bills which are in the interests of the public; this is obviously an attempt to "disable" Members, to bar them from introducing their own bills for discussion in the

legislature. What is more, I have to point out that the restrictions on the presentation of bills stipulated in Rule 51 of the Rules of Procedure have precisely been drawn up in accordance with Article 74 of the Basic Law. For that reason, I am firmly opposed to these provisions.

The second restriction imposed by the Rules of Procedure on Members' powers is the method of voting by groups applicable to the voting on all motions. Despite Dr LEONG's saying that we may need more detailed discussions in this particular respect, I do not think that any such discussions are going to change this broad, underlying principle. The reason is that this voting procedure, which departs entirely from the practices of the former Legislative Council, has in fact been incorporated in accordance with the Basic Law. This voting procedure will limit and constrain Members in their attempts to push through their motions. We may still recall that this particular voting procedure was not found in the consultative version of the Basic Law and the draft Basic Law. It was not until after the June 4 incident of 1989 when the group led by Mr LO Tak-shing put forward the proposal of "a bicameral legislature" that the Central Government decided to incorporate the procedure of voting by groups into the Basic Law. This is indeed a hybrid rarely found in other parliamentary assemblies. Under this procedure, the passage of motions shall require a majority vote of each of the two groups of Members present: Members returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee. Such a procedure is in effect an enlargement of the constraints imposed on Members, who are already hindered by one obstacle after another. That is why I am firmly opposed to this procedure, despite Dr LEONG's saying that there may be further detailed discussions in the future.

I appreciate the point that these constraints have all been incorporated in accordance with the Basic Law, and we cannot possibly conduct an overhaul unless we can amend the Basic Law. Unfortunately, the amendment of the Basic Law, as I understand it, is not a matter which can be done today or tomorrow. It is a protracted effort. Therefore, I hope that Honourable colleagues in this Council will join me in the struggle for the amendment of the Basic Law in the time ahead. If not, it will be extremely difficult for us to introduce any motions which serve the interests of the public, and it will be equally difficult for us to ensure their passage. For all these reasons, when it comes to the vote, I will vote against the motion. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr James TO.

MR JAMES TO (in Cantonese): Madam President, as pointed out by Dr the Honourable YEUNG Sum, we in the Democratic Party actually regard this set of rules as serving an interim purpose only. We think that if we do not pass this set of rules, we will not have any rules of procedure to follow in the remaining time of this meeting or even the next meeting.

I will not respond in detail to the points raised by the Honourable LEUNG Yiu-chung just now. However, I do want to say a few words on another matter. I am very surprised that the Government has not sent any representatives to attend this meeting. No doubt, in response to the Rules of Procedure of the Legislative Council pending passage today, the Solicitor General has written a five-page commentary on what he thinks will breach the Basic Law. However, at the beginning, I still thought that even if the Chief Secretary for Administration did not come, we would still have the Secretary for Justice; if even the Secretary for Justice failed to show up, there was still the Secretary for Constitutional Affairs; and, if even the Secretary for Constitutional Affairs did not come, at least the Solicitor General would. Please do not take it for granted that we would certainly pass this motion today, though many people do expect us to do so. I think the Government should really take this matter seriously and send representatives to listen to our views at the meeting, for at least Mr LEUNG Yiu-chung has chosen to explain his principles to this Council. I am very surprised, and I also find it a bit regrettable, that no government official has sit in in attendance today. In making these criticisms, Madam President, I hope I have not aggrieved the Government unfairly, because we do not have any government representatives here in this Chamber and I do not know if the Government has actually given the Secretariat any notification concerning the attendance or otherwise of its officials. That said, I still find this very regrettable.

As for our specific views, we will not dwell on them in detail now. We simply want to reiterate that we only regard this set of rules as serving an interim purpose only, and we think that we will need to conduct further discussions on many aspects relating to these rules. We will explain our specific arguments in detail at a later time. Thank you.

PRESIDENT (in Cantonese): Miss Margaret NG.

MISS MARGARET NG: I think it is right to explain to Members that the Solicitor General did offer to discuss with our Legal Adviser the point he has raised in the letter. However, I, on behalf of the group which had no time to reconvene, informed the Administration that this was not an appropriate course of action. It is because from my point of view, whatever the Government has to say should be listened to by all Members, and the discussion should be between all Members and members of the Administration. For that reason, we informed the Administration that we anticipated a discussion in the Committee. As to the form the discussion is going to be taken, it will be decided in the House Committee as soon as possible. And I urge Members to listen to the views of the Administration in whatever suitable forum.

Thank you, Madam President.

PRESIDENT (in Cantonese): Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): As I explained a moment ago, the Democratic Party will support the passage of the Rules of Procedure today because it wants to enable the Legislative Council to commence its operation.

However, on behalf of the Democratic Party, I would like to express our opposition to the procedure of voting by groups based on the concept of "a bicameral legislature". I wish to put this clearly on record. Second, I want to stress that the strict conditions imposed on the introduction of Members' Bills will make it very difficult for Legislative Council Members to introduce any bills. I want to put this on record too.

PRESIDENT (in Cantonese): Mr Ronald ARCULLI.

MR RONALD ARCULLI: Madam President, the Liberal Party also supports the passing of the Rules of Procedure today, but I entirely share the concern of The Honourable James TO over the absence of any government officials. I think those of us who attended the celebration yesterday have also heard from members of the press how this Government of ours regarded this particular legislature, and I can say to you, Madam President, that the words used were not very pleasant, and I think their absence from this Council Chamber today is a signal. I hope I am wrong. I sincerely hope that I am wrong as to the regard which they do not have for us.

Thank you.

PRESIDENT (in Cantonese): Dr LEONG Che-hung, do you wish to reply?

DR LEONG CHE-HUNG (in Cantonese): First of all, let me thank Honourable colleagues for the comments they have made. However, I would also like to stress one point. The first Legislative Council will be required to handle an enormous amount of business in the future, and if we are to take care of all these matters, we must have in place a set of applicable rules of procedure, or a provisional set at least, to enable the various panels and bills committees to be formed under the Council to conduct their work. Therefore, I earnestly urge Honourable colleagues to endorse the adoption of the Rules of Procedure before us for the time being.

Secondly, I must stress that I am not in any way trying to defend the Government. Why are government officials absent from the meeting today? I also find it somewhat regrettable. Nevertheless, as the Honourable Miss Margaret NG has said just now, the Solicitor General had offered to discuss with our Legal Adviser the issues concerned. I think that it would be a better arrangement for the Solicitor General to present his points to all Members after the Committee on Rules of Procedure has been set up, and to explain in that forum any questions the Solicitor General sees fit to raise, before we conduct any further discussions.

In regard to the remarks made by Mr LEUNG Yiu-chung, I am sure they would be put on record and then considered in detail by the Committee on Rules of Procedure.

I hereby urge Members to endorse the motion I have moved today as expeditiously as possible, otherwise the Council will not be able to commence working promptly. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): Madam President, just now when we have yet to adopt a set of rules of procedure, you have permitted Dr YEUNG Sum to speak twice. As such, I still wish to speak albeit you have already called upon Dr LEONG Che-hung to make his reply.

I should like to point out one thing and that is the wording used by some Honourable colleagues just now might not be correct. The motion that we have been debating is: "That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China." So, the Rules of Procedure should be of a permanent nature; they could be amended at any time, but that does not make them in any way provisional.

I know that there are disputes over certain points and further reviews will therefore have to be conducted, and that new rules might have to be made to supplement the existing ones should the need arise. However, the Rules of Procedure should by no means be of a provisional nature. I just want to clarify this point. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the resolution moved by Dr LEONG Che-hung be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively from each of the two groups of Members, as listed in the Basic Law, who are present. I declare the resolution passed.

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**RULES OF PROCEDURE OF
THE LEGISLATIVE COUNCIL OF
THE HONG KONG SPECIAL ADMINISTRATIVE
REGION**

***RULES OF PROCEDURE OF
THE LEGISLATIVE COUNCIL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION***

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**RULES OF PROCEDURE OF
THE LEGISLATIVE COUNCIL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

PART A

MEMBERS AND OFFICERS OF THE COUNCIL

1. Oath or Affirmation

Except for the purpose of enabling this Rule to be complied with, no Member of the Council shall attend a meeting or vote therein until he has made or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11). Where a general election is held, a Member who had previously made or subscribed such oath or affirmation shall again do so in compliance with this Rule before he attends a meeting or votes in the Council.

2. Language

A Member may address the Council in either Putonghua, Cantonese or the English language.

3. Presiding in Council and in Committee of the Whole Council

(1) There shall be a President of the Council who, when present at a meeting of the Council or a committee of the whole Council and able, in his opinion, to act, shall preside or be Chairman.

(2) In the absence of the President from a meeting of the Council or a committee of the whole Council or when, in his opinion, he is unable to act, there shall preside at that meeting –

- (a) the President's deputy; or

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(b) in the absence of the President's deputy from that meeting or when, in his opinion, he is unable to act, the Member who is elected by and from among the Members present in accordance with the procedure as determined by the House Committee.

(3) The President's deputy or other Member presiding shall enjoy all those powers conferred by these Rules of Procedure on the President or Chairman that are exercisable in respect of the meeting, or part of the meeting, of the Council or a committee of the whole Council at which the President's deputy or that Member presides or is Chairman, or in respect of which the President has requested that he preside or be Chairman.

(4) In addition to those powers mentioned in subrule (3), the President's deputy shall enjoy such of those powers conferred by these Rules of Procedure on the President or Chairman of a committee of the whole Council as the President may specify by notice in the Gazette.

4. Election of President

(1) Subject to subrule (2), the President shall be elected by and from among the Members of the Council in accordance with the Schedule.

(2) The President shall be a Chinese citizen of not less than 40 years of age, who is a permanent resident of the Hong Kong Special Administrative Region with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years.

(3) The President shall hold office until the dissolution of the Council.

(4) The person holding the office of President immediately before a dissolution of the Council, or in his absence or inability to act, the person who was last the President's deputy, shall be deemed to be the President and shall call and preside at a meeting of the Council held for the consideration of urgent business during that dissolution and shall be Chairman at a meeting of a committee of the whole Council held in consequence of such a meeting of the Council. If both such persons are absent or unable to act, the Member who is elected by and from among the Members present, shall preside.

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5. President's Deputy

(1) The chairman of the House Committee elected as such under Rule 75(2) (House Committee) shall be the President's deputy.

(2) In the absence of the chairman of the House Committee or when, in his opinion, he is unable to act, the deputy chairman of the House Committee elected as such under Rule 75(2) (House Committee) shall act as the President's deputy.

(3) The reference to the "chairman of the House Committee" in subrules (1) and (2) shall not include a person elected to act as chairman during the temporary absence of the chairman and deputy chairman.

6. Duties of the Clerk

(1) The Clerk to the Legislative Council shall be responsible for advising the President on all matters relating to the procedure of the Council.

(2) The Clerk shall be responsible for keeping the minutes of the proceedings of the Council and of committees of the whole Council. The minutes of proceedings shall record the Members attending, all decisions taken, and details of every division held.

(3) The Clerk shall be responsible for preparing from day to day a Council Agenda Item Book showing all future business of which notice has been given. The Council Agenda Item Book shall be open to the inspection of Members and public officers acting in the course of their duties relevant to Council business at all reasonable hours.

(4) The Clerk, acting under the directions of the President, shall be responsible for preparing for each meeting an Agenda of the Council showing the business for that meeting.

(5) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before the Council, which shall be open to inspection by Members and public officers acting in the course of their duties relevant to Council business at all reasonable hours, and by other persons under arrangements approved by the President.

(6) The Clerk, acting under the directions of the President, shall be responsible for the production of the Official Record of all proceedings in the Council and in the committee of the whole Council.

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(7) The Clerk shall be responsible for providing every committee and subcommittee of the Council with a clerk.

(8) The Clerk shall perform the further duties laid upon him in these Rules of Procedure, and all other duties in the service of the Council ordered by the Council or directed by the President.

7. Counsel to the Legislature

(1) The Legal Adviser of the Legislative Council Secretariat shall be the Counsel to the Legislature.

(2) The Counsel to the Legislature shall have the general duty of advising the President and the Clerk on legal questions arising in relation to the business or administration of the Council.

8. Attendance of the Chief Executive

The Chief Executive may at his discretion attend meetings of the Council, or any committee or subcommittee thereof, for the following purposes –

- (a) addressing the Council at any time as he shall think fit, including during a special meeting;
- (b) answering Members' questions put to him on the work of the Government; and
- (c) proposing any policy, measure, bill, resolution, motion or question for debate by and in the Council or any such committee or subcommittee.

9. Attendance of Public Officers

(1) Designated public officers may attend meetings of the Council, committees of the whole Council, the Finance Committee or subcommittees of the Finance Committee and to speak on behalf of the Government.

(2) A designated public officer may give notice to the Clerk of items of business to be included in the Agenda of the Council or the agenda of the Finance Committee or a subcommittee of the Finance Committee.

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(3) Where it appears to the Clerk, when preparing the Agenda of the Council or the agenda of the Finance Committee or a subcommittee of the Finance Committee showing the business for a meeting, that a particular item of business requires the attendance of a designated public officer, the Clerk shall state, in respect of that particular item, the name of the office of that public officer.

(4) A public officer may be invited by any other committee or subcommittee of the Council to attend the meeting of the committee or the subcommittee if circumstances so require.

10. Participation of Public Officers in Proceedings

(1) The public officer whose office is stated in respect of a particular item of business in an Agenda of the Council or an agenda of the Finance Committee or a subcommittee of the Finance Committee for a meeting and a public officer who has notified the Clerk before the meeting that his attendance is required in respect of a particular item of business may attend that meeting and speak on behalf of the Government.

(2) These Rules of Procedure except Rules 1 (Oath or Affirmation), 3 (Presiding in Council and in Committee of the Whole Council), 8 (Attendance of the Chief Executive), 17 (Quorum), 20 (Presentation of Petitions), the Rules in Part J (Voting) and Rule 71(2) and (8) (Finance Committee), shall apply, in relation to the item of business in respect of which a public officer attends a meeting, to that public officer as they apply to a Member:

Provided that Rule 39 (Interruptions) shall apply to a public officer only in relation to the item of business in respect of which he attends a meeting.

(3) Subject to Rule 9(1) (Attendance of Public Officers) and such direction as may otherwise be made by the Chief Executive, the Chief Secretary for Administration, the Financial Secretary and the Secretary for Justice may attend any meeting of the Council, committees of the whole Council and other committees and subcommittees, and when attending meetings of the Council or committees of the whole Council these Rules of Procedure, except Rules 1 (Oath or Affirmation), 3 (Presiding in Council and in Committee of the Whole Council), 8 (Attendance of the Chief Executive), 9(2) (Attendance of Public Officers), 17 (Quorum), 20 (Presentation of Petitions), and the Rules in Part J (Voting), shall apply to them as they apply to a Member.

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PART B**SESSIONS, MEETINGS AND ADJOURNMENTS OF THE COUNCIL****11. Ordinary Sessions**

(1) At least one session of the Council shall be convened in every calendar year, but a session which begins in one calendar year may be continued and concluded in the following year.

(2) A session shall begin on such date as the Chief Executive may appoint by notice published in the Gazette.

(3) A session shall end on such date as the Chief Executive may appoint by notice published in the Gazette, or on a dissolution of the Council, whichever is the earlier.

(4) The consideration of any bill or other business of the Council is not to be affected by the end of a session and may be resumed at any subsequent meeting, but is to lapse at the end of a term of office or on a dissolution of the Council.

12. First Meeting of Term

(1) At the first meeting of a term, Members shall make or subscribe an oath or affirmation as provided for under Rule 1 (Oath or Affirmation).

(2) After all Members present have made or subscribed an oath or affirmation, the election of the President shall be conducted in accordance with the procedure as provided for under Rule 4 (Election of President).

(3) The President shall, after his election, preside at that meeting.

13. The Chief Executive's Policy Address

(1) At a meeting not less than 14 days after the Chief Executive has presented a Policy Address to the Council, a motion may be moved without notice for an address of thanks to the Chief Executive for his address.

(2) A motion under subrule (1) shall be moved in the following form:

"That this Council thanks the Chief Executive for his address."

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(3) Amendments may be moved to the motion described in subrule (2) only by way of adding words at the end of the motion and may be moved without notice.

14. Days and Hours of Meetings

(1) Meetings of the Council during each session shall be held on such days and shall begin at such hour as the President shall determine but a period of 6 weeks shall not elapse between the date of one meeting and the date appointed for the next meeting in the same session.

(2) Written notice of every meeting of the Council, other than the first meeting of a new session and meetings held within 14 clear days of the commencement of the first session of a term of the Council, shall be given by the Clerk to Members at least 14 clear days before the day of the meeting but in cases of emergency and meetings held for the purposes of Rule 8 (Attendance of the Chief Executive) and Rule 15 (Meetings for Urgent Business) the President may dispense with such notice and in that event the longest possible notice shall be given.

(3) The President may, at any time after he has determined the day and hour upon which a meeting is to begin, change the day or hour so determined to a later day or hour, or to an earlier day or hour.

(4) When in the opinion of the President it is necessary for the proper completion of the business on the Agenda of the Council at a meeting of the Council to continue any unfinished business on another day, the President may order that the meeting shall continue on such other day for that purpose. Where the President so orders at a meeting of the Council, the meeting shall stand suspended and shall resume for the continuation of business on such other day.

(5) The President may at any time suspend a meeting or adjourn the Council.

15. Meetings for Urgent Business

(1) The President shall, at the request of the Chief Executive, call emergency meetings of the Council. Where such a meeting is to be held during the period after the end of a term of office or the dissolution of the Council, it shall be convened before the date (if more than one, the first date) specified for the holding of a general election for all the Members of the Legislative Council.

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(2) During any period when the Council is in recess between the end of one session and the beginning of the next session, the President may call a special meeting of the Council on such day and at such hour as he may specify.

(3) These Rules of Procedure shall apply to a meeting of the Council held under subrules (1) and (2).

16. Motions for the Adjournment of the Council

(1) When for any sufficient reason it is not desired to formulate a motion in express terms for the purpose of debating an issue or issues, a motion that the Council do now adjourn may be moved for the purpose of such a debate.

(2) Such a motion shall not require notice and may be moved only between two items of business. It may be moved by a Member or any designated public officer attending the meeting, with the permission of the President, if the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance.

(3) If such a motion shall be agreed to, the Council shall stand adjourned.

(4) At the conclusion of all the business on the Agenda of the Council a Member may move that this Council do now adjourn, for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer.

(5) A Member who wishes to move a motion under the provisions of subrule (4) shall give notice of the issue in writing to the Clerk not less than 7 clear days before the meeting at which he wishes to do so:

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

(6) If at the expiration of 45 minutes, or such longer period as the President may at any meeting determine, from the moving of a motion under subrule (4) a designated public officer has not yet been called upon to reply, the President shall direct the Member then speaking to resume his seat and shall call upon a designated public officer to reply.

(7) If at the expiration of one hour, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (4) such motion has not been agreed to, the President shall adjourn the Council without putting any question.

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17. Quorum

(1) The quorum of the Council and of a committee of the whole Council shall be not less than one half of all its Members including the President or Chairman.

(2) If the attention of the President is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired a quorum is not present, he shall adjourn the Council without question put.

(3) If the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired, a quorum is not then present the Council shall be resumed and the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present the President shall adjourn the Council without question put.

(4) If from the number of Members present at a division, including those who abstained from voting, it appears that a quorum is not present, the division shall be invalid, and the procedure prescribed in subrule (2) or (3) shall be followed.

(5) The question on which the Council is adjourned under subrules (2), (3) and (4) shall stand over until the next meeting.

PART C

ARRANGEMENT OF BUSINESS

18. Order of Business at a Meeting

(1) The business of each meeting other than a meeting under Rule 8 (Attendance of the Chief Executive) or Rule 13 (The Chief Executive's Policy Address), or the first meeting of a term or a meeting to elect the President shall be transacted in the following order:

- (a) Administration of oath or affirmation.
- (b) Obituary and other ceremonial speeches.

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- (c) Reading by the President of messages and announcements by the President.
- (d) Presentation of petitions.
- (e) Laying on the Table of papers and of reports of committees.
- (f) Asking and answering of questions put to the Government.
- (g) Statements by designated public officers.
- (h) Personal explanations.
- (i) Government bills.
- (j) Government motions.
- (k) Members' bills.
- (l) Members' motions.
- (m) Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).
- (n) Proceedings under Rule 16(4) (Motions for the Adjournment of the Council).

(2) The items of business mentioned in paragraphs (a), (b), (c), (d), (e), (g) and (h) of subrule (1) shall not require notice; but with the exception of items (a) and (c) they shall not be entered upon save with the previous leave of the President.

19. The Agenda of the Council

(1) The Agenda of the Council shall be decided by the President, and shall be in Chinese and English. All items of business for a meeting of which notice has been given shall be placed on the Agenda for that meeting in the order required by Rule 18 (Order of Business at a Meeting).

(2) All questions to the Government shall be placed on the Agenda of the Council in accordance with the provisions of Rule 26(1) and (2) (Asking and Answering of Questions).

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(3) This Rule does not apply to a meeting under Rule 8 (Attendance of the Chief Executive) or Rule 13 (The Chief Executive's Policy Address) or the first meeting of a term or a meeting to elect the President.

PART D

PETITIONS AND PAPERS

20. Presentation of Petitions

(1) A petition may be presented to the Council only by a Member. Every petition shall be in the Chinese language or the English language.

(2) A Member who wishes to present a petition to the Council shall inform the President not later than the day before the meeting at which he wishes to present it. When so informing the President he shall certify in writing to the President that the petition is respectful and, in his opinion, deserving of presentation.

(3) Except with the written consent of the Chief Executive, the President shall not permit a petition to be received if, in his opinion, the petition requests that provision should be made for imposing or increasing a tax, for imposing or increasing a charge on the revenue or other public moneys of the Hong Kong Special Administrative Region or for altering such a charge otherwise than by reducing it, or for compounding or remitting a debt due to the Government.

(4) The signification of the Chief Executive's consent shall be recorded in the minutes of proceedings.

(5) No speech shall be made by a Member presenting a petition beyond a summary statement of the number and description of the petitioners and the substance of the petition.

(6) If, immediately after a petition has been presented, a Member rises in his place and requests that the petition be referred to a select committee, the President shall call upon those Members who support the request to rise in their places. If not less than 20 Members then rise the petition shall stand referred to a select committee.

21. Presentation of Papers

(1) A paper may be presented to the Council by a designated public officer or, with the permission of the President, by a Member.

(2) Whenever a Member or a designated public officer wishes to present a paper he shall send a copy of it to the Clerk, who shall distribute a copy to each Member and may also arrange for its publication. A copy of the paper shall be laid on the Table of the Council at the opening of the next meeting and the Clerk shall record its laying and the date of publication in the minutes of the proceedings of that meeting.

(3) Subject to subrule (4), whenever a paper has been laid on the Table of the Council, the Member or the designated public officer presenting it may, with the permission of the President, address the Council thereon.

(4) Whenever a report of a Bills Committee has been laid on the Table of the Council, the Member presenting it may, with the permission of the President, address the Council on the report at the commencement of the resumption of the second reading debate on the relevant bill.

(5) A Member or a designated public officer may, with the consent of the President, address the Council on subsidiary legislation laid on the Table of the Council, provided that the period (or any extended period) under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) for amendment of the subsidiary legislation has not expired. A Member or a designated public officer who wishes to address the Council under this subrule at any meeting shall inform the President of his wish before the beginning of that meeting.

(6) No debate may arise on any address presented by a Member or a designated public officer under subrule (3) or (5) but the President may in his discretion allow short questions to be put to the Member or the designated public officer making the address for the purpose of elucidating any matter raised by the Member or the designated public officer in the course of his address.

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PART E

QUESTIONS TO THE GOVERNMENT

22. Nature of Questions

(1) Any Member may address a question to the Government on the work of the Government, and either seeking information on such matter or asking for official action with regard to it.

(2) A question shall specify whether an oral or a written reply is required.

23. Question Time

(1) Questions may be asked at any meeting except the first meeting of a term or a meeting at which the President is elected or the Chief Executive addresses the Council on the policies of the Government.

(2) With the exception of questions asked under Rule 24(4) (Notice of Questions), not more than 20 questions of which notice has been given may be asked at any one meeting and the questions shall be counted by the Clerk in the manner recommended by the House Committee and agreed by the President.

(3) Where, in the opinion of the President, there will be no debate on a motion with no legislative effect at a meeting, no more than 10 questions shall require an oral reply. Where, in the opinion of the President, there will be such a debate, no more than 6 questions shall require an oral reply. The questions shall be counted by the Clerk in the manner recommended by the House Committee and agreed by the President.

(4) The House Committee may recommend to the President that in respect of a particular meeting no question requiring an oral reply should be asked; and if the President accepts such recommendation no such question shall be asked at that meeting, save that the President may permit urgent questions under the provisions of Rule 24(4) (Notice of Questions).

24. Notice of Questions

(1) A question shall not be asked without notice except as provided in subrule (4).

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(2) A Member shall give notice of a question by delivering to the office of the Clerk, not later than 7 clear days before the meeting at which an answer is required from the Government, a copy thereof signed by the Member; provided that for questions requiring an answer at the second meeting of the first session of a term the period of notice shall not be less than 4 clear days.

(3) A Member may not ask more than two questions of which notice has been given at any one meeting and not more than one of those questions shall require an oral reply:

Provided that the President may, if in his opinion an additional question is an important one of public concern, allow a Member to ask that additional question.

(4) If a Member asks the permission of the President to ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance, the President may permit the question to be asked without notice, if he is satisfied that it is of that nature and that sufficient private notice of the question has been or is to be given by the Member concerned to the Government to enable the question to be answered.

25. Contents of Questions

- (1) A question shall conform to the following rules:
 - (a) A question shall not include the names of persons, or statements which are not strictly necessary to make the question intelligible.
 - (b) A question shall not contain a statement which the Member who asks the question is not prepared to substantiate.
 - (c) A question shall not contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions.
 - (d) A question shall not contain independent questions or be so complex that it cannot reasonably be answered as a single question.
 - (e) A question shall not refer to proceedings in a committee before that committee has made its report to the Council.
 - (f) A question shall not seek information about a matter which is of its nature secret.

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- (g) A question shall not reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law.
- (h) A question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal question, or the answer to a hypothetical proposition.
- (i) A question shall not be asked whether statements in the press or of private individuals or private concerns are accurate.
- (j) A question shall not be asked about the character or conduct of any person mentioned in Rule 41(7) (Contents of Speeches) and a question shall not be asked about the character or conduct of any other person except in his official or public capacity.
- (k) A question shall not be asked seeking information which can be found in accessible documents or ordinary works of reference.
- (l) A question which has been fully answered shall not be asked again during the same session.

(2) If the President is of the opinion that a question of which a Member has given notice to the Clerk or which a Member has sought to ask without notice infringes any of the provisions of Rule 22 (Nature of Questions) or of this Rule, he may direct –

- (a) that it be placed on the Agenda of the Council with such alterations as he may direct; or
- (b) in the case of a question which a Member has sought to ask without notice, that it may be so asked with such alterations as he may direct; or
- (c) that the Member concerned be informed that the question is out of order.

26. Asking and Answering of Questions

(1) Every question in respect of which a Member has given due notice under the provisions of Rule 24 (Notice of Questions) and which complies with the provisions of Rule 25 (Contents of Questions) shall be put on the Agenda for the meeting at which the Member has stated that he wishes to ask it.

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(2) The questions to be asked at each meeting shall, subject to the provisions of Rule 23 (Question Time), be placed on the Agenda by the Clerk in the order in which notice of them was received by him, and when a Member has given notice of several questions at the same time in the order indicated by the Member.

(3) When each question is reached on the Agenda the President shall, except in the case of a question for which a written answer has been sought, call on the Member in whose name the question stands. The Member called shall then rise in his place and ask the question and the designated public officer who is to answer it shall give his reply.

(4) After an answer has been given to a question supplementary questions may be put by any Member when called upon by the President for the purpose of elucidating that answer, but the President shall refuse to allow a supplementary question to be answered, if in his opinion it introduces matter which is not related to the original question or answer or which infringes any of the provisions of Rule 22 (Nature of Questions) or Rule 25 (Contents of Questions).

(5) A Member shall not address the Council on a question and a question shall not be made a pretext for a debate.

(6) If a Member is not present to ask his question, the question may with his consent be asked by another Member, but otherwise shall be treated as a question for which a written answer has been sought.

(7) In the case of a question for which a written answer has been sought, or in the case of a supplementary question for which a written answer has been offered, a written answer shall be supplied to each Member and shall be printed in the Official Record.

(8) A Member who has given notice of a question may withdraw the question by giving notice to the Clerk one and a half hours before the meeting at which the question is to be asked.

27. Meeting under Rule 8

This Part (other than Rule 25 (Contents of Questions)) does not apply to questions put to the Chief Executive under Rule 8 (Attendance of the Chief Executive).

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PART F

STATEMENTS

28. Statements by Designated Public Officers

(1) A designated public officer who wishes to make a statement on any issue concerning public interest shall inform the President of his wish before the beginning of the meeting at which he wishes to make the statement.

(2) No debate may arise on such a statement but the President may in his discretion allow short questions to be put to the public officer making the statement for the purpose of elucidating it.

PART G

MOTIONS

29. Notice of Motions and Amendments

(1) Except as otherwise provided in these Rules of Procedure, no motion shall be moved in the Council or a committee of the whole Council unless notice of it has been given not less than 12 clear days before the day on which the motion is to be considered by the Council or a committee of the whole Council:

Provided that the President or Chairman, as the case may be, may in his discretion dispense with such notice.

(2) No motion to amend subsidiary legislation which is subject to the provisions of section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall be moved in Council unless notice of it has been given not less than 5 clear days before the day on which the motion is to be considered by the Council:

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

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(3) No motion to extend the period referred to in section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to subsidiary legislation shall be moved in Council unless notice of it has been given not less than 3 clear days before the day on which the motion is to be considered by the Council:

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

(4) The notice period required for any amendment to a motion referred to in subrule (2) or (3) shall be decided by the President according to his discretion.

(5) The notice periods specified in subrules (2), (3) and (4) shall apply respectively to -

- (a) a motion to amend an instrument (other than subsidiary legislation) made under any legislation and subject to amendment by the Council;
- (b) a motion to extend the period provided for the making of any amendment to such an instrument; and
- (c) any amendment to a motion referred to in paragraph (a) or (b).

(6) Except as otherwise provided in these Rules, no amendment shall be moved to a motion unless -

- (a) notice of the amendment has been given not later than 5 clear days before the day on which the motion concerned is to be considered by the Council or a committee of the whole Council; or
- (b) the President or Chairman, as the case may be, gives leave to dispense with notice of the amendment.

30. Manner of Giving Notice of Motions and Amendments

(1) Notice of a motion or an amendment shall be given by delivering a copy of the motion or amendment in writing to the office of the Clerk. Subject to Article 73(9) of the Basic Law, the notice shall be signed by the Member wishing to move the motion or amendment, and such other Members who introduce the motion or amendment jointly with the mover of the motion or amendment.

(2) A notice of an amendment to a motion shall be in Chinese if the motion is in Chinese and in English if the motion is in English.

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(3) A notice of a motion or an amendment shall be submitted to the President, who shall direct –

- (a) that it be printed in the terms in which it was handed in; or
- (b) that it be printed with such alterations as he may direct; or
- (c) that it be returned to the Member who signed it, as being in his opinion out of order.

31. Restriction on Motions and Amendments

A motion or amendment, the object or effect of which may, in the opinion of the President or Chairman, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong shall be proposed only by –

- (a) the Chief Executive; or
- (b) a designated public officer ; or
- (c) a Member, if the Chief Executive consents in writing to the proposal.

32. Motions on Previous Decisions of Council

Where the Council has taken a decision on a specific question no further motion shall be moved in relation to that question during the current session except a motion to rescind the decision, moved with the permission of the President.

33. Manner of Debating Motions

(1) A Member called upon by the President or Chairman to move a motion shall rise in his place and in moving the motion shall make such remarks as he may wish.

(2) When a motion has been moved, the President or Chairman shall propose the question thereon to the Council or the committee of the whole Council; debate may then take place on that question.

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(3) Amendments of which notice has been given or dispensed with in accordance with Rule 29(6)(a) or (b) (Notice of Motions and Amendments) may be moved to a motion at any time after the question has been proposed on the motion by the President or Chairman and after all the amendments have been disposed of the President or Chairman shall again propose the question on the motion, or shall propose the question on the motion as amended, as the case may require, and a further debate may take place.

(4) When no more Members wish to speak the President or Chairman shall put the question on the motion, or on the motion as amended, to the Council or to the committee of the whole Council for its decision.

34. Manner of Debating Amendments to Motions

(1) A Member called upon by the President or Chairman to move an amendment to a motion shall rise in his place and after making such remarks as he may wish to make shall move the amendment.

(2) An amendment to a motion shall take one of the following forms –

(a) To leave out one or more words of the motion.

(b) To insert or add one or more words in the motion or at the end of the motion.

(c) To leave out one or more words of the motion and to insert or add one or more words instead.

(3) When an amendment has been moved the President or Chairman shall thereupon propose the question that the amendment be made; and a debate may then take place on that question.

(4) The President or Chairman may allow a joint debate on a motion and its amendments.

(5) When two or more amendments are proposed to be moved to the same motion the President or Chairman shall call on the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt in the order decided by the President or Chairman.

(6) When no more Members wish to speak the President or Chairman shall put the question that the amendment be made to the Council or the committee of the whole Council for its decision.

35. Withdrawal of Motions and Amendments

(1) A notice of a motion or an amendment may be withdrawn at any time before it is moved, if the mover in whose name the motion or amendment stands gives instructions to that effect to the Clerk.

(2) A motion or an amendment may be withdrawn at the request of the mover by leave of the Council or committee of the whole Council before the question is put thereon, if there is no dissenting voice. A motion or amendment which has been so withdrawn may be proposed again if, in the case of a motion, the notice required by these Rules of Procedure is given.

PART H

RULES OF SPEAKING

36. Time and Manner of Speaking

(1) A Member shall speak standing and shall address his observations to the President or Chairman.

(2) When the President or Chairman rises, during proceedings in Council or in committee of the whole Council, every Member shall be seated.

(3) If two or more Members rise or raise their hands at the same time to speak, the President or Chairman shall select one Member and call on him to speak.

(4) When a Member has finished speaking he shall resume his seat and any other Members wishing to speak shall rise or raise their hands.

(5) Subject to Rule 37 (Recommendations of House Committee as to Time of Speaking), a Member shall not, without the permission of the President or the Chairman, to be given only in exceptional circumstances, make a speech lasting more than 15 minutes.

(6) The restriction on speaking time referred to in subrule (5) shall not apply to designated public officers and a Member reporting to the Council under Rules 21 (Presentation of Papers) and 54(7) (Second Reading).

37. Recommendations of House Committee as to Time of Speaking

(1) In relation to any motion or amendment to a motion (other than a motion intended to have legislative effect) to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may recommend –

- (a) that the mover of the motion should not speak for more than a specified number of minutes (such period to be inclusive of any speech in reply under Rule 38(4) (Occasions when a Member may Speak more than once));
- (b) that the mover of an amendment to the motion should not speak for more than a specified number of minutes; and
- (c) that other Members each should not speak for more than a specified number of minutes.

(2) Where the House Committee so recommends under subrule (1) the Chairman shall cause the President to be notified in writing of the Committee's recommendations.

(3) Any recommendations of the House Committee under subrule (1), if accepted by the President (in which event he shall so inform Members as soon as practicable prior to calling upon the Member to move the motion), shall be binding upon all Members, but not upon designated public officers, and the President shall direct any Member speaking in excess of the recommended specified time to discontinue his speech.

38. Occasions when a Member may Speak more than once

(1) Save with the leave of the President, a Member may not speak more than once on a question, except –

- (a) in committee of the whole Council; or
- (b) as provided in subrule (2); or
- (c) in explanation as provided in subrule (3); or
- (d) in the case of the mover of a motion, in reply as provided in subrule (4); or

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(e) upon a motion "That this Council thanks the Chief Executive for his address" as provided in subrule (7).

(2) A Member who has spoken under Rule 54(7) (Second Reading) may speak a second time during the same debate.

(3) A Member who has spoken on a question may again be heard to explain some part of his speech which has been misunderstood, but when speaking he shall not introduce new matter.

(4) In the Council the mover of a motion may reply after all other Members present have had an opportunity of speaking and before the question is put; but the mover of an amendment shall not have the right of reply.

(5) A Member who has spoken on a question may speak again on an amendment moved to that question, and on a motion that the debate now be adjourned moved during the debate on that question.

(6) No Member may speak on a question after it has been put to the Council or a committee of the whole Council for decision by the President or Chairman.

(7) A designated public officer who has spoken on a motion "That this Council thanks the Chief Executive for his address" may speak a second time upon that motion in reply to any matter raised during the debate on the motion.

39. Interruptions

A Member shall not interrupt another Member, except –

- (a) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall direct attention to the point which he wishes to bring to notice and submit it to the President or Chairman for decision; or
- (b) to seek elucidation of some matter raised by that Member in the course of his speech, if the Member speaking is willing to give way and resume his seat and the Member wishing to interrupt is called by the President or Chairman.

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40. Adjournment of Debate or of Proceedings of a Committee of the Whole Council

(1) A Member who has risen to speak on a question in the Council may move without notice that the debate be now adjourned. Thereupon the President shall propose the question on that motion.

(2) When a motion that the debate be now adjourned has been agreed to, the debate on the question then before the Council shall stand adjourned and the Council shall proceed to the next item of business.

(3) When a motion that the debate be now adjourned has been negatived, the debate on the question then before the Council shall be continued and no further motion that the debate be now adjourned shall be moved during that debate except by a designated public officer.

(4) When the Council is in committee a Member may move without notice that further proceedings of the committee be now adjourned. Thereupon the Chairman shall propose the question on that motion. If the motion is agreed to, the Council shall resume; but if the motion is negatived, the committee shall continue its proceedings.

(5) It shall not be in order to move an amendment to a motion under the provisions of this Rule.

(6) A debate adjourned under the provisions of subrule (2) may be resumed at a subsequent meeting of the Council provided that the Member or public officer who moved the motion for that debate, or in the case of a debate on a bill, the Member or public officer in charge of the bill, shall give notice in writing to the Clerk of his intention to resume the debate not less than 5 clear days before the day on which the debate is to be resumed:

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

(7) Proceedings of a committee of the whole Council adjourned under the provisions of subrule (4) may be resumed at a subsequent meeting of the committee provided that the Member or public officer in charge of the bill to which the adjourned proceedings relate shall give notice in writing to the Clerk of his intention to resume the proceedings not less than 5 clear days before the day on which the proceedings are to be resumed:

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

(8) The provisions of subrules (1), (2), (3), (4) and (5) shall apply to any debate or proceedings resumed under the provisions of subrules (6) and (7).

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41. Contents of Speeches

(1) A Member shall restrict his observations to the subject under discussion and shall not introduce matter irrelevant to that subject.

(2) Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the President or Chairman, might prejudice that case.

(3) Except as otherwise provided in Rule 66 (Bills Returned for Reconsideration), it shall be out of order to attempt to reconsider a specific question on which the Council has taken a decision during the session, except in debate on a motion to rescind that decision moved with the permission of the President.

(4) It shall be out of order to use offensive and insulting language about Members of the Council.

(5) A Member shall not impute improper motives to another Member.

(6) The name of the Chief Executive shall not be used to influence the Council.

(7) The conduct of the Chief Executive or Members of the Executive Council or Members of the Legislative Council otherwise than in the performance of their official duties shall not be raised.

(8) The conduct of Judges or other persons performing judicial functions shall not be raised.

42. Behaviour of Members during Meeting

During a meeting of the Council –

- (a) all Members shall enter or leave the Council properly attired and with decorum;
- (b) no Member shall cross the floor of the Council unnecessarily;
- (c) Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business of the Council; and

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- (d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruptions.

43. Application of Rules to Committees

The Rules in this Part shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise.

PART I

RULES OF ORDER

44. Decision of Chair Final

The President in Council, the Chairman in a committee of the whole Council or the chairman of any standing or select committee shall be responsible for the observance of the rules of order in the Council and committee respectively. His decision on a point of order shall be final.

45. Order in Council and Committee

(1) The President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee, after having called the attention of the Council or the committee to the conduct of a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate, may direct him to discontinue his speech.

(2) The President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee shall order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting; and the Clerk or clerks of any committees shall act on orders received by him from the Chair to ensure compliance with this order.

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PART J

VOTING

46. Decision on Motions

(1) Except as otherwise provided in Articles 49, 52(2), 73(9), 79(6) and (7) and 159 of the Basic Law, the passage of all motions before the Council or a committee of the whole Council shall, subject to subrule (2), require a majority vote of the Members present.

(2) The passage of a motion (other than the motion "That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration" referred to in Rule 66 (Bills Returned for Reconsideration)) or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present -

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

47. Decision of Council and Committee of the Whole Council

(1) Except where subrule (2) applies, when the President or Chairman puts a question to the Council or to the committee of the whole Council for its decision -

- (a) the President or Chairman shall first call upon those Members who are in favour of the question to raise their hands, and shall then call upon those who are against the question to raise their hands;
- (b) the President or Chairman shall then, according to his judgment, state whether or not he thinks the majority of the Members present are in favour of the question and, subject to any challenges to his statement being dealt with under paragraph (c) below, he shall declare the question to have been so decided;

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- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order the Council or the committee, as the case may be, to proceed to a division; and, subject to Rule 49 (4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for three minutes.

(2) When the President or Chairman puts a question to the Council or to a committee of the whole Council for its decision in relation to a motion or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill -

- (a) the President or Chairman shall first call upon Members who are in favour of the question to raise their hands, and shall then call upon those who are against the question to raise their hands;
- (b) the President or Chairman shall then, according to his judgment, state whether or not he thinks that each of the two groups of Members present, referred to in Rule 46(2) (Decision on Motions), are in favour of the question; subject to any challenge to his statement being dealt with under paragraph (c), he shall declare the question to have been so decided;
- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order Members to proceed to a division; and, subject to Rule 49(4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for three minutes.

48. Use of Electronic Voting System

Unless the President or Chairman otherwise directs, where an electronic system of voting is provided in the Council or a committee of the whole Council for the purposes of a division, the Members present and voting shall cast their votes in the division by using such electronic system in accordance with the operating requirements of the system, and the President or Chairman shall then declare the result of the division.

49. Divisions

(1) Subject to Rule 48 (Use of Electronic Voting System), when a division has been ordered, the votes shall be recorded by the Clerk. The President or Chairman shall first call upon those Members who are in favour of the question to raise their hands. After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of the Members in favour of the question. The President or Chairman shall then call upon those Members who are against the question to raise their hands. After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of Members against the question. The President or Chairman shall then call upon those Members who abstain from voting to raise their hands. After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of Members abstaining from voting on the question. If no Member raises any queries, the President or Chairman shall declare the result of the division.

(2) Subject to Rule 48 (Use of Electronic Voting System), where a division has been ordered in relation to a question on a motion or bill introduced by a Member, or on an amendment introduced by a Member to any motion or bill, the procedure in subrule (1) shall be followed except that the President or Chairman shall read out the names and the number of Members in each of the two groups referred to in Rule 46(2) (Decision on Motions) who are in favour of the question, who are against the question, and who abstain from voting.

(3) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, if his statement is made before the President or Chairman has declared the result of the division.

(4) Immediately after the President has declared the result of a division on an amendment to a motion, or the Chairman has declared the result of a division on an amendment to a bill, a Member may move without notice that in the event of further divisions being claimed in respect of the motion or any amendments thereto, or in respect of any amendments to the bill, the Council or the committee of the whole Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President or the Chairman shall propose the question on that motion.

(5) When a motion under subrule (4) has been agreed to the President or the Chairman shall order accordingly in respect of each of such further divisions, if any.

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(6) Where there is more than one motion in respect of subsidiary legislation on the Agenda of the Council (excluding motions referred to in Rule 29(3) (Notice of Motions and Amendments)) then, immediately after the President has declared the result of the first 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 amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President shall propose the question on that motion.

(7) When a motion under subrule (6) has been agreed to the President shall order accordingly in respect of each of such further divisions, if any.

PART K

PROCEDURE ON BILLS

50. Form of Bills

(1) A bill for presentation to the Council shall conform with the requirements laid down in this Rule.

(2) The bill shall be given a short title corresponding with the title by which it is to be cited if it becomes law, and that short title shall remain unchanged throughout the passage of the bill.

(3) The bill shall be given a long title setting out the purposes of the bill in general terms.

(4) Subject to a direction given under section 4(3) of the Official Languages Ordinance (Cap. 5) by the Chief Executive in Council, bills shall be presented in the Chinese and English languages.

(5) The clauses of the bill shall be preceded by the enacting formula.

(6) The bill shall be divided into clauses numbered consecutively and having a descriptive section heading above each clause.

(7) An explanatory memorandum stating the contents and objects of the bill in non-technical language shall be attached to the bill.

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(8) In the case of a bill, not being a Government measure, intended to affect or benefit some particular person, association or corporate body, there shall be included in the bill a clause saving the rights of the Government, all bodies politic and corporate, and all others except such as are mentioned in the bill, and those claiming by, from, and under them.

51. Notice of Presentation of Bills

(1) A Member or a designated public officer may at any time give notice of his intention to present a bill; such notice shall be sent to the office of the Clerk and shall be accompanied by a copy of the bill and memorandum required by Rule 50 (Form of Bills), and in the case of a Member, also by a certificate signed by the Law Draftsman pursuant to subrule (2).

(2) In the case of a bill to be presented by a Member, the Law Draftsman, if satisfied that the bill conforms to the requirements of Rule 50 (Form of Bills) and the general form of Hong Kong legislation, shall issue a certificate to that effect.

(3) Members may not either individually or jointly introduce a bill which, in the opinion of the President, relates to public expenditure or political structure or the operation of the Government.

(4) In the case of a bill relating to Government policies, the notice shall be accompanied by the written consent of the Chief Executive in respect of the bill.

(5) In the case of a bill presented in one official language in pursuance of a direction under section 4(3) of the Official Languages Ordinance (Cap. 5), the notice shall be accompanied by a certificate stating that the Chief Executive in Council has directed that the bill should be presented in the Chinese language or, as the case may be, the English language.

(6) In the case of a bill presented by a Member having any intention such as is described in Rule 50(8) (Form of Bills), the notice shall be accompanied by a certificate signed by the Member, stating that the bill has been published in two successive publications of the Gazette and that notice of the bill has been given by two advertisements in each of two daily newspapers published in Hong Kong, one being a Chinese language newspaper and another being an English language newspaper.

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- (7) (a) Except as otherwise provided in Rule 66 (Bills Returned for Reconsideration), a bill which, in the opinion of the President, contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session and shall be withdrawn.
- (b) If a bill which has been read for the second time is subsequently withdrawn another bill with substantially the same provisions may be presented in the same session, subject to the provisions of Rule 50 (Form of Bills), this Rule and Rule 52 (Presentation and Publication of Bills).

(8) A Member presenting a bill shall be known throughout the subsequent proceedings on the bill as the Member in charge of the bill. In the case of a bill introduced jointly by more than one Member, these Members shall designate among themselves a Member as the Member in charge of the bill at the time of presenting the bill and the Member so designated shall signify himself as such in the notice for presentation.

(9) A public officer presenting a bill shall be known throughout the subsequent proceedings on the bill as the public officer in charge of the bill; and references in these Rules of Procedure to a Member in charge of a bill include a public officer in charge of a bill.

52. Presentation and Publication of Bills

(1) The Clerk shall, after receipt of a bill for presentation to the Council, cause the text of the bill and its explanatory memorandum to be published in the Gazette unless –

- (a) the President directs that the bill shall not be published in the Gazette before it has been read the first time; or
- (b) the bill has already been published in the Gazette in accordance with Rule 51(6) (Notice of Presentation of Bills).

(2) The Clerk shall, after receipt of a bill for presentation to the Council, cause a copy of the bill and its explanatory memorandum to be sent to every Member, whereupon the bill shall be deemed to have been presented to the Council.

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53. First Reading of Bills

(1) The short title of a bill presented to the Council in accordance with Rule 52(2) (Presentation and Publication of Bills) shall be placed on the Agenda of the Council for first reading at such meeting as may be specified to the Clerk by the Member in charge of the bill.

(2) No debate shall be allowed upon the first reading of a bill; and the bill shall be deemed to have been read the first time upon the Clerk reading the short title.

(3) When a bill has been read the first time, the Council shall be deemed to have ordered the bill to be set down for second reading, and the order of the Council shall be so recorded in the minutes of proceedings; and notice of motion for second reading shall not be required to be given by the Member in charge of the bill.

54. Second Reading

(1) In the case of a bill which relates to Government policies presented by a Member, the President shall call for the signification of the written consent of the Chief Executive by a designated public officer before the Council enters upon consideration of the second reading of the bill and the motion that the bill be now read the second time shall not be moved unless such written consent has been signified accordingly.

(2) The signification of the Chief Executive's written consent shall be recorded in the minutes of proceedings.

(3) Subject to subrules (4) and (5), the Council shall proceed to the second reading of a bill on a motion that the bill be now read the second time; and on this motion a debate may arise covering the general merits and principles of the bill.

(4) Except in relation to Appropriation Bills, when the Member in charge of a bill has spoken on a motion that the bill be now read the second time, the debate shall be adjourned and the bill shall be referred to the House Committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders.

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

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

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

(6) No amendment may be proposed to the question that the bill be now read the second time.

(7) At the resumption of the second reading debate on a bill, a Member making a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees) may, with the permission of the President, be the first Member to speak.

(8) When a motion for the second reading of a bill has been negatived no further proceedings shall be taken on that bill.

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55. Committal of Bills

(1) When a motion for the second reading of a bill has been agreed to, the bill shall stand committed to a committee of the whole Council, unless –

- (a) the Council, on a motion which may be moved without notice by any Member immediately after the bill has been read the second time, commit the bill to a select committee; or
- (b) the President is of the opinion that the bill would specially benefit or otherwise specially affect some particular person or association or corporate body, in which case he may direct that the bill be committed to a select committee.

(2) Notice of proceedings upon a bill in committee of the whole Council shall not be required to be given by the Member in charge of the bill.

(3) Proceedings upon a bill in select committee shall be begun upon a day appointed in accordance with Rule 79(2) (Procedure of Select Committees).

56. Functions of Committees on Bills

(1) Any committee of the whole Council or select committee to which a bill is committed shall not discuss the principles of the bill but only its details.

(2) Any such committee shall have power to make such amendments therein as they shall think fit, provided that the amendments, including new clauses and new schedules, are relevant to the subject matter of the bill.

57. Amendments to Bills

(1) The provisions of this Rule shall apply to amendments proposed to be moved to bills in committee of the whole Council, in a select committee, and on recommitment.

(2) Notice of amendments proposed to be moved to a bill shall be given not less than 7 clear days before the day on which the bill is to be considered in committee; and except with the leave of the Chairman no amendment of which notice has not been so given may be moved to a bill.

(3) The provisions of Rule 30 (Manner of Giving Notice of Motions and Amendments) shall apply to notice of amendments to bills with the substitution of the word "Chairman" for "President" in subrule (3) of that Rule.

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(4) The following provisions shall apply to amendments relating to bills:

- (a) An amendment must be relevant to the subject matter of the bill and to the subject matter of the clause to which it relates.
- (b) An amendment must not be inconsistent with any clause already agreed to or with any previous decision of the committee upon the bill.
- (c) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (d) An amendment which is in the opinion of the Chairman frivolous or meaningless may not be moved.
- (e) Where an amendment is proposed to be moved to a bill presented in both official languages the amendment shall be made to the text in each language unless it is an amendment that clearly affects the text in one language only. But an amendment which creates a conflict or discrepancy between the text in one language and the text in the other may not be moved.

(5) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.

(6) An amendment, the object or effect of which may, in the opinion of the President or Chairman, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong shall be proposed only by -

- (a) the Chief Executive; or
- (b) a designated public officer ; or
- (c) a Member, if the Chief Executive consents in writing to the proposal.

58. Procedure in Committee of the Whole Council on a Bill

(1) The Chairman in a committee of the whole Council shall propose "That the following clauses stand part of the bill", and shall direct the Clerk to call the numbers of the clauses. On the number or numbers of any clause or group of clauses being called, the question that that clause or group of clauses stand part of the bill shall be deemed to have been proposed. In the event of a clause being amended the number of the clause, as amended, shall be called again by the Clerk, and the question that the clause as amended stand part of the bill shall be deemed to have been proposed.

(2) In order to save time and avoid repetition of arguments, the Chairman may allow a single discussion to cover a series of interdependent amendments.

(3) The provisions of Rule 34 (Manner of Debating Amendments to Motions) shall apply to the discussion of amendments to bills, with the substitution of the word "clause" for the word "motion".

(4) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the bill have been considered and before new clauses are brought up.

(5) Any proposed new clause shall be considered after the clauses of the bill have been disposed of and before consideration of any schedule of the bill:

Provided that a new clause proposed in substitution for a clause which has been disagreed to may be considered immediately after such disagreement.

(6) On the section heading of any new clause being read by the Clerk the clause shall be deemed to have been read a first time. The question shall then be proposed "That the clause be read a second time"; if this is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be "That the clause (or the clause as amended) be added to the bill".

(7) Schedules shall be disposed of in the same way as clauses and any proposed new schedule shall be considered after the schedules of the bill have been disposed of, and shall be treated in the same manner as a new clause.

(8) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That this be the preamble to the bill". No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the bill.

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(9) If any amendment to the title of the bill is made necessary by an amendment to the bill, it shall be made at the conclusion of the proceedings detailed above, but no question shall be put that the title (as amended) stand part of the bill; nor shall any question be put upon the enacting formula.

(10) No amendment to the reference to the year or to any number in the title by which the bill is to be cited if it becomes law shall be necessary, and any such reference may be changed by the Law Draftsman to refer to the year, or to reflect the order, in which the bill becomes law.

(11) An amendment, proposed new clause or proposed new schedule, upon which a question has been proposed, may be withdrawn at the request of the mover by leave of the committee before the question has been put on it, if no Member objects.

(12) When all the proceedings upon the bill have been concluded in committee, the Council shall resume and a Member shall report the bill to the Council with or without amendment as the case may be.

59. Procedure on Reporting of Bill from Committee of the Whole Council

When a bill has been reported from a committee of the whole Council, the Council shall be deemed to have ordered the bill to be set down for third reading and the order of the Council shall be so recorded in the minutes of proceedings; and notice of motion for third reading shall not be required to be given by the Member in charge of the bill.

60. Procedure in Select Committee on a Bill

(1) A select committee on a bill shall be subject to all the provisions of Rule 79 (Procedure of Select Committees) but before reporting the bill to the Council it shall go through the bill in the same manner as a committee of the whole Council as prescribed in Rule 58 (Procedure in Committee of the Whole Council on a Bill).

(2) When a bill has been amended in a select committee, the whole text of the bill as amended shall, if practicable, be printed as part of the report of the select committee, but if this is not practicable the text of every clause or schedule amended, and of every new clause or new schedule added, shall be so printed.

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(3) When all the proceedings upon the bill have been concluded in a select committee and the committee has agreed to its report, the chairman shall, at the next meeting of the Council, report the bill, with or without amendment as the case may be, to the Council and shall lay a copy of the report of the committee upon the Table.

61. Procedure on Reporting of Bill from a Select Committee

(1) When a bill has been reported from a select committee the Council may consider the bill as reported on a motion, moved by the chairman of the select committee, that the report of the select committee on the bill be adopted.

(2) If that motion is agreed to without amendment, the Council shall be deemed to have ordered the bill to be set down for third reading and the order of the Council shall be so recorded in the minutes of proceedings, and notice of third reading shall not be required to be given by the Member in charge of the bill.

(3) On a motion to adopt the report of a select committee on a bill moved under subrule (1), a Member may propose an amendment to add at the end of the motion the words "subject to the recommittal of the bill (either wholly or in respect only of some particular part or parts of the bill or of some proposed new clause or new schedule) to a committee of the whole Council".

(4) If the motion is agreed to as amended in accordance with subrule (3), the bill shall stand recommitted as required by the motion, and the Council shall immediately resolve itself into a committee of the whole Council to consider it.

(5) This Rule shall not apply to the procedure on the reporting of a bill from a select committee formed to consider a bill returned by the Chief Executive to the Council for reconsideration.

62. Procedure on Recommittal of Bill Reported from Select Committee

(1) When the whole of a bill reported from a select committee has been recommitted the committee shall go through the bill as provided in Rule 58 (Procedure in Committee of the Whole Council on a Bill).

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(2) When a bill has been recommitted in respect only of some specified clause or clauses or schedule or schedules of the bill or some proposed new clause or new schedule, the committee shall consider only the matter so recommitted and shall proceed on every such clause or schedule in the manner provided in Rule 58 (Procedure in Committee of the Whole Council on a Bill) and may thereafter if necessary consider amendment of the long or short title of the bill:

Provided that if the President considers it necessary or desirable he may require the whole bill to be recommitted as provided in subrule (1).

(3) When all proceedings in committee of the whole Council on a recommitted bill have been completed, the Council shall resume and the Member in charge of the bill shall report the bill, as amended (or as not amended) on recommitment, to the Council.

(4) When the bill has been so reported after recommitment, the Council shall forthwith proceed to the third reading of the bill, unless the Member in charge states that he wishes the third reading to be postponed; and in the latter event the provisions of Rule 59 (Procedure on Reporting of Bill from Committee of the Whole Council) shall apply, and no further motion to recommit the bill shall be allowed.

63. Third Reading

(1) The Council shall proceed to the third reading of a bill on a motion that the bill be read the third time and do pass. Debate on that motion shall be confined to the contents of the bill and no amendment may be moved to the motion.

(2) Amendments for the correction of errors or oversights may, with the President's permission, be made to the bill before the question for the third reading of the bill is put by the President, but no amendments of a material character shall be proposed.

(3) When a motion for the third reading of a bill (or bills) has been agreed to, the Clerk shall read the short title of the bill (or bills) and shall write at the end of the bill (or bills) the words "Passed by the Legislative Council of the Hong Kong Special Administrative Region this day" giving the date.

(4) When a motion for the third reading of a bill has been negatived no further proceedings shall be taken on that bill.

64. Withdrawal or Postponement of Bills

The Member or public officer in charge of a bill may, by announcement in Council at the beginning of proceedings for its second or third reading, withdraw or postpone the bill.

65. Presentation of Bill for Signature of Chief Executive

A copy of every bill passed by the Council, certified as a true copy by the Clerk, shall be submitted by the Clerk to the Chief Executive for his signature.

66. Bills Returned for Reconsideration

(1) Where a bill passed by the Council is to be returned to the Council for reconsideration, notice of the return shall be given to the Clerk within 3 months of the passage of the bill; such notice shall be accompanied by a copy of the bill and a certificate signed by the Chief Executive certifying that he is returning the bill to the Council for reconsideration under Article 49 of the Basic Law.

(2) The Clerk shall, after receipt of the bill for reconsideration, cause a copy of the bill to be sent to every Member and the text of the bill to be published in the Gazette unless the President directs that the bill shall not be published in the Gazette before the short title of the returned bill has been read at a meeting of the Council.

(3) The short title of the bill shall be placed on the Agenda of a meeting of the Council as directed by the President.

(4) After the short title of the bill has been read by the Clerk, a designated public officer may speak on the return of the bill, whereupon the bill shall be referred to the House Committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders.

(5) If the Council orders that the bill shall not be referred to the House Committee, the bill shall be deemed to have been ordered to be set down for a motion "That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration", which may be moved by any Member without notice. The order of the Council shall be so recorded in the minutes of proceedings.

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(6) When a returned bill is referred to the House Committee, the House Committee shall immediately arrange for the returned bill to be considered in such manner as it thinks fit, and after it has completed deliberation on the returned bill, a motion "That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration" may be moved at a meeting of the Council.

(7) No amendment may be moved to a motion moved under subrule (5) or (6).

(8) If the number of Members in favour of the motion "That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration" is not less than a two-thirds majority of all the Members, the Clerk shall read the short title of the bill and shall write at the end of the bill the words "Reconsidered and passed by not less than a two-thirds majority of all the Members of the Legislative Council of the Hong Kong Special Administrative Region this day" giving the date. A true copy of the bill shall be certified by the Clerk and submitted to the Chief Executive for his signature.

(9) If the number of Members in favour of the motion "That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration" is less than a two-thirds majority of all the Members, the Clerk shall read the short title of the bill and shall write at the end of the bill the words "Reconsidered, with less than a two-thirds majority of all the Members of the Legislative Council of the Hong Kong Special Administrative Region in favour of the motion that the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration, this day" giving the date. A true copy of the bill shall be certified by the Clerk and submitted to the Chief Executive.

(10) If a returned bill is signed by the Chief Executive under Article 76 of the Basic Law and notice thereof is given to the Clerk before a motion on that bill is moved under subrule (5) or (6), no further proceedings shall be taken on the bill.

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PART L

FINANCIAL PROCEDURE

67. Presentation and Second Reading of Appropriation Bill

(1) Any bill containing the estimated financial requirements for expenditure on all the services of the Government of the Hong Kong Special Administrative Region for the current or succeeding financial year shall be known as an Appropriation Bill. Estimates containing the details of the said financial requirements shall be presented to the Council not later than the commencement of the meeting at which such bill is placed on the Agenda of the Council for first reading.

(2) After the motion for the second reading of the bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the seventh day thereafter. The debate, when resumed, shall be confined to the financial and economic state of Hong Kong and the general principles of Government policy and administration as indicated by the bill and Estimates.

(3) Subject to Rule 71(11) (Finance Committee), the Estimates shall upon presentation to the Council stand referred to a committee of the whole Council and the Appropriation Bill upon being read a second time shall stand committed to that committee.

68. Procedure in Committee of the Whole Council on Appropriation Bill

(1) On the consideration of the Appropriation Bill in committee of the whole Council the clauses of the bill shall stand postponed until after consideration of the schedule or schedules.

(2) On the consideration of a schedule each head of expenditure shall be considered with the appropriate estimate, and any reference in these Rules of Procedure to a subhead or an item means a subhead or an item in the Estimates for the head then under discussion.

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(3) On the consideration of a schedule, the Chairman shall propose "That the sums for the following heads stand part of the schedule", and shall direct the Clerk to call the numbers of the heads. On the number or numbers of any head or group of heads being called, the question that the sums in that head or group of heads stand part of the schedule shall be deemed to have been moved. Unless an amendment is proposed under the provisions of the next succeeding Rule, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenue or funds for which that service is responsible.

(4) When all the heads in a schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the bill".

(5) When every schedule has been disposed of, the Chairman shall propose "That the following clauses stand part of the bill", and shall direct the Clerk to call the numbers of the clauses. On the number of any clause being called, the question that the clause stand part of the bill shall be deemed to have been proposed. In the event of a clause being amended, the number of the clause, as amended, shall be called again by the Clerk, and the question that the clause as amended stand part of the bill shall be deemed to have been proposed.

(6) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a designated public officer only and may be moved without notice, and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided, the Chairman shall forthwith put the question "That the clause as amended stand part of the bill" and that question shall then be decided without amendment or debate.

(7) When the question upon every clause of the bill has been decided, the Council shall resume and a Member shall report the bill to the Council with or without amendment, as the case may be.

69. Amendments to Heads of Estimates in Committee of the Whole Council on Appropriation Bill

(1) An amendment which, in the opinion of the Chairman, would increase the sum allotted to any head of expenditure whether in respect of any item or subhead or of the head itself shall only be moved by a designated public officer.

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(2) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

(3) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion "That head be reduced by \$..... in respect of (or by leaving out) subhead item".

(4) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall only be in order if the subhead is not itemized.

(5) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided into subheads.

(6) An amendment to leave out a head shall not be in order and shall not be placed on the Agenda of the Council.

(7) In the case of each head, amendments in respect of items or subheads in that head shall be placed on the Agenda of the Council and considered in the order in which the items or subheads to which they refer stand in the head in the Estimates.

(8) When notice has been given of two or more amendments to reduce the same item, subhead, or head, they shall be placed on the Agenda of the Council in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(9) Debate on every amendment shall be confined to the item, subhead, or head to which the amendment refers, and after an amendment to an item or subhead has been disposed of no amendment or debate on a previous item or subhead shall be permitted.

(10) When all amendments standing on the Agenda of the Council in respect of any particular head of expenditure have been disposed of, the Chairman shall again propose the question "That the sum for head stand part of the schedule" or shall propose the amended question "That the (increased or reduced) sum for head stand part of the schedule", as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under Rule 68(3) (Procedure in Committee of the Whole Council on Appropriation Bill).

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70. Third Reading of Appropriation Bill

The motion for third reading of the Appropriation Bill shall be voted on without amendment or debate.

PART M

COMMITTEES

71. Finance Committee

(1) There shall be a standing committee, to be called the Finance Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by and from among its members and shall hold office until the election of the chairman and deputy chairman of the committee in the session next following that for which they were elected. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.

(3) The clerk to the Finance Committee shall be responsible for calling the first meeting of a term of the Finance Committee, and shall preside at the beginning of that meeting for the purpose of electing the presiding Member for the election of the chairman of the Finance Committee.

(4) The functions of the Finance Committee shall be such as are conferred upon the committee by the Public Finance Ordinance (Cap. 2), any other law and these Rules of Procedure, and such as may from time to time be referred to the committee by the Council.

(5) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of such functions of the committee as the committee may determine.

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(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(8) The chairman and 8 members shall form a quorum. All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.

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

(10) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend the meetings of the committee. He shall keep the minutes of the proceedings of the committee in a manner determined by the committee.

(11) The Estimates presented in accordance with the provisions of Rule 67 (Presentation and Second Reading of Appropriation Bill) may be referred by the President to the Finance Committee for their examination before consideration of the Appropriation Bill in committee of the whole Council.

(12) The chairman or the committee may invite any public officer, or, in the case of a head of the Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(13) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

72. Public Accounts Committee

(1) There shall be a standing committee, to be called the Public Accounts Committee, to consider reports of the Director of Audit –

- (a) on the accounts of the Government;
- (b) on such other accounts required to be laid before the Council as the committee may think fit; and
- (c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit.

(2) The committee shall also consider any report of the Director of Audit laid on the Table of the Council which deals with examinations (value for money audit) carried out by the Director relating to the economy, efficiency and effectiveness of any Government department or public body or any organization to which his functions as Director of Audit extend by virtue of any Ordinance or which receives public moneys by way of subvention.

(3) The committee shall consist of a chairman, deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. The chairman and 2 other members shall constitute a quorum.

(4) A report mentioned in subrules (1) and (2) shall be deemed to have been referred by the Council to the committee when it is laid on the Table of the Council.

(5) Unless the chairman otherwise orders, members of the press and of the public shall be admitted as spectators at meetings of the committee attended by any person invited by the committee under subrule (8).

(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members and to any person invited to attend a meeting at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.

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(8) The chairman or the committee may invite any public officer, or, in the case of a report on the accounts of or relating to a non-government body or organization, any member or employee of that body or organization, to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(9) The committee shall make their report upon the report of the Director of Audit on the accounts of the Government within 3 months (or such longer period as may be determined under section 12 of the Audit Ordinance (Cap. 122)) of the date on which the Director's report is laid on the Table of the Council.

(10) The committee shall make their report upon the report of the Director of Audit mentioned in subrule (2) within 3 months (or such longer period as may be determined by the Council) of the date on which the Director's report is laid on the Table of the Council.

(11) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

73. Committee on Members' Interests

(1) There shall be a standing committee to be called the Committee on Members' Interests –

- (a) to examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (b) to consider any proposals made by Members or others as to the form and contents of the Register;
- (c) to consider and investigate any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so;
- (d) to consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters;

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- (e) to report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 (Sanctions relating to Interests).

(2) The committee shall consist of a chairman, deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. The chairman and 2 other members shall constitute a quorum.

(3) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(4) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(5) All matters before the committee shall be decided by a majority of the members voting. In the event that votes are equally divided, the chairman or other member presiding shall have a casting vote.

(6) The committee may invite any person to attend before the committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

(7) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

74. Committee on Rules of Procedure

(1) There shall be a committee to be called the Committee on Rules of Procedure to review the Rules of Procedure of the Council and the committee system, and to propose to the Council such amendments or changes as are considered necessary. The committee 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.

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(2) The committee shall consist of a chairman, a deputy chairman and 10 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. The President may be invited to attend its meeting to advise on matters of practice and procedure relating to the Council. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during that absence. The chairman and 3 other members shall constitute a quorum.

(3) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(4) Meetings need not be held in public and the committee shall report from time to time its deliberations and may make recommendations to the Council.

(5) All matters before the committee shall be decided by a majority of the members voting. In the event that votes are equally divided, the chairman or other member presiding shall have a casting vote.

(6) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

75. House Committee

(1) There shall be a committee, to be called the House Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by the committee from among its members and shall hold office until the election of the chairman and deputy chairman of the committee in the session next following that for which they were elected. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (16), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.

(3) The clerk to the House Committee shall be responsible for calling the first meeting of a term of the House Committee, and shall preside at the beginning of that meeting for the purpose of electing the presiding Member for the election of the chairman of the House Committee.

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(4) At any time after a bill has been referred to the committee under Rule 54(4) (Second Reading), the committee may allocate it to a Bills Committee for consideration, or may cause it to be considered in such other manner as the committee thinks fit.

(5) In deciding upon the timing and order of allocation of bills to a Bills Committee, the committee may take into account the number and relative priority of other bills currently referred to the committee under Rule 54(4) (Second Reading), and may at any time vary any decision as to the timing and order of allocation of any bill.

(6) Following allocation of a bill to a Bills Committee, the committee, after consultation with that Bills Committee, may decide the date for completion of consideration of the bill by the Bills Committee. Any such decision may be varied at any time, after consultation with the Bills Committee.

(7) Upon the allocation of a bill to a Bills Committee, the members of that Bills Committee shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the committee.

(8) The committee may provide guidelines relating to the procedure of the Bills Committees, subcommittees constituted under subrule (12) and Panels constituted under Rule 77 (Panels).

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

(10) The committee shall decide the manner of consideration of any subsidiary legislation which is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1).

(11) The committee may consider, in such manner as it thinks fit, any other item relating to the business of the Council.

(12) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions under subrules (10) and (11).

(13) The committee may refer any policy matter relating to the business of the Council to a Panel constituted under Rule 77 (Panels), may make recommendation on the terms of reference for the consideration of such matter after consultation with the Panel and may request and receive report on the policy matter from the Panel and then report further to the Council as appropriate.

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(14) The committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(15) Meetings of the committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(16) 20 members, including the chairman, shall form a quorum. All matters for the decision of the committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall not vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

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

(18) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

76. Bills Committees

(1) There shall be such number of committees, to be called Bills Committees, as the House Committee considers appropriate.

(2) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman, the committee may elect a chairman to act during such absence.

(3) A Bills Committee shall consist of not less than 3 members including the chairman. The quorum of a Bills Committee shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(4) A Bills Committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions.

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(5) A Bills Committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(6) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(7) A Bills Committee shall consider the general merits and principles, and the detailed provisions, of the bill allocated to it; and may also consider any amendments relevant to the bill.

(8) All matters for the decision of a Bills Committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(9) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of its deliberations and then report further to the Council.

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

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

77. Panels

(1) There shall be such number of committees, to be called Panels, as the House Committee considers appropriate and as the Council may approve.

(2) The terms of reference of a Panel shall be recommended by the House Committee and approved by the Council.

(3) A Panel shall monitor and examine, to the extent it considers necessary, policy matters referred to it by a member of the Panel or by the House Committee.

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(4) The members of a Panel shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee.

(5) The chairman of a Panel shall be elected by the Panel from among its members. The Panel may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman the Panel may elect a chairman to act during such absence. The chairman and deputy chairman of a Panel shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected.

(6) 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.

(7) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.

(8) A Panel shall consist of not less than 6 members including the chairman. The quorum of a Panel shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(9) A Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel.

(10) A Panel or its subcommittee may, if it considers appropriate, meet jointly with any other Panel or its subcommittee for the purpose of considering any matter of common interest to the Panels. The quorum of a joint meeting shall be one third of the members of all the relevant panels or subcommittees including the chairman (a fraction of the whole number being disregarded). All matters for decision at a joint meeting shall be decided by a majority of the members voting. The chairman shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(11) A Panel shall meet at the time and the place determined by the chairman of the Panel. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(12) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the Panel.

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(13) All matters for the decision of a Panel shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote. Such voting shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(14) A Panel may make such reports as it considers appropriate to the Council provided that there shall be at least one report during a session and where requested by the House Committee or on its own motion, make a report in writing to the House Committee on a particular matter.

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

78. Select Committees

(1) The Council may in each session appoint one or more select committees to consider matters or bills which the Council may refer to the committee.

(2) The President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee.

(3) The quorum of a select committee shall be one third of the members excluding the chairman, a fraction of a whole number being disregarded.

(4) A select committee shall, as soon as it has completed consideration of the matter or bill referred to it, report to the Council thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the matter or bill before the end of the session, it shall so report to the Council.

(5) At the end of the session every select committee of the Council shall be dissolved.

79. Procedure of Select Committees

(1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Council, and in the case of a select committee on a bill shall be confined to the bill committed to it and relevant amendments.

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(2) A select committee shall meet at the time determined by the chairman. The meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(3) In the event of the temporary absence of the chairman and deputy chairman the committee may elect a chairman to act during such absence.

(4) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee.

(5) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(6) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(7) (a) A member of a select committee may bring a report for their consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr.'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(b) The committee shall then go through the report paragraph by paragraph and the provisions of Rule 58 (Procedure in Committee of the Whole Council on a Bill) shall apply as if the report were a bill and the paragraphs were the clauses of the bill.

(c) When consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered the chairman shall put the question that this report be the report of the committee to the Council.

(8) A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Council.

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(9) The minutes of proceedings of the committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(10) A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Council by the chairman of the committee.

80. Attendance of Witness

- (a) Any standing committee may summon, as required when exercising its powers and functions, persons concerned to testify or give evidence;
- (b) the House Committee or a Bills Committee, Panel or select committee(s), where so authorised by the Legislative Council, may summon, as required when exercising the committee's powers and functions, persons concerned to testify or give evidence,

but the Chief Executive may decide, in the light of security and vital public interests, whether Government officials or other personnel in charge of Government affairs should testify or give evidence before the Legislative Council or its committees.

81. Premature Publication of Evidence

(1) The evidence taken before a select committee and documents presented to the committee shall not, except in the case of meetings of the committee held in public, be published by a member of the committee or by any other person before the committee has presented its report to the Council.

(2) Any member of the committee who fails to comply with subrule (1) may be admonished or reprimanded by the Council on a motion to that effect.

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PART N

MISCELLANEOUS MATTERS

82. Employment of Members in Professional Capacity

No Member shall appear before the Council or any committee or subcommittee in a professional capacity for or on behalf of a party or in a capacity for which he is to receive a fee or award.

83. Registration of Interests

(1) Except for the purpose of making registration of interests under subrule (2), every Member shall, not later than the date specified by resolution made and passed by the Legislative Council, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(2) Every new Member of the Legislative Council shall, within 14 days from the date of his becoming a new Member to fill a vacant seat, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(3) Every Member shall furnish to the Clerk, in such form as may be approved by the President, particulars of any change in such registrable interests, within 14 days of any such change.

(4) The Clerk shall cause those particulars to be entered in a Register of Members' Interests and that register shall be available for inspection by any person during office hours.

(5) In this Rule, "registrable interests" means –

- (a) remunerated directorships of companies, public or private;
- (b) remunerated employments, offices, trades, professions or vocations;
- (c) the names of clients when the interests referred to above include personal services by Members which arise out of or are related in any manner to his membership of the Council;

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- (d) financial sponsorships, as a Member of the Council, by any person or organization, stating whether any such sponsorships include any payment or any material benefit or advantage to the Member or his spouse, whether direct or indirect;
- (e) overseas visits made by the Member or his spouse relating to or arising out of membership of the Council where the cost of any such visit has not been wholly borne by the Member or public funds;
- (f) any payments or any material benefits or advantages received by the Member or his spouse arising out of his membership of the Council from or on behalf of:
 - (i) any government or organization of a place outside Hong Kong; or
 - (ii) any person who is not a Hong Kong permanent resident;
- (g) land and property;
- (h) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital.

84. Personal Pecuniary Interest to be Disclosed

(1) A Member shall not vote upon any question, whether in the Council or in any committee or subcommittee, in which he has a direct pecuniary interest.

(2) A Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, whether in the Council or in any committee or subcommittee, without disclosing the nature of that interest.

(3) In any debate or proceedings of the Council or any committee or subcommittee at which a Member is present he shall declare any direct pecuniary interests which he has in the matter.

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(4) A motion to disallow a Member's vote on the ground of his direct pecuniary interest under subrule (1) may be moved without notice by any Member immediately upon the statement of the numbers voting in the division by the President, Chairman of a committee of the whole Council or chairman, but not otherwise.

(5) The President, Chairman of a committee of the whole Council or chairman shall have discretion whether or not to propose the question upon such a motion; and in exercising such discretion he shall have regard to the nature of the question upon which the vote was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the inhabitants of Hong Kong and whether his vote was given on a matter of state policy.

(6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council, a committee of the whole Council, a committee or subcommittee for the duration of the debate and any vote on the question.

(7) If a motion for the disallowance of a Member's vote is agreed to, the President, Chairman of a committee of the whole Council or chairman shall direct the Clerk to the Legislative Council or the clerk to alter the numbers voting in the original division accordingly.

85. Sanctions relating to Interests

Any Member who fails to comply with Rule 83 (Registration of Interests) or 84(1), (2) or (3) (Personal Pecuniary Interest to be Disclosed) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

86. Admission of Press and Public

Subject to such rules as may from time to time be made by the President, members of the press and of the public shall be admitted as spectators of meetings of the Council. The Clerk shall ensure that such rules are complied with.

87. Disorderly Conduct

The President, Chairman of a committee of the whole Council or chairman of a committee or subcommittee may order the removal from a meeting of any member of the press or of the public who behaves, or who appears likely to behave, in a disorderly manner.

88. Withdrawal of Members of the Press and of the Public

(1) At a meeting of the Council, a committee of the whole Council, a committee or a subcommittee a Member may without notice at any time rise and move that members of the press and of the public do withdraw, specifying whether the withdrawal is to be for the remainder of that day's meeting or during the consideration of certain business. The President, Chairman or chairman shall forthwith propose the question thereon and the Council, committee of the whole Council, committee or subcommittee shall dispose of it before proceeding further with the business which was before it when the motion was moved.

(2) The President or Chairman may at any time order members of the press and of the public to withdraw and the doors of the Council Chamber to be closed.

(3) When an order has been made by the Council, committee of the whole Council, committee or subcommittee, or by the President or Chairman under subrule (1) or (2), members of the press and of the public shall forthwith withdraw from the Council Chamber or the committee room in which the committee or subcommittee is meeting, and the Clerk or clerk shall ensure that the order is complied with.

89. Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings

(1) For the purpose of obtaining the leave of the Council under section 6(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that a Member may be required to attend as a witness in any civil proceedings on a day when the Council is meeting, the party to the proceedings requiring the Member so to attend on that day shall not later than 21 days before that day submit to the Clerk a written statement of the request and of the reasons why the attendance of the Member is required on that day.

(2) The request for leave shall be placed on the Agenda for the meeting next following the receipt thereof by the Clerk and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the party by whom the request for leave is made and also to the Member concerned.

90. Procedure for Obtaining Leave to Give Evidence of Council Proceedings

(1) For the purpose of obtaining the leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that evidence may be given elsewhere in respect of the contents of minutes, records of evidence or any document laid before the Council or a committee or subcommittee, or in respect of any proceedings or examination held before the Council or a committee or subcommittee, the person seeking such leave shall submit to the Clerk a written statement of the request and the reasons therefor and such further information as the Clerk, on the direction of the President, may require in any particular case.

(2) The request for leave shall be placed on the Agenda for such meeting as the President may appoint and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the person by whom the request for leave is made.

(4) Where the leave of the Council referred to in subrule (1) is sought during any recess or adjournment or dissolution of the Council such leave may be given by the President or, if the President is unable to act, by the Member presiding.

91. Suspension of Rules

A motion which has the object or effect of suspending a Rule shall not be moved except after notice or with the consent of the President.

92. Procedure if Rules of Procedure do not Provide

In any matter not provided for in these Rules of Procedure, the practice and procedure to be followed in the Council shall be such as may be decided by the President who may, if he thinks fit, be guided by the practice and procedure of other legislatures.

93. Interpretation

In these Rules of Procedure, unless the context otherwise requires—

- (a) "Basic Law" means the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China;
- (b) the expression "clear days" excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays;
- (c) "designated public officer" means a public officer designated by the Government of the Hong Kong Special Administrative Region under Article 62(6) of the Basic Law;
- (d) "Clerk to the Legislative Council" means the Secretary General of the Legislative Council Secretariat appointed under section 15(1) of the Legislative Council Commission Ordinance (Cap. 443) and includes the Deputy Secretary General and any Assistant Secretary General of the Legislative Council Secretariat ;
- (e) "committee" means a standing or select committee or any other committee of the Council, or a subcommittee of such committees; and
- (f) references to printing include references to all mechanical, electrical, electronic and photographic methods of reproducing words in visible form.

Schedule**Procedure for the
Election of the President of the Legislative Council**

The election of the President of the Council shall be conducted at a meeting of the Council.

Nominations

2. Not less than 7 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 4 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 nominations in the order of receipt by his office and shall distribute the list to all the Members of the Council at least 2 clear days before the day of the election.

Election of Presiding Member

6. At the meeting for the election of the President, the Council shall first proceed with the election of a Member to preside over the election of the President, and the process shall be presided over by the Clerk.

7. The Clerk calls for nominations for the presiding Member. A valid nomination shall be made orally by a Member, seconded by at least one other Member who should not be the Member being nominated, and accepted by the Member being nominated.

8. If there is only one nomination to be the presiding Member, the Clerk shall announce this and declare the Member elected as presiding Member.

9. If there are two or more nominations, the Clerk shall announce a vote by secret ballot and shall arrange for a ballot paper which shall be in accordance with the form in **Annex II** to be distributed to each of the Members present.

10. A 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.

11. 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. Any Member may request to check the result for confirmation.

12. The Clerk shall then announce the result and declare elected as the presiding Member the nominee who receives the highest number of valid votes among all the nominees.

13. If two or more nominees receive the same highest number of valid votes, the Clerk shall announce that lots will be drawn by him to determine which nominee should be elected.

14. The Clerk shall then draw lots accordingly and shall forthwith declare the nominee whose name is drawn, elected as the presiding Member.

Election of President

15. The presiding Member shall then assume the chair and the election of the President commences. The presiding Member shall announce all the valid nominations that the Clerk's office has received.

16. If there is only one valid nomination for the office of President, the presiding Member shall announce this and declare the candidate elected.

17. 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 III**. 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.

18. A Member present who wishes to vote 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, not properly marked or marked with more than a "√" shall be discarded.

19. After all the Members present who wish to vote 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.

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

21. 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 17 to 20 above.

22. 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 which of the candidates should be the President.

23. The presiding Member shall then draw lots and, in accordance with the result of the drawing of the lots, forthwith declare that candidate elected as the President.

24. 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 Council or suspend the meeting, as the case may be.

Annex I

To : Clerk to the Legislative Council

Election of the President of the Legislative Council

Nomination Form

1. In accordance with the election procedure prescribed under the Schedule to the Rules of Procedure, I nominate the Honourable _____
_____ for the office of President of the Legislative Council commencing
_____ (date).

	<u>Name</u>	<u>Signature</u>
Member making the nomination	_____	_____
Members seconding the nomination (at least three)	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

Date : _____

2. I accept the nomination.

	<u>Name</u>	<u>Signature</u>
Member being nominated	_____	_____

Date: _____

Annex II

立法會

Legislative Council

選舉主持立法會主席選舉的議員
Election of Member to preside at the election of
President of the Legislative Council

選票
BALLOT PAPER

請在下方空位清楚寫上你屬意的候選人姓名
Please put down in legible form the name of the
nominee of your choice in the space below.

Election of the President of the Legislative Council**Ballot Paper**

Date of election: _____

VOTE FOR ONE CANDIDATE ONLYMARK “✓” 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 5 candidates the final form of the Ballot Paper will be amended accordingly.

L.N. 265 of 1998

**BASIC LAW OF THE HONG KONG SPECIAL
ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA**

RESOLUTION OF THE LEGISLATIVE COUNCIL

**RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 2 July 1998.

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region set out in the Annex to this Resolution be made under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

Ricky FUNG Choi-cheung
Clerk to the Legislative Council

2 July 1998

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 amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President shall propose the question on that motion.

(7) When a motion under subrule (6) has been agreed to the President shall order accordingly in respect of each of such further divisions, if any.

PART K

PROCEDURE ON BILLS

50. Form of Bills

(1) A bill for presentation to the Council shall conform with the requirements laid down in this Rule.

(2) The bill shall be given a short title corresponding with the title by which it is to be cited if it becomes law, and that short title shall remain unchanged throughout the passage of the bill.

(3) The bill shall be given a long title setting out the purposes of the bill in general terms.

(4) Subject to a direction given under section 4(3) of the Official Languages Ordinance (Cap. 5) by the Chief Executive in Council, bills shall be presented in the Chinese and English languages.

(5) The clauses of the bill shall be preceded by the enacting formula.

(6) The bill shall be divided into clauses numbered consecutively and having a descriptive section heading above each clause.

(7) An explanatory memorandum stating the contents and objects of the bill in non-technical language shall be attached to the bill.

(8) In the case of a bill, not being a Government measure, intended to affect or benefit some particular person, association or corporate body, there shall be included in the bill a clause saving the rights of the Government, all bodies politic and corporate, and all others except such as are mentioned in the bill, and those claiming by, from, and under them.

51. Notice of Presentation of Bills

(1) A Member or a designated public officer may at any time give notice of his intention to present a bill; such notice shall be sent to the office of the Clerk and shall be accompanied by a copy of the bill and memorandum required by Rule 50 (Form of Bills), and in the case of a Member, also by a certificate signed by the Law Draftsman pursuant to subrule (2).

(2) In the case of a bill to be presented by a Member, the Law Draftsman, if satisfied that the bill conforms to the requirements of Rule 50 (Form of Bills) and the general form of Hong Kong legislation, shall issue a certificate to that effect.

(3) Members may not either individually or jointly introduce a bill which, in the opinion of the President, relates to public expenditure or political structure or the operation of the Government.

(4) In the case of a bill relating to Government policies, the notice shall be accompanied by the written consent of the Chief Executive in respect of the bill.

(5) In the case of a bill presented in one official language in pursuance of a direction under section 4(3) of the Official Languages Ordinance (Cap. 5), the notice shall be accompanied by a certificate stating that the Chief Executive in Council has directed that the bill should be presented in the Chinese language or, as the case may be, the English language.

(6) In the case of a bill presented by a Member having any intention such as is described in Rule 50(8) (Form of Bills), the notice shall be accompanied by a certificate signed by the Member, stating that the bill has been published in two successive publications of the Gazette and that notice of the bill has been given by two advertisements in each of two daily newspapers published in Hong Kong, one being a Chinese language newspaper and another being an English language newspaper.

(7) (a) Except as otherwise provided in Rule 66 (Bills Returned for Reconsideration), a bill which, in the opinion of the President, contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session and shall be withdrawn.

(b) If a bill which has been read for the second time is subsequently withdrawn another bill with substantially the same provisions may be presented in the same session, subject to the provisions of Rule 50 (Form of Bills), this Rule and Rule 52 (Presentation and Publication of Bills).

(8) A Member presenting a bill shall be known throughout the subsequent proceedings on the bill as the Member in charge of the bill. In the case of a bill introduced jointly by more than one Member, these Members shall designate among themselves a Member as the Member in charge of the bill at the time of presenting the bill and the Member so designated shall signify himself as such in the notice for presentation.

(9) A public officer presenting a bill shall be known throughout the subsequent proceedings on the bill as the public officer in charge of the bill; and references in these Rules of Procedure to a Member in charge of a bill include a public officer in charge of a bill.

Extract of the minutes of the House Committee meeting on 16 April 1999

X X X X X X X

V. Business for the Council meeting on 28 April 1999

(d) Members' motions

(i) Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

74. The Chairman said that the Committee on Rules of Procedure (the Committee) would report under agenda item VII(a). He added that as this resolution had legislative effect, members who wished to speak on the resolution could speak for 15 minutes each.

75. Mrs Selina CHOW said that the Committee had considered that since its membership consisted of representatives of all political groupings of LegCo, it would be a more efficient use of the Council's time if each political grouping would designate a limited number of its LegCo Members to speak on the resolution. She suggested that there could be a "gentlemen's agreement" that those who wished to speak would not speak for more than seven minutes.

X X X X X X X

VII. Any other business

(a) Committee on Rules of Procedure

83. Mrs Selina CHOW, Chairman of the Committee on Rules of Procedure, reported that no comments had been received from Members on the consultation paper on "Order of Speaking in Motion Debates". In respect of the consultation paper on the arrangements for implementing the provisions under Article 79(7) of the Basic Law, amendments had been proposed to Rule 73(5)(b) to take into account the following views expressed by Members -

Action

1. notwithstanding an election made by the Member under investigation at the beginning of the investigation that hearings should be open to the public, the investigation committee might decide on sufficient reason, apart from an application made by a witness, upon request made by a member of the committee to hold any such meetings in camera; and
2. the Member under investigation should be allowed to make an application to the investigation committee for the hearings to be held in camera, despite the fact that he/she had elected at the beginning of the investigation that hearings should be open to the public.

84. Mrs CHOW further said that a Member had expressed concern that it would not be fair to the Member under investigation if members of an investigation committee who had not attended some or any of the previous meetings of the investigation committee, but who turned up at its last meeting at which the investigation committee would conclude its findings, would be allowed to vote. The Committee had already addressed this issue and recommended in its consultation paper that the investigation committee should comprise seven members and that its quorum should be five members including the chairman, which was more stringent than that applied to other committees of the Council.

85. Mrs CHOW added that she would move a motion in her capacity as Chairman of the Committee at the Council meeting on 28 April 1999 to amend the Rules of Procedure as proposed in the above two consultation papers. The motion would also cover amendments to the Rules of Procedure relating to other issues considered by the Committee. The Chairman reminded members that the deadline for giving notice to amend the motion was 21 April 1999.

86. Mrs CHOW further reported that the Committee had examined whether current provisions in the Rules of Procedure were adequate for the implementation of Articles 50 and 51 of the Basic Law. As provisions contained in both Articles were related to constitutional issues, the Committee considered it more appropriate for the subject matter to be taken up by the Panel on Constitutional Affairs. In view of the fact that the word "Budget" was neither defined in the Basic Law nor in the laws of Hong Kong, the Committee had written to the Administration seeking clarification on the scope of "Budget" in the context of Articles 50 and 51. Pending the response from the Administration and the deliberations by the Panel on Constitutional Affairs, the Committee would consider at a later date whether the existing provisions in the Rules of Procedure needed to be revised for the purpose of implementing Articles 50 and 51.

Action

87. Regarding the arrangements for implementing the provisions under Article 79(7), Mr Ronald ARCULLI enquired about the following -

1. whether the scope of investigation was determined by the investigation committee;
2. the reason as to why the Member under investigation had to make an election at the beginning of the investigation that hearings be opened to the public; and
3. whether there was any rule to govern how the chairman of the investigation committee should exercise his casting vote in the event that the votes of the other members were equally divided.

88. As regards paragraphs 87(i), Mrs CHOW said that the scope of the investigation was confined to that set out in the schedule of the motion moved for a determination under Article 79(7) of the Basic Law. As regards paragraph 87(ii), Mrs CHOW explained that given the seriousness and importance of the matter, the Committee considered that the Member under investigation should be given, as a matter of right, the opportunity to elect whether he wished to have the hearings held in open at the outset of the investigation. She, however, pointed out that the Committee could, in the course of investigation, decide on sufficient reason being given by a witness, including the Member under investigation, and from other members of the committee to revert the hearings, either in whole or in part, to hearings in camera. As regards paragraph 87(iii), Mrs CHOW said that the chairman of the investigation committee could cast his vote according to his wish.

89. Miss Emily LAU said that the House Committee was not an appropriate forum to re-open discussion on the arrangements for implementing the provisions under Article 79(7). She remarked that members should have made use of the consultation period to give their views or raise queries on the issues involved.

90. The Chairman said that members still had the opportunity to debate the arrangements for implementing the provisions in Article 79(7) at the Council meeting on 28 April 1999.

X X X X X X X

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 28 April 1999**

X X X X X X

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

MRS SELINA CHOW (in Cantonese): Madam President, I move the resolution to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region (SAR) under my name. The contents of the resolution have been set out in the Appendix to the Agenda.

The Committee on Rules of Procedure of the Legislative Council of the SAR has held a total number of 22 meetings since July 1998. A number of subjects were discussed in these meetings and amendments on the Rules of Procedure were proposed. Of these, the proposal on the necessary procedural arrangements to relieve a Member of the Legislative Council of his or her duties as provided in Article 79(6) of the Basic Law was introduced to this Council on 9 September 1998 and was passed. As for other amendments proposed by the Committee on the Rules of Procedure, they have been included into this resolution.

Having given notice for this resolution on 13 April 1999, I received a letter from the Director of Administration on 26 April 1999 in which views on three proposed amendments in the resolution were given. The Committee on Rules of Procedure considered the views of the Administration carefully in the meeting held yesterday. After the meeting, I wrote to the Director of

Administration. The Secretariat has sent the letter from the Director of Administration and my reply by fax to Honourable Members for their reference.

I would like to explain the Committee's views on this issue.

In the consultation exercise held by the Committee earlier, the Director of Administration informed the Committee on 19 August 1998 that "the Administration will continue to plan on the basis that policy addresses in subsequent years will be delivered in the month of October." That is to say, the future policy addresses will be delivered in October as planned by the Administration. The Committee thought that if the Chief Executive is to deliver his policy address at the first meeting of a Session, then in order to reflect the function of the Legislative Council in hearing and debating on the policy address of the Chief Executive, and to help Members anticipate the amount of work to be handled in the first meeting of a Session, it would be proper to add the new subrule (1A) to Rule 13 of the Rules of Procedure, to specify that the Chief Executive shall deliver a policy address to the Council, if he so wishes, at the first meeting of a Session. But this provision does not bind the Chief Executive that he can only deliver his policy address at the first meeting of a Session and not at any other time. The provision also does not intend to require the Chief Executive to fulfil any obligation. The Committee understands that under the Basic Law, it is up to the Chief Executive himself to decide whether or not he would deliver a policy address. Indeed, the Committee is also aware that a similar provision was made in the Standing Orders of the former Legislative Council.

As for the "voting procedure" and "applicability of Article 74 of the Basic Law", the Committee has sought advice from the Administration on the question of whether the rules in the Rules of Procedure have contravened the Basic Law. It has also sought the advice of the Legal Adviser of the Legislative Council Secretariat as well as independent legal advice from Mr Denis CHANG, S.C. Upon considering the views from all parties concerned, the Committee concluded that the rules concerned did not contravene the Basic Law. However, the Committee thought that it was necessary to state the following clearly in the Rules of Procedure:

1. It is necessary to explain the meaning of a "majority vote" in the newly added subrule (4) of Rule 46, so that it will refer to Members voting in favour of a question exceed half of the number of Members present at the time of voting.
2. As for the procedure regarding a ruling to be made by the President of the Legislative Council on whether a bill introduced by a Member has touched on the specified areas found in Article 74 of the Basic Law, the procedure specified in Rule 51(3) should also be specified in Rule 51(4). Therefore, it is necessary to add the wording "in the opinion of the President" in Rule 51(4), to spell out clearly the role played by the President of the Legislative Council.

The Committee has prepared two reports on the results of deliberations on the following two topics: the voting procedure; and on the procedure of introducing a bill by Members as provided in Article 74 of the Basic Law and the interpretation of Article 48(10) of the Basic Law. The two reports have been sent to the Government on 23 September 1998 for comments from a legal perspective, but so far no reply has been received.

I wish to stress that all the proposed amendments on the Rules of Procedure are the results of careful deliberations by the Committee. The Committee firmly believes that these proposed amendments do not contravene the Basic Law, therefore it has decided to ask me to move the resolution concerned as has been originally planned.

I would like to outline briefly on other proposed amendments in the resolution:

- (a) To simplify the procedure of electing the President of the Legislative Council and the chairmen of committees, the Committee thinks it is necessary to determine the order of precedence of a Member of the Council according to the continuous period of time for which he has held office in the Council. At the first meeting of a new term, the Member who has held office in the Council for the longest continuous period of time shall preside at the meeting. To match this arrangement, the

Committee concludes that Rule 1A shall be added to the Rules of Procedure and an amendment should be made to the Schedule of the Rules of Procedure. At the same time, Rules 71(3) and 75(3) will be abolished. They are respectively on the holding of the first meeting of a committee by the clerk to the committee and on the election of a member to preside at the meeting.

- (b) On the indication of the intention to speak, according to current rules, Members who intend to speak shall rise or raise their hands. As the electronic voting system in the Chamber has now installed a device whereby, if a Member has pressed the "Request-to-Speak" button to indicate his wish to speak the President should be in a position to know, a consequential amendment to Rule 36 should be made so that the requirement would be more flexible.
- (c) On voting procedure. If a Member wishes to claim a division, the current rule is for the division bell to ring for one to three minutes so that Members will be notified. To cope with the situation where the division bell does not function, and that is not something impossible, the Committee suggests that subrule (8) should be added to Rule 49 the effect that the President or Chairman shall order the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division. The division shall be held six minutes after the order has been made.
- (d) To reflect the role of the President in deciding whether a bill relates to government policies, the Committee thinks that appropriate amendments should be made to Rules 31, 51 and 57.
- (e) On the term of a select committee. The Committee thinks that a select committee should be dissolved upon the end of a term in the Legislative Council and not upon the end of a Session. The Committee proposes to amend Rule 78 to reflect the changes.
- (f) On the registration and report of personal interest of Members. The Committee thinks that the deadline for registration of personal interests of Members should be changed. Donations received by Members for the purpose of meeting their expenses in the election should be considered as registrable interests. Therefore, Rules 83

and 84 should be amended.

As for the requirement that Members shall not vote upon any question, whether in the Council or in any committee or subcommittee, in which he has a direct pecuniary interest, according to the current vote counting arrangement, there is no difference between a member who is present but does not cast any vote and that of a member who votes against the question. Therefore, the Committee thinks that where there is such a direct pecuniary interest on a question to be voted on in the Council or a committee of the whole Council, the Member concerned shall withdraw therefrom when the vote is taken, except where his interest is in common with the rest of the population of Hong Kong or a sector thereof or his vote is given on a matter of government policy. Therefore, the Committee proposes to amend Rule 84(1).

On the other hand, the Committee thinks that the Member concerned shall withdraw when a vote is taken on a motion moved to disallow that Member's vote. But the Member concerned can choose to remain or withdraw when the motion is being debated. An amendment is made to Rule 84 for this purpose.

As for the requirement for Members to declare any direct pecuniary interest which he has in any matter to be discussed, the Committee has considered the practice in other overseas legislatures and decides that the requirement shall only be applied to Members who speak in a meeting. Therefore, an amendment is proposed to subrule 84(3) to reflect this principle.

- (g) As for the signification of membership of a Bills Committee from Members after the expiry date, the Committee thinks that subrule (1A) should be added to Rule 76 to provide for the manner and timing of such signification decided by the House Committee.
- (h) In the application of procedures on the censuring of Members stipulated in Article 79(7) of the Basic Law, the Committee concludes that:

- For motions moved according to Article 79(7) of the Basic

Law, the Committee thinks that more stringent requirements should be made for such motions so as to prevent accusations of a frivolous nature. Therefore, apart from the mover of the motion, there should be three other Members who second the motion.

- To make the objective of the motion absolutely clear and definite, the Rules of Procedure should specify the wording of such type of motions. The reason to censure a certain Member or the circumstances surrounding a censure should be appended in the schedule to the motion which should stand as part of the motion itself. No amendments are to be made on such motions.
- Once such a motion is moved, the debate should be adjourned and referred to an investigation committee appointed by the President of the Legislative Council. Any Member who does not think that the matter should be handled by the investigation committee may move without notice that the investigation be stopped. If the Legislative Council passes this motion, the original motion shall not proceed.
- The investigation committee shall be responsible for establishing the facts of the case and to give its views on whether or not the facts as established constitute grounds to censure the Member concerned.
- An investigation committee shall consist of seven members, including a chairman and a deputy chairman. To avoid conflict of interest, the mover of the motion, the Members jointly signing the motion and the Member who is accused of misbehaviour or breach of oath shall not be appointed to the committee. To encourage members to be present in meetings, the quorum of a meeting of an investigation committee should be five members, including the chairman or the member to preside over the meeting.
- To ensure that the investigation is carried out in a fair manner, the hearing of evidence from witnesses should be conducted in camera. If the alleged Member chooses to

hold the first meeting in public, then subsequent meetings are to be held in public as well. But the committee may decide on sufficient reason upon a request made by a member of the committee or an application made by a witness, to hold any such meetings or any part thereof in camera. Internal discussions of an investigation committee must be done in camera.

- Upon completion of the matter referred to it and after reporting to the Council, the committee shall be dissolved accordingly. The investigation committee may be revived to deal with any further matters arising therefrom the motion. However, the question of whether the Member concerned will be censured and hence be disqualified should be decided by the Legislative Council.

To implement these proposals, the Committee on Rules of Procedure has come to the view that Rules 30, 40, 46, 47, 49B, 80 and 81 should be amended and new Rule 73A added.

I urge Members to support my resolution and amend the Rules of Procedure.

Thank you, Madam President.

Mrs Selina CHOW moved the following motion:

"That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended -

- (1) in Part A, by adding -

"1A. Precedence of Members

(1) The order of precedence of a Member of the Council shall be determined according to the continuous period of time for which he has held office in the Council; a Member who has held office in the Council for a longer continuous period of time shall

be given higher precedence.

(2) As between two or more Members who have held office for an equal continuous period of time, precedence shall be given to the one who first made or subscribed the oath or affirmation in accordance with Rule 1 (Oath or Affirmation).";

(2) in Rule 13, by adding before subrule (1) -

"(1A) The Chief Executive shall deliver a Policy Address to the Council, if he so wishes, at the first meeting of a session.";

(3) in Rule 30, by adding -

"(1A) Notice of a motion moved under Rule 49B(1A) (Disqualification of Member from Office) shall be signed by the Member wishing to move the motion and 3 other Members.";

(4) in Rule 31, by repealing "任何議案或修正案，如其目的或效力經立法會主席或全體委員會主席裁定為" and substituting "立法會主席或全體委員會主席如認為任何議案或修正案的目的或效力";

(5) in Rule 36 -

(a) in subrule (3), by repealing "rise or raise their hands at the same time to speak" and substituting "indicate their intention to speak at the same time";

(b) in subrule (4), by repealing "any other Members wishing to speak shall rise or raise their hands" and substituting "the President or Chairman shall thereupon call such other Members who indicate or have indicated their intention to speak";

(6) in Rule 40 -

(a) in subrule (6), by repealing "A" and substituting "Except as otherwise provided in subrule (6A), a";

(b) by adding -

"(6A) A debate adjourned under the provisions of Rule 49B(2A) (Disqualification of Member from Office) shall be resumed at the earliest meeting of the Council at which normal business is transacted after the report of the investigation committee has been laid on the Table of the Council.";

(7) in Rule 46 -

(a) in subrule (1) -

(i) by repealing "Relieving a Member of His Duties" and substituting "Disqualification of Member from Office";

(ii) by repealing ", 79(7)";

(b) by adding -

"(4) There is a majority vote when the Members voting in favour of a question exceed half of the number of Members present at the time of voting.";

(8) in Rule 47(2) -

(a) by repealing "Relieving a Member of His Duties" and substituting "Disqualification of Member from

Office";

(b) by repealing ", 79(7)";

(9) in Rule 49 -

(a) in subrule (1) -

(i) by repealing "After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of Members abstaining" and substituting "After the Clerk has recorded the abstentions in a seating plan, the President or Chairman shall read out the names and the number of Members abstaining";

(ii) by adding "The Clerk shall record also in a seating plan the names of all other Members who are present, and the President or Chairman shall read out their names and number accordingly." before "If";

(b) in subrule (2) -

(i) by repealing "and" before "who abstain";

(ii) by adding ", and any other Members who are present" after "voting";

(c) by adding -

"(8) If the division bell does not function, the President or Chairman shall order the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division. The division shall be held six minutes after the order has been made.";

(10) in Rule 49B -

(a) in the heading, by repealing "**Relieving a Member of His Duties**" and substituting "**Disqualification of Member from Office**";

(b) by adding -

"(1A) A motion to censure a Member under Article 79(7) of the Basic Law shall be moved in the following form:

"That this Council, in accordance with Article 79(7) of the Basic Law, censures (name of Member) for misbehaviour/breach of oath under Article 104 of the Basic Law/misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).".";

(c) in subrule (2), by adding "or (1A)" after "subrule (1)";

(d) by adding -

"(2A) Upon the moving of a motion under subrule (1A), debate shall be adjourned and the matter stated in the motion shall be referred to an investigation committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders. If the latter motion is agreed to by the Council, no further action shall be taken on the motion moved under subrule (1A).";

- (e) in subrule (3), by adding "or (1A)" after "subrule (1)";
- (f) in subrule (4), by adding "or to censure a Member" after "duties";
- (11) in Rule 51 -
 - (a) in subrule (3), by repealing "由立法會議員個別或聯名提出的法案，如經立法會主席裁定為涉及公共開支或政治體制或政府運作者，" and substituting "立法會主席如認為任何由立法會議員個別或聯名提出的法案涉及公共開支或政治體制或政府運作，該法案即";
 - (b) in subrule (4), by repealing "relating" and substituting "which, in the opinion of the President, relates";
- (12) in Rule 57(6), by repealing "任何修正案，如其目的或效力經立法會主席或全體委員會主席裁定為" and substituting "立法會主席或全體委員會主席如認為任何修正案的的目的或效力";
- (13) by repealing Rule 71(3);
- (14) by adding -

"73A. Investigation Committee

(1) An investigation committee required to be established under Rule 49B(2A) (Disqualification of Member from Office) shall consist of a chairman, a deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. The mover of the motion under Rule 49B(1A), the Members jointly signing the motion, and the Member who is the subject of the motion shall not be appointed to the committee.

(2) The committee shall be responsible for establishing the facts stated in the motion moved under Rule 49B(1A) (Disqualification of Member from Office), and giving its views on whether or not the facts as established constitute grounds for the censure.

(3) The quorum of the committee shall be 5 members including the chairman.

(4) Subject to subrule (5), all meetings of an investigation committee shall be held in camera.

(5) (a) Upon an election made by the Member who is the subject of the motion under Rule 49B(1A) (Disqualification of Member from Office), meetings at which a witness or witnesses appear shall be held in public, provided that such election is made before the first of such meetings.

(b) Notwithstanding an election made under paragraph (a), the committee may decide on sufficient reason, upon a request made by a member of the committee or an application made by a witness, to hold any such meetings or any part thereof in camera.

(6) In the event of the temporary absence of the chairman and deputy chairman the committee may elect a chairman to act during such absence.

(7) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes

of proceedings of the committee.

(8) Divisions in an investigation committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(9) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(10) (a) A member of an investigation committee may bring a report for the committee's consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr.'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(b) The committee shall then go through the report paragraph by paragraph and when concluded, the chairman shall put the question that

this report be the report of the committee to the Council.

(11) The minutes of proceedings of the committee shall record all proceedings on consideration of a report with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(12) An investigation committee shall, as soon as it has completed investigation of the matter referred to it, report to the Council thereon and the committee shall be dissolved accordingly. The investigation committee may be revived to deal with any further matters arising therefrom by resolution of the Council.

(13) Subject to these Rules of Procedure, the practice and procedure of the investigation committee shall be determined by the committee.";

(15) by repealing Rule 75(3);

(16) in Rule 76, by adding -

"(1A) The members of a Bills Committee shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee.";

(17) in Rule 78 -

(a) in subrule (1), by repealing "in each session";

(b) in subrule (4), by repealing "the session" and substituting "a term";

(c) in subrule (5), by repealing "the session" and

substituting "a term";

(18) in Rule 80(b), by repealing "or select committee(s)" and substituting ", select committee(s) or investigation committee(s)";

(19) in Rule 81(1), by repealing "select committee" and substituting "committee under Rule 80 (Attendance of Witness)";

(20) in Rule 83 -

(a) in subrule (1), by repealing "the date specified by resolution made and passed by the Legislative Council" and substituting "the first meeting of each term";

(b) in subrule (5)(d) -

(i) by renumbering it as subrule (5)(d)(ii);

(ii) by adding -

"(i) all donations, as a candidate in the Legislative Council election in which the Member was elected as a Member of the Council, received by the Member of any person on his behalf for the purpose of meeting the Member's election expenses in the election; or";

(21) in Rule 84 -

(a) in subrule (1), by adding "except where his interest is in common with the rest of the population of Hong Kong or a sector thereof or his vote is given on a matter of Government policy. Where there is such a direct pecuniary interest on a question to be voted on in the Council or a committee of the whole Council, the Member concerned shall withdraw therefrom when

the vote is taken" after "interest";

(b) in subrule (3) -

(i) by repealing "In" and substituting "A Member speaking in";

(ii) by repealing "at which a Member is present he";

(c) by adding -

"(3A) A motion for the withdrawal of a Member on the ground of his direct pecuniary interest under subrule (1) may be moved without notice by any Member after the President or Chairman has put the question on the original motion but before the vote is taken.";

(d) in subrule (4) -

(i) by repealing "of the numbers voting in the division";

(ii) by repealing ", but not otherwise" and substituting "of his judgment on whether there is a required majority or, if a division has been ordered, upon his statement of the numbers of Members recorded in the division";

(e) in subrule (5) -

(i) by adding "the" after "chairman shall have";

(ii) by repealing "such a motion" and substituting "a motion under subrule (3A) or (4)";

(iii) by repealing "was taken" and substituting "is taken";

- (iv) by adding "presence or" before "vote is challenged";
- (v) by repealing "inhabitants of Hong Kong and whether his vote was given on a matter of state policy" and substituting "population of Hong Kong or a sector thereof and whether the vote is on a matter of Government policy";
- (f) by adding -

"(5A) If the question for the withdrawal of a Member is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council or a committee of the whole Council for the duration of any vote on the question. If the motion is agreed to, the Member shall withdraw or continue to withdraw from the Council or the committee of the whole Council when the original question is put and voted upon.";

- (g) by repealing subrules (6) and (7) and substituting -

"(6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council, a committee of the whole Council, a committee or subcommittee for the duration of any vote on the question. If the motion is agreed to, the President, Chairman of a committee of the whole Council or chairman shall state anew his judgment on whether there is a required majority in this original question or, in the case of a division, direct the Clerk to the Legislative Council or the clerk to alter the numbers voting and, in the case of the Council or a committee

of the whole Council, the effect of the presence of the Member in the original division accordingly.";

(22) in the Schedule -

(a) in the heading before paragraph 6, by repealing "**of Presiding Member**";

(b) by repealing paragraph 6 and substituting -

"6. The Member present who has the longest continuous service in the Council as determined in accordance with Rule 1A shall preside at the election of the President.";

(c) by repealing paragraph 7 and substituting -

"7. If the Member who has the longest continuous service under paragraph 6 above is being nominated for the office of President, the Member who is next in the order of precedence of Members and who is not being nominated for the office shall be the presiding Member.";

(d) by repealing paragraphs 8, 9, 10, 11, 12, 13 and 14;

(e) by repealing the heading before paragraph 15;

(f) in paragraph 15 -

(i) by renumbering it as paragraph 8;

(ii) by repealing "The presiding Member shall then assume the chair and" and substituting "Upon the presiding Member assuming the chair,";

(iii) by repealing "commences" and substituting "shall commence";

- (g) by renumbering paragraph 16 as paragraph 9;
- (h) in paragraph 17 -
 - (i) by renumbering it as paragraph 10;
 - (ii) by repealing "III" and substituting "II";
- (i) by renumbering paragraph 18 as paragraph 11;
- (j) by renumbering paragraph 19 as paragraph 12;
- (k) by renumbering paragraph 20 as paragraph 13;
- (l) in paragraph 21 -
 - (i) by renumbering it as paragraph 14;
 - (ii) by repealing "paragraphs 17 to 20" and substituting "paragraphs 10 to 13";
- (m) by renumbering paragraph 22 as paragraph 15;
- (n) by renumbering paragraph 23 as paragraph 16;
- (o) by renumbering paragraph 24 as paragraph 17;
- (p) by repealing Annex II;
- (q) by renumbering Annex III as Annex II."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mrs Selina CHOW, as set out in the Appendix to the Agenda, be passed.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam

President, with this resolution, the Honourable Mrs Selina CHOW seeks to amend certain rules of the Rules of Procedure. We consider some of the proposals to be in contravention of the Basic Law.

The Basic Law has established a new constitutional framework for the Special Administrative Region (SAR). We and the Legislative Council hold different views regarding the application of the provisions of the Basic Law to the operation of the Legislative Council. Therefore, I wish to take this opportunity to repeat our stand to Members.

We fully understand that in accordance with Article 75 of the Basic Law, the Rules of Procedure of the Legislative Council shall be made by the Council on its own. However, we must ensure that the Rules of Procedure are consistent with the Basic Law to guarantee the legality of the legislative procedures.

However, two items of the resolution proposed by Mrs Selina CHOW are at odds with our understanding of the relevant provisions of the Basic Law. They concern the amendment to Rule 51(4) and the newly added Rule 46(4). We must reiterate that since the meeting of the Administration with the Committee on Rules of Procedure last year, its stand has not changed. With regard to the relevant details, we submitted papers to the Committee on Rules of Procedure last September and explained our views to the Committee in the meeting. I will not repeat them here.

The resolution also proposes to add (1A) to Rule 13 stating that the Chief Executive shall deliver a policy address to the Council, if he so wishes, at the first meeting of a Session. This rule appears to be asking the Chief Executive to fulfil an obligation, while pointing out that he can do as he wishes. As Mrs Selina CHOW has explained to us, the proposed rule does not rigidly lay down that the Chief Executive can only deliver a policy address at the first meeting of a Session and not at any other time. Nor is the proposed new rule intended to impose any obligation on the Chief Executive. Notwithstanding this, we do not think it necessary for Members to amend the Rules of Procedure to endow the Chief Executive with this discretion. It would be best to retain the flexible mechanism in the existing Rules of Procedure. We consider that the proposed addition of Rule 13(1A) in the resolution is neither necessary, nor does it have any legal effect.

Madam President, for the above reasons, I have reservations about Rule

13(1A), Rule 46(4) and Rule 51(4) in the resolution proposed by Mrs Selina CHOW.

Thank you, Madam President.

PRESIDENT (in Cantonese): Does any Member wish to speak?

MISS EMILY LAU (in Cantonese): Madam President, I speak to support the motion moved by Mrs Selina CHOW. I would talk briefly on my own views. First of all, I wish to respond to the argument put forward by the Chief Secretary for Administration, in particular her point that Rules 51(4) and 46(4) are in contravention of the Basic Law. Madam President, we have discussed this issue many times.

Just now Mrs Selina CHOW has advanced her arguments. I wish to declare interest first because I am a member of the Committee on Rules of Procedure. We have written to the Government, requesting it to explain its grounds to us because we want to know what these grounds are. However, as Mrs Selina CHOW has said just now, we have not received any reply to date. We hope that the Chief Secretary for Administration will answer our question when she speaks again.

Madam President, I believe you are aware that we have hired a lawyer from outside to give us some independent legal advice. Our arguments are not based on our own views or those of the Legal Adviser of the Legislative Council. The legal advice we have is that these proposals are sound. Perhaps I should like to ask the Chief Secretary for Administration whether or not the Government has sought outside independent legal advice as well. If so, what are the views obtained? Can a reply be given to the questions we raised in our letter to the Administration many months ago? I think that is very important.

Besides, Madam President, I think some officials have said before that the Government might initiate legal proceedings against us. I am happy not to have heard that from the Chief Secretary for Administration just now. Is it because the Government is leaving this idea aside? Even if there will not be any lawsuits, the Chief Secretary for Administration still holds different opinions from us. In fact, if the executive authorities and the legislature both

holds such different views on this important issue, I think the public will be very puzzled indeed. Madam President, should the Rules of Procedure which we have compiled prove to be contravening the Basic Law in the future, then I think the consequences will be very grave indeed. Looking at the matter from my own view or from that of Hong Kong, I think the matter must be handled as soon as possible. We must look for proper means to solve the problem, or to let it run its course. Although the executive authorities have been insisting that we are violating the Basic Law, we would pay no attention to that. Now we are amending the Rules of Procedure. I have no idea what the Chief Secretary for Administration has in mind. Will she insist that the matter be brought to the courts in due course?

Madam President, I wish to point out one other thing, that is, about the problem of misbehaviour of Members of the Legislative Council as provided in Article 79(7) of the Basic Law. Madam President, I think you will still remember (or maybe you were not in this Chamber then) that in a meeting of the Committee on Members' Interests in 1995-96, we held two discussion sessions on the motion proposed by Mrs Miriam LAU on increasing the power of the Committee in investigating the misbehaviour of Members. At that time, I was a member of the Committee and Mrs Miriam LAU was the chairman. The two discussions were highly charged and Mrs LAU was on the verge of slamming the desk and rebuking people. The motion was subsequently voted down. Maybe there would not be such a scene in this Council later because even if Members would not agree to it, there are already provisions in Article 79(7) of the Basic Law. I do not know why, but if Members do not agree to it in principle, Madam President, please let me go on, even if there are provisions in the Basic Law, we should oppose to the Basic Law. We should amend the Basic Law. But I think there should be such a provision, so in the 1995-96 debate, I was in support of Mrs LAU's motion. At that time, Members had a lot of reasons to support Article 79(7) of the Basic Law. I do not know if they would put these forward again. At that time, I was in support of it but I failed. I think we should have these rules. Madam President, as Members of the Council, we need to tell the public that we abide by the rules. Members should be punished if they break the rules. And the procedures are fair, just and open. It is regrettable that most of the Members do not think there is a need to lay down these definitions. They think that the Council would deal with the case in the procedures as proposed by Mrs Selina CHOW just now if any Member is found to have misbehaviour or breach of oath. But we cannot tell the public what is meant by breach of oath or misbehaviour. Many

Honourable colleagues can indeed say a lot on that but it is very difficult to come to any conclusions. I think at least we should model on the practice in the parliamentary assemblies in other countries to define that as any behaviour which brings the assembly or the whole of Hong Kong into disrepute.

Madam President, I am a person who knows how to behave in a delicate situation. I will not put forward anything if I know that it will not succeed. So I did not propose any amendments. If the Legislative Council passes these requirements, the public would question what is meant by misbehaviour. Can we tell them that we are unable to tell them now but that they will know when they see it?

Just now Mrs Selina CHOW said that we had a set of procedures to guard against frivolous accusations. I take that point. But the mechanism itself has to be activated by the Members themselves. Would there be a situation whereby the mechanism is not activated even if the community thinks that there is something wrong but no Members are willing to raise that as an issue? I think we must be accountable to the public. The Members have themselves should discuss the matter if it has become one of public concern. It would be ridiculous if there is massive public outrage and that it is thought that some Members have misbehaved themselves or have breached their oath, but the 60 of us are unaware of any misbehaviour or breach of oath of any of our colleagues. Madam President, it is a fact that if no one brings up the matter, then the mechanism cannot be activated. I hope we can send a message loud and clear to the public that the Legislative Council will enforce such requirements most stringently and we will not condone any wrongs. Madam President, we will deal with it in a fair and just manner. I support what Mrs Selina CHOW has said and I hope that the Chief Secretary can respond to it as well to answer our questions for there are things in the Chief Secretary for Administration's speech just now that have not been explained satisfactorily. Thank you, Madam President.

MR ANDREW WONG (in Cantonese): Madam President, I wish to talk briefly on the amendment to Rule 46 and the amendment to Rule 51.

On the amendment to Rule 46. I think we all know that the heading of Rule 46 of the Rules of Procedure is "Decision on Motions", that is, how a decision is made. We know that before the Basic Law comes into effect, a

decision is made according to the majority of Members present and those who take part in the voting, and whether they are in favour of or against the motion. But as Annex II to the Basic Law has phrases like "a simple majority vote of the members of the Legislative Council present", they have been used as the wording about how decision is made as provided in Rule 46 of the Rules of Procedure. In this way the method to arrive at a decision is made very clear. There is some argument between the Government and us, but it is more than these rather trivial matters. It is about motions introduced by Members should be passed by voting of two groups of Members present. But for motions introduced by the Government, there is no such a requirement. What is more, in Annex II to the Basic Law, the provision on the passage of motions introduced by the Government has an extra word "piao" ("票") which means vote or ballot in the Chinese phrase for "a simple majority vote". But there is no such extra word in the Chinese phrase for motions introduced by Members. This is the cause of disputes. I hope we all remember that we had a lengthy debate on that and we thought that there could be a big difference or not a big difference between the existence or absence of that single word. Mr JI Pengfei said on the Third Session of the Seventh Plenary Session of the National People's Congress, "For bills introduced by the Government, they are passed if they have a majority vote of the Members present. For bills, motions and amendments to bills introduced by the Government which are proposed by the Members, they must be passed by a majority vote of each of the two groups of Members present, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee." In both cases, the word "piao" is used. We do not know what exactly was intended. In order to be prudent, it seems we should disregard the word "piao". Of course, if we think that the word "piao" is not important, or if we take into account the legislative intent and think that the word "piao" is only an inadvertent error, then we can go back to the former way to make decisions by voting. That may even be better. As Mr Denis CHANG, S.C., said, that point was not considered and so there was no intention to amend this voting method.

As for Rule 51, that involves your judgment, Madam President. If the Government or a Member introduces a bill on a certain matter, and if that matter meets the requirement of the Rules of Procedure, then who is going to make the judgment? From the angle of the parliamentary assembly, that should be made by the speaker or the President. But the Government may think that since the subject of discussion is a policy issue and since the policies

are formulated by the Government, and so it would be most fitting if it will make the judgment. But in fact, that is a very foolish idea. Why? For if the matter belongs to a policy area, and if the President makes an inadvertent move and makes a ruling that the motion can be introduced, when the motion is passed but the Government is not satisfied with the results, then the case can be brought to the Court. The Court can decide that the ruling was wrong and the decision made at that time was *ultra vires* and it was null and void from the very beginning. That is certainly a decision which can be made by the Court. If from the outset it is the Chief Executive who makes the decision, then if after the ruling, the mover of the motion and most of the Members think that the Chief Executive has made a wrong decision, then before the topic is discussed in a meeting, the case can be brought to the Court. The Court will decide whether the Chief Executive is right or wrong. But since this does not happen after the matter is over, then it would cause greater disputes. From the perspective of institutional arrangements, if the Government insists that the matter should be decided by the Chief Executive, then it would really be an improper arrangement. I hope that the Government can give serious thoughts to it.

Madam President, may I call upon the Government to withdraw even those ideas which it has reservations on, or if after consideration, it can occur to it in the next meeting that Mr Andrew WONG was really right. (*Laughter*) Thank you, Madam President.

PRESIDENT (in Cantonese): Mrs Selina CHOW, do you wish to reply?

(Mrs Selina CHOW indicated that she did not wish to reply)

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I would like to make two simple responses to the views expressed by Members just now.

With regard to the amendment to Rule 51(4), that is, about the President of the Legislative Council deciding whether a bill relates to government policies, Article 74 of the Basic Law stipulates that the consent of the Chief Executive shall be required before bills relating to government policies are introduced by Members. Although Article 74 of the Basic Law does not specify who should

decide whether bills relate to government policies, its clear implication is that the power to decide whether the relevant bills relate to government policies under Article 74 of the Basic Law rests with the Chief Executive. Besides, only the Administration which makes government policies is in the best position to judge whether a bill relates to its policies. Moreover, Article 48(4) of the Basic Law clearly states that one of the powers of the Chief Executive is to decide on government policies. For the above reasons, we consider that the Chief Executive is the most appropriate person to decide on this issue. We do not think it is appropriate to leave the decision to the President of the Legislative Council as proposed in the resolution.

Second, with regard to the newly added Rule 46(4) on the counting of votes in voting, we consider that in accordance with Annex II to the Basic Law, as far as voting on bills introduced by the Government is concerned, abstentions should not be counted. The newly added Rule 46(4) proposed in the resolution does not specify the voting arrangements with regard to government bills. Therefore, we do not think that this subrule should be added to the Rules of Procedure.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mrs Selina CHOW, as set out in the Appendix to the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Miss Emily LAU rose to claim a division.

PRESIDENT (in Cantonese): Miss Emily LAU has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): While the division bell is ringing, I would like to remind Members again that the question put is: That the motion moved by Mrs Selina CHOW, as set out in the Appendix to the Agenda, be passed.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Before I announce that voting shall stop, are there any queries? Voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Kenneth TING, Mr James TIEN, Mr Edward HO, Mr Michael HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Dr LUI Ming-wah, Miss Margaret NG, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr CHEUNG Man-kwong, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr CHAN Wing-chan, Dr LEONG Che-hung, Mrs Sophie LEUNG, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Mr Timothy FOK, Mr LAW Chi-kwong, Mr FUNG Chi-kin and Dr TANG Siu-tong voted for the motion.

Dr Philip WONG voted against the motion.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr LEE Wing-tat, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss Christine LOH, Miss CHAN Yuen-han, Mr LEUNG Yiu-chung, Mr Gary CHENG, Mr Andrew WONG, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Chin-shek, Mr LAU Kong-wah, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr HO Sai-chu, Mr NG Leung-sing, Prof NG Ching-fai, Mr MA Fung-kwok, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung voted for the motion.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 27 were present, 26 were in favour of the motion and one against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present and 25 were in favour of the motion. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was carried.

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L.N. 107 of 1999

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION OF THE PEOPLE'S REPUBLIC OF CHINA

RESOLUTION OF THE LEGISLATIVE COUNCIL

RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 28 April 1999.

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended—

(1) in Part A, by adding—

“1A. Precedence of Members

(1) The order of precedence of a Member of the Council shall be determined according to the continuous period of time for which he has held office in the Council; a Member who has held office in the Council for a longer continuous period of time shall be given higher precedence.

(2) As between two or more Members who have held office for an equal continuous period of time, precedence shall be given to the one who first made or subscribed the oath or affirmation in accordance with Rule 1 (Oath or Affirmation).”;

(2) in Rule 13, by adding before subrule (1)—

“(1A) The Chief Executive shall deliver a Policy Address to the Council, if he so wishes, at the first meeting of a session.”;

(3) in Rule 30, by adding—

“(1A) Notice of a motion moved under Rule 49B(1A) (Disqualification of Member from Office) shall be signed by the Member wishing to move the motion and 3 other Members.”;

(4) in Rule 31, by repealing “任何議案或修正案，如其目的或效力經立法會主席或全體委員會主席裁定為” and substituting “立法會主席或全體委員會主席如認為任何議案或修正案的目的或效力”;

- (5) in Rule 36—
- (a) in subrule (3), by repealing “rise or raise their hands at the same time to speak” and substituting “indicate their intention to speak at the same time”;
 - (b) in subrule (4), by repealing “any other Members wishing to speak shall rise or raise their hands” and substituting “the President or Chairman shall thereupon call such other Members who indicate or have indicated their intention to speak”;
- (6) in Rule 40—
- (a) in subrule (6), by repealing “A” and substituting “Except as otherwise provided in subrule (6A), a”;
 - (b) by adding—
 - “(6A) A debate adjourned under the provisions of Rule 49B(2A) (Disqualification of Member from Office) shall be resumed at the earliest meeting of the Council at which normal business is transacted after the report of the investigation committee has been laid on the Table of the Council.”;
- (7) in Rule 46—
- (a) in subrule (1)—
 - (i) by repealing “Relieving a Member of His Duties” and substituting “Disqualification of Member from Office”;
 - (ii) by repealing “, 79(7)”;
 - (b) by adding—
 - “(4) There is a majority vote when the Members voting in favour of a question exceed half of the number of Members present at the time of voting.”;
- (8) in Rule 47(2)—
- (a) by repealing “Relieving a Member of His Duties” and substituting “Disqualification of Member from Office”;
 - (b) by repealing “, 79(7)”;
- (9) in Rule 49—
- (a) in subrule (1)—
 - (i) by repealing “After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of Members abstaining” and substituting “After the Clerk has recorded the abstentions in a seating plan, the President or Chairman shall read out the names and the number of Members abstaining”;

- (ii) by adding "The Clerk shall record also in a seating plan the names of all other Members who are present, and the President or Chairman shall read out their names and number accordingly." before "If";
- (b) in subrule (2)—
 - (i) by repealing "and" before "who abstain";
 - (ii) by adding ", and any other Members who are present" after "voting";
- (c) by adding—

"(8) If the division bell does not function, the President or Chairman shall order the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division. The division shall be held six minutes after the order has been made.";
- (10) in Rule 49B—
 - (a) in the heading, by repealing "**Relieving a Member of His Duties**" and substituting "**Disqualification of Member from Office**";
 - (b) by adding—

"(1A) A motion to censure a Member under Article 79(7) of the Basic Law shall be moved in the following form:
"That this Council, in accordance with Article 79(7) of the Basic Law, censures (name of Member) for misbehaviour/breach of oath under Article 104 of the Basic Law/misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).";"
 - (c) in subrule (2), by adding "or (1A)" after "subrule (1)";
 - (d) by adding—

"(2A) Upon the moving of a motion under subrule (1A), debate shall be adjourned and the matter stated in the motion shall be referred to an investigation committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders. If the latter motion is agreed to by the Council, no further action shall be taken on the motion moved under subrule (1A).";
 - (e) in subrule (3), by adding "or (1A)" after "subrule (1)";
 - (f) in subrule (4), by adding "or to censure a Member" after "duties";

(11) in Rule 51—

(a) in subrule (3), by repealing “由立法會議員個別或聯名提出的法案，如經立法會主席裁定為涉及公共開支或政治體制或政府運作，” and substituting “立法會主席如認為任何由立法會議員個別或聯名提出的法案涉及公共開支或政治體制或政府運作，該法案即”;

(b) in subrule (4), by repealing “relating” and substituting “which, in the opinion of the President, relates”;

(12) in Rule 57(6), by repealing “任何修正案，如其目的或效力經立法會主席或全體委員會主席裁定為” and substituting “立法會主席或全體委員會主席如認為任何修正案的目的或效力”;

(13) by repealing Rule 71(3);

(14) by adding—

“73A. Investigation Committee

(1) An investigation committee required to be established under Rule 49B(2A) (Disqualification of Member from Office) shall consist of a chairman, a deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. The mover of the motion under Rule 49B(1A), the Members jointly signing the motion, and the Member who is the subject of the motion shall not be appointed to the committee.

(2) The committee shall be responsible for establishing the facts stated in the motion moved under Rule 49B(1A) (Disqualification of Member from Office), and giving its views on whether or not the facts as established constitute grounds for the censure.

(3) The quorum of the committee shall be 5 members including the chairman.

(4) Subject to subrule (5), all meetings of an investigation committee shall be held in camera.

(5) (a) Upon an election made by the Member who is the subject of the motion under Rule 49B(1A) (Disqualification of Member from Office), meetings at which a witness or witnesses appear shall be held in public, provided that such election is made before the first of such meetings.

(b) Notwithstanding an election made under paragraph (a), the committee may decide on sufficient reason, upon a request made by a member of the committee or an application made by a witness, to hold any such meetings or any part thereof in camera.

(6) In the event of the temporary absence of the chairman and deputy chairman the committee may elect a chairman to act during such absence.

(7) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee.

(8) Divisions in an investigation committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(9) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(10) (a) A member of an investigation committee may bring a report for the committee's consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr.'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(b) The committee shall then go through the report paragraph by paragraph and when concluded, the chairman shall put the question that this report be the report of the committee to the Council.

(11) The minutes of proceedings of the committee shall record all proceedings on consideration of a report with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(12) An investigation committee shall, as soon as it has completed investigation of the matter referred to it, report to the Council thereon and the committee shall be dissolved accordingly. The investigation committee may be revived to deal with any further matters arising therefrom by resolution of the Council.

(13) Subject to these Rules of Procedure, the practice and procedure of the investigation committee shall be determined by the committee.”;

(15) by repealing Rule 75(3);

(16) in Rule 76, by adding—

“(1A) The members of a Bills Committee shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee.”;

(17) in Rule 78—

(a) in subrule (1), by repealing “in each session”;

(b) in subrule (4), by repealing “the session” and substituting “a term”;

(c) in subrule (5), by repealing “the session” and substituting “a term”;

(18) in Rule 80(b), by repealing “or select committee(s)” and substituting “, select committee(s) or investigation committee(s)”;

(19) in Rule 81(1), by repealing “select committee” and substituting “committee under Rule 80 (Attendance of Witness)”;

(20) in Rule 83—

(a) in subrule (1), by repealing “the date specified by resolution made and passed by the Legislative Council” and substituting “the first meeting of each term”;

(b) in subrule (5)(d)—

(i) by renumbering it as subrule (5)(d)(ii);

(ii) by adding—

“(i) all donations, as a candidate in the Legislative Council election in which the Member was elected as a Member of the Council, received by the Member or any person on his behalf for the purpose of meeting the Member’s election expenses in the election; or”;

(21) in Rule 84—

- (a) in subrule (1), by adding “except where his interest is in common with the rest of the population of Hong Kong or a sector thereof or his vote is given on a matter of Government policy. Where there is such a direct pecuniary interest on a question to be voted on in the Council or a committee of the whole Council, the Member concerned shall withdraw therefrom when the vote is taken” after “interest”;
- (b) in subrule (3)—
- (i) by repealing “In” and substituting “A Member speaking in”;
- (ii) by repealing “at which a Member is present he”;
- (c) by adding—
- “(3A) A motion for the withdrawal of a Member on the ground of his direct pecuniary interest under subrule (1) may be moved without notice by any Member after the President or Chairman has put the question on the original motion but before the vote is taken.”;
- (d) in subrule (4)—
- (i) by repealing “of the numbers voting in the division”;
- (ii) by repealing “, but not otherwise” and substituting “of his judgment on whether there is a required majority or, if a division has been ordered, upon his statement of the numbers of Members recorded in the division”;
- (e) in subrule (5)—
- (i) by adding “the” after “chairman shall have”;
- (ii) by repealing “such a motion” and substituting “a motion under subrule (3A) or (4)”;
- (iii) by repealing “was taken” and substituting “is taken”;
- (iv) by adding “presence or” before “vote is challenged”;
- (v) by repealing “inhabitants of Hong Kong and whether his vote was given on a matter of state policy” and substituting “population of Hong Kong or a sector thereof and whether the vote is on a matter of Government policy”;

(f) by adding—

“(5A) If the question for the withdrawal of a Member is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council or a committee of the whole Council for the duration of any vote on the question. If the motion is agreed to, the Member shall withdraw or continue to withdraw from the Council or the committee of the whole Council when the original question is put and voted upon.”;

(g) by repealing subrules (6) and (7) and substituting—

“(6) If the question for the disallowance of a Member’s vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council, a committee of the whole Council, a committee or subcommittee for the duration of any vote on the question. If the motion is agreed to, the President, Chairman of a committee of the whole Council or chairman shall state anew his judgment on whether there is a required majority in the original question or, in the case of a division, direct the Clerk to the Legislative Council or the clerk to alter the numbers voting and, in the case of the Council or a committee of the whole Council, the effect of the presence of the Member in the original division accordingly.”;

(22) in the Schedule—

(a) in the heading before paragraph 6, by repealing “**of Presiding Member**”;

(b) by repealing paragraph 6 and substituting—

“6. The Member present who has the longest continuous service in the Council as determined in accordance with Rule 1A shall preside at the election of the President.”;

(c) by repealing paragraph 7 and substituting—

“7. If the Member who has the longest continuous service under paragraph 6 above is being nominated for the office of President, the Member who is next in the order of precedence of Members and who is not being nominated for the office shall be the presiding Member.”;

(d) by repealing paragraphs 8, 9, 10, 11, 12, 13 and 14;

(e) by repealing the heading before paragraph 15;

- (f) in paragraph 15—
 - (i) by renumbering it as paragraph 8;
 - (ii) by repealing “The presiding Member shall then assume the chair and” and substituting “Upon the presiding Member assuming the chair,”;
 - (iii) by repealing “commences” and substituting “shall commence”;
- (g) by renumbering paragraph 16 as paragraph 9;
- (h) in paragraph 17—
 - (i) by renumbering it as paragraph 10;
 - (ii) by repealing “**III**” and substituting “**II**”;
- (i) by renumbering paragraph 18 as paragraph 11;
- (j) by renumbering paragraph 19 as paragraph 12;
- (k) by renumbering paragraph 20 as paragraph 13;
- (l) in paragraph 21—
 - (i) by renumbering it as paragraph 14;
 - (ii) by repealing “paragraphs 17 to 20” and substituting “paragraphs 10 to 13”;
- (m) by renumbering paragraph 22 as paragraph 15;
- (n) by renumbering paragraph 23 as paragraph 16;
- (o) by renumbering paragraph 24 as paragraph 17;
- (p) by repealing Annex II;
- (q) by renumbering Annex III as Annex II.

Ricky FUNG Choi-cheung
Clerk to the Legislative Council

28 April 1999

**Extract of the Committee on Rules of Procedure of
the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period July 1998 to April 1999**

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II. Implementation of the Provisions in the Basic Law

Application of Article 74

2.19 Another aspect in the Rules of Procedure which, in the view of the Administration, is in contravention of the Basic Law is the application of Article 74. Article 74 provides that Members of the Legislative Council may introduce bills in accordance with provisions in the Basic Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the Government may be introduced individually or jointly by Members of the Council. The written consent of the Chief Executive shall be required before bills relating to Government policies are introduced.

2.20 The requirements in Article 74 are reflected in Rule 51 (Notice of Presentation of Bills), in particular, subrules (3) and (4), of the Rules of Procedure of the Legislative Council. There is also a self-imposed restriction which governs motions, amendments to bills and amendments to motions, the object or effect of which may be to dispose of or charge any part of the revenue or other public moneys of Hong Kong. Under such circumstances, the written consent of the Chief Executive would have to be sought. This restriction is reflected in Rules 31 (Restriction on Motions and Amendments) and 57(6) (Amendments to Bills). As regards amendments to the Appropriation Bill, Members are only allowed to reduce the sum allotted to a head of expenditure under Rule 69 (Amendments to Heads of Estimates in Committee of the Whole Council on Appropriation Bill).

Scope of Article 74

2.21 The Administration holds a different view on the scope of Article 74 and highlights the relevance of Article 48(10) in restricting Members' motions. According to the Administration, a generous and purposive interpretation should be given to Article 74. The Article should cover not only bills but also Committee Stage amendments. Any amendments moved by Members, whether to a bill introduced by a Member or by the Government, should also be subject to Article 74. Members, however, are welcomed to make suggestions to the Administration on legislative proposals relating to public expenditure, political structure or the operation of the Government. Nevertheless, the Administration does not consider that resolutions made under Sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) to amend subsidiary legislation should be subject to Article 74.

2.22 As regards the relevance of Article 48(10), which states that one of the powers and functions of the Chief Executive is to approve the introduction of motions regarding revenues or expenditure to the Legislative Council, the Administration's view is that Members may only introduce such motions, including those without legislative effect, with the Chief Executive's consent. The Administration has also pointed out that Rule 31, which confines the requirement for obtaining the Chief Executive's consent to motions or amendments with "charging effect", is inconsistent with the Basic Law as such a formulation is narrower than that of "regarding revenues or expenditure" as specified in Article 48(10). In other words, Members could not introduce any motion with or without legislative effect, including those regarding revenues or expenditure, without the Chief Executive's consent. The Chief Executive, however, could give blanket Approval to the moving of motions with no legislative effect.

2.23 According to the Legal Adviser of the Legislative Council Secretariat, the Basic Law is very specific in making reference to bills, motions and Members' amendments to Government bills, as illustrated in the voting procedures provided in Annex II of the Basic Law. If Article 74 were intended to cover Members' amendments to Government bills, there is no reason why it was not stated in the Article in the first place. The Committee considers it inappropriate to extend the coverage of Article 74, which governs only the introduction of Members' bills, to Members' amendments to Government bills.

2.24 The Committee is aware of the concern of the Administration that proposals in relation to those areas mentioned in Article 74 should come from the Executive instead of from Members of the Legislative Council. This principle has been spelt out in Article 74 and also reflected in the Rules of Procedure of the Council. The Basic Law has not specified detailed procedure of the legislative process, but it is clear that amendments to Government bills moved by Members are anticipated, as shown in the bicameral voting procedure in Annex II of the Basic Law and references to the introduction, amendment and passage of bills in various provisions.

2.25 The Committee considers it important to maintain a legislative process which allows every bill or motion before the Council to be fully debated and all aspects of the bill or motion thoroughly considered. The legislative process which the Council has now put in place is a three-reading process which has worked well in Hong Kong and which people of Hong Kong are familiar with. This process provides a stage between the second and third readings during which the Committee of the whole Council discusses the detailed provisions of proposed amendments to a bill. A Member (including a public officer) in charge of a bill can withdraw the bill at the beginning of the proceedings for the second or third reading of the bill. If the Government finds difficulty in accepting a Government bill in its amended form, the public officer in charge of the bill may withdraw the bill before the third reading stage. The availability of the procedure to withdraw a bill provides a means for the Government to decide the final form of the proposed legislation introduced by it. Under the circumstances, it is not logical, nor reasonable, to regard arbitrarily the word “bills” in the context of Article 74 to mean also “amendments to bills” as this would deprive the Council of the opportunity to discuss and agree to proposals alternative to those proposed in a bill. The mechanism under the Rules of Procedure ensures a degree of checks and balances between the Executive and the Legislature, and preserves the principle of executive-led Government.

2.26 As for Article 48(10), the Committee considers that the Article, which comes under a dedicated section on the Chief Executive, is stating the powers and functions of the Chief Executive. Article 48(10), therefore, refers to the introduction of motions regarding revenues or expenditure to the Legislative Council by the Government, rather than those by Members of the Legislative Council. The only restrictions on Members in respect of introduction of business in the Legislative Council are provided in Article 74 which comes under the section on the Legislature. Besides, it would be illogical if the Legislative Council, with one of its functions being to debate any issue concerning public interests under Article 73(6), was disallowed to debate a motion regarding revenues or expenditure without the Chief Executive’s approval.

Authority to rule on Members’ bills for the purpose of Article 74

2.27 The Administration considers that decisions as to whether certain proposals are subject to Articles 48(10) and 74 must be made by the Chief Executive, instead of the President of the Legislative Council as provided in Rule 51 of the Rules of Procedure. Although neither Article expressly identifies the decision-maker, such decisions must be made by the Chief Executive by necessary implication. The Administration’s view is that since the purpose of the Articles is to restrict the powers of Members of the Legislative Council in certain specified areas falling within the purview of the Executive, this purpose would be defeated were the President given the power to make such decisions, particularly when such decisions might differ from those of the Chief Executive.

2.28 The Committee has studied relevant Articles in the Basic Law in this respect. Since it is not specified in Article 74 as to who should be the person to decide on such matters, and as Article 75 provides the Legislative Council with the power to make its own rules of procedure, the Committee does not concur with the Administration's view. It is for the Legislative Council to draw up its own procedures which on the one hand satisfy the requirements under the Basic Law, and on the other, facilitate the conduct of business of the Council in the most effective manner. The Rules as they stand do not contravene the Basic Law. If it was the intention of drafters of the Basic Law for such decisions to be made by the Chief Executive, such an important requirement would have been expressly provided.

2.29 The Committee considers that referral to the Chief Executive for ruling on every bill, motion and amendment would not only upset the proper checks-and-balances between the Executive and the Legislature, but would also seriously affect the day-to-day functioning of the Legislative Council. If the Administration's arguments were to be accepted, then Article 48(10) and Article 74 would become contradictory in that the former authorizes the Chief Executive to "approve the introduction of motions regarding revenues or expenditure to the Legislative Council" while the latter prohibits absolutely the introduction of bills which relate to "public expenditure or political structure or the operation of the government".

2.30 The Committee has also studied the powers of and inter-relationship among the Executive, the Legislature and the Judiciary as provided in the Basic Law. The provisions in the Basic Law enable the Executive and the Legislature to regulate and monitor the activities of each other, as illustrated in the functions of the two bodies and Articles 49, 50, 51 and 52. Under the Rules of Procedure, the President is empowered to take decisions on whether bills, motions and amendments to bills may be introduced into the Council. These rules are in support of the power of the President to decide on the agenda and to exercise other powers and functions as prescribed in the Rules of Procedure under Article 72(2) and (6).

2.31 The Committee has noted that the procedure which enables the President to form an opinion as to whether a bill falls within the particular areas under Article 74 is similar to Standing Order provisions of the former Legislative Council under which the President ruled on the “charging effect” of a proposed bill or proposed amendments to a bill. These Standing Order provisions governing charging effect were made to implement Clause XXIV of the Royal Instructions, where no person was named as the authority to decide on such matters. Before the President was elected by and from among Members, the Governor of Hong Kong was making the relevant rulings in his capacity as President of the Legislative Council rather than as head of the Administration. The Committee has studied the practice and procedure in other jurisdictions and in the former Legislative Council; these serve to confirm that the procedure of having the President to rule on Whether a question can be put at a meeting is a practice widely adopted in other common law jurisdictions.

2.32 On the basis of the above, the Committee has come to a view that Rule 51(3) and (4) do not contravene Article 74. The procedure for the President to decide whether any bills introduced by Members are related to the specific areas under Article 74 is in order. The Committee considers that such a procedure, which has been provided in subrule (3) should also be spelt out clearly in subrule (4), so that notice of bills which in the opinion of the President are related to Government policies should be accompanied by the written consent of the Chief Executive.

2.33 As regards Rules 31, 57(6) and 69, the Committee maintains that these are self-imposed restrictions to govern motions and Committee Stage amendments with charging effect moved by Members. These rules are consistent with the financial procedure in other jurisdictions. Although no such requirements are stipulated in the Basic Law, they do not contravene the Basic Law. The Committee considers it reasonable to maintain such a procedure and therefore does not recommend any change to these Rules.

2.34 Mr Denis CHANG Khen-lee also finds the interpretation of the Administration unacceptable. In his view, the phrase “提出法律草案” in Article 74 refers plainly to the initiation of the legislative process of introducing a bill, and not to other stages such as the moving of Committee Stage amendments. Rule 51(3) is also right in naming the President as the decision-maker. As regards Article 48(10), Mr CHANG’s advice is that the Article governs requirements within the Executive Authorities rather than motions introduced by Members.

2.35 The Committee concludes that the Rules of Procedure do not contravene Articles 48(10) and 74 of the Basic Law and do not require amendments as requested by the Administration. Specifically, the Committee is of the view that:

- (a) Article 48(10) (the Article being on the powers and functions of the Chief Executive) only governs the introduction of motions regarding revenues or expenditure by the Government to the Council, and not motions introduced by Members of the Council;
- (b) the restrictions in Article 74 apply only to the introduction of Members' bills, and not Members' proposal of Committee Stage amendments to Government bills;
- (c) decisions on whether bills introduced by Members fall within the confines of Article 74 should be made by the President; and
- (d) the self-imposed restrictions governing motions and Committee Stage amendments with charging effect moved by Members should continue.

2.36 Two reports which contain the Committee's deliberations on the subjects of "Voting procedures" and "Application of Article 74 of the Basic Law" were prepared and circulated to all Members of the Council. A copy each of the reports were also provided to the Administration on 23 September 1998 for a written response from the legal point of view. No response from the Administration has been received so far.

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IV. Other Issues Considered

Rules relating to the exercise of an opinion by the President

4.2 Arising from the proposed addition of the phrase "in the opinion of the President" in Rule 51(4), as outlined in paragraph 2.32, the Committee has reviewed the Chinese version of the phrases "in the opinion of", "in his opinion", and "of the opinion" which appear in 16 rules in the Rules of Procedure and relate to the exercise of opinion or judgment by the President or other Members of the Council. The characters used in the Chinese text are either "認為" or "裁定". On the other hand, the phrase "according to his judgment" (根據其判斷) is used for Rule 47 (Decision of Council and Committee of the Whole Council) and relates to the President or Chairman's judgment of the numbers of Members voting in favour of or against a question. In examining the appropriateness of the expressions used, the Committee has made reference to the manner in which similar expressions are used in overseas legislatures and in local legislation.

4.3 As far as overseas legislatures are concerned, the terms “in the opinion” and “of the opinion” are commonly used in the standing orders or rules in connection with requirements for the Speaker or other Members to form views or exercise judgment on various aspects of business of the House. Examples include decisions on the urgency of questions, statements from Members, voting results, the priority for Members to speak, questions on dilatory motions, continuation of debate on clauses of a bill, and the establishment of prima facie case of breach of privilege. As for local legislation, the characters “認為” and “意見” are normally used in respect of the terms “in the opinion of” and “opinion” respectively, “判斷” in the context of the exercise of “a judgment”, and “裁定” in connection with decisions by the court.

4.4 Having regard to the above, there may be three levels of “opinions” exercised in the Council:

- (a) in relation to the President or Chairman’s simple judgment, such as the number of Members voting in favour of or against a question;
- (b) in connection with situations relating to the practices and proceedings of the Council to facilitate the smooth conduct of business and to ensure effective use of Council time, and the issues are normally closed at the decision of the Chair, such as the continuing of unfinished business on another day, whether an Additional question is an important one of public concern, and whether a motion or an amendment to a motion is out of order; and
- (c) in relation to situations where the consequence of the decision may be subject to challenge by parties outside the Council, such as the Administration, e.g. motions with charging effect.

While (b) and (c) require certain level of evaluation and analysis, (a) refers to more obvious situations.

4.5 While the phrase “according to his judgment” (根據其判斷) should continue to be used for situations in (a), the Committee is of the view that the characters “認為” are to be used for situations in (b) and (c) where the word “opinion” is already being used in the English text. Accordingly, the Committee has made amendments to the Chinese text of Rules 31 (Restriction on Motions and Amendments), 51 (Notice of Presentation of Bills) and 57 (Amendments to Bills).

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Appendix II

**Provisions in the Basic Law identified for further studies
by the Committee on Rules of Procedure**

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Item	Issue	Rule/Ref	Progress/Remarks
2	To consider the interpretation of Articles 74 and 48(10) of the Basic Law.	31, 51(3), 57(6) and 69(3), Art 48(10) and 74 of Basic Law, and correspondences between the Solicitor-General and the Legal Adviser	<p>The Committee issued a paper (LC Paper No. CB(1)45/98-99) on 22 July 1998 containing its deliberations on the interpretation of Articles 74 and 48(10) of the Basic Law.</p> <p>The independent legal opinion from Mr Denis CHANG also shows that the rules are not in contravention of the Basic Law. The Administration has been requested on 23 September 1998 to respond to the Committee's deliberations, and its response is awaited.</p>

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Legislative Council Secretariat
12 April 1999

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 28 April 1999**

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ADDRESS

PRESIDENT (in Cantonese): Address. Mrs Selina CHOW will address the Council on the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region's progress report for the period July 1998 to April 1999.

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period July 1998 to April 1999

MRS SELINA CHOW (in Cantonese): Madam President, on behalf of the Committee on Rules of Procedure (the Committee), I now table to this Council the Committee's progress report for the period July 1998 to April 1999.

The Committee has held a total of 22 meetings since it was set up on 10 July 1998. The Committee deliberated on a series of subjects, broadly under the following categories:

- (a) procedures relating to the implementation of specific provisions of the Basic Law;
- (b) improvement of the procedural arrangements of the Council; and
- (c) refinement of the textual presentation of rules and procedures in the Rules of Procedure and other Rules of the committees of the Council.

This report mainly outlines the items deliberated by the Committee and the proposed amendments to the Rules of Procedure. I will explain the proposed amendments in detail when I later on move a resolution to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special

Administrative Region later.

During the initial period of the first term of the Legislative Council, the Administration considered that certain provisions of this Council's Rules of Procedures were in contravention of the Basic Law. Therefore, the Committee decided to study those items first. Two of the items under study concerned with whether the voting procedures prescribed in the Rules of Procedure had contravened Annex II to the Basic Law and whether such provisions as the proposing of motions by Members had contravened Article 48(10) and Article 74 of the Basic Law. The Committee has held discussions on these two subjects with the Director of Administration and sought an independent opinion from Mr Denis CHANG Khen-lee, S.C.. It has come to the conclusion that the relevant provisions of the Rules of Procedures are not in contravention of the Basic Law, and that they need not be amended in accordance with the Administration's request. I will explain the relevant circumstances when I move to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region by way of a resolution later.

Apart from the above-mentioned two subjects, the Committee has completed deliberations on the following important subjects:

- (a) the procedure to implement Article 79(6) of the Basic Law for relieving a Member of his duties;
- (b) the procedure to implement Article 79(7) of the Basic Law for the censure of a Member;
- (c) timing for commencement of Legislative Sessions; and
- (d) order of speaking in motion debates.

In view of the importance and extensive scope of these subjects, the Committee has conducted consultation among all Members of this Council before finalizing its findings.

Concerning the implementation of Article 79(6) of the Basic Law for relieving a Member of his duties, the Committee has tabled a report on its work at the meeting of this Council on 9 September 1998. The consequential

amendment made to the Rules of Procedure was passed by this Council on that same day. Therefore, I will not repeat the conclusion drawn by the Committee in respect of this subject in the report I now submit.

Finally, I would like to express my sincere gratitude for Members' time and efforts. On behalf of the Committee, I would also like to thank other Members for the valuable advice they have given to the Committee and a number of staff in the Secretariat for their efforts.

Thank you, Madam President.

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立法會
Legislative Council

LC Paper No. CB(1)1772/99-00

Ref: CB1/R/3

**Paper for the House Committee meeting
on 9 June 2000**

Committee on Rules of Procedure

**Studies on the implementation of
Articles 49, 50 and 51 of the Basic Law
and moving of amendment withdrawn**

Purpose

This paper outlines the findings of the studies conducted by the Committee on Rules of Procedure (the Committee) on the following subjects and its proposals to amend the Rules of Procedure and the House Rules for putting in place procedural rules in relation to these subjects:

- (a) Reconsideration of a bill returned by the Chief Executive (CE) in accordance with Article 49 of the Basic Law;
- (b) Procedural arrangements for processing an Appropriation Bill presented to the Legislative Council (the Council) following the refusal of the Council to pass a budget under Articles 50 and 51 of the Basic Law; and
- (c) Moving of amendment which has been withdrawn before it is moved.

Reconsideration of a bill returned by the Chief Executive in accordance with Article 49 of the Basic Law

2. The Committee notes that when the draft Rules of Procedure were considered in June 1998, Members-elect had identified for further deliberation a number of issues in relation to the procedure for dealing with bills returned for reconsideration by CE in accordance with Article 49 of the Basic Law. Members-elect then agreed that for the time being, only the essential procedural steps were to be provided in the Rules of Procedure (Rule 66). As

a follow up, the Committee conducted a detailed study on the subject.

3. The Committee notes that under Article 49 of the Basic Law, if CE considers that a bill passed by the Council is not compatible with the overall interests of the Hong Kong Special Administrative Region (HKSAR), he may return it to the Council within three months for reconsideration. If the Council passes the original bill again by not less than a two-thirds majority of all the members and CE still refuses to sign it, and if consensus cannot be reached after consultations, CE may dissolve the Council in accordance with Article 50 of the Basic Law. In view of the serious nature of the matter, the Committee considers it necessary to provide a mechanism in the Rules of Procedure to enable the Council to process the returned bill. As this mechanism would involve CE, the Committee also sought the views of the Administration at every stage of its deliberation.

4. Both the Committee and the Administration consider that the return of a bill to the Council for reconsideration is a serious matter and should only take place under very exceptional circumstances and with good reason. The Administration is particularly concerned about the way to ensure an avenue for compromises to be made and consensus to be reached.

5. The Committee notes that under the current Rule 66 of the Rules of Procedure (Bills Returned for Reconsideration) and the current practice, there is no restriction on the introduction of an amendment bill to amend a bill passed but not yet signed by CE. The Committee is therefore of the view that if CE considers it not compatible with the overall interests of HKSAR to sign a bill passed by the Council, he may introduce an amendment bill to amend the bill passed within the same session. The amendment bill, like any other bills, shall be referred to the House Committee for consideration after it is adjourned at second reading. How the amendment bill is to be taken further will be determined by the House Committee. If consensus can be reached and the amendment bill is passed within three months of the passage of the original bill, both bills could be signed and promulgated. If it is not likely that the scrutiny of the amendment bill can be completed before the expiry of the three-month period, CE would have to return, in accordance with Article 49, the original bill to the Council for reconsideration. The returned bill will then be processed in accordance with Rule 66(4), (5) and (6) of the Rules of Procedure. The Committee therefore considers the mechanism provided under the current Rules of Procedure adequate to cater for the return of a bill under Article 49. However, for the sake of clarity, the Committee accepts the Administration's proposal to amend Rule 66(6) to reflect that when the House Committee is deciding on the manner in which a returned bill should be considered, it may take account of an amendment bill that may have been presented by the Government. The proposed amendment to Rule 66 is provided in **Appendix 1(a)**.

6. The Committee also proposes to delete Rule 61(5) (Procedure on Reporting of Bill from a Select Committee) which has previously been added to the Rules of Procedure inadvertently. The proposed amendment to Rule 61 is provided in **Appendix 1(b)**.

Procedural arrangements for processing an Appropriation Bill presented to the Council following the refusal of the Council to pass a budget under Articles 50 and 51 of the Basic Law

7. The Committee notes that Article 50 of the Basic Law also provides that if the Council refuses to pass a budget or any other important bill introduced by the Government, and if consensus cannot be reached after consultations, CE may dissolve the Council. The Committee finds it necessary to review the current provisions in the Rules of Procedure to ensure that procedural arrangements are in place to deal with the budget presented after the Council and the Administration have reached consensus.

8. The Committee noted that the term “budget” may cover both expenditure and revenue, and therefore considered it necessary to clarify the scope of the term before it could proceed with the study of the relevant procedural arrangements. At the House Committee meeting on 16 April 1999, the matter was referred to the Panel on Constitutional Affairs (CA Panel) for further study. The CA Panel reported to the House Committee on 11 February 2000 indicating its acceptance of the Administration's interpretation that the term "budget" in the context of Articles 50 and 51 referred only to the Appropriation Bill.

9. Upon further deliberation, the Committee accepts the CA Panel's view that the term “budget” should refer only to the Appropriation Bill. Nevertheless, the Committee considers that a decision of the Council to negative the second reading or third reading motion on an Appropriation Bill should be taken as the refusal of the Council to pass a budget.

10. On the procedural arrangements, the Committee considers that, in the light of the provision in Article 50, there should be an opportunity for “consultation” to take place and “consensus to be reached”. If consensus can be reached, the Administration should be allowed to present a fresh Appropriation Bill which may or may not be the same or substantially the same as the original one rejected by the Council. If the fresh Appropriation Bill is the same or substantially the same as the original one, the proceedings on it will be caught by Rule 51(7)(a) which provides that a bill which contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session. The Committee therefore agrees that such an Appropriation Bill should be exempted from the application of Rule 51(7)(a)

and that a new subrule (7A) be added to Rule 51 to provide that where the motion for the second or third reading of an Appropriation Bill is negatived, another Appropriation Bill containing the same or substantially the same provisions may be presented within the same session. The Administration supports the proposed amendments to Rule 51 which are provided in **Appendix 1(c)**.

11. The Committee also notes that the CA Panel will further examine what constitutes "any other important bill" in the context of Article 50 of the Basic Law. The Committee will consider, after the CA Panel's deliberation on the subject, whether exemption from the application of Rule 51(7)(a) should also be provided to an "important bill".

Moving of amendment which has been withdrawn before it is moved

12. The President of the Council has requested the Committee to examine the procedural arrangements for Members to move an amendment which has been withdrawn before it is moved by the Member in whose name the amendment stands. The need for conducting a review on the subject arose from an incident in which two Members who had given notices to move amendments to the District Councils Bill on 10 March 1999 withdrew their notices before the Chairman of the committee of the whole Council called upon them to move the amendments. A Member considered the withdrawal of the amendments unfair to him and other Members who were in support of the amendments. He therefore sought the Chairman's permission to move the amendments without notice. Having considered the fact that the contents of the proposed amendments had already been set out on the agenda and there had been sufficient time for Members to consider the amendments, the Chairman granted leave under Rule 57(2) for the Member to move the amendments without notice.

13. The Committee notes that under normal circumstances, the Chairman of the committee of the whole Council will only grant leave under Rule 57(2) for Members to move amendments without notice during committee stage to amend the wording of their proposed amendments to make them compatible with other amendments which have just been passed. Rule 57(2) has seldom been used to allow a Member to move an amendment the notice of which has been withdrawn before it is moved. The Committee also notes that there is no provision in the Rules of Procedure to enable any amendment the notice of which has been given to be considered and voted upon if the Member who has given the notice does not wish to pursue it.

14. Having referred to the practices in overseas jurisdictions, the Committee notes that the arrangements in the United Kingdom (UK), Canada and Australia allow more than one Member to move the same amendment. In UK and Canada, in the event that the Member who should move such an amendment withdraws it before the question on it is proposed, the Member next on the list may move the amendment. In the case of Australia, since no notice is required for moving amendments, the question of Members not being able to move amendments owing to lack of notice does not arise.

15. The Committee considers that as long as Members are given the opportunity to consider the amendment before it is moved, there is no reason why it cannot be moved by another Member if the Member who first gave the notice does not intend to pursue it. The Committee therefore recommends that express provision be made to allow more than one Member to give notice to the same amendment. All Members are required to give notice in accordance with Rules 29(6) and 57(2), as appropriate, and their names are listed in the order in which the notices were received by the Clerk. The first Member on the list shall be called upon to move the amendment. If he has withdrawn or decides not to move the amendment, the Member next on the list shall be so called upon and so on until the list is exhausted.

16. To achieve the above arrangement, the Committee proposes to amend Rule 30 (Manner of Giving Notice of Motions and Amendments) and Rule 35 (Withdrawal of Motions and Amendments) of the Rules of Procedure, and to add a new Rule 19A (Amendments to Motions) to the House Rules. The proposed amendments to Rules 30 and 35 and the proposed new House Rule 19A are in **Appendices 1(d), 1(e) and 2** respectively.

Advice sought

17. Members are invited to note the proposed amendments to the Rules of Procedure and the House Rules set out in Appendices 1 and 2 respectively.

18. Subject to any views which Members may have, Hon Mrs Selina CHOW, Chairman of the Committee on Rules of Procedure, will move a motion at the Council meeting on 21 June 2000 to amend the Rules of Procedure as proposed. In order to meet the 12 clear days' notice requirement, Hon Mrs Selina CHOW has already given notice to move the motion. The House Rules will be amended after the passage of the motion.

Proposed amendment to Rule 66 of the Rules of Procedure

66. Bills Returned for Reconsideration

(1) Where a bill passed by the Council is to be returned to the Council for reconsideration, notice of the return shall be given to the Clerk within 3 months of the passage of the bill; such notice shall be accompanied by a copy of the bill and a certificate signed by the Chief Executive certifying that he is returning the bill to the Council for reconsideration under Article 49 of the Basic Law.

(2) The Clerk shall, after receipt of the bill for reconsideration, cause a copy of the bill to be sent to every Member and the text of the bill to be published in the Gazette unless the President directs that the bill shall not be published in the Gazette before the short title of the returned bill has been read at a meeting of the Council.

(3) The short title of the bill shall be placed on the Agenda of a meeting of the Council as directed by the President.

(4) After the short title of the bill has been read by the Clerk, a designated public officer may speak on the return of the bill, whereupon the bill shall be referred to the House Committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders.

(5) If the Council orders that the bill shall not be referred to the House Committee, the bill shall be deemed to have been ordered to be set down for a motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration”, which may be moved by any Member without notice. The order of the Council shall be so recorded in the minutes of proceedings.

(6) When a returned bill is referred to the House Committee, the House Committee shall immediately arrange (and if considered necessary, in conjunction with any referred bill as may have been presented for the purpose of amending the returned bill) for the returned bill to be considered in such manner as it thinks fit, and after it has completed deliberation on the returned bill, a motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration” may be moved at a meeting of the Council.

(7) No amendment may be moved to a motion moved under subrule (5) or (6).

(8) If the number of Members in favour of the motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration” is not less than a two-thirds majority of all the Members, the Clerk shall read the short title of the bill and shall write at the end of the bill the words “Reconsidered and passed by not less than a two-thirds majority of all the Members of the Legislative Council of the Hong Kong Special Administrative Region this day” giving the date. A true copy of the bill shall be certified by the Clerk and submitted to the Chief Executive for his signature.

(9) If the number of Members in favour of the motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration” is less than a two-thirds majority of all the Members, the Clerk shall read the short title of the bill and shall write at the end of the bill the words “Reconsidered, with less than a two-thirds majority of all the Members of the Legislative Council of the Hong Kong Special Administrative Region in favour of the motion that the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration, this day” giving the date. A true copy of the bill shall be certified by the Clerk and submitted to the Chief Executive.

(10) If a returned bill is signed by the Chief Executive under Article 76 of the Basic Law and notice thereof is given to the Clerk before a motion on that bill is moved under subrule (5) or (6), no further proceedings shall be taken on the bill.

Proposed amendment to Rule 61 of the Rules of Procedure

61. Procedure on Reporting of Bill from a Select Committee

(1) When a bill has been reported from a select committee the Council may consider the bill as reported on a motion, moved by the chairman of the select committee, that the report of the select committee on the bill be adopted.

(2) If that motion is agreed to without amendment, the Council shall be deemed to have ordered the bill to be set down for third reading and the order of the Council shall be so recorded in the minutes of proceedings, and notice of third reading shall not be required to be given by the Member in charge of the bill.

(3) On a motion to adopt the report of a select committee on a bill moved under subrule (1), a Member may propose an amendment to add at the end of the motion the words “subject to the recommittal of the bill (either wholly or in respect only of some particular part or parts of the bill or of some proposed new clause or new schedule) to a committee of the whole Council”.

(4) If the motion is agreed to as amended in accordance with subrule (3), the bill shall stand recommitted as required by the motion, and the Council shall immediately resolve itself into a committee of the whole Council to consider it.

~~(5) This Rule shall not apply to the procedure on the reporting of a bill from a select committee formed to consider a bill returned by the Chief Executive to the Council for reconsideration.~~

Proposed amendments to Rule 51 of the Rules of Procedure

51. Notice of Presentation of Bills

(1) A Member or a designated public officer may at any time give notice of his intention to present a bill; such notice shall be sent to the office of the Clerk and shall be accompanied by a copy of the bill and memorandum required by Rule 50 (Form of Bills), and in the case of a Member, also by a certificate signed by the Law Draftsman pursuant to subrule (2).

(2) In the case of a bill to be presented by a Member, the Law Draftsman, if satisfied that the bill conforms to the requirements of Rule 50 (Form of Bills) and the general form of Hong Kong legislation, shall issue a certificate to that effect.

(3) Members may not either individually or jointly introduce a bill which, in the opinion of the President, relates to public expenditure or political structure or the operation of the Government.

(4) In the case of a bill which, in the opinion of the President, relates to Government policies, the notice shall be accompanied by the written consent of the Chief Executive in respect of the bill. *(L.N. 107 of 1999)*

(5) In the case of a bill presented in one official language in pursuance of a direction under section 4(3) of the Official Languages Ordinance (Cap. 5), the notice shall be accompanied by a certificate stating that the Chief Executive in Council has directed that the bill should be presented in the Chinese language or, as the case may be, the English language.

(6) In the case of a bill presented by a Member having any intention such as is described in Rule 50(8) (Form of Bills), the notice shall be accompanied by a certificate signed by the Member, stating that the bill has been published in two successive publications of the Gazette and that notice of the bill has been given by two advertisements in each of two daily newspapers published in Hong Kong, one being a Chinese language newspaper and another being an English language newspaper.

- (7) (a) Except as otherwise provided in subrule (7A) and Rule 66 (Bills Returned for Reconsideration), a bill which, in the opinion of the President, contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session and shall be withdrawn.
- (b) If a bill which has been read for the second time is subsequently withdrawn another bill with substantially the same provisions may be presented in the same session, subject to the provisions of Rule 50 (Form of Bills), this Rule and Rule 52 (Presentation and Publication of Bills).

(7A) Where the motion for the second or third reading of an Appropriation Bill is negatived, another Appropriation Bill containing the same or substantially the same provisions may be presented within the same session.

(8) A Member presenting a bill shall be known throughout the subsequent proceedings on the bill as the Member in charge of the bill. In the case of a bill introduced jointly by more than one Member, these Members shall designate among themselves a Member as the Member in charge of the bill at the time of presenting the bill and the Member so designated shall signify himself as such in the notice for presentation.

(9) A public officer presenting a bill shall be known throughout the subsequent proceedings on the bill as the public officer in charge of the bill; and references in these Rules of Procedure to a Member in charge of a bill include a public officer in charge of a bill.

Proposed amendment to Rule 30 of the Rules of Procedure

30. Manner of Giving Notice of Motions and Amendments

(1) Notice of a motion or an amendment shall be given by delivering a copy of the motion or amendment in writing to the office of the Clerk. Subject to Article 73(9) of the Basic Law, the notice shall be signed by the Member wishing to move the motion or amendment, and such other Members who introduce the motion or amendment jointly with the mover of the motion or amendment.

(1A) Notice of a motion moved under Rule 49B(1A) (Disqualification of Member from Office) shall be signed by the Member wishing to move the motion and 3 other Members. *(L.N. 107 of 1999)*

(2) A notice of an amendment to a motion shall be in Chinese if the motion is in Chinese and in English if the motion is in English.

(3) A notice of a motion or an amendment shall be submitted to the President, who shall direct –

- (a) that it be printed in the terms in which it was handed in; or
- (b) that it be printed with such alterations as he may direct; or
- (c) that it be returned to the Member who signed it, as being in his opinion out of order.

(4) If more than one notice is received by the Clerk for the same amendment, the Member who gave the earliest notice which has not been withdrawn shall be the mover of the amendment.

Proposed amendment to Rule 35 of the Rules of Procedure

35. Withdrawal of Motions and Amendments

(1) A notice of a motion or an amendment may be withdrawn at any time before it is moved, if the ~~mover~~Member in whose name the motion or amendment stands gives instructions to that effect to the Clerk.

(2) A motion or an amendment may be withdrawn at the request of the mover by leave of the Council or committee of the whole Council before the question is put thereon, if there is no dissenting voice. A motion or amendment which has been so withdrawn may be proposed again if, in the case of a motion, the notice required by these Rules of Procedure is given.

Proposed new House Rule 19A

19A. Amendments to Motions

- (a) Members may give notices of the same amendment to a motion or a bill, subject to the notice requirements given in Rules 29(6) and 57(2) of the Rules of Procedure, as appropriate.
- (b) Where more than one Member give notices of the same amendment, the amendment will be issued under the list of Members who have given notices of the amendment in the order in which the notices were received by the Clerk.
- (c) The first Member on the list shall be called upon to move the amendment. If he has withdrawn the notice or decides not to move the amendment, the Member next on the list shall be so called upon and so on until the list is exhausted.

Extract of the minutes of the House Committee meeting on 9 June 2000

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VI. Business for the Council meeting on 21 June 2000

(e) Members' motions

- (i) Resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China - to be moved by Hon Mrs Selina CHOW LIANG Shuk-ye**

31. The Chairman said that the proposed resolution sought to amend Rules 23, 25, 30, 31, 35, 51, 61 and 66 of the Rules of Procedure.

32. The Chairman further said that at the meeting on 28 April 2000, members agreed to the Chairman of the Committee on Rules of Procedure moving a motion at a Council meeting within the current session to amend Rules 23, 25 and 31 to provide for the application of the rule of anticipation to Council business. He added that the Committee would report under agenda item XI(a) below regarding the amendments to Rules 30, 35, 51, 61 and 66.

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XI. Papers of the Committee on Rules of Procedure

- (a) Studies on the implementation of Articles 49, 50 and 51 of the Basic Law and moving of amendment withdrawn**
(LC Paper No. CB(1) 1772/99-00)

107. Mrs Selina CHOW, Chairman of the Committee, introduced the paper which detailed the findings of the studies conducted by the Committee on the implementation of BL 49, 50 and 51 and moving of amendment which had been withdrawn before it was moved.

108. Mrs CHOW drew members' attention to paragraph 5 of the paper and said that the Committee had accepted the Administration's proposal to amend Rule 66(6) of the Rules of Procedure to reflect that when the House Committee was deciding on the manner in which a bill returned under BL 49 should be considered, the House Committee might take account of an amendment bill that might have been presented by the Government.

109. Mrs CHOW then highlighted the Committee's deliberations on the procedural arrangements for processing an Appropriation Bill presented to the Council following the refusal of the Council to pass a budget under BL 50 and 51 as detailed in paragraph 10 of the paper.

110. Mrs CHOW also explained the Committee's proposal detailed in paragraphs 15 and 16 of the paper regarding the making of express provisions to the Rules of Procedure and House Rules to allow more than one Member to give notice to the same amendment.

111. Mrs CHOW added that in order to meet the 12 clear days' notice requirement, she had already given notice to move a motion at the Council meeting on 21 June 2000 to amend the Rules of Procedure in the manner as set out in Appendix 1(a) to (e) to the paper.

112. Mr Albert HO said that Members belonging to the Democratic Party were of the view that the term "budget" in BL 50 and 51 should cover both expenditure and revenue. They considered that the mechanisms provided in the two Articles should be set in motion in the event of the Council rejecting an Appropriation Bill or any major revenue proposal.

113. Members raised no objection to Mrs CHOW moving a motion at the Council meeting on 21 June 2000 to amend the Rules of Procedure as proposed.

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Legislative Council Secretariat

15 June 2000

**Extract of the Committee on Rules of Procedure of
the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period May 1999 to June 2000**

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2. Implementation of the provisions in the Basic Law

**Procedural arrangements for dealing with the refusal of the Council to pass
a budget under Article 50 of the Basic Law**

2.15 On the procedural arrangements, the Committee considers that, in the light of the provision in Article 50, there should be an opportunity for “consultation” to take place and “consensus to be reached”. If consensus can be reached, the Administration should be allowed to present a fresh Appropriation Bill which may or may not be the same or substantially the same as the original one rejected by the Council. If the fresh Appropriation Bill is the same or substantially the same as the original one, the proceedings on it will be caught by Rule 51(7)(a) of the Rules of Procedure which provides that a bill which contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session. The Committee therefore agrees that such an Appropriation Bill should be exempted from the application of Rule 51(7)(a) and that a new subrule (7A) be added to Rule 51 to provide that where the motion for the second or third reading of an Appropriation Bill is negatived, another Appropriation Bill containing the same or substantially the same provisions may be presented within the same session. The Administration supports these proposed amendments to Rule 51.

2.16 The Committee also notes that the CA Panel will further examine what constitutes "any other important bill" in the context of Article 50 of the Basic Law. The Committee will consider, after the CA Panel's deliberation on the subject, whether exemption from the application of Rule 51(7)(a) should also be provided to an "important bill".

2.17 As regards the procedural arrangements for dealing with applications for provisional appropriations by CE in accordance with Article 51, the Committee notes that under section 7(1) of the Public Finance Ordinance (Cap. 2), the Council may, in advance of an Appropriation Ordinance, by resolution authorize expenditure for the services of the Government in respect of a financial year to be charged on the general revenue. The Committee shares the Administration's view that the legislative intent and purpose of section 7(1) of the Public Finance Ordinance may have already covered the rejection of the Appropriation Bill, and that it is unnecessary to make any legislative amendment or elaboration on the Public Finance Ordinance. The Committee also considers that an application for provisional appropriations can be dealt with by way of a motion in accordance with the procedure in Part G (Motions) of the Rules of Procedure. The Committee therefore agrees that it is not necessary to introduce any legislation or procedural rules in this respect.

2.18 As regards the procedure for CE to exercise his authority conferred on him by virtue of Article 51 of the Basic Law to approve provisional short-term appropriations after dissolution of the Council, the Committee is of the view that it is not appropriate for the Council to determine the procedure involved.

2.19 The subject was put to the House Committee for consultation at its meeting on 9 June 2000. No question was raised on the proposed amendments to Rule 51. However, the Committee notes that Members of the Democratic Party hold the view that the term "budget" in the context of Articles 50 and 51 should have a wider meaning and cover both expenditure and revenue.

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Committee on Rules of Procedure

List of issues studied during the
1998-2000 Legislative Council term

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Item	Issue	Reference	Progress/Remarks
5	To consider the need for providing specific rules for the Council: (a) to consider an Appropriation Bill presented following the refusal of the Council to pass a budget; and (b) the Chief Executive's application for provisional appropriations in case the Council refuses to pass the budget introduced by the Government	Articles 50 and 51 of Basic Law, Rule 51 of Rules of Procedure	The House Committee endorsed the proposed amendments to Rule 51 on 9 June 2000. A resolution to amend the Rules of Procedure will be moved at the Council meeting on 21 June 2000
14	To examine provisions relating to the exercise of opinion by the President and other Members, the disallowance of vote of Members with direct pecuniary interest, and provisions relating to indication of Members' intention to speak.	Rules 31, 36, 51, 57 and 84 of Rules of Procedure	The House Committee endorsed the proposed amendments to Rules 31, 36, 51, 57 and 84 on 19 January and 9 February 1999. A resolution to amend the Rules of Procedure was carried at the Council meeting on 28 April 1999.

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**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 21 June 2000**

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PRESIDENT (in Cantonese): Mrs Selina CHOW will address the Council on the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period May 1999 to June 2000.

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period May 1999 to June 2000

MRS SELINA CHOW (in Cantonese): Madam President, on behalf of the Committee on Rules of Procedure, I would like to submit to this Council the Progress Report of the Committee on Rules of Procedure for the period May 1999 to June 2000.

This is the second report submitted by the Committee on Rules of Procedure since its establishment on 10 July 1998. The Report sets out the details of the study by the Committee concerning the following three major items in the past year:

First, the procedural arrangements pertaining to the implementation of Articles 49, 50 and 51 of the Basic Law;

Second, improvement to the procedural arrangements of the Legislative Council; and

Third, improvement to the procedural arrangements of the Committees of the Legislative Council.

This Report has also set out the amendments proposed by the Committee to the Rules of Procedure in respect of the above items. As regards the amendments proposed to the rules on speaking during debates as well as the rules on the notice of motion of thanks, they were already carried by this Council on 5 April. For the rest of the amendments, I will move a resolution in this regard later in this meeting, with detailed explanation to the amendments

proposed.

Since this Report is a summary of the work of the Committee during this session, I would like to expound on the working pattern of the Committee in fulfilling our duties. We reckon the formulation of the Rules of Procedure of the Legislative Council as a very important and serious task. Therefore, whenever we have to make a review of any matter, we will certainly conduct very detailed study in advance, including consulting the practice of other jurisdictions, as well as the precedents and the usual practice of Hong Kong. We will examine various possible options from different angles and with an open attitude. It is only after repeated discussions that we will submit the proposal to the House Committee for consultation, before formally submitting it to this Council for endorsement.

If the subject under study is related to the implementation of the Basic Law or may affect the work of the Government, we will consult the Government. For instance, when considering the implementation of Article 49 of the Basic Law, concerning the procedure whereby the Chief Executive returns a bill, already passed by the Legislative Council, to the Council for reconsideration, we have conducted repeated discussions with the Director of Administration through the Secretariat. The amendments that I am going to move on behalf of the Committee have already taken the needs of both the Government and the legislature into full account.

When considering the implementation of Article 50 of the Basic Law, which concerns the procedure after the Legislative Council refuses to pass a budget, the Committee has, in regard to the interpretation of the word "budget", also tried to understand the viewpoint of the Government through the Panel on Constitutional Affairs. And finally, the Committee accepted the viewpoint of the Government in this regard and suggested to put in place the procedural arrangements concerned.

From the above, we can see that before putting forward any procedural amendments or proposals, members of the Committee and staff of the Secretariat have made a lot of efforts. However, we believe that such efforts are necessary and worthwhile. It is because what we are formulating is a *modus operandi* which enables the legislature to work efficiently while taking into account of the rights and interests of each and every Member of the Legislative Council.

I am very grateful to Members for their support and trust to the Committee. And I am also taking this opportunity to thank the staff of the Secretariat for their contribution to the Committee with their professionalism during the past two years.

Thank you, Madam President.

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**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 22 June 2000**

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MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region (SAR) of the People's Republic of China.

**PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC LAW
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA**

MRS SELINA CHOW (in Cantonese): Madam President, I move that the resolution on the amendment of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region (SAR), as printed under my name on the Agenda, be passed.

The proposed amendments to the Rules of Procedure put forward by the Committee on Rules of Procedure (the Committee) this time are chiefly related to the following four issues:

First, amending Rule 66 of the Rules of Procedure to improve the procedural arrangement under the Rules of Procedure for the Chief Executive to return a bill passed by the Legislative Council for reconsideration in accordance with Article 49 of the Basic Law. The deliberations of the Committee were focused on how the Chief Executive could be enabled to put forward other proposals if he should consider it not compatible with the overall interests of the Hong Kong Special Administrative Region (SAR) to sign a bill passed by the Council, with a view to enabling a consensus to be reached between the Council and the Administration. After taking into consideration the general practice of

the Council in dealing with bills, the Committee has come to the view that the Chief Executive could introduce an amendment bill to amend the bill concerned. The amendment bill would be handled in the same manner as other bills. For these reasons, the Committee considered that the mechanism provided under the existing Rules of Procedure should be adequate to cater for the return of a bill under Article 49 of the Basic Law. Nevertheless, it also accepted the proposal put forward by the Administration to set out under Rule 66(6) that in the event of the Chief Executive returning a bill to the Council within three months for reconsideration in accordance with Article 49 of the Basic Law, the House Committee should also take into account any amendment bills submitted in relation to the bill returned when deciding on the manner in which the returned bill should be dealt with.

Second, procedural arrangements for dealing with the refusal of the Council to pass a budget under Article 50 of the Basic Law. As I pointed out earlier on when presenting the Committee's Progress Report to this Council, with the approval of the House Committee, the Committee has invited the Panel on Constitutional Affairs to consult the Administration on the interpretation of the term "budget" in the context of Articles 50 and 51 of the Basic Law. According to the document presented by the Administration to the Panel, the term "budget" is not defined in the Basic Law or the laws of Hong Kong. However, if a purposive approach to interpreting the relevant provisions should be adopted, Articles 50, 51 and 52 of the Basic Law are in fact sequential and related. Article 51 of the Basic Law provides that if the Council refuses to pass a budget, the Chief Executive may apply to the Council for provisional appropriations. The term "appropriations", without a doubt, refers to the voting of expenditure, normally through the annual Appropriation Bill. The Administration has therefore opined that the term "budget" in the context of Articles 50 and 51 should be referring to the expenditure side of the budget, which is the Appropriation Bill.

In February this year, the Panel on Constitutional Affairs submitted a report to the House Committee stating that it accepted the view of the Administration. Upon deliberation, the Committee accepted the view of the Panel that the term "budget" should refer only to the Appropriation Bill. It then commenced to examine the relevant procedural

arrangements on the basis of this interpretation. The Committee has come to the view that in the event of the Appropriation Bill being rejected by the Council, if a consensus could be reached between the Council and the Administration through consultation, the Administration should be allowed to present a fresh Appropriation Bill. In this connection, the Committee has proposed to amend Rule 51 to provide that, where the motion for the Second or Third Reading of an Appropriation Bill is negatived, another Appropriation Bill containing the same or substantially the same provisions may be presented within the same Session. The Administration has given support to the amendment proposed.

Third, application of the rule of anticipation to Council Business. The Committee considers that the rule of anticipation could help the Council to handle Council business and make use of the Council's meeting time in a most effective manner, and that the rule should be applied to questions, motions, as well as bills. As regards committee deliberations, the Committee has come to the view that the application of the rule of anticipation should be confined to matters being considered by standing committees, select committees, or committees authorized by the Council to conduct inquiries. With regard to the matters being considered by the aforementioned committees, the Committee has opined that such matters should not be anticipated in any less effective forms of proceeding, namely questions and motions with no legislative effect. The Committee has seen a need for the Rules of Procedure to provide for such conditions and therefore proposed amendments to Rules 25 and 31.

Fourth, procedural arrangements for allowing other Members to move an amendment which has been withdrawn. Having regard to the practices of other parliamentary assemblies, the Committee has come to the view that more than one Member should be allowed to give notice to the same amendment. If the Member who first gives the notice should decide not to move the amendment, the amendment could still be moved by the next Member who has given the notice. In this connection, the names of the Members concerned would be listed in the order in which their respective notices were received by the Clerk. To put into effect the said arrangements, the Committee has recommended amending Rules 30 and 35 of the Rules of Procedure.

I hereby urge Honourable Members to support the resolution to amend the Rules of Procedure.

Thank you, Madam President.

Mrs Selina CHOW moved the following motion:

"That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended –

(1) in Rule 23(3), by repealing "with no" and substituting "not intended to have";

(2) in Rule 25 –

(a) by repealing subrule (1)(e);

(b) by adding –

"(3) If the President is of the opinion that the subject matter of a question or any part thereof notice of which is given under Rule 24(2) (Notice of Questions) is substantially the same as that of any matter –

(a) raised in another question notice of which has been given earlier for the same Council meeting;
or

(b) raised in a motion, or a bill, notice of which has been given earlier for a specific Council meeting; or

(c) being considered by a standing committee or a select committee, or a committee authorized by the Council to conduct an inquiry into that matter,

the President may direct that the Member be informed that the question or the part thereof is out of order.";

(3) in Rule 30, by adding -

"(4) If more than one notice is received by the Clerk for the same amendment, the Member who gave the earliest notice which has not been withdrawn shall be the mover of the amendment.";

(4) in Rule 31 -

(a) by renumbering it as Rule 31(1);

(b) by adding -

"(2) If the subject matter of a motion (not being a motion proposed to be moved by a designated public officer) not intended to have legislative effect and notice of which is given is substantially the same as that of -

(a) a motion intended to have legislative effect, or a bill, notice of which has been given earlier for a specific Council meeting; or

(b) any matter being considered by a standing committee or a select committee, or a committee authorized by the Council to conduct an inquiry into that matter,

the President shall direct that the notice be returned to the Member who signed it, as being in his opinion out of order.";

(5) in Rule 35(1), by repealing "mover" and substituting "Member";

- (6) in Rule 51 -
- (a) in subrule (7)(a), by adding "subrule (7A) and" before "Rule 66";
 - (b) by adding -

"(7A) Where the motion for the second or third reading of an Appropriation Bill is negatived, another Appropriation Bill containing the same or substantially the same provisions may be presented within the same session.";
- (7) by repealing Rule 61(5);
- (8) in Rule 66(6), by adding "(and if considered necessary, in conjunction with any referred bill as may have been presented for the purpose of amending the returned bill)" after "arrange".

PRESIDENT (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mrs Selina CHOW, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion passed.

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L.N. 228 of 2000**BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION OF THE PEOPLE'S REPUBLIC OF CHINA****RESOLUTION OF THE LEGISLATIVE COUNCIL****RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 22 June 2000.

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended—

(1) in Rule 23(3), by repealing “with no” and substituting “not intended to have”;

(2) in Rule 25—

(a) by repealing subrule (1)(e);

(b) by adding—

“(3) If the President is of the opinion that the subject matter of a question or any part thereof notice of which is given under Rule 24(2) (Notice of Questions) is substantially the same as that of any matter—

(a) raised in another question notice of which has been given earlier for the same Council meeting; or

(b) raised in a motion, or a bill, notice of which has been given earlier for a specific Council meeting; or

(c) being considered by a standing committee or a select committee, or a committee authorized by the Council to conduct an inquiry into that matter,

the President may direct that the Member be informed that the question or the part thereof is out of order.”;

- (3) in Rule 30, by adding—
“(4) If more than one notice is received by the Clerk for the same amendment, the Member who gave the earliest notice which has not been withdrawn shall be the mover of the amendment.”;
- (4) in Rule 31—
(a) by renumbering it as Rule 31(1);
(b) by adding—
“(2) If the subject matter of a motion (not being a motion proposed to be moved by a designated public officer) not intended to have legislative effect and notice of which is given is substantially the same as that of—
(a) a motion intended to have legislative effect, or a bill, notice of which has been given earlier for a specific Council meeting; or
(b) any matter being considered by a standing committee or a select committee, or a committee authorized by the Council to conduct an inquiry into that matter,
the President shall direct that the notice be returned to the Member who signed it, as being in his opinion out of order.”;
- (5) in Rule 35(1), by repealing “mover” and substituting “Member”;
- (6) in Rule 51—
(a) in subrule (7)(a), by adding “subrule (7A) and” before “Rule 66”;
(b) by adding—
“(7A) Where the motion for the second or third reading of an Appropriation Bill is negatived, another Appropriation Bill containing the same or substantially the same provisions may be presented within the same session.”;
- (7) by repealing Rule 61(5);

- (8) in Rule 66(6), by adding “(and if considered necessary, in conjunction with any referred bill as may have been presented for the purpose of amending the returned bill)” after “arrange”.

Ricky FUNG Choi-cheung
Clerk to the Legislative Council

22 June 2000

Extract of the minutes of the House Committee meeting on 29 June 2001

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VI. Business for the Council meeting on 11 July 2001

(e) Members' motions

(i) Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China - to be moved by Hon TSANG Yok-sing

(Wording of the motion issued vide LC Paper No. CB(3) 821/00-01 dated 21 June 2001.)

60. The Chairman said that Mr TSANG yok-sing would move the above motion on 11 July 2001. She reminded Members that the speaking time limit was not more than 15 minutes for each Member.

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Legislative Council Secretariat
5 July 2001

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 the Rules of Procedure of the Legislative Council of the Hong Kong
Special Administrative Region be amended -

(1) by repealing Rule 50(8) and substituting -

“(8) In the case of a bill which is a “private bill” as defined
in the Private Bills Ordinance (Cap. 69), there shall be included in the
bill the following clause:

“Saving

Nothing in this Ordinance shall affect or be deemed to
affect the rights of the Central Authorities or the Government
of the Hong Kong Special Administrative Region under the
Basic Law and other laws, or the rights of any body politic or
corporate or of any other person except such as are mentioned
in this Ordinance and those claiming by, from or under
them.”. ”;

(2) in Rule 51(6), by repealing “having any intention such as is described” and
substituting “such as is referred to”.

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
OF THE PEOPLE'S REPUBLIC OF CHINA

RESOLUTION OF THE LEGISLATIVE COUNCIL

RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 12 July 2001.

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended -

(1) by repealing Rule 50(8) and substituting -

“(8) In the case of a bill which is a “private bill” as defined in the Private Bills Ordinance (Cap. 69), there shall be included in the bill the following clause:

“Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.”. ”;

(2) in Rule 51(6), by repealing “having any intention such as is described” and substituting “such as is referred to”.

Ricky FUNG Choi-cheung
Clerk to the Legislative Council

12 July 2001

**Extract of the Committee on Rules of Procedure of
the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period October 2000 to June 2001**

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4. Fine-tuning of provisions and expressions used in procedural rules

4.1 In the 2000-2001 session, the Committee has fine-tuned the provisions of the Rules of Procedure and the wording of the Chinese text of the House Rules.

Saving provision in private bills

4.2 The Committee notes that prior to the reunification on 1 July 1997, the Royal Instructions provided that each private bill should contain a section "saving the rights of Her Majesty, Her heirs and successors". Such a provision was also included in the Standing Orders of the then Legislative Council. After the reunification, when the First Legislative Council of the Hong Kong Special Administrative Region made its Rules of Procedure in July 1998, the saving provision in the Standing Orders was adapted to "saving the rights of the Government" (Rule 50(8) of the Rules of Procedure).

4.3 However, by virtue of paragraph 10 of Annex 3 to the "Decision of the Standing Committee of the National People's Congress on Treatment of the Laws Previously in Force in Hong Kong in accordance with Article 160 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China", any reference to the saving provision shall be construed as a reference to "nothing in this Ordinance shall affect or be deemed to affect the rights of the Central People's Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws (本條例的條文不影響亦不得視為影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利)". In October 1998, the Administration introduced the Adaptation of Laws Bill 1998 which sought, inter alia, to adapt the saving provision in accordance with Annex 3 to the Decision of the Standing Committee. In view of the discrepancy between the Chinese and English texts of the Decision of the Standing Committee ("中央 (Central People's Government)", "和其他法律 (or other laws)", the Administration accepted the Bills Committee's view and introduced Committee Stage amendments to reflect the meaning of the Chinese text, i.e. to replace "Central People's Government" by "Central Authorities", and "or other laws" by "and other laws". The Bill, as amended, was passed on 28 April 1999 and enacted as the Adaptation of Laws (No.5) Ordinance 1999.

4.4 In view of the above developments, the Committee considers it necessary to bring the wording of the saving provision in Rule 50(8) of the Rules of Procedure in line with that of the above Adaptation of Laws Ordinance.

4.5 As a notice of presentation of a private bill shall be accompanied by a certificate signed by the Law Draftsman that the bill conforms to the requirements of Rule 50 and the general form of Hong Kong legislation, the Committee has consulted the Law Draftsman on the proposed amendments to Rule 50(8). The proposed amendments agreed by the Committee and the Law Draftsman have the support of the House Committee. A consequential amendment will be made to Rule 51(6).

4.6 Hon Jasper TSANG Yok-sing, Chairman of the Committee, will move a motion at the Council meeting on 11 July 2001 to amend Rules 50(8) and 51(6) of the Rules of Procedure.

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Committee on Rules of Procedure

**List of issues studied during the
2000-2001 Legislative Council Session**

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Item	Issue	Reference	Progress/Remarks
2	2 To consider the need to bring the wording of the saving provision in Rule 50(8) (i.e. saving the rights of the Government) in line with the Council's decisions on the saving provisions in a number of ordinances.	Rules 50(8) and 51(6) of Rules of Procedure	The House Committee endorsed the proposed amendments to Rule 50(8) on 25 May 2001. A motion to amend the Rules of Procedure will be moved at the Council meeting on 11 July 2001.

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Legislative Council Secretariat
29 June 2001

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 11 July 2001**

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ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr Jasper TSANG will address the Council on the progress report of the Committee on Rules of Procedure for the period October 2000 to June 2001.

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2000 to June 2001

MR JASPER TSANG (in Cantonese): Madam President, in my capacity as Chairman of the Committee on Rules of Procedure, I would like to submit to this Council the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2000 to June 2001.

This report highlights the Committee's studies in three areas over the past year, which include:

- (1) review of the procedural arrangements relating to Council meetings;
- (2) review of the procedures and working mechanism of the committees of the Council; and
- (3) fine-tuning of provisions and expressions used in procedural rules.

First of all, as regards the review of procedural arrangements relating to Council meetings, the Committee has studied and discussed in detail the procedural arrangements for the debate on the policy address. Having regard to the functions of the Legislative Council to, among other things, receive and debate the policy addresses of the Chief Executive under Article 73(4) of the Basic Law, the Committee has reviewed the current procedure relating to the Motion of Thanks, including the appropriateness of the wording of the motion and the arrangement for proposing amendments to the motion.

After consideration, the Committee finds that the current arrangement of debating the policy address upon a motion is not inconsistent with the Basic Law. On the wording of the motion, the Committee considers that its present wording, that is, "That this Council thanks the Chief Executive for his address" should be retained.

As regards amendments to the motion, the Committee is of the view that the existing arrangement of allowing amendments to the motion only by adding words at the end of the motion should be retained.

While reviewing the procedure of the Motion of Thanks, the Committee held that the present mode of debate could be improved. After making reference to the practice in other jurisdictions, the Committee considers that structuring the debate by policy areas has the merits of making the debate more focused and efficient. Having consulted the House Committee and the Administration, the Committee proposed that the current procedural arrangement, whereby Members speak on two days and public officers respond on one day, be changed to a new mode comprising a three-day debate with six sessions on specific policy areas and one day on general policies. The relevant Policy Secretaries will respond in the relevant sessions of the debate.

The Committee will continue to study the details of the arrangement, so that the trial implementation of the new mode can be carried out in the debate on the 2001 policy address in the next session.

With regard to the review of the procedures and working mechanism of the committees of the Council, the Committee has, at the invitation of the House Committee, studied Miss Margaret NG's proposal on the working mechanism of Panels and Bills Committees for the scrutiny of legislative and financial proposals.

In the course of its study, the Committee had examined the current arrangements for scrutinizing legislative and financial proposals in the legislature of Hong Kong and made reference to the practices in legislatures overseas, including the United Kingdom, Australia, Canada and the United States. The Committee also invited views from the Chairmen and Deputy Chairmen of various Panels and representatives of the Administration on the current working mechanism as well as Miss Margaret NG's proposal.

Having considered the views of Panel Chairmen and the Administration, the Committee came up with a series of improvement measures. They included requesting the Administration to consult the relevant Panels on major legislative and financial proposals as early as practicable and provide papers at least one week in advance of the relevant Panel meeting, and also requesting the Administration to provide periodic updates of the Legislative Programme. These measures have been referred to the Administration for follow-up after they were accepted by the House Committee in January this year. The Committee subsequently conducted a review in May and submitted a report to the House Committee on 15 June, further proposing to request the Administration to make improvements in respect of the timing for provision of discussion papers and the information in its papers on financial proposals on which Panels are consulted.

On the fine-tuning of provisions and expressions used in procedural rules, the Committee proposes to fine-tune some provisions of the Rules of Procedure, and has reviewed in detail the wording of the Chinese text of the House Rules and made amendments to it. I will move a resolution later to amend the Rules of Procedure on the basis of the Committee's proposals.

Finally, I wish to take this opportunity to thank Honourable Members for supporting the work of the Committee and giving valuable views on it.

Thank you, Madam President.

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**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 12 July 2001**

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**PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC LAW
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA**

MR JASPER TSANG (in Cantonese): Madam President, I move that the resolution standing under my name on the amendment to the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region, be passed. The content of the resolution is set out on the Agenda.

The amendment proposed by the Committee on the Rules of Procedure to the Rules of Procedure seeks mainly to bring the wordings of the saving clause in relation to "private bills" under Rule 50(8) in line with the saving clause of the Adaptation of Laws (No. 5) Ordinance 1999. The Committee also proposes to make consequential amendments to Rule 51(6).

Madam President, I urge Members to support this resolution to amend the Rules of Procedure.

Thank you.

Mr Jasper TSANG moved the following motion:

"That the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended -

(1) by repealing Rule 50(8) and substituting -

"(8) In the case of a bill which is a "private bill" as defined in the Private Bills Ordinance (Cap. 69), there shall be included in the bill the following clause:

"Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them."."

- (2) in Rule 51(6), by repealing "having any intention such as is described" and substituting "such as is referred to"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Jasper TSANG be passed.

PRESIDENT (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Jasper TSANG be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion passed.

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L.N. 176 of 2001

**BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION OF THE PEOPLE'S REPUBLIC OF CHINA**

RESOLUTION OF THE LEGISLATIVE COUNCIL

**RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 12 July 2001.

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended—

(1) by repealing Rule 50(8) and substituting—

“(8) In the case of a bill which is a “private bill” as defined in the Private Bills Ordinance (Cap. 69), there shall be included in the bill the following clause:

“Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.”.

(2) in Rule 51(6), by repealing “having any intention such as is described” and substituting “such as is referred to”.

Ricky FUNG Choi-cheung
Clerk to the Legislative Council

12 July 2001

立法會
Legislative Council

LC Paper No. CROP 43/20-21

Ref : CB(2)/CROP/3/90
Tel : 3919 3204
Date : 11 February 2021
From : Clerk to Committee on Rules of Procedure
To : All Members of the Legislative Council

Committee on Rules of Procedure

**Consultation on proposals to amend
the Rules of Procedure and House Rules**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on the proposals submitted by Ir Dr Hon LO Wai-kiwok and Hon CHAN Hak-kan to amend the Rules of Procedure ("RoP") and House Rules ("HR").

Background

2. Given the past incidents of filibusters in the Council and committees, lengthy process of election of committee chairmen, grossly disorderly conduct of certain Members and abuse of procedures to cause disruption to the proceedings of the Council and committees, there have been calls to review the rules and procedures of the Legislative Council ("LegCo") in order to achieve the orderly, efficient and fair disposition of Council business. It is also considered an opportune time to conduct a comprehensive review of RoP and HR to better ensure the effective and efficient operation of the legislature to keep up with new developments while upholding the rights of Members to speak and to debate.

3. At its meeting on 3 February 2021, CRoP considered, among other items, the proposals put forward by Ir Dr Hon LO Wai-kiwok and Hon CHAN Hak-kan to amend various parts of RoP and HR covering the operation of committees, conduct of Council business, potential abuse of procedures, etc. The proposed amendments relating to quorum requirements

and membership size of committees were recommended for further study. Relating to these two issues, the proposals regarding the power of committee chairman to deal with points of order and the election of chairman and deputy chairman of committees will be considered at a later time. CRoP agreed to take forward the rest of their proposals and to invite Members' views on these proposals. The key objectives of the proposals which may be divided into five groups ("Proposals 1 to 5") are set out in the ensuing paragraphs and their respective details are provided in **Appendix I**.

Proposals to amend the Rules of Procedure and House Rules

Proposal 1: Specifying time limits on debates in Council and adjusting the length of Members' speeches (Group 1 of **Appendix I** refers)

4. Ir Dr Hon LO Wai-kwok's proposals seek to specify time limits on debates in Council and speaking time limits for individual Members in each debate. The proposed amendments are summarized below:

- (a) Time limits on debates: It is proposed that time limits be specified on debates on (i) "substantive motions" (i.e. motions under items mentioned in RoP 18(1)(i) to (n) which involve substantive debates)¹ and (ii) "procedural motions" (which are procedural in nature and relating to the regulation of Council proceedings). An entire debate (including voting) would have to be completed by the time specified while the President of LegCo ("the President") would have the discretion to adjust the time limit. Nevertheless, the proposal would not be applicable to debates on individual Government bills and Members' bills (i.e. items (i) and (k) under RoP 18(1) respectively). The President, as in the past, would be able to specify time limits and debate arrangements for individual bills in the exercise of his powers and functions to preside over meetings under Article 72(1) of the Basic Law;² and

¹ No debate may arise from the business under RoP 18(1)(a) to (h).

² 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...".

- (b) Speaking time limits for individual Members: It is proposed that consideration be given to appropriately adjust the 15-minute speaking time limit for a Member by amending RoP 36(5) and other relevant provisions. The proposed speaking time limit for individual Members in each debate with respect to different types of motions is to be specified in HR.

Details of the proposed amendments are in Annex A to **Appendix I**. Separately, Members are invited to further consider the need for introducing procedures for a "closure motion" to bring the debate in progress to a conclusion if Ir Dr LO's proposals to specify time limits on both debates and Members' speeches are to be implemented.

5. Proposals 2 to 5 below are submitted to CRoP by Hon CHAN Hak-kan and cover a wide span of rules in RoP and HR. Below are the major objectives of the Proposals.

Proposal 2: Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session (Group 2 of **Appendix I** refers)

6. It is proposed to add a new rule to RoP to provide explicitly that the committee chairman in office should continue to enjoy all the powers of a committee chairman until the chairman for a new session is elected.

Proposal 3: Discontinuation of motions moved without notice at a committee meeting (Group 3 of **Appendix I** refers)

7. Amendments are proposed to be made to HR 22(p) that a member who wishes to move a motion at a committee meeting should give notice in writing to the relevant clerk at least 6 clear days before the meeting concerned, and any proposed amendments to the motion should reach the clerk no later than 2 clear days in written form before the meeting.

8. Members are also invited to consider whether the Finance Committee should review its existing procedures (and those of its two subcommittees) relating to the moving of a motion without notice during the deliberation of an agenda item and adopt the above proposed procedures if considered appropriate.

Proposal 4: Finetuning the procedure for the adjournment of debate in the Council (Group 4 of **Appendix I** refers)

9. It is proposed that RoP 40(1) would not apply to debates under certain rules specified in Group 4 of **Appendix I**. Also, for the sake of consistency, amendments with substantially the same terms as RoP 40(4) are proposed to be made to RoP 40(1).

Proposal 5: Other proposed amendments to prevent possible abuse of procedures (Group 5 of **Appendix I** refers)

10. The opportunity is taken to propose some amendments to RoP to enhance operational efficiency. Details of the proposed amendments are given in Annex B to **Appendix I**.

Questionnaire

11. Members are invited to give their views on the five groups of proposed amendments above by completing and returning the questionnaire in **Appendix II** by **Wednesday, 17 February 2021**. Subject to the concurrence of Hon Paul TSE Wai-chun, Chairman of CROp, necessary and suitable modifications may be made to help finetune the proposed amendments having regard to Members' views received and operational needs. Subject to CROp agreement, those proposed amendments that receive sufficient support will be submitted to the House Committee for endorsement thereafter.

(Lilian MOK)
Clerk to
Committee on Rules of Procedure

Encls.

c.c. Hon Andrew LEUNG Kwan-yuen, GBM, GBS, JP (President of the Legislative Council)

Hon Paul TSE Wai-chun, JP (Chairman)

SG, LA, DSG, ASG1, ASG2, ASG3, ASG4, SALA3, H(PI), ALA2

**Gist of the proposals submitted by Ir Dr Hon LO Wai-kwok and
Hon CHAN Hak-kan to amend the Rules of Procedure and House Rules**

Group	Issue	Proposed amendments ^{Note}
1.	<p>Specifying time limits on debates in Council and adjusting the length of Members' speeches</p> <p>It is considered necessary to specify time limits on debates in Council and speaking time limits for individual Members in each debate to enhance the Council's efficiency and effective use of its time in dealing with various types of motions and performing its constitutional functions under the Basic Law.</p>	<p>The proposed amendments are set out in Annex A.</p> <p><i>Issue to be further considered:</i> Members may wish to consider the need for introducing a "closure motion" to bring the debate in progress to a conclusion if the proposals for specifying time limits on both debates and members' speeches are implemented. Subject to Members' views, further study on necessary amendments to the Rules of Procedure ("RoP") and House Rules ("HR") has to be conducted.</p>
2.	<p>Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session</p> <p>It has been explicitly provided in RoP that for the House Committee ("HC") and Panels, the chairman and deputy chairman shall hold office until the election of the chairman and deputy chairman for the next following session or the commencement of that session, whichever is the later. As such, there is a need to provide explicitly, especially in the case of the HC Chairman, that the chairman in office should continue to enjoy all the powers of a chairman until the chairman for a new session is elected. The power includes making decisions on the dates and agenda for meetings.</p>	<p>It is proposed that a new rule be added to RoP providing 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 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.</p>

Group	Issue	Proposed amendments ^{Note}
3.	<p>Discontinuation of motions moved without notice at a committee meeting</p> <p>HR 22(p)* applicable to Panels and procedures of the Finance Committee ("FC") and its subcommittees provide that a motion considered by the chairman to be directly related to an agenda item may be moved without notice if agreed by a majority of members voting. This arrangement which was intended to establish a common stance of the committee is considered no longer meaningful in today's political climate.</p> <p><i>*A new rule 22(f)(ii) is proposed to be added to HR to the effect that a two clear-day notice requirement for moving a motion at a special meeting of HC will be put in place.</i></p>	<p>Amendments are proposed to be made to HR 22(p) that a member who wishes to move a motion at a committee meeting should give notice in writing to the relevant clerk at least 6 clear days before the meeting concerned. Subject to the advice of the Chairman, the proposed motion(s) should be circulated to all committee members and the relevant policy bureau(s) at least 5 clear days before the meeting. Any proposed amendments to the motion should reach the clerk no later than 2 clear days before the meeting. The discussion time allotted to the motion(s) and relevant speaking time for members as determined by the Chairman would be set out in the agenda.</p> <p><u><i>Issue to be further considered:</i></u> Members may wish to consider whether FC should review its existing rules (and those of its two subcommittees) relating to the moving of a motion without notice during the deliberation of an agenda item and adopt the above proposed procedures if considered appropriate.</p>

Group	Issue	Proposed amendments ^{Note}
4.	<p>Finetuning the procedure for the adjournment of debate in the Council</p> <p>Disapplying RoP 40(1) to a number of debates under certain rules in RoP.</p>	<p>It is proposed that RoP 40(1) would not apply to debates under the following rules in RoP:</p> <ul style="list-style-type: none"> ➤ RoP 40(6A) (Resumption of debate adjourned under RoP 49(2A)); ➤ RoP 16 (Motions for the Adjournment of the Council); ➤ RoP 49B(2A) (Disqualification of Member from Office); ➤ RoP 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments); ➤ RoP 54(4) (Motion to Order Otherwise in relation to Adjournment of Second Reading debate); ➤ RoP 55(1)(a) (Committal of Bills); ➤ RoP 84(3A) (Withdrawal in case of Direct Pecuniary Interest); ➤ RoP 84(4) (Disallowance of Vote in case of Direct Pecuniary Interest); ➤ RoP 89(2) (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings); and ➤ RoP 90(2) (Procedure for Obtaining Leave to Give Evidence of Council Proceedings). <p>For the sake of consistency, amendments with substantially the same terms as RoP 40(4) are proposed to be made to RoP 40(1).</p>
5.	<p>Other proposed amendments to prevent possible abuse of procedures</p> <p>Some Members considered it opportune to improve certain areas in RoP which may be subject to abuse.</p>	<p>The proposed amendments are set out in Annex B.</p>

Note: Subject to the concurrence of Hon Paul TSE Wai-chun, Chairman of the Committee on Rules of Procedure, necessary and suitable modifications may be made to help finetune the proposed amendments having regard to Members' views received and operational needs.

Members' speaking time limits in various debates

(As at 29.1.2021)

(Ir Dr Hon LO Wai-kwok's preliminary proposals, which supersede the proposals submitted by him to the Committee on Rules of Procedure on 15 January 2021)

At present, with regard to a Member's speaking time limit in a debate, under Rule 36(5) of the Rules of Procedure ("RoP"), unless otherwise stipulated by the House Committee, a Member shall not, without the permission of the President of the Legislative Council or the Chairman of a committee of the whole Council ("CoWC"), make a speech lasting more than 15 minutes. RoP 38(1) provides that a Member may not speak more than once on a question except in specified circumstances. Given the limited time for each Council meeting (which usually lasts for a total of 18 hours on two days) at which business on the agenda is mainly transacted in the form of debates, only four Members can speak in one hour if each Member speaks for 15 minutes during a debate; **the more Members speak, the longer the Council will take to complete a debate, thereby easily causing other items of business on the agenda to stand over, or even to lapse when the relevant period expires.**

In this connection, Members may consider, with reference to the practices of overseas legislatures, amending RoP to specify time limits for Council meetings to handle the "substantive motions" and "procedural motions" as set out in the following tables, and correspondingly **amending RoP 36(5)** and other relevant provisions to adjust the length of Members' speeches as appropriate, as well as **specifying in the House Rules ("HR") the speaking time limits for individual Members in various debates.** This would not only encourage Members to make concise speeches with a view to enhancing the efficiency of the Council in transacting business, but hopefully also enable the Council to discharge its constitutional functions in an orderly and fair manner.

Substantive motions

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)			Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
(i) Government bills	Resumption of second reading debate	As in the past, the President may specify time limits on the scrutiny of individual bills where appropriate	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	15 minutes	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	10 minutes
	Consideration of amendments by CoWC / Clauses standing part of the bill in CoWC		Multiple	15 minutes	Multiple	5 minutes
	Third reading debate		1	15 minutes	1	3 minutes

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)			Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
(j) Government motions (other than those specified in (ja) below)	Government motions with legislative effect, e.g. motions to appoint judges	Not more than 4 hours	1	15 minutes	1	5 minutes
	Government motions with no legislative effect, e.g. motions involving government policies					
(ja) Government motions on subsidiary legislation	Government motions with legislative effect, which are mainly motions on the scrutiny of subsidiary legislation (whether under the positive vetting or negative vetting procedure)					
(jb) Members' motions on subsidiary legislation	Motions to extend the scrutiny period: It is proposed that the question on such a motion be put without debate		1	15 minutes	Not applicable	
			<i>15 minutes each for the introductory speech and reply</i>			

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)			Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
	Motions to amend/repeal subsidiary legislation (whether under the positive vetting or negative vetting procedure)	Not more than 4 hours	1 <i>The mover of the motion, apart from having up to 15 minutes for the introductory speech, may speak again for up to 15 minutes in reply, and may also speak for up to 15 minutes on amendments (if any)</i>	15 minutes	1 <i>The mover of the motion, apart from having up to 5 minutes for the introductory speech, may speak again for up to 5 minutes in reply, and may also speak for up to 5 minutes on amendments (if any)</i>	5 minutes
	Take-note motions	Not more than 2 hours	1	15 minutes	1	5 minutes
(k) Members' bills	Resumption of second reading debate	As in the past, the President may specify time limits on the scrutiny of individual bills where appropriate	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	15 minutes	1 <i>(A Member making a report of a bills committee on a bill may make the relevant speech without time limit)</i>	10 minutes
	Consideration of amendments by CoWC / Clauses standing part of the bill in CoWC		Multiple	15 minutes	Multiple	5 minutes
	Third reading debate		1	15 minutes	1	3 minutes

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)			Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
(1) Members' motions (other than those specified in (jb) above)	Members' motions with legislative effect/binding effect: - A motion to impeach the Chief Executive - A motion to amend RoP - A motion to amend the Basic Law - A motion to relieve a Member of his duties - A motion to censure a Member - A motion to appoint a select committee, or a motion to summon person(s) concerned - Other motions moved under the Basic Law - Motions on sanctions relating to interests, operating expenses or operating funds	Not more than 4 hours	1	15 minutes	1	5 minutes
	Members' motions with no legislative effect		Speaking time limits stipulated in HR 17(b): Introductory speech and reply by the mover of the motion 15 minutes (in total) Speech on the amendment(s) by the mover of the motion 5 minutes		Proposed speaking time limits: Introductory speech and reply by the mover of the motion 10 minutes (in total) Speech on the amendment(s) by the mover of the motion 5 minutes	
			<i>The mover of the motion, apart from having up to 15 minutes for the introductory speech, may speak again for up to 15 minutes in reply, and may also speak for up to 15 minutes on amendments (if any)</i>		<i>The mover of the motion, apart from having up to 5 minutes for the introductory speech, may also speak again for up to 5 minutes in reply, and may speak for up to 5 minutes on amendments (if any)</i>	

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)			Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Items involving substantive debates under RoP 18(1)	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
			For each Member		For each Member	
			(Unless otherwise stated, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
			No. of speech	Time limit per speech	No. of speech	Time limit per speech
			Speech by the mover of an amendment	10 minutes	Speech by the mover of an amendment and by any other Member	5 minutes
			Speech by any other Member	7 minutes		
			Speech by a Member who has been given permission to reword his original amendment to a motion which has been amended earlier on (i.e. speech on a revised amendment)	3 minutes		
					It is proposed that the 3-minute speaking time for a revised amendment be cancelled	

Procedural motions

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)		Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Procedural motions that Members may move under RoP	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)	Existing arrangements For each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		Proposed arrangements For each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
		No. of speech	Time limit per speech	No. of speech	Time limit per speech
<ul style="list-style-type: none"> - A motion under RoP 40(1) that the debate be adjourned - A motion under RoP 40(4) that further proceedings of CoWC be adjourned - A motion under RoP 49B(2A) that the matter stated in a censure motion not be referred to an investigation committee - A motion under RoP 54(4) that a bill not be referred to the House Committee - A motion under RoP 55(1)(a) that a bill be committed to a select committee (rather than CoWC) after the bill has been read the second time - A motion under RoP 84(3A) for the withdrawal of a Member on the ground of his failure to withdraw despite his direct pecuniary interest - A motion under RoP 84(4) to disallow a Member's vote on the ground of his direct pecuniary interest - A motion under RoP 88(1) that members of the press and of the public do withdraw - A motion under RoP 89(2) that request for leave for a Member to attend as a witness in civil proceedings be refused - A motion under RoP 90(2) that request for leave to give evidence of Council proceedings be refused - A motion under RoP 91 that a rule under RoP be suspended 	<p>Not more than 2 hours</p>	<p>1</p> <p><i>The mover of the motion, apart from having up to 15 minutes for the introductory speech, may speak again for up to 15 minutes in reply</i></p>	<p>15 minutes</p>	<p>1</p> <p><i>The mover of the motion, apart from having up to 3 minutes for the introductory speech, may speak again for up to 3 minutes in reply</i></p>	<p>3 minutes</p>

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)		Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Procedural motions that Members may move under RoP	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)	Existing arrangements		Proposed arrangements	
		For each Member		For each Member	
		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)	
		No. of speech	Time limit per speech	No. of speech	Time limit per speech
An adjournment motion under RoP 16(2)	<p>Proposed to be consistent with the time limit on an adjournment motion under RoP 16(4), with details as follows:</p> <p><u>Existing requirements for a motion under RoP 16(4)</u></p> <p>RoP 16(6) and HR 18(b):</p> <p>The debate shall not exceed 1.5 hours (including 15 minutes for a public officer to reply). Each Member, including the mover, may speak for up to 5 minutes.</p>	1	15 minutes	1	5 minutes
		<i>The mover of the motion, apart from having up to 15 minutes for the introductory speech, may speak again for up to 15 minutes in reply</i>		<i>The mover of the motion, apart from having up to 5 minutes for the introductory speech, may speak again for up to 5 minutes in reply</i>	

Other proposed amendments to prevent possible abuse of procedures

Item	Gist of the proposed amendments	My views
1.	<p>It is proposed that amendments be made to Rule 16 of the Rules of Procedure ("RoP"):</p> <p>(a) adjournment debates under RoP 16(2) should only be allowed to be moved between two items of business mentioned in RoP 18(1);</p> <p>(b) a time limit should be specified for dealing with a motion under RoP 16(2) and should be aligned with that for a motion under RoP 16(4) (i.e. 90 minutes); and</p> <p>(c) motions that are to be moved under RoP 16(2) and RoP 16(4) at a Council meeting but are 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>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
2.	<p>It is proposed that RoP 19(1A) should provide explicitly that the President may set a timetable for debating any motions or bills or proposed amendment(s) thereto.</p>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
3.	<p>It is proposed that RoP 26(3) be amended to make it explicit that a Member asking an oral question on the Agenda can only read out the version of the question printed on the Agenda when called upon by the President to ask the question.</p>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:

Item	Gist of the proposed amendments	My views
4.	<p>It is proposed that:</p> <p>(a) a new rule be added to provide that a motion moved under RoP 29(3) to extend the period for amendment to subsidiary legislation under the Interpretation and General Clauses Ordinance (Cap.1) should be non-debatable; and</p> <p>(b) where there is more than one motion in respect of subsidiary legislation or the instrument referred to in RoP 29(2)(b) or 29(3) at a Council meeting, the current RoP 49(6) should be applicable to these motions, i.e. to allow the division bell to ring for one minute instead of five minutes.</p>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
5.	<p>It is proposed that RoP 56 be amended to the effect that a committee of the whole Council shall only discuss whether the proposed amendments to a bill should be supported, and decide whether provisions of the bill should stand part of the bill with or without amendment.</p>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
6.	<p>It is proposed that RoP 63 be amended to the effect that Members must speak succinctly on whether they would support a bill or otherwise at the Third Reading debate, and they may not discuss again the general merits and principles of the bill, or the proposed amendments to or individual provisions of the bill, which have been discussed at the Second Reading debate.</p>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
7.	<p>It is proposed that a motion under RoP 91 to suspend a rule shall not be moved without the recommendation of the House Committee.</p>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:

Item	Gist of the proposed amendments	My views
8.	As 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) are time critical and should be dealt with as early as possible on the Agenda of the Council, it is proposed that these motions should be placed before Members' bills (referred to in RoP 18(1)(k)) on the Agenda of the Council.	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
9.	As motions under RoP 49E(2) (i.e. take-note motions) do not have legislative effect, it is proposed that amendments be made to RoP 18(1) to the effect that such motions would be dealt with after Members' motions not intended to have legislative effect that are subject to allocation of slots to individual Members.	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
10.	It is proposed that the notice period for a Member to inform the President of his/her wish to present a petition to the Council under RoP 20(2) be amended from "not later than the day before the meeting" to "three clear days before the meeting".	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
11.	It is proposed that RoP 21(1) be amended to the effect that an intended presentation of papers, whether by a designated public officer or by a Member, should be subject to a two-clear days' notice requirement, which may be dispensed with by the President.	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:

Item	Gist of the proposed amendments	My views
12.	To cater for the situation under which a committee, other than a bills committee, is intended to table its report on a bill that has been referred to it for study, it is proposed that RoP 21(4) and RoP 21(4A) be amended to include reference to such a committee to which a bill has been referred for its study pursuant to RoP 54(4). Consequentially, it is proposed that RoP 54(7) be amended to include reference to such committee, so that the Member presenting such committee's report on the bill could be given precedence to speak at the resumption of the Second Reading debate on the bill.	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
13.	It is proposed that RoP 21(5) be amended to provide that a Member or a designated public officer who wishes to address the Council should give a written notice to the President before the beginning of a Council meeting, and may only address the Council if the President's consent is obtained.	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
14.	It is proposed that RoP 51 be 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.	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:
15.	It is proposed that the definition of "clear days" under RoP 93(b) be amended to the effect that where a period of time is prescribed as a certain number of clear days, that period of time should end at 5:00 pm on the last day of that period.	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views/proposals, if any:

Questionnaire

(to be returned by Wednesday, 17 February 2021)

Fax No. : 2509 9055

To : Miss Lilian MOK
Clerk to Committee on Rules of Procedure
Legislative Council

Committee on Rules of Procedure

Consultation with all Members

My views on the proposals to amend the Rules of Procedure ("RoP") and House Rules ("HR") as set out in LC Paper No. CROP 43/20-21 are as follows:

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

I. Specifying time limits on debates in Council and adjusting the length of Members' speeches *(Group 1 of Appendix I)*

Amendments be made to relevant rules in RoP and /or HR to specify time limits on debates in Council and speaking time limits for individual Members in each debate, with the proposed details in Annex A to **Appendix I**.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support ^{Note 1}	<input type="checkbox"/> No comment
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Note 1: *If Members consider that only some individual amendment proposal(s) should be adopted or have views on individual proposal(s), please specify in the Annex to Questionnaire as appropriate.*

Other views/proposals, if any:

Further views sought:

Introduction of a "closure motion" if the above proposals for specifying time limits on both debates and Members' speeches are implemented.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
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Other views/proposals, if any:

II. Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session (*Group 2 of Appendix I*)

A new rule be added to RoP to provide explicitly that the committee chairman in office should continue to enjoy all the powers of a committee chairman until the chairman for a new session is elected.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
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Other views/proposals, if any:

III. Discontinuation of motions moved without notice at a committee meeting (*Group 3 of Appendix I*)

Amendments be made to HR 22(p) that a member who wishes to move a motion at a committee meeting should give notice in writing to the relevant clerk at least 6 clear days before the meeting concerned, and any proposed amendments to the motion should reach the clerk no later than 2 clear days in written form before the meeting.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
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Other views/proposals, if any:

Further views sought:

(a) *The Finance Committee should review its existing procedures (and those of its two subcommittees) relating to the moving of a motion without notice during the deliberation of an agenda item and adopt the above proposed procedures if considered appropriate.*

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
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Other views/proposals, if any:

(b) *If Members consider that the above proposed procedures **should be/should not be** (please delete as appropriate) adopted by certain other committee(s) instead of all committees, please specify:*

IV. Finetuning the procedure for the adjournment of debate in the Council (*Group 4 of Appendix I*)

(a) RoP 40(1) would not apply to debates under certain rules specified in Group 4 of **Appendix I**.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
----------------------------------	--------------------------------------	-------------------------------------

Other views/proposals, if any:

(b) Amendments with substantially the same terms as RoP 40(4) would be made to RoP 40(1).

<input type="checkbox"/> Support	<input type="checkbox"/> Not support	<input type="checkbox"/> No comment
----------------------------------	--------------------------------------	-------------------------------------

Other views/proposals, if any:

V. Other proposed amendments to prevent possible abuse of procedures (Group 5 of Appendix I)

Amendments be made to relevant rules in RoP to prevent possible abuses in future and enhance operational efficiency, with the proposed details in Annex B to **Appendix I**.

<input type="checkbox"/> Support	<input type="checkbox"/> Not support ^{Note 2}	<input type="checkbox"/> No comment
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Note 2: *If Members consider that only some individual amendment proposal(s) should be adopted or have views on individual proposal(s), please specify in Annex B to **Appendix I** as appropriate.*

Other views/proposals, if any:

Signature : _____

Name of Member : _____

Date : _____

Members' speaking time limits in various debates

(Please tick as appropriate.)

I. Substantive motions

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)				Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates		
Items involving substantive debates under Rule 18(1) of the Rules of Procedure ("RoP")	Substantive motions	Proposed time limits <small>(Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)</small>	My views	Proposed arrangements for each Member <small>(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)</small>		
				No. of speech	Time limit per speech	My views
(i) Government bills	Resumption of second reading debate	As in the past, the President may specify time limits on the scrutiny of individual bills where appropriate	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	1	10 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
	Consideration of amendments by a committee of the whole Council ("CoWC") / Clauses standing part of the bill in CoWC			Multiple	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
	Third reading debate			1	3 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
				Other views, if any:		

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)				Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates		
Items involving substantive debates under Rule 18(1) of the Rules of Procedure ("RoP")	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)	My views	Proposed arrangements for each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		
				No. of speech	Time limit per speech	My views
(j) Government motions (other than those specified in (ja) below)	with legislative effect with no legislative effect	Not more than 4 hrs	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	1	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:
(ja) Government motions on subsidiary legislation	with legislative effect, which are mainly motions on the scrutiny of subsidiary legislation (whether under the positive vetting or negative vetting procedure)					
(jb) Members' motions on subsidiary legislation	Motions to extend the scrutiny period: It is proposed that the question on such a motion be put without debate		<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment	Other views, if any: Not applicable		

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)				Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates		
Items involving substantive debates under Rule 18(1) of the Rules of Procedure ("RoP")	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)	My views	Proposed arrangements for each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		
				No. of speech	Time limit per speech	My views
	Motions to amend/peel subsidiary legislation (whether under the positive vetting or negative vetting procedure)	Not more than 4 hrs	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	1	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:
	Take-note motions	Not more than 2 hrs	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	1	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)				Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates			
Items involving substantive debates under Rule 18(1) of the Rules of Procedure ("RoP")	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	My views <input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	Proposed arrangements for each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)			
				No. of speech	Time limit per speech	My views	
(k) Members' bills	Resumption of second reading debate	As in the past, the President may specify time limits on the scrutiny of individual bills where appropriate	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	1	10 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment	
	Consideration of amendments by CoWC / Clauses standing part of the bill in CoWC			Other views, if any:	Multiple	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
	Third reading debate			Other views, if any:	1	3 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)				Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates		
Items involving substantive debates under Rule 18(1) of the Rules of Procedure ("RoP")	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	My views	Proposed arrangements for each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		
				No. of speech	Time limit per speech	My views
(1) Members' motions (other than those specified in (jb) above)	Members' motions with legislative effect/binding effect	Not more than 4 hrs	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	1	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
	Members' motions with no legislative effect			Proposed speaking time limits:		
				Introductory speech and reply by the mover of the motion	10 mins (in total)	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
				Speech on the amendment(s) by the mover of the motion	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)				Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates		
Items involving substantive debates under Rule 18(1) of the Rules of Procedure ("RoP")	Substantive motions	Proposed time limits (Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits , but the President may adjust the time limits at his discretion)	My views	Proposed arrangements for each Member (Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)		
				No. of speech	Time limit per speech	My views
				Speech by the mover of an amendment and by any other Member	5 mins It is proposed that the 3-min speaking time for a revised amendment be cancelled	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
Other views, if any:						

II. Procedural motions

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)			Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates		
Procedural motions that Members may move under RoP	Proposed time limits <small>(Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)</small>	My views	Proposed arrangements For each Member <small>(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)</small>		
			No. of speech	Time limit per speech	My views
Motions under RoP 40(1), 40(4), 49B(2A), 54(4), 55(1)(a), 84(3A), 84(4), 88(1), 89(2), 90(2) or 91	Not more than 2 hrs	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment	1	3 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment
Other views, if any:			Other views, if any:		

Ir Dr Hon LO Wai-kwok's proposals: Specifying time limits for dealing with motions (including debates and votings)			Ir Dr Hon LO Wai-kwok's proposals: Members' speaking time limits in debates		
Procedural motions that Members may move under RoP	Proposed time limits <small>(Unless otherwise specified, the debates and votings on the following motions shall be completed within the specified time limits, but the President may adjust the time limits at his discretion)</small>	My views	Proposed arrangements For each Member <small>(Unless otherwise specified, the following time limits apply to all Members, including movers of motions and movers of amendments)</small>		
			No. of speech	Time limit per speech	My views
An adjournment motion under RoP 16(2)	<p>Proposed to be consistent with the time limit on an adjournment motion under RoP 16(4), with details as follows:</p> <p><u>Existing requirements for a motion under RoP 16(4)</u></p> <p>RoP 16(6) and HR 18(b):</p> <p>The debate shall not exceed 1.5 hrs (including 15 mins for a public officer to reply). Each Member, including the proposer, may speak for up to 5 mins.</p>	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:	1	5 mins	<input type="checkbox"/> Support <input type="checkbox"/> Not support <input type="checkbox"/> No comment Other views, if any:

Extract of the minutes of House Committee meeting on 19 March 2021

X X X X X X

IV. Further business for the Council meeting of 24 March 2021

(b) Members' Motions

**Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure to be moved by Hon Paul TSE
(LC Paper No. CB(3)402/20-21)**

21. The Chairman said that the above proposed resolution would be dealt with at the meeting.

X X X X X X

Council Business Division 2
Legislative Council Secretariat
24 March 2021

立法會
Legislative Council

(issued by email only)
LC Paper No. CB(3) 402/20-21

Ref. : CB(3)/M/MR

Tel : 3919 3300

Date : 15 March 2021

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 24 March 2021

**Proposed resolution to be moved by Hon Paul TSE
under Article 75 of the Basic Law to amend the Rules of Procedure**

The President has given permission for Hon Paul TSE to move the attached proposed resolution under Article 75 of the Basic Law at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

(Miranda HON)
for Clerk to the Legislative Council

Encl.

**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 the Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region be amended as set out in the
Schedule.

Schedule

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

1. Rule 16 amended (motions for the adjournment of the Council)

- (1) Rule 16(2), after “two items of business” –

Add

“that are set out in Rule 18(1) (Order of Business at a Meeting)”.

- (2) After Rule 16(2) –

Add

“(2A) If at the expiration of one and a half hours, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (2) such motion has not been agreed to, the President shall not put the question on the motion and the Council shall proceed to the next item of business.”.

- (3) After Rule 16(7) –

Add

“(8) A motion that is to be moved under subrule (2) or (4) at a meeting of the Council but is not reached before the Council is adjourned shall not stand over until the next meeting, and shall be taken as having been disposed of.”.

2. Rule 18 amended (order of business at a meeting)

- (1) Rule 18(1)(jb) –

Repeal the full stop

Substitute

“, excluding motions moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments).”.

- (2) After Rule 18(1)(jb) –

Add

“(jc) Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).”.

(3) Rule 18(1)(l) –

Repeal

“motions other than those specified in paragraph (jb)”

Substitute

“other motions”.

(4) Rule 18(1) –

Repeal paragraph (m).

(5) Rule 18(2) –

Repeal

“(d), (e),”.

3. Rule 19 amended (the Agenda of the Council)

Rule 19(1A) –

Repeal the full stop

Substitute

“, and to set a time limit on the consideration of such motion or bill.”.

4. Rule 20 amended (presentation of petitions)

(1) Rule 20(2) –

Repeal

“inform the President not later than the day before the meeting”

Substitute

“give notice to the President not later than 3 clear days before the meeting”.

(2) Rule 20(2) –

Repeal

“so informing the President”

Substitute
“giving such notice”.

5. Rule 21 amended (presentation of papers)

(1) Rule 21(1) –

Repeal the full stop

Substitute

“, but no paper shall be so presented unless notice of it has been given not less than 2 clear days before the Council meeting at which the paper is to be presented provided that the President may in his discretion dispense with such notice.”.

(2) Rule 21(1), Chinese text –

Repeal the semicolon

Substitute

“，而”。

(3) Rule 21(4), after “a Bills Committee” –

Add

“or of a committee to which a bill has been referred for consideration under Rule 54(4) (Second Reading)”.

(4) Rule 21(4A) –

Repeal

“the Member presenting a report of the Bills Committee on the bill”

Substitute

“the Member presenting a report of a Bills Committee or of a committee to which the bill has been referred for consideration”.

(5) Rule 21(5) –

Repeal

“, with the consent of the President,”.

(6) Rule 21(5) –

Repeal

“inform the President of his wish before the beginning of

that meeting”

Substitute

“give written notice to the President of his wish before the beginning of that meeting, and may only address the Council if the President has given his consent”.

6. Rule 26 amended (asking and answering of questions)

Rule 26(3) –

Repeal

“rise in his place and ask the question”

Substitute

“rise in his place and read out the question set out on the Agenda”.

7. Rule 29 amended (notice of motions and amendments)

After Rule 29(3) –

Add

“(3A) The President shall, upon the moving of a motion under subrule (3), put the question on that motion without debate.”.

8. Rule 37 amended (recommendations of House Committee as to time of speaking)

Rule 37 –

Repeal subrule (1)

Substitute

“(1) In relation to any motion or amendment to a motion to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may make recommendations on the duration of debates and the speaking time limits of Members in debates, provided that the President or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits.”.

9. Rule 40 amended (adjournment of debate or of proceedings of a committee of the whole Council)

(1) Rule 40(1) –

Repeal

“A”

Substitute

“Subject to subrules (1A) and (1B), a”.

(2) Rule 40(1), before “may move without notice” –

Add

“, and before he so speaks,”.

(3) After Rule 40(1) –

Add

“(1A) No motion without notice may be moved to adjourn a debate on a motion moved under subrule (6A), Rule 16 (Motions for the Adjournment of the Council), Rule 49B(2A) (Disqualification of Member from Office), Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), Rule 54(4) (Second Reading), Rule 55(1)(a) (Committal of Bills), Rule 84(3A) or (4) (Voting or Withdrawal in case of Direct Pecuniary Interest), Rule 89(2) (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) or Rule 90(2) (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).

(1B) Where the President is of the opinion that the moving of the motion that the debate be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate.”.

(4) Rule 40(8), after “(1)” –

Add

“, (1B)”.

10. Rule 45A added

Part I, after Rule 45 –

Add

“45A. Naming and Suspending

- (1) If, by reason of the grossly disorderly conduct of a Member, the President is of the opinion that his powers under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct, the President may, at any time he considers appropriate, name such Member.
- (2) Where it comes to the knowledge of the President that a Member’s grossly disorderly conduct has been committed in a committee of the whole Council, the Finance Committee or the House Committee, the President may, at any time he considers appropriate, name such Member if the President is of the opinion that the powers of the Chairman of the committee of the whole Council, the chairman of the Finance Committee or the chairman of the House Committee under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct.
- (3) Where a Member is named by the President under subrule (1) or (2), the President shall, on a motion being moved forthwith by the President’s deputy, put the question “That (name of such Member) be suspended from the service of the Council”.
- (4) A motion moved under subrule (3) shall be voted on forthwith without amendment or debate.
- (5) If a Member is suspended by a motion moved and passed under subrule (3), the duration of the suspension (including the day of suspension) –
 - (a) on the first occasion is one week;

- (b) on the second occasion during the same term of the Council is two weeks; and
 - (c) on any subsequent occasion during the same term of the Council is twice that of the previous occasion, provided that such duration shall not extend beyond the end date of the term concerned.
- (6) Any Member who is suspended from the service of the Council under this Rule shall immediately leave the Chamber. The suspended Member shall, for the duration of his suspension, be excluded from participation in the exercise of the Council's powers and functions under Article 73 of the Basic Law.
- (7) If the suspended Member refuses to comply with subrule (6), the President shall order the Clerk to take such action as may be necessary to ensure compliance.”.

11. Rule 49 amended (divisions)

- (1) Rule 49(6), after “Rule 29(2)(b)” –
Add
“or (3)”.
- (2) Rule 49(6) –
Repeal
“(excluding motions referred to in Rule 29(3))”.

12. Rule 51 amended (notice of presentation of bills)

- (1) Rule 51(1) –
Repeal
“A”
Substitute
“Subject to subrule (1A), a”.
- (2) After Rule 51(1) –

Add

“(1A) A Member who intends to present a bill under subrule (1) may only do so after he has consulted the relevant Panel on a draft of the bill.”.

13. Rule 54 amended (second reading)

Rule 54(7) –

Repeal

“a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees)”

Substitute

“a report of a Bills Committee under Rule 76(9) (Bills Committees) or of a committee to which a bill has been referred for consideration under subrule (4)”.

14. Rule 56 amended (functions of committees on bills)

Rule 56(1) –

Repeal

“principles of the bill but only its details”

Substitute

“general merits and principles of the bill but only whether it supports the amendments proposed to the bill, and whether clauses of the bill as amended or without amendment should stand part of the bill”.

15. Rule 63 amended (third reading)

Rule 63(1) –

Repeal

“confined to the contents of the bill”

Substitute

“in the form of short and succinct speeches and confined to whether the bill should be supported, and not on the general merits and principles of the bill or in relation to proposed amendments to or individual provisions of the bill,”.

16. Rule 79D added
After Rule 79C –
Add

“79D. Powers of Chairman and Deputy Chairman of a Committee in Office

(1) Where it is provided in these Rules of Procedure that the chairman of a committee (*chairman in office*) shall hold office until the chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement, the chairman in office shall have all the powers that may be exercised by a chairman of the committee until the commencement of the next session or the election of the chairman for the next session, whichever is the later.

(2) Where it is provided in these Rules of Procedure that the deputy chairman of a committee (*deputy chairman in office*) shall hold office until the deputy chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement, the deputy chairman in office shall have all the powers that may be exercised by a deputy chairman of the committee until the commencement of the next session or the election of deputy chairman for the next session, whichever is the later.”.

17. Rule 91 amended (suspension of Rules)

(1) Rule 91, after “except” –

Add

“with the recommendation of the House Committee and”.

(2) Rule 91 –

Repeal

“or with”

Substitute
“together with”.

18. Rule 93 amended (interpretation)

(1) Rule 93(b), after “the expression “clear days”” –

Add

“as a period of time”.

(2) Rule 93(b) –

Repeal the semicolon

Substitute

“, and ends at 5 p.m. on the last day of that period;”.

**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 24 March 2021**

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MEMBERS' MOTIONS

DEPUTY PRESIDENT (in Cantonese): Members' motions. Proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure.

DEPUTY PRESIDENT (in Cantonese): Members who wish to speak please press the "Request to speak" button.

I now call upon Mr Paul TSE to speak and move the motion.

**PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC LAW
TO AMEND THE RULES OF PROCEDURE**

MR PAUL TSE (in Cantonese): Deputy President, in my capacity as Chairman of the Committee on Rules of Procedure ("CRoP"), I move that the motion, as printed on the Agenda to amend certain rules of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region ("RoP"), be passed.

Deputy President, since the commencement of the 2020-2021 session, CRoP has been examining proposals submitted by Members to amend RoP and the House Rules ("HR") to better ensure the effective operation of the legislature and uphold the rights of Members to speak and to debate. CRoP is of the view that, other than the proposals that require further study, it will take forward the remaining proposals. The proposals have secured the majority support of Members after three rounds of consultations. The proposals can be divided into eight groups, and five of them which involve amending the relevant rules of RoP, are set out as follows:

- Proposal 1: to set out that if, by reason of grossly disorderly conduct of a Member committed in a single instance or multiple instances, in

a meeting of the Legislative Council, the committee of the whole Council, the Finance Committee or the House Committee, the President of the Legislative Council is of the opinion that his powers under RoP 45(2) regarding the withdrawal sanction are inadequate with respect to such grossly disorderly conduct, the President may name such Member. The President's deputy shall move forthwith without amendment or debate a motion. If the motion is passed, the Member shall be suspended from the service of the Council (including attending all meetings and handling complaints) in a specified period of time. Subject to making necessary amendments to the relevant legislation, the remuneration of the Member in that specified period of time may be withheld. The majority of the Members do not support putting in place an appeal or objection procedure or mechanism. However, this does not preclude the President from exercising his powers and discretion under the Basic Law, the laws of Hong Kong and RoP to ensure that the relevant proceedings comply with the principles of procedural fairness and the rules of natural justice;

- Proposal 2: to set out in RoP the time limits for the Legislative Council to handle different types of motions and the speaking time limit in their corresponding debates. However, the President of the Legislative Council, as in the past, may specify the time limits for the Council to consider individual Government bills or Member's bills, as the case may require;
- Proposal 3: to expressly set out in RoP the committee chairman in office shall have the power to deal with normal business prior to the election of the committee chairman for a new session and such normal business includes deciding the date and Agenda of a meeting;
- Proposal 4: to fine-tune the procedure for the adjournment of debate by setting out that RoP 40(1) would not apply to certain motion debates and amending RoP 40(1) with the terms of RoP 40(4) which are substantially the same; and
- Proposal 5: to amend certain rules in RoP to prevent possible abuse of procedures and enhance operational efficiency.

Deputy President, the House Committee has, based on CRoP's

recommendation, passed all proposed amendments in its meeting on 26 February 2021. If my proposed resolution is passed by the Council, the consequential amendment to the corresponding rules of HR will be submitted to the House Committee for passage this Friday (26 March). The consequential amendment shall be brought into effect forthwith upon its passage.

Deputy President, just now, I have made my so-called "statutory" speech on behalf of CRoP. And now, I will briefly state my personal view.

Deputy President, I am glad to have the opportunity to make a major amendment to RoP for the second time within my term in this Legislative Council. The amendment seeks not to limit Members' constitutional rights. More importantly, it seeks to strike an appropriate balance between the effective operation of the legislature and the constitutional rights, as well as obligation, of Members, so as to bring order out of chaos and put this Council back on its track again.

Deputy President, what many Members question or the media is concerned about is as follows: first, they ask why so many amendments to RoP are still necessary given that the opposition's voice has seemingly weakened and the chaos reduced. My simple answer is that we need to mend the pen after sheep are lost. In fact, the amendments are meant not to target at individual Members, political parties or persons. We hope that the system or RoP itself can give the dignity the legislature deserves. People understand the meaning of contempt of court. In fact, whether in court or in this Council, in the system of these two major pillars, there have been cases of contempt. This amendment exercise mainly seeks to respect the dignity expected of the establishment. Also, the amendments are necessary for the sake of operation. So, if we know what contempt of court means, why can we not attach the same importance to conduct that shows contempt for the Council? Some of the amendments precisely seek to set this straight.

Deputy President, allow me to thank the colleagues who have proposed amendments to RoP or HR. They are Mr Tommy CHEUNG, Ir Dr LO Wai-kwok, Mr CHAN Hak-kan and Mr CHEUNG Kwok-kwan. They have provided a lot of helpful input into the amendments. My thanks also go to those who have actively responded to and supported the consultation. I wish also to thank the Secretariat staff because all of them, especially the Council Secretaries and the Legal Advisers, have done a lot of work to make this amendment exercise possible.

I do not have much time left. Perhaps let me briefly talk about the amendments that are relatively more important. I mentioned five groups of amendments just now. First, it is about the naming. The procedure itself is not something new. We all know that the President of the Legislative Council or committee chairmen have, as always, the power to sanction Members whose conduct at a meeting is grossly inappropriate. But the approaches adopted are of two extremes. One is to expel the Member from the meeting and then pretend nothing has happened, while the expelled Member is happy to have the chance to go out and smoke or have a drink. Such happenings have often been reported by the media. The other extreme is to remove the Member pursuant to the mechanism laid down in the Basic Law. The two approaches are too much. One is too lenient and the other is too strict. This is one of the problems, which has been criticized by Members of several terms of the Legislative Council, and that is, we do not have a mechanism that takes a middle course and imposes appropriate sanction to the Member whose conduct is grossly disorderly and serves as a deterrent to him.

A key direction of this amendment exercise is to address this problem. Having considered the approaches adopted by many other countries, especially the familiar approach adopted by the United Kingdom Parliament ("UK Parliament"), we are of the view that this amended mechanism is one that we are very familiar with. Colleagues who watch football matches should know the meaning of a yellow card and a red card. A player who has been dismissed from the pitch will not get away with it and will have to take responsibilities and face other consequences.

The penalty of suspension from the service of the Council proposed in the amendment, irrespective of the suspension being one week, two weeks or four weeks, is still relatively lenient as compared to the corresponding penalty in the UK Parliament. I will not go into the details, but generally speaking, we hope that this will be a discreet procedure. And not all committees will be given such a power. Basically, this procedure will only be initiated if a Member's conduct is grossly disorderly at meetings of the Legislative Council, the committee of the whole Council, the House Committee and the Finance Committee, and the President, or Chairman, will then name the Member concerned. And the naming is established only if a motion, to be moved without debate on the naming of the Member, is passed by Members. Although the procedural details are not clearly set out in RoP, as I just said, the President, or the Chairman, is required to duly comply with the principle of procedural fairness or the rule of natural justice. So, I believe the procedure can generate adequate checks and balances.

Second, I wish to briefly talk about the speaking time limit. This is

another point the media is concerned about. We have studied legislatures in common law countries around the world, including UK, Australia, Canada, the United States and New Zealand. They basically tend to set a limit on the speaking time. By so doing, they seek not to limit the fundamental rights of their members, but rather, they want to strike a proper balance. All these countries set in advance an appropriate time limit on debates, or on the duration and number of times a member may speak. My understanding is that for those motions we have chosen to have a five-minute speaking time, they are basically in line with the standing practice of the UK Parliament. This time limit is applied to nearly 50% of their motions. So, it should not be a cause of concern that we have limited the speaking time of Members too much. But certainly, if an important issue arises or the situation so requires, the President, or the Chairman of the House Committee, may order to appropriately adjust or relax the time limit. So, Members' right to speak is duly protected.

(THE PRESIDENT resumed the Chair)

Third, Members may still remember the saga involving the failure of the House Committee to elect its Chairman after seven months. In this connection, one of the important amendments is to clearly set out that before the Chairman or Deputy Chairman of the House Committee for the next session is elected, the Chairman or Deputy Chairman in office shall have the powers that have been vested to him to deal with normal business. Due to the limited time, I will not delve into the amendments on how to better deal with abuse or excessive filibustering. I will make further responses should the opportunities arise.

Here, let me briefly mention two more items that we wish to deal with in our remaining term. One is about the quorum. Although the number of Members forming the quorum has already been set by the Basic Law, what should we do when a quorum is not present in the Council? The standing practice is to ring the Bell for 15 minutes to summon Members back. But actually, this is only the design laid down in RoP. It is not a restriction laid down in the law or the Basic Law. Hence, in this connection, we wish to formulate a proposal to prevent this Council from wasting time on bell ringing. As to how to do it, I am afraid we need to conduct further studies and carefully seek legal opinions, with a view to laying down a better arrangement.

Another point is about whether Members whose conduct is grossly disorderly should be subject to economic sanction, apart from expulsion, or the so-called "suspension from the game"? I am afraid we need further study on this

point. We may even need legislative amendments to be submitted by the Government before we can proceed any further with this amendment.

Here again I thank the Members, the Secretariat staff and the Legal Adviser. Thank you, President.

Mr Paul TSE moved the following motion:

"RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule."

Schedule

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

1. Rule 16 amended (motions for the adjournment of the Council)

(1) Rule 16(2), after "two items of business"—

Add

"that are set out in Rule 18(1) (Order of Business at a Meeting)".

(2) After Rule 16(2)—

Add

"(2A) If at the expiration of one and a half hours, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (2) such motion has not been agreed to, the President shall not put the question on the motion and the Council shall proceed to the next item of business.".

(3) After Rule 16(7)—

Add

"(8) A motion that is to be moved under subrule (2) or (4) at a meeting of the Council but is not reached before the Council is adjourned shall not stand over until the next meeting, and shall be taken as having been disposed of."

2. Rule 18 amended (order of business at a meeting)

(1) Rule 18(1)(jb)—

Repeal the full stop

Substitute

", excluding motions moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments)."

(2) After Rule 18(1)(jb)—

Add

"(jc) Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings)."

(3) Rule 18(1)(l)—

Repeal

"motions other than those specified in paragraph (jb)"

Substitute

"other motions".

(4) Rule 18(1)—

Repeal paragraph (m).

(5) Rule 18(2)—

Repeal

"(d), (e),".

3. Rule 19 amended (the Agenda of the Council)

Rule 19(1A)—

Repeal the full stop

Substitute

", and to set a time limit on the consideration of such motion or bill."

4. Rule 20 amended (presentation of petitions)

(1) Rule 20(2)—

Repeal

"inform the President not later than the day before the meeting"

Substitute

"give notice to the President not later than 3 clear days before the meeting".

(2) Rule 20(2)—

Repeal

"so informing the President"

Substitute

"giving such notice".

5. Rule 21 amended (presentation of papers)

(1) Rule 21(1)—

Repeal the full stop

Substitute

", but no paper shall be so presented unless notice of it has been given not less than 2 clear days before the Council meeting at which the paper is to be presented provided that the President may in his discretion dispense with such notice."

(2) Rule 21(1), Chinese text—

Repeal the semicolon

Substitute

" , 而".

- (3) Rule 21(4), after "a Bills Committee"—

Add

"or of a committee to which a bill has been referred for consideration under Rule 54(4) (Second Reading)".

- (4) Rule 21(4A)—

Repeal

"the Member presenting a report of the Bills Committee on the bill"

Substitute

"the Member presenting a report of a Bills Committee or of a committee to which the bill has been referred for consideration".

- (5) Rule 21(5)—

Repeal

", with the consent of the President,".

- (6) Rule 21(5)—

Repeal

"inform the President of his wish before the beginning of that meeting"

Substitute

"give written notice to the President of his wish before the beginning of that meeting, and may only address the Council if the President has given his consent".

6. Rule 26 amended (asking and answering of questions)

- Rule 26(3)—

Repeal

"rise in his place and ask the question"

Substitute

"rise in his place and read out the question set out on the Agenda".

7. Rule 29 amended (notice of motions and amendments)

After Rule 29(3)—

Add

"(3A) The President shall, upon the moving of a motion under subrule (3), put the question on that motion without debate."

8. Rule 37 amended (recommendations of House Committee as to time of speaking)

Rule 37—

Repeal subrule (1)

Substitute

"(1) In relation to any motion or amendment to a motion to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may make recommendations on the duration of debates and the speaking time limits of Members in debates, provided that the President or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits."

9. Rule 40 amended (adjournment of debate or of proceedings of a committee of the whole Council)

(1) Rule 40(1)—

Repeal

"A"

Substitute

"Subject to subrules (1A) and (1B), a".

(2) Rule 40(1), before "may move without notice"—

Add

", and before he so speaks,".

(3) After Rule 40(1)—

Add

"(1A) No motion without notice may be moved to adjourn a debate on a motion moved under subrule (6A), Rule 16 (Motions for the Adjournment of the Council), Rule 49B(2A) (Disqualification of Member from Office), Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), Rule 54(4) (Second Reading), Rule 55(1)(a) (Committal of Bills), Rule 84(3A) or (4) (Voting or Withdrawal in case of Direct Pecuniary Interest), Rule 89(2) (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) or Rule 90(2) (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).

(1B) Where the President is of the opinion that the moving of the motion that the debate be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate."

(4) Rule 40(8), after "(1)"—
Add
", (1B)".

10. Rule 45A added

Part I, after Rule 45—

Add

"45A.Naming and Suspending

(1) If, by reason of the grossly disorderly conduct of a Member, the President is of the opinion that his powers under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct, the President may, at any time he considers appropriate, name such Member.

(2) Where it comes to the knowledge of the President that a Member's grossly disorderly

conduct has been committed in a committee of the whole Council, the Finance Committee or the House Committee, the President may, at any time he considers appropriate, name such Member if the President is of the opinion that the powers of the Chairman of the committee of the whole Council, the chairman of the Finance Committee or the chairman of the House Committee under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct.

- (3) Where a Member is named by the President under subrule (1) or (2), the President shall, on a motion being moved forthwith by the President's deputy, put the question "That (name of such Member) be suspended from the service of the Council".
- (4) A motion moved under subrule (3) shall be voted on forthwith without amendment or debate.
- (5) If a Member is suspended by a motion moved and passed under subrule (3), the duration of the suspension (including the day of suspension)—
 - (a) on the first occasion is one week;
 - (b) on the second occasion during the same term of the Council is two weeks; and
 - (c) on any subsequent occasion during the same term of the Council is twice that of the previous occasion, provided that such duration shall not extend beyond the end date of the term concerned.
- (6) Any Member who is suspended from the service of the Council under this Rule shall immediately leave the Chamber. The suspended Member shall, for the duration of his suspension, be

excluded from participation in the exercise of the Council's powers and functions under Article 73 of the Basic Law.

- (7) If the suspended Member refuses to comply with subrule (6), the President shall order the Clerk to take such action as may be necessary to ensure compliance."

11. Rule 49 amended (divisions)

- (1) Rule 49(6), after "Rule 29(2)(b)"—

Add

"or (3)".

- (2) Rule 49(6)—

Repeal

"(excluding motions referred to in Rule 29(3))".

12. Rule 51 amended (notice of presentation of bills)

- (1) Rule 51(1)—

Repeal

"A"

Substitute

"Subject to subrule (1A), a".

- (2) After Rule 51(1)—

Add

"(1A) A Member who intends to present a bill under subrule (1) may only do so after he has consulted the relevant Panel on a draft of the bill."

13. Rule 54 amended (second reading)

- Rule 54(7)—

Repeal

"a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees)"

Substitute

"a report of a Bills Committee under Rule 76(9) (Bills Committees) or of a committee to which a bill has been referred for consideration under subrule (4)".

14. Rule 56 amended (functions of committees on bills)

Rule 56(1)—

Repeal

"principles of the bill but only its details"

Substitute

"general merits and principles of the bill but only whether it supports the amendments proposed to the bill, and whether clauses of the bill as amended or without amendment should stand part of the bill".

15. Rule 63 amended (third reading)

Rule 63(1)—

Repeal

"confined to the contents of the bill"

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"in the form of short and succinct speeches and confined to whether the bill should be supported, and not on the general merits and principles of the bill or in relation to proposed amendments to or individual provisions of the bill,".

16. Rule 79D added

After Rule 79C—

Add**"79D. Powers of Chairman and Deputy Chairman of a Committee in Office**

(1) Where it is provided in these Rules of Procedure that the chairman of a committee (*chairman in office*) shall hold office until the chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement,

the chairman in office shall have all the powers that may be exercised by a chairman of the committee until the commencement of the next session or the election of the chairman for the next session, whichever is the later.

- (2) Where it is provided in these Rules of Procedure that the deputy chairman of a committee (*deputy chairman in office*) shall hold office until the deputy chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement, the deputy chairman in office shall have all the powers that may be exercised by a deputy chairman of the committee until the commencement of the next session or the election of deputy chairman for the next session, whichever is the later."

17. Rule 91 amended (suspension of Rules)

- (1) Rule 91, after "except"—
Add
"with the recommendation of the House Committee and".
- (2) Rule 91—
Repeal
"or with"
Substitute
"together with".

18. Rule 93 amended (interpretation)

- (1) Rule 93(b), after "the expression "clear days""—
Add
"as a period of time".
- (2) Rule 93(b)—
Repeal the semicolon

Substitute

", and ends at 5 p.m. on the last day of that period;".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Paul TSE be passed.

Does any Member wish to speak? Ir Dr LO Wai-kwok, please speak.

IR DR LO WAI-KWOK (in Cantonese): President, we are now deliberating the proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure ("RoP") moved by Mr Paul TSE in the capacity of the Chairman of the Committee on Rules of Procedure ("CRoP").

President, it is unfortunate that in recent years, filibustering has become the new normal of this Chamber. Since 2013, between April and May each year, the Legislative Council would be engaged in the month-long war of filibustering in relation to the Budget when a small number of Members would propose a total of a few hundred to a few thousand of amendments to the Appropriation Bill. In exercise of the powers conferred by Article 72 of the Basic Law and RoP 92, the President of the Legislative Council would then have to set a time limit for dealing with the Bill, or simply to cut off a filibuster. In the example of the Appropriation Bill 2020, 16 Members proposed a total of 124 amendments, and at the end, 52 amendments were allowed to be moved. President set aside 36 hours for Members' scrutiny which could only be completed on 14 May 2020 and the Bill was passed in the Third Reading.

However, filibustering has already become a common practice and has been escalating, targeting at not just individual subjects of discussion, but at every subject and everything. Filibustering has also spread to the Finance Committee and its Public Works Subcommittee and Establishment Subcommittee, and even to other Panels, and the vetting processes of public works projects have also been seriously affected by the war of filibustering in the Legislative Council. Some Members from the opposition camp would use every single tactic for the purpose. With such grossly disorderly conduct and the abuse of the procedure, they tried every means to filibuster and engage in mutual destruction. Apart from physical violence, there were cases involving hurling stink bombs and splashing of

foul-smelling water, with an intention to disrupt the normal business of the Legislative Council and undermine the governance of the Government of the Special Administrative Region. Such misconduct not only causes severe damage to the overall interests of the Hong Kong society, but also affects the economy and people's livelihood. In the community, there have been calls to review RoP of the Legislative Council, so that Council business can be dealt with orderly and efficiently.

In fact, this is not the first time to amend RoP. The most recent amendment was done in December 2017 and mainly three effects could be achieved. After the amendment, firstly, the more flexible quorum requirements can reduce the chance of abortion of meetings. It is stipulated that the quorum of a committee of the whole Council shall be 20 members, instead of 35 members, including the Chairman. The President may also order that the meeting shall continue at any time before the next meeting. Secondly, the power of the President of the Legislative Council is enhanced. The President has the discretion to select and combine the proposed amendments. Thirdly, an abuse of procedure can be prevented. Where the President is of the opinion that the moving of a motion is an abuse of procedure, he may decide not to propose the question or to put the question forthwith without debate. Although the operation of our Council has become smoother afterwards, it is still unable to prevent abuse of procedure by some Members of the opposition camp.

In 2019, amid the social unrest triggered by the controversy in connection with the amendment to the Fugitive Offenders Ordinance, not only was the Legislative Council Complex seriously vandalized, but the whole Council was also clouded and poisoned by the noxious trend of filibustering and mutual destruction. Shortly after the 2019-2020 Legislative Council session was commenced, we saw the predicament concerning the election of the Chairman of the House Committee which was seriously delayed. Under normal circumstances, the election of the House Committee Chairman can be done in one meeting. However, in the period from 15 October 2019 to 8 May 2020, during which 17 House Committee meetings were held, a new Chairman could still not be elected. This is because Mr Dennis KWOK, a former Member, when presiding over the related meetings, did not properly perform his duties in accordance with the part of RoP concerning the election of the House Committee Chairman properly but instead, allowed Members to deliver lengthy and unlimited number of speeches on matters unrelated to the election, or to raise numerous points of order to express their opinions, thus wasting a lot of meeting time. It was unprecedented and shocking to the community that a Chairman

could still not be elected by the House Committee after about seven months.

Owing to the serious delay in electing the new Chairman of the House Committee, during this period of time, the House Committee could not deal with any business in its conventional way, including 14 bills and over 90 pieces of subsidiary legislation submitted by the Government, as well as the proposed senior judicial appointments. The above mentioned chaos could only come to an end after the President of the Legislative Council had sought external legal advice and decided to appoint, through exercising his power pursuant to RoP 92, Mr CHAN Kin-por to preside over the House Committee meeting held in the morning of 18 May 2020 for the election concerned, in which Ms Starry LEE was finally elected as the Chairman of the House Committee, with all sorts of interference and trouble removed by Members of the pro-establishment camp during the meeting.

After this incident, we understand that RoP is originally a gentleman's agreement, but if the provisions are too loose, people who have ulterior motives may take advantage of the rules. Therefore, there have been very strong views from various sectors of society, asking this Council to amend RoP as soon as possible. Apart from plugging the various kinds of loopholes, they even ask to impose penalties on those Members for their grossly disorderly conduct and deliberate acts to interfere with the operation of this Council. This proposed amendment has proactively responded to the aspirations of the people in society.

Since the commencement of the 2020-2021 Legislative Council Session, CRoP has been studying multiple proposals for the amendment of RoP and the House Rules put forward by Members. Being a Member of the Committee, I submitted a letter to Mr Paul TSE, Chairman of the Committee, on 15 January 2021, presenting my proposal of setting speaking time limits on various kinds of motions handled during the meetings of the Legislative Council. On 29 January, I submitted my further opinion to Mr Paul TSE, with a more detailed proposal for consideration of CRoP on the number of speeches and time limit per speech of each Member in various sessions of debate. CRoP then took into consideration the various amendments proposed by me and other Members, which widely covered a large number of stipulations in RoP and the House Rules. In November 2020 and February 2021 respectively, letters were sent by CRoP to all Members in regard to various proposed amendments. Subsequently, it was agreed that the first batch of proposed amendments, which had garnered enough support from Members, would be submitted to the House Committee for discussion. And at the meeting on 26 February this year, the first batch of

proposed amendments was endorsed by the House Committee. Right after that, Mr Paul TSE introduced this proposed resolution under Article 75 of the Basic Law to amend the relevant provisions of RoP. If this is endorsed, the corresponding amendments to the relevant provisions of the House Rules will be submitted to the House Committee for approval.

President, this proposed resolution today mainly covers the first batch of proposed amendments in relation to RoP endorsed by the House Committee, and it includes five proposals. For the first proposal, it is sanction against grossly disorderly conduct of Members, and Rule 45A concerning naming and suspending is proposed to be added. Under this rule, where it comes to the knowledge of the President that a Member's grossly disorderly conduct has been committed in a committee of the whole Council, the Finance Committee or the House Committee, the President may, at any time he considers appropriate, name such Member if the President is of the opinion that the powers of the Chairman under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct. A motion will then be moved by the President's deputy for the Council to decide, without debate or amendment, whether the Member should be suspended from the service of the Legislative Council for the period specified in the motion. The duration of suspension is subject to an escalating scale of severity. If the motion is carried, the Member suspended would be prohibited from participating in all business of the Council. Its effect is to impose very explicit and detailed regulations on the pre-conditions for the suspension of any Member, the duration of suspension and the execution of the relevant terms.

My suggestion is mainly reflected in the second proposal, which is to amend Rule 37 concerning the recommendations of the House Committee as to time of speaking. This proposal specifies the time limits on debates on "substantive motions" (i.e. motions under items mentioned in RoP 18(1)(i) to (n) which involve substantive debates) and "procedural motions" (which are procedural in nature and relating to the regulation of Council proceedings) in Council, and specifies the speaking time limit for individual Members in each debate with respect to different types of motions. However, the President may in his discretion adjust the relevant duration of debates and speaking time limits. This proposal aims to strike a proper balance. This would not only encourage Members to make concise speeches with a view to enhancing the efficiency of the Council in transacting business, but hopefully also enable the Council to discharge its constitutional functions in a proper manner.

The third proposal is to add Rule 79D, which provides the powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session. It provides 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, 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. Obviously the practical function of this amendment is to prevent the recurrence of the chaotic scenario with respect to the election of the House Committee Chairman.

The fourth proposal is about fine-tuning the procedure for the adjournment of debate in the Council. It includes adding Rule 40(1B) which provides that where the President is of the opinion that the moving of the motion that the debate be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate. The power of the President can be more explicit under this amendment.

The fifth proposal is about the proposed amendments to prevent possible abuse of procedures. It includes amending Rule 63 to the effect that Members must speak succinctly on whether they would support a bill or otherwise at the Third Reading debate, and they may not discuss again the general merits and principles of the bill, or the proposed amendments to or individual provisions of the bill, which have been discussed at the Second Reading debate. Practically, this amendment is to turn the President's implicit rulings, admonitions or conventions during the past enforcement of RoP into statutory rules.

President, in sum, these five proposed amendments to RoP may render the regulation of the original provisions concerned stricter, make up for the deficiencies or omissions in the original provisions, or provide more explicitly the powers and discretion of the President. In conclusion, they aim to put this Council on the right track and prevent the recurrence of past distressing chaos. However, I believe that this will not be the last time to amend RoP. In keeping abreast of the times, in the event that there are still other problems with RoP or new scenarios as reflected in the operation of this Council in future, it is definitely incumbent upon us to further improve RoP so that this Council can perform its various constitutional functions under Article 73 of the Basic Law more properly as the legislature in Hong Kong.

With these remarks, President, I support the passage of the proposed

resolution moved by Mr Paul TSE.

MR CHAN CHUN-YING (in Cantonese): President, the Legislative Council is the legislature of the Hong Kong Special Administrative Region ("HKSAR"). The Legislative Council has the responsibility to enact, amend and repeal laws in accordance with the provisions of the Basic Law and legal procedures; to examine and approve budgets introduced by the Government; to approve taxation and public expenditures; to receive and debate the policy addresses of the Chief Executive; to raise questions on the work of the Government; to debate any issue concerning public interests, etc.

The Basic Law expressly provides for the powers and functions of the Legislative Council and those of its President and the rights of individual Members. However, the Basic Law has not expressly laid down how these powers and functions and rights should be exercised. Article 75 of the Basic Law empowers the Legislative Council to make the Rules of Procedure ("RoP") on its own, and that the rules made cannot contravene the Basic Law. This power of the legislature has been repeatedly confirmed and restated by court in the judgments of a number of court cases.

On 2 July 1998, the first Legislative Council of HKSAR adopted RoP. The RoP was modelled on the Standing Orders, an instrument formulated for the practices and procedures of the legislature before the reunification. RoP was then constantly amended in accordance with the standing practices and procedures of the Legislative Council. However, RoP is not exhaustive and cannot cover all scenarios. What is left uncovered needs Members' mutual respect and understanding, or what we call a gentlemen's agreement. However, when people of ill intent take advantage of this, the outcome can be disastrous.

President, before the reunification, the legislature was called Lifaju in Chinese. The Legislative Council was founded in 1843. It consisted of the Governor and three Official Members, and the then Governor was the President of the Legislative Council. The first two Unofficial Members were appointed in 1850. It was not until 30 years later, in 1880, that the first Chinese Unofficial Member was appointed. The number of Legislative Council Members increased with time. In 1985, the number of Members increased to 57. The first Legislative Council after the reunification had 60 Members, and the number increased to 70 Members in the fifth Legislative Council in 2012. According to the decision just passed by the Standing Committee of the National People's

Congress on 11 March, the number of Members of the next Legislative Council will increase to 90. By that time, the number of Members will be 22.5 times of that in 1843.

President, in order to maintain effective operation, overseas legislatures are also left with no choice but to set a speaking time limit on their debates when their numbers of members continue to increase. With an increase in the number of Members, if all Members are allowed to speak freely in the Chamber without any time limit, the meeting cannot end and the legislature concerned cannot operate efficiently in a way it should. In 1988, the House of Commons of the United Kingdom Parliament ("UK Parliament") made a permanent revision on its standing orders to expressly limit the speaking time for certain debates. The speaking time for each member in a debate was limited to 10 minutes, including the Second Reading debate on public bills.

Talking about speaking at Second Reading debates, we cannot help but going back to the scene when this Council debated the Medical Registration (Amendment) Bill 2016. After seven days of debate which lasted more than 45 hours, this Council still could not put the Bill to vote because a Member of the medical sector and some pan-democratic Members insanely requested headcounts and filibustered at the meeting. In the end, the Bill had to be scrapped and start from scratch again.

Over the past years, Members of the "mutual destruction camp" have been abusing the power given by RoP and resorting to filibustering tactics, such as deliberately causing adjournment of meetings and moving adjournment motions, in order to stage their "fights". For instance, in May 2012 when this Council considered the Legislative Council (Amendment) Bill 2012, some Members jointly submitted 1 306 amendments to the Bill, which added up to 2 464 page of papers, in an attempt to stall the Council from putting to vote the motion on the arrangement for filling vacancies in the Legislative Council. These Members frequently requested headcounts and proposed thousands of amendments. They caused repeated adjournment of the meeting. The then President of the Legislative Council had no choice but to terminate the debate pursuant to Rule 92 of RoP and order that the amendments be put to vote immediately one by one, in order to end the lengthy debate which lasted for 100 hours 23 minutes.

Another example took place in the previous legislative session. Some Members manipulated with the procedures and tried every means to stop the House Committee from electing its Chairman. The House Committee spent

seven months on the election but was still unable to elect its Chairman and Deputy Chairman. The House Committee was paralysed and unable to consider any bills. And if you still remember, President, at the first Legislative Council meeting of this legislative session, at the Resumption of Second Reading debates on the unfinished Government Bills from the previous session, Members of the "mutual destruction camp" requested 12 headcounts, which cost two hours in total. Their lunatic filibuster seriously distorted the original spirit of RoP for handling Council business and disrupted the operation of this Council. It also seriously obstructed the Government from administering its policies, weakened the competitiveness of Hong Kong and immensely undermined the economy and people's livelihood.

President, I am also a member of the Committee on Rules of Procedure of the Legislative Council. I am grateful to Ir Dr LO Wai-ki, Mr CHAN Hak-kan, Mr CHEUNG Kwok-kwan and Mr Tommy CHEUNG for their inputs in amending RoP and the House Rules. We discussed the amendments in three meetings and Committee members were supportive of the amendments proposed by the four members. The amendments are now submitted to this Council for passage. The amendments can be roughly categorized into several aspects.

The first aspect is about the penalty for Members with disorderly conduct. This Council has been unable to deal with Members who frequently disrupted Council procedures. This has, in a way, encouraged such conduct to repeatedly happen. We drew reference from the similar penalty adopted by the House of Commons of the UK Parliament. If a Member whose conduct in a single instance or multiple instances in Council, a committee of the whole council, the House Committee or Finance Committee is grossly disorderly, the President may move a motion to suspend the Member from the service of the Legislative Council. The President may even deduct the Member's remuneration during his period of suspension.

The second aspect is about reducing the speaking time of Members in considering bills and subsidiary legislation. The speaking time of the mover of a Government or Member's bill and a Member's motion is reduced from 15 minutes to 10 minutes, and that of a motion on subsidiary legislation is reduced from 15 minutes to 5 minutes with a cap of four hours on the duration of the debate. As I just said, overseas legislatures will also set a limit on the speaking time when their numbers of members continue to rise. Our amendment in this regard is consistent with the international practice and trend. Actually, Members should focus on the quality and not quantity of their speeches. I believe shortening the

speaking time will not affect the quality of the council in handling its business.

The third aspect is about introducing a vetting mechanism to prevent procedures such as moving adjournment motions and motions moved under Legislative Council (Powers and Privileges) Ordinance from being unreasonably abused.

The fourth aspect is about plugging the loophole in the election of the Chairman and Deputy Chairman of committees each year, so as to prevent the recurrence of the incident involving the House Committee being paralysed.

The two aspects above are both counter measures against past abuses of some of the procedures, so as to prevent them from happening again.

President, with the implementation of the Hong Kong National Security Law and the collective resignation of the Members from the "mutual destruction camp", the Legislative Council has basically restored its order. However, we believe that learning from past lessons, plugging the loopholes in the rules, better preparing for different situations and making necessary amendments to RoP as time progresses can prevent this Council from losing its balance again. These measures can also ensure the lawful and orderly operation of the Legislative Council, the steadfast and successful running of Hong Kong under "one country, two systems". This is the due responsibility of this Legislative Council and also the responsibility of all Members.

So, I support the Committee on Rules of Procedure to submit the amendment proposal to this Council. I so submit. Thank you, President.

MR TONY TSE (in Cantonese): President, the parliamentary culture and order of the Hong Kong Legislative Council, as well as its deliberation quality and efficiency, have kept declining over the recent decade. It can be said that the situation has only got worse and worse without an end. Under the ravages and rampage of the opposition camp and Members advocating "mutual destruction", the recent years have even seen the total collapse of parliamentary ethics and conventions. As a result, policy implementation in HKSAR has met with enormous difficulty, and the socio-economic and livelihood development of Hong Kong has been seriously jeopardized.

Speaking of verbal violence, the use of vulgarisms to insult the Government at the outset has turned into the use of foul language to curse officials and propagate animosity. No parliament in any country or region will allow or tolerate the relevant remarks, I believe.

In the case of physical violence, the hurling of bananas, placards and drinking glasses at the outset has escalated into the snatching of microphones, documents and mobile phones, and the hurling of worms and stinking substances in recent years. Worse still, a piece of gigantic black cloth was once spread out in an attempt to obstruct the camera, followed by pushing, shoving and assaulting the security personnel of the Legislative Council. Honourable Members as people's representatives in the Legislative Council have degenerated into law-breaking villains, and their conduct is even no different from that of terrorists.

When it comes to filibustering, their occasional filibustering with the target of specific bills or appropriation requests at the outset has turned into a hysterical attempt aiming at "mutual destruction" with no specific target, justification, interruption and hesitation in resorting to extreme means. The most classical and outrageous example of all is certainly the farcical filibustering show starring Dennis KWOK from the Civic Party, a former Legislative Council Member representing the legal profession, during the election of the House Committee Chairman. Owing to his filibustering attempt spanning seven months, it was impossible to elect the House Committee Chairman. As a result, the Legislative Council's duty and function of scrutinizing bills was totally paralysed, and the implementation and taking forward of many economic and livelihood policies was affected.

Certain opposition Members have even blatantly betrayed the country and Hong Kong. Some examples include turning an oath-taking occasion into one for advocating "independence", overtly and covertly propagating "Hong Kong independence", inciting "black-clad violence", machinating "mutual destruction", and even going overseas to beg for sanctions on China and Hong Kong from external anti-China forces, in a bid to plunge the 7 million people of Hong Kong into death together with them and bring economic loss to the 1.4 billion people in the country. People like them are not fit for the office of Legislative Council Members, and they even do not deserve to be Hong Kong or Chinese people.

Targeted at the various evil deeds of the opposition camp and Members

advocating "mutual destruction", and also targeted at the constitutional and legal loopholes and inadequacies in Hong Kong, the Central Government has taken a number of decisive steps over recent years to assist Hong Kong in stopping violence, curbing disorder and setting things straight, in a bid to safeguard Hong Kong's prosperity and long-term stability, and to ensure the steadfast and successful practice of "one country, two systems" in the long run. Such steps include the interpretation of the Basic Law regarding the oath-taking requirements on Legislative Council Members in 2016, the enactment of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region in June last year, the interpretation of the Basic Law regarding the qualification of Legislative Council Members in November last year, and the adoption of the decision of the National People's Congress ("NPC") on improving Hong Kong's electoral system on the 11th day of this month.

The aforesaid NPC's decisions and also the interpretation of the Basic Law by the Standing Committee of the National People's Congress ("NPCSC") have succeeded in offering Hong Kong with prompt assistance in resolving such problems as "Hong Kong independence", "black-clad violence" and foreign intervention, curbing "mutual destruction", "black-clad violence" and acts that seek to paralyse policy implementation in the Legislative Council during the stage of election at source, and ensuring that the principle of "patriots administering Hong Kong" can be fully implemented. All this definitely commands my full support, and I will actively dovetail with the enactment of local legislation that follows.

Nevertheless, the relevant NPC's decisions and NPCSC's interpretation of the Basic Law are understandably unable to thoroughly address certain undesirable parliamentary conduct, such as "playing the edge ball" and acts that are not obviously unlawful or unconstitutional. Actually, these problems should not be handled by the Central Authorities. The HKSAR Government, the Hong Kong Legislative Council and the constructive forces in Hong Kong are definitely duty-bound and able to deal with them on their own.

The motion proposed by Chairman of the Committee on Rules of Procedure of the Legislative Council ("CRoP") Mr Paul TSE today aims precisely to rectify the disorder in the legislature over all this time, plug the various loopholes in the existing Rules of Procedure of the Legislative Council, and provide more comprehensive, effective and long-term institutional safeguards to

parliamentary proceedings as a means to fulfil the objective of enhancing the governance capability of HKSAR required in the "11 March Decision" of NPC. I fully support this principle and reform direction.

This motion involves a total of 18 amendment clauses. Their contents are detailed and comprehensive, covering measures to prevent Members' abuse of parliamentary proceedings and filibustering under the guise of proposing motions for the adjournment of the Council, motions for the adjournment of debate, private bills or motions under the Legislative Council (Powers and Privileges) Ordinance. The amendments also seek to regulate the scope of Members' speeches, Members' speaking time limit and also voting arrangements. Here, I wish to thank CRoP members and the relevant staff of the Legislative Council Secretariat again for their hard work.

Amendment clause 10 of all clauses has been discussed by the greatest number of Members, and it concerns the setting up of a suspension mechanism for Members. If a Member whose conduct has been repeatedly ruled to be grossly disorderly refuses to make amends despite repeated warnings or pay any heed despite repeated penalties, the President of the Legislative Council may, by virtue of a motion that has been passed, suspend his service for a certain period of time to avoid the persistent attempt of such troublemakers to upset parliamentary order and disrupt the conduct of meeting. This can reduce the economic and social repercussions of their undesirable parliamentary conduct.

Actually, the relevant arrangement is not invented by Hong Kong. The legislatures in many overseas countries have likewise put in place similar arrangements. I hope that the relevant sides can conduct further studies on the feasibility of salary deductions for Members who have been suspended from service, meaning a suspension of payment for their remunerations and operating expenses. I put forth this idea because so doing can produce the greatest deterrence and reduce the wastage of public money obtained from taxpayers.

Besides, amendment clause 16 provides that if any committee fails in the timely election of its chairman or vice-chairman for the new session, the original chairman and vice-chairman for the previous session may continue to perform their duties to ensure that the committee concerned can conduct its business as usual. This amendment can precisely deal with the farcical show during the election of the House Committee Chairman last year, which may well be called the "Dennis KWOK incident". I have written no less than four or five articles to

criticize Dennis KWOK for his "mutual destruction" and filibustering behaviour. I will certainly support the amendments to the relevant rules.

Finally, I want to discuss the proposal on reducing Members' speaking time limit. When the House Committee discussed the amendment proposal concerned, I once said that I had reservations about the original proposal on significantly reducing the speaking time limit on certain motions from a maximum of 7 to 15 minutes per Member to only three to five minutes. Speaking of some bills and motions that are relatively complicated, involve professional knowledge and have a greater impact on individual industries and trades, I believe a speaking time limit of five minutes is too short. NPC has decided to increase the composition of the Legislative Council to 90 Members. That means an extra minute of speaking time for each Member will add up to an additional 1 hour 30 minutes. But actually, this problem can be resolved by limiting the overall duration of debate on individual motions. The existing amendment proposal—in amendment clause 8—has not expressly provided for a time limit on Members' speech on individual motions. Instead, the House Committee is to be authorized to make recommendations to the President of the Legislative Council, and the President may exercise discretion to adjust the speaking time limit for Members and motions. I hope that when the House Committee makes its recommendations later on and when the President enforces the relevant rules, they will take account of my viewpoints.

President, I believe many incumbent Members of the Legislative Council can invariably feel that after a majority of those Members advocating "mutual destruction" were disqualified from office, resigned or fled from Hong Kong, their workload and work pressure have both increased as voters, members of the public and even the country have heightened their expectation of them. After the passage of the amendments to the Rules of Procedure this time around and also the local legislation on improving the electoral system that follows, such pressure and expectation will only rise further still. I hope Members can continue with their hard work, actively deliberate policies in meetings, offer effective support for the administration of the SAR Government, and exercise monitoring by "calling a spade a spade", so as to enhance the governance capability of HKSAR, work towards the well-being of the broad masses in Hong Kong, and display to people a fresh, admirable parliamentary culture with a high quality and efficiency.

With these remarks, I support the motion.

MR TOMMY CHEUNG (in Cantonese): President, I rise to speak in support of the proposed resolution moved under Article 75 of the Basic Law to amend the Rules of Procedure ("RoP").

With regard to the current amendment exercise, I would like to discuss several key points. Just now, a number of Members have mentioned some of the issues which I would also like to talk about, including the background of and reasons for proposing the amendments today. In particular, I would like to talk about RoP 45A "Naming and Suspending" and RoP 79D "Powers of Chairman and Deputy Chairman of a Committee in Office". Both the Liberal Party and I think that these proposed amendments are meant to right the wrongs, but on the other hand, I am very much saddened as to why the Legislative Council has become what it looks like today.

The contents of the Legislative Council's RoP is mainly based on the parliamentary procedure (i.e. rules of order) of the United Kingdom ("UK"). Parliaments of foreign countries, in particular the UK, will invite Members of this Council over to exchange views with them. I have also taken part in such exchange tours before. As mentioned by some Members just now, many of the rules of procedure of overseas parliaments are more like gentlemen's agreement, which simply set out the provisions without specifying any implementation detail because it is assumed that all Members are gentlemen/ladies and know how to behave properly.

However, some Members of the Council have been incessantly exploiting loopholes in RoP since about 10 years ago. They might regard themselves as people conversant with RoP, but in fact, they were just manipulating loopholes to disrupt the order of the Council by putting up a "show" here. What I find most intolerable is that they opposed everything put forth by the Government with the aim to sabotage the latter's implementation of all policies (in particular those virtuous policies), having no regard for people's well-being. This could never be considered to be a gentleman's behaviour. Only villains would act this way.

Actually, I did not understand at that time why the public would have allowed them to do so. How come they still had the voters' support for what they had done? Also, I did not see why they would oppose what was obviously good for us. They were against both the Government itself and its policies,

including those virtuous policies. In the past two years, I came to realize that it is because revolutionaries usually wish to see people live in dire poverty as they will have an excuse to start a revolution when everyone is unable to make a living. It will be difficult to start a revolution if all the people are well-fed and well-clothed. Therefore, the public should get a good look at what these people have actually done.

Many Members may think that the peak of the chaotic situation in the Legislative Council emerged in 2019 against the backdrop of the "black-clad violence". Nevertheless, I have been holding office as a Member of the Legislative Council for 21 years and witnessed the fall of the Council, which actually started in 2012 following the movement against the introduction of the national education subject. In order to win votes, some so-called Members opposed the Government at every turn, overturning all the Government's policies meant to benefit people and deliberately creating a situation in which people were in dire poverty.

For example, when I was the Chairman of the Finance Committee ("FC"), I saw with my own eyes some Members oppose the proposal to increase the amount of "fruit grant", incessantly raising questions by virtue of paragraph 37A—not hundreds but thousands of questions. I reckoned how long it would take me to deal with one single question then—it usually took only one minute or so. "Thanks" to their filibuster, the funding application for increasing the "fruit grant" was not approved until two months later. In fact, a majority of FC members have expressed their support for the proposal back then. I do not remember the voting results of that, but at that moment the pan-democratic Members just sat there and watched. Actually, voters would have to suffer a loss if they voted against the proposal. Did they utterly not care even so?

Just now, some Members have spoken in detail about the reform of the Medical Council of Hong Kong ("MCHK") proposed some years ago, so I am not going to talk any further about this. Here, I only wish to remind members of the public who are listening to our debate that the reform proposal put forward by the MCHK back then was to increase its membership from 24 to 28 by adding 4 non-medical practitioner members. At that time, the proposal was supported by the vast majority of doctors and the voting result was 20:8—doctors did not lose their voting control in MCHK.

At that time, some cases were considered most unpleasant even by the

judges, where an MCHK member found out during investigation of a case that the subject of investigation was actually an old classmate of his, except that he did not know him well—given the fact that both of them were doctors and classmates, would anyone believe it if he said he did not know the subject well? This being the case, the family of the patient concerned have spent as long as 10 years pursuing the case. So I moved a member's bill back then simply to reassure the patients or their families that they could at least learn the truth as to whether there was medical misconduct on the part of the doctors involved. They should not have been made to wait for as long as 10 years.

It was just told by some Members that deliberation on the bill was eventually delayed until the following year before it was resubmitted to the Legislative Council for consideration. Members of the public should be able to see from this that a Member of this Council, who was a doctor, had never declared that he was a doctor during discussion of the bill. While raising objections and filibustering, he only kept saying that he was the representative of New Territories West, as if he could do whatever he wanted. Please get a good look at this kind of approach. We ought to set things right as long as people behaving like him are among Members of the Council.

The trigger for the current amendment exercise is of course the incident of "black-clad violence" in 2019. Back in those days, there were some Members belonging to the "mutual destruction camp" offering the so-called "inside help", meaning that while the mobsters set fires and hurled petrol bombs everywhere outside, Members belonging to the "mutual destruction camp" wreaked havoc in this Council. Besides, there was the most unforgettable thing to us, that is, the election of the Chairman of the House Committee has been dragged on for seven whole months. People hurled stink bombs and stormed the President Podium inside the solemn Chamber of the Council, creating scenes of extreme chaos. The operation of the Council was brought to a halt by their disruptive behaviours and became paralysed, and even the entire city has come to a standstill.

Therefore, the Liberal Party and I strongly support the naming of a Member whose conduct is grossly disorderly and suspending of that Member from the service of the Council. We are of the view that this will definitely have a deterrent effect. We will no longer allow a handful of disruptive elements to affect the operation of the entire legislature and drag down the Government's implementation of policies concerning people's livelihood. Since Hong Kong

cannot afford to remain stagnant any longer, I support the Council's actions to stop Members from obstructing the proceedings of the Council by means of delaying the election of the Chairman of the House Committee.

President, the amendment exercise today seeks to plug the loopholes in RoP in order that those who do not abide by the "gentlemen's agreement" cannot exploit the loopholes again. The Liberal Party and I support this proposed resolution moved to amend the rules in RoP under Article 75 of the Basic Law by laying down clear provisions to ensure smooth operation of the Council.

President, I have lost count of the number of years of my sitting on the Committee on Rules of Procedure. Over the years, no matter who the Chairman was (e.g. Mr Paul TSE and Mr TAM Yiu-chung, the former Chairman), they would request the Legislative Council Secretariat ("the Secretariat") to do research from time to time, whereas I thought there was no need to waste time on doing so. Although I have been saying that there is no need to do any research, it is fortunate that the Secretariat has still done it because it can be proved today that the work done by the Secretariat's Research Office over the years was not wasted at all. The fact that we have been able to spend so much time working on this proposed resolution to amend the rules in RoP this time is due to the hard work of the Secretariat staff in the past. They were well aware that we might not be able to take forward anything even with all the work done, but they did it anyway. Truthfully, we are greatly indebted to the Secretariat for making it possible for the proposed resolution to be moved in the Council today.

I so submit, President.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now suspend the meeting until 9:00 am tomorrow.

Suspended accordingly at 6:47 pm.

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**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 25 March 2021**

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MEMBERS' MOTIONS

PRESIDENT (in Cantonese): This Council continues to debate the proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure.

Mrs Regina IP, please speak.

**PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC LAW
TO AMEND THE RULES OF PROCEDURE**

Continuation of debate on motion which was moved on 24 March 2021

MRS REGINA IP (in Cantonese): President, good morning. I speak on behalf of the New People's Party to indicate our support for the proposal to amend the Rules of Procedure. The Rules of Procedure and the House Rules were first amended in the current term in Autumn 2017, and we now seek to follow up on the task and put forward the proposed amendments in question because after the amendment exercise in 2017, we have found that there are still a lot of loopholes in the Rules of Procedure, which have seriously affected the work efficiency of the Legislative Council and its Members, resulted in a lack of adequate power to deal with the situation when the Council is in serious chaos.

The proposed amendments may be divided into eight groups, and they are the first batch of amendments that we have to deal with. It is absolutely necessary to expressly provide for the requirements under these amendments, such as "Proposal 1: Sanction against grossly disorderly conduct of Members". Why is it necessary to have the proposed sanction put in place? It is because the withdrawal sanction under Rule 45(2) of the Rules of Procedure is obviously inadequate indeed. For example, when I was the Chairman of the Bills Committee formed to study the legislative proposals relating to the co-location

arrangement, there were always Members speaking loudly at their seats during meetings, and this was actually the same trick they played at other meetings. They kept using the excuse of invoking the Rules of Procedure, and spoke loudly in the attempt to interrupt our discussion. The chairman concerned did try to stop them but the efforts were to no avail, and they often returned to the meeting room soon after they were ordered to leave. There is thus a genuine need to introduce some enhanced measures in this respect, which have the full support of the New People's Party.

As for "Proposal 2: Specifying time limits on debates in Council and adjusting the length of Members' speeches", there have been marked improvements in maintaining order in this legislature since the President assumed office, and you have tried to exercise time management during deliberation of many bills, such as the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill and the National Anthem Bill which have left a particularly deep impression on me. When proper time management was not exercised in the past, the deliberation process of bills was often dragged on for too long, and this had given rise to very serious problems.

I have looked up past records and can recall that after I was elected a Member of this Council in 2008, WONG Yuk-man and Albert CHAN jointly proposed to move 1 306 amendments of 2 464 pages in total to the Legislative Council (Amendment) Bill 2012 in May 2012, aiming to filibuster in an attempt to derail the voting on the proposed arrangements for filling vacancies in the Legislative Council. Moreover, LEUNG Kwok-hung requested a headcount frequently, thus causing the abortion of a number of meetings. It was not until 17 May that year that the then President of the Legislative Council invoked Rule 92 of the Rules of Procedure to bring an end to the debate which had lasted for 100 hours 23 minutes, and this is commonly described as "cutting off the filibuster".

This move to cut off the filibuster had triggered a judicial review by LEUNG Kwok-hung, and the subsequent judgment handed down by the court had fully affirmed the power of the President to do so, stating clearly that instead of merely sitting here to preside at a Council meeting, the Member assuming the office of President has the responsibility and authority to manage Council businesses and the proceedings for conducting debates on a particular motion or bill, so that the relevant parliamentary procedures will go on in an orderly and

efficient manner. Therefore, the President definitely has the power to specify a time limit on a debate held for the deliberation of a bill for the purpose of time management so that Members will speak in a concise and orderly manner. The New People's Party welcomes and supports the proposed amendments fully. According to the court judgment, although the judge has mentioned the principle of separation of powers, the purpose is to make it clear in the judgment that the court would not interfere with how the Legislative Council handles its internal affairs. Hence, the proposed amendments comply fully with the Basic Law and the laws of Hong Kong.

Besides, it is of course absolutely necessary to formulate such measures as "Proposal 3: Powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session", as well as the revised arrangements concerning the election of a chairman for a new session. The saga of the election of the Chairman of the House Committee started in 2019, and as the Deputy Chairman presiding at the election, Dennis KWOK had delayed the process for months from October or November 2019 until May 2020 when the Chairman was finally elected after six or seven months of bickering. Meanwhile, the work of the House Committee had come to a complete halt, and given the backlog of bills, the work of the Legislative Council had also been paralysed. It is thus extremely necessary for us to plug this loophole, so that no one will be allowed to paralyse the work of the Legislative Council by abusing the existing rules.

Regarding "Proposal 4: Fine-tuning the procedure for the adjournment of debate in the Council", its coverage is actually limited to certain motion debates only, such as resumption of debate adjourned under Rule 49B(2A), motions for the adjournment of the Council, etc. As the relevant rights are not unrestricted, we also consider the proposed amendments in this respect worth supporting.

Certainly, we will also give our strong support to the proposed amendments to prevent possible abuse of procedures. It was not uncommon that at some previous meetings of the Legislative Council or individual committees, especially under circumstances not dealt with in the amendments proposed today, some Members did try to propose amendments in an attempt to obstruct our work in this Council. I remember clearly that when a funding proposal concerning Old Age Living Allowance ("OALA") was discussed at a previous meeting of the Finance Committee ("FC"), former Member WONG Yuk-man made an extremely absurd request to propose over 1 000 amendments to urge the Government to examine whether similar allowance could be found in other

countries like Bulgaria, Romania, etc., and this had greatly affected the work of FC in endorsing the proposal to benefit the public. Proposing such repetitive and frivolous amendments is nothing but a gross abuse of procedures, and as the Member presiding at the relevant meeting, be it a Council meeting, FC meeting or bills committee meeting, the President or the Chairman should be conferred with the necessary power to deal with the matter.

Consultation is currently underway on the second batch of proposed amendments, and they also cover some problems we often encounter, because Members tend to move motions suddenly without notice at meetings of panels, FC and the Establishment Subcommittee. Although these motions have no binding effect, especially those moved at panel meetings, Members are still required to go through a debate process before their passage, and this will inevitably have an impact on the progress in handling various agenda items at the meetings concerned.

We should not blame Members for proposing amendments, and we have also done so, but it will not be a serious move if they, having merely been hit with a sudden thought while attending a meeting, draft the wording of a motion casually on a piece of paper and request to have it moved immediately. Hence, it will be much more reasonable if amendments can be passed in the future to the effect that a notice must be given, for example, two or three days before for moving a motion, and that the motion may only be moved after it has been checked by the Secretariat.

President, in short, the Rules of Procedure actually take their origin from *Erskine May* of the Parliament of the United Kingdom, which had not been significantly amended before 2017. As the workload of the Legislative Council has become increasingly heavy, while the order in this legislature is increasingly disrupted, there is indeed a great need to have a profound review and revision of such rules.

As I pointed out at a meeting of the House Committee to its Chairman, Ms Starry LEE, there is in fact not much working time in a legislative session in this Council, and some officers of the Executive Authorities have previously queried why we need to have a summer recess every year and why we cannot continue with our work during summer. As a matter of fact, there are recesses in congresses and parliaments all over the world because all congress members, be they elected through "one person, one vote" or returned by functional

constituencies, need to stay in touch with their constituents, visit neighbourhoods and receive complaints. This is also one of the major duties we should discharge as elected Members.

Let us take a look at the timetable of the Legislative Council. When a legislative session begins in October every year, we have to first receive and then debate the Policy Address of the Chief Executive. The Council will soon be in Christmas recess in mid-December. The session will resume in January, but there will be a break for several days during the Chinese New Year, after which Council meetings will be suspended again for eight to 10 days when meetings of the National People's Congress and the Chinese People's Political Consultative Conference are held. We will be off again later for four days during the Easter holidays. The Budget is usually delivered at the end of February, and time slots will then be reserved for FC to convene special FC meetings before the Budget debate is held.

Hence, there is in fact not much time left for Members to genuinely debate on important motions and Government motions and scrutinize bills at Council meetings. We should therefore seriously review the Rules of Procedure, improve our work efficiency and get rid of all those terrible and unsightly chaos that we have previously experienced in this Council, such as throwing objects, shouting loudly at the seat, abusing the Rules of Procedure constantly to obstruct parliamentary proceedings, etc. A legislature with dignity will never tolerate such behaviours.

The New People's Party will therefore give its support to the proposed resolution to amend the Rules of Procedure. President, I so submit.

MR YIU SI-WING (in Cantonese): President, Article 75 of the Basic Law stipulates that the Rules of Procedure of the Legislative Council shall be made by the Council on its own. For that reason, it can be said that the Rules of Procedure are the house rules of the Legislative Council. They aim at regulating the rights, probity and code of conduct of Members when attending the meetings of the Legislative Council, so as to allow the meetings to be conducted without a hitch, and Members to speak their mind freely on behalf of their sectors and constituencies.

The blueprints of the Rules of Procedure were adopted from the Standing Orders of the pre-1997 Hong Kong Legislature, while the Standing Orders were modelled on the common practice, precedence and convention of the Parliament of the United Kingdom. Regardless of the pre-1997 Standing Orders or the current Rules of Procedure, they have been amended for many times in the light of the actual situation. The purpose of making amendments was to update the rules in order to suit the practical needs of the operation of the Council. For that reason, as long as there are valid justifications, the Rules of Procedure can be amended; or in case a problem concerning the operation of the Legislative Council has emerged thereby preventing a Member from exercising his functions, the Committee on Rules of Procedure of the Legislative Council is duty-bound to review if the Rules of Procedure in force fit the current situation, in order to guarantee all the Members of the Legislative Council may fulfil their functions as stipulated by the Basic Law.

More than a decade after Hong Kong's reunification with the country, the overall operation of the Legislative Council had been smooth as Members then were generally self-disciplined. Even there were dissenting views, different standpoints and heated debates; Members would try to convince the others by reasons in debates. Members were generally decently attired, thus the then Legislative Council as a whole gave the public an overall impression of dignity, rationality and a certain level of capability. As Mrs Regina IP said just now, Members from the pan-democratic camp started a filibuster in May 2012: WONG Yuk-man and Albert CHAN proposed a total of 1 306 amendments to the Legislative Council (Amendment) Bill 2012 and initiated a lengthy debate on the amendments. The numerous quorum calls had resulted in a large number of aborted meetings. At the end, the debates took 100 hours and 23 minutes to conclude. Since then, filibusters in the Legislative Council, lengthy debates, and aborted meetings due to ceaseless calls for quorum had become the norm. The use of filibusters had subsequently spread to the Finance Committee and its subcommittees, such as the Public Works Subcommittee, which had stalled the process of approving the funding requests of many works projects and thus affected Hong Kong's economy.

We used to mock the scuffles in the Legislative Yuan of Taiwan and criticized that the standards of policy discussion in Taiwan was rather poor as Taiwan's lawmakers only knew how to put on a show, and its legislative body was not aimed at solving problems. But in recent years, Hong Kong started to

imitate Taiwan's practice, thus the Legislative Council has become the main stage for political struggles. Whenever the Government is likely to get the credit from a topic of discussion, or the funding application or policy is relevant to the Mainland, the opposition camp will make use of the grey area of the Rules of Procedure to delay the process of various meetings. They would make paradoxical arguments with a view to sabotaging the relevant bills and preventing the funding from being allocated on time. They would even resort to physical confrontations to prevent the normal processing of meetings and affect the normal work schedule of those Members who wish to conduct meetings in a normal fashion.

In 2019, there were disturbances caused by the opposition to the relevant proposed legislative amendments. In order to prevent the setting up of a Bills Committee, the opposition camp started to be part of the "mutual destruction camp". They made use of the Rules of Procedure to stall the election of the House Committee Chairman with a view to paralysing the operation of the House Committee for a total of seven months. All the Bills submitted to the Legislative Council were unable to be processed, which had almost caused a shutdown of the Legislative Council.

The objective of amending the Rules of Procedure this time around is to clear once and for all the chaos seen over the past decade in the Legislative Council piece by piece, so as to enable the Legislative Council to smoothly execute its functions in future. One of the proposed amendments this time around is to penalize a Member by suspending his service of the Council for a period of time and withholding part of his salaries for his disorderly conduct. For a Member who has repeated the disorderly conduct during the suspension period, the penalty will be increased progressively. The duration of the suspension on the first occasion is one week, and the duration of the suspension on the fourth occasion is eight weeks. After reading the relevant information, I personally considered that the penalties were somewhat too harsh. During the consultation period, I was of the view that the penalties for any subsequent occasion should not be increased progressively. That is to say, each suspension period should only be one week, and any repeated offence should only be penalized for a one-week suspension, because I considered the deterrent effect adequate. Of course, the Committee on Rules of Procedure has subsequently taken reference of the experience of the United Kingdom and other overseas' legislatures and consulted other Members. Eventually, I also agreed with the

progressive penalty system. For that reason, I finally agree to support all of the amendments.

The amendments to the Rules of Procedure this time around can offer greater protection to Members of the Legislative Council when they carry out their duties and fulfil their rights. Unless Members are interfering with the proceeding of a meeting without any good reason, otherwise their rights will not be affected. Following the further implementation of the decision of the National People's Congress, I believe that the chaos seen in the Legislative Council will not reappear. Hong Kong's politics, economy and the livelihood of the people will get back on the right track, and the glory of Hong Kong in the old days will re-emerge once again.

With these remarks, President, I support the motion on amending the Rules of Procedure.

MR JEFFREY LAM (in Cantonese): President, it is not an easy task to be the Legislative Council President, as the President has to deal with all sorts of work ranging from the internal business of the Legislative Council, the relationship with the Administration, to matters concerning the brooms and litters inside the Complex.

Yesterday, the President told me that the table top lectern was an antique, but it was okay even if it was broken by me. Although a checklist of many acts concerning damage and the compensation of properties are set out in the Rules of Procedure, I believe the President will not ask me to make compensation for the damaged lectern. Moreover, the President is actually very kind to me and get me a new lectern today. I have checked it and it is very sturdy. Thank you, President.

President, in our capacity as the Legislative Council Members, we should feel the honour as we can participate in the law-making process, examine public spending and monitor the Government's policy implementation. It is an honour for us to carry out these meaningful tasks. Nevertheless, if we talk about the Legislative Council in recent years, people will only be reminded of filibusters, stirring up of trouble, aborted meetings and throwing of objects. Sitting in this solemn and dignified Chamber, I feel helpless and sad when I recall a succession

of absurd scenes of the past.

As a matter of fact, since 2011, certain Members had made use of the grey area of the Rules of Procedure to stage filibusters. And in the past decade, some Members had been insanely abusing the Rules of Procedure. Whenever a topic was related to the Mainland, such as the National Anthem Law, the Co-location Arrangement of the Express Rail Link and so on, they were all subject to filibuster. Some former Members opposed everything from China or everything from the SAR Government. Some even opposed everything for the sake of opposition. During the legislative sessions from 2016 to 2020, Members from the "mutual destruction camp" kept on staging filibusters to delay Council meetings. They abused the quorum call mechanism by making 501 calls and thus caused the abortion of 14 meetings, and the failure to form at least 14 Bills Committees.

Since October 2019, former Member Dennis KWOK malevolently abused the Rules of Procedure to hinder the operation of the Legislative Council. Aided by seamless cooperation from the Members of the opposition camp, he had paralysed the House Committee of the Legislative Council for more than six months. During that period, the Legislative Council was unable to conduct timely examination of its business as more than 80 items of subsidiary legislation were not dealt with before the expiry of their scrutiny periods. Many livelihood-related laws were unable to be passed in time.

Owing to the pandemic, the Government announced in July last year the postponement of the election of the Legislative Council for one year, but the "mutual destruction camp" kept on stirring up trouble. As a result, not a single Council meeting was able to be held smoothly without incident. On the first meeting of the current session last year, the "mutual destruction camp" made 12 consecutive quorum calls. They tried to filibuster the proceeding by calling for headcounts. They even collaborated with each other by nominating each other in the election of Chairman. Some even laid siege to the President Podium. We could see that some former Members had tried every means to paralyse the operation of the Legislative Council and obstruct the policy implementation of the Government, with a view to throwing Hong Kong into a state of "discussing without making decisions and deciding without taking actions".

President, the abuse of the Rules of Procedure had not only caused cost

overruns and delays to many works projects, it had also obstructed the normal operation of the Legislative Council and the Government. Worst still, they would even damage the long-term economy and business environment of Hong Kong, as well as the stable development of our society and people's livelihood. We can see that in recent years, cross boundary projects such as the Hong Kong section of the Express Rail Link, the Hong Kong-Zhuhai-Macao Bridge Hong Kong section and the Liantang/Heung Yuen Wai Boundary Control Point were all delayed because of the filibuster in the Legislative Council, which had not only caused an increase in the costs which was ultimately borne by taxpayers, but had also affected Hong Kong's job market and the services provided to the public.

Even though we are witnessing the rapid development of our neighbouring cities, Hong Kong is still embroiled in political rows. Conspiracy theory was used to judge everything and everything was politicized. Even many policies related to the people's livelihood, education and medical services were unable to be implemented. I believe all the people who love Hong Kong will feel very sad. Certainly, the Rules of Procedure is drawn up for the gentleman but not the villain. If everyone is a gentleman—just like the President—who has the power but will not use it to the fullest, there is no need for us to amend the Rules of Procedure. However, during quite long a period in the past, we have seen the deterioration of order in the Legislative Council. This has demonstrated the absolute need for us to amend the Rules of Procedure for the second time. For that reason, I am happy to see that Mr Paul TSE has proposed the relevant motion.

President, after the movement of opposition to the relevant proposed legislative amendments and the pandemic which has lasted for more than one year, Hong Kong's vitality has been severely depleted. All sectors in society expect the Legislative Council to restore its effective operation as soon as possible. I consider shortening the speaking time and making a more precise and get-to-the-point speech is reasonable. The amendments can enhance the efficiency of the Legislative Council and expedite the passage of livelihood-related laws. The current proposals have taken into account the trend of the legislatures in other places. They therefore strike a good balance in that they can ensure the effective operation of the legislature and while not affecting Members' right to speak.

Some people say that the pro-establishment camp has taken advantage of the difficulties faced by the opposition camp by proposing the amendments, but I

consider such remark unfair. It is because since 2008, the Legislative Council had been studying the practice of legislatures in many places, countries and common law jurisdictions. The amendments this time around are not targeting at any political groups or individual. These amendments are simply the appropriate methods to deal with the current situation. If the pro-establishment camp is letting this opportunity go in order to show its gentlemanly behaviour and to fail to bring order out of chaos, I think we are not living up to the expectations of the people of Hong Kong.

President, Hong Kong is at the crossroad of economic development and it happens that this year is also the first of the National 14th Five-Year Plan. In the face of such opportunities as the construction of the Guangdong-Hong Kong-Macao Greater Bay Area as well as the Belt and Road Initiative, the next few years are very critical. This is a once in a lifetime chance to Hong Kong. We should grasp it and leverage Hong Kong's advantages to meet the country's needs.

The amendments to the Rules of Procedure this time around are relevant to the relationship between the legislature and the Government, the efficiency of the Legislative Council in policy discussion, whether or not the SAR Government can effectively implement its policies according to the law and the fundamental interests of the public. For that reason, we must go ahead, to bring order out of chaos and to right the wrong. Besides, amending the Rules of Procedure has been the mainstream consensus in Hong Kong.

President, one of the duties of Members of the Legislative Council is to monitor the Government, not to paralyse its policy implementation. Members of the public expect us to convene meetings, not to cause abortion of meetings. We genuinely hope that by amending the Rules of Procedure this time around, we can resolve all contradictions in future through communication. If we can do more solid, I believe it is a blessing to the legislature and the public.

President, I so submit.

MS STARRY LEE (in Cantonese): President, the Legislative Council is the legislature of the Hong Kong Special Administrative Region. Under the Basic Law, the main duties and functions of the Legislative Council are to enact, amend or repeal laws in accordance with the legal procedures, to examine and approve

budgets, to approve taxation and public expenditure, and so on. The executive authorities, the legislature and the judiciary, being the integral parts forming the political regime of Hong Kong, have their respective duties and functions. If the legislature cannot operate normally so that the bills or funding applications related to public expenditure cannot be dealt with on time and thus the policies cannot be implemented, public interests will naturally be undermined, and the development of the economy, people's livelihood and the rule of law in Hong Kong will be affected.

President, I have been a Member of this Council since 2008 and have witnessed the deterioration of parliamentary culture. This Council is no longer solemn, and quality democracy cannot be seen any more in the Legislative Council of Hong Kong. Instead, the parliamentary culture is deteriorating and the Council is getting more violent. The commotion in this Council of Hong Kong was often covered in international news. Hong Kong people, apart from feeling furious and sorrowful, actually find it more disheartening to notice the waste of a lot of time due to internal political conflicts and the weakening of our competitiveness. If the situation goes on, we are afraid that Hong Kong will become a second tier city of the Mainland.

President, citizens know pretty well about the commotion in this Council. If you search online, you can find the relevant figures. For example, during the term of the Legislative Council from 2016 to 2020, Members' filibusters in the Council meetings involved an abuse of 501 quorum calls, leading to abortion of 14 meetings. The most serious incident is of course the saga concerning the election of the Chairman of the House Committee. Owing to the serious delay in the election of the Chairman of the House Committee, a total of 93 pieces of subsidiary legislation were unable to be scrutinized by subcommittees set up within the amendment period, and certain pieces of legislation could not have their scrutiny finished due to time constraints. Of course, the situation is now better and the Council business can be handled due to the extension of our term of office for one more year. Hence, last year, when I gave a summing-up in my capacity as Chairman of the House Committee, I cited four major regrets. They were the turning of the House Committee into the main battleground for parliamentary confrontation, and as a result, those bills pertaining to people's livelihood were delayed or even sacrificed; the turning sour of the relationship between the executive authorities and the legislature; the escalation of violent conflicts in the legislature; and the failure in building a mutual trust relationship between Hong Kong and the Central Authorities. Back then, I highlighted clearly that with the new trends in society, a responsible legislature and

responsible Members need to regularly review and update the Rules of Procedure ("RoP") so that we can adapt to the changes in the new era.

President, coming back to the subject today, the proposed amendments to RoP can be classified into five categories: first, sanction against grossly disorderly conduct of Members; second, specifying time limits on debates in Council and adjusting the length of Members' speeches by the President according to the situation; third, powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session; fourth, fine-tuning the procedure for the adjournment of debate in the Council; and fifth, proposed amendments to prevent possible abuse of procedures.

Firstly, it is sanction against grossly disorderly conduct of Members. In fact, this part of discussion has already been going on in this Council for a very long time. Since the first banana was hurled by a Member in the Legislative Council and since the violent political farces in the Council were getting more serious, the public have been asking us many times to tighten the penalty and sanction against grossly disorderly conduct of Members. It is because we all know that in fact, the Member who has caused trouble can only be asked to leave the Chamber, and apart from asking him or her to leave the Chamber, there are no other alternatives in between, as also pointed out by some Members earlier. Therefore, this proposal is actually put forward to fill the vacuum in this respect.

President, as Members of the Legislative Council, when we deliberate ... President, we are also cognizant that this amendment will fill the vacuum in this respect, because usually apart from asking the Member concerned to leave the Chamber, the most serious consequence is disqualification of that Member through a censure motion. President, we were rather cautious when discussing and studying the penalties in this aspect. We have considered not only the examples of other parliaments, but also the operation of the legislature as a whole.

President, In regard to specifying time limits on debates in Council, it is actually the duty of Members to engage in debates, and this is why many Members wish to be able to express their views in the Chamber without any restrictions. During the debate earlier and in the House Committee, some Members have also voiced this opinion, which is understandable. Nonetheless, having taken stock of the experience gained, we learnt that certain Members have

exploited the rather wide margin of the existing RoP in delaying the processing of motions and opposing the motions so as to constrain the efficiency of the legislature.

Therefore, we need to strike a balance. We all know very well that within the time constraints of this Council, the legislation of various aspects in Hong Kong need to be kept up to date, many motions need to be discussed and many funding applications also need to be passed. Hence, a major challenge to this amendment exercise of RoP is how to ensure the smooth operation of this Council. I am also aware that the Committee on Rules of Procedure has already made reference to the experience of the respective parliamentary institutions in the United Kingdom, New Zealand, Australia, Canada and the United States. In sum, many parliamentary institutions have also specified time limits on debates, and this is a rather common practice. The imposition of this regulation can, on one hand, allow Members to have more room for discussion in the Council and on the other hand, allow the Council to make a decision within a reasonable time frame. This is to prevent the Council from engaging in long discussions but without reaching any decision.

Different parliamentary institutions adopt different types of restrictions, but the common forms of specifying time limits on debates include limiting the overall debate time—President, this has also been adopted many times by you—limiting the total number of speeches delivered in a debate, and limiting the speaking time and the number of speeches per Member. These restrictions have also been adopted in different parliamentary institutions.

President, the third amendment is to respond to the saga in the House Committee. We are all very clear that the previous saga in the House Committee was attributed to the lack of explicit provision in RoP on the powers of the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session, and as a result, the meetings were incessantly delayed. I thus give my full support to this part of amendment.

President, RoP needs to keep abreast of the times, and in this exercise, every one of us has been rather cautious indeed. I would also like to take this opportunity to thank every colleague who has participated in the process of amending RoP, especially Members of the Committee on Rules of Procedure and colleagues from the Secretariat. All of them have spent a lot of time and efforts

so that this amendment exercise of RoP can reach this stage. For the next stage, we will still have other amendments in relation to RoP. The legislature of Hong Kong needs to move forward and we need to properly take stock of the experience gained and be forward looking. We have all learnt that there will be a total of 90 seats in the next term of Legislative Council, and thus how to strike a balance will indeed be one of our coming significant tasks.

President, in recent years, the legislature has lost its effectiveness and has been unable to perform its various constitutional functions. Worse still, it even became a major battleground for internal political friction, procrastinating the development of Hong Kong. For a long period of time, Hong Kong was in the impasse of internal political conflicts. Looking back at the development over the past two decades since the reunification, we have genuinely missed a lot of opportunities and have spent too much time on political bickering. During this period of time, our neighbouring cities and other competitors have been catching up, and now, Singapore, Shenzhen and even Macao have already overtaken Hong Kong in many fields. Alarm bells have actually been raised time and again for us. Recently, the Central Authorities could not put up with it any longer and took action. Hence, I really hope that through the amendment to RoP and the implementation of the "patriots administering Hong Kong" principle, political stability can be restored in Hong Kong, while the Legislative Council can really become an orderly and healthy platform for discussions such that Hong Kong can focus its efforts on economic development, on improving people's livelihood and on long-term planning.

With these remarks, I support the motion.

DR CHENG CHUNG-TAI (in Cantonese): We are now having a debate on the proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure ("RoP"). In regard to this amendment exercise of RoP, I am rather concerned about three aspects. But before I spell out my views, I have to make an apology, because concerning the area covered by this amendment exercise of RoP, frankly speaking, I have not studied in-depth the long-term impact of the amendments on the room for deliberation and deliberative culture in the Legislative Council. In the face of the recent passage of the Decision on amending Hong Kong's electoral system by the National People's Congress ("NPC"), we are now making amendments to RoP. I will not say that the latter is insignificant, because it actually will also have an impact. However, when

making a comparison between them—I have to say sorry—since I have not done any in-depth study on this amendment exercise, if what I am going to say is not entirely correct, Members are welcome to correct me.

First of all, I consider that this amendment exercise, obviously in the part about the deliberation of bills and the deliberation of major motions, will directly stifle our remaining limited room for deliberation. Will this have an impact on our deliberative culture? I may ask the other way round: Do we still have any deliberative culture in our Council? I have to make clear two points—I think I have made myself very clear—the impact of this amendment exercise is that our remaining limited room for deliberation will be stifled. As regards whether our deliberative culture will be undermined, we have to ask what our deliberative culture is.

The process of making legislation by the legislature is just like writing an argumentative essay, and the formats of both are very similar. I have to spell out my stance towards the legislation concerned as to whether I give it my support. I need to present the arguments, justifications, factual substantiation, inferences and conclusion, and there are altogether five to six parts. In our RoP, the statutory procedures are translated into the First Reading, the Second Reading and the Third Reading. Of course, the parliament or congress of each place has its own practices, but the above is the basic format. Nevertheless, why do I say that this amendment exercise will undermine the deliberative culture or deprive us of the room for deliberation? It is because there is a principle behind deliberation or a presumption behind our scrutiny. It is presumed that in our Chamber, the more the subject is debated, the clearer it becomes.

What is meant by the more the subject is debated, the clearer it becomes? It is our wish that through deliberation or the debating process, we can, in respect of the five to six parts that I just mentioned, state clearly the rationale, the reasoning or the principles concerned. However, the word "clearer" in "the more the subject is debated, the clearer it becomes" does not refer to the pursuit of truth. The general notion about the legislature is that Members are looking for the greatest common divisor. In other words, each representative in the Council is representing a certain number of voters or a certain public opinion. In the pursuit of the greatest common divisor, how can Members reach a consensus or a community consensus? Hence simply put, "the more the subject is debated, the clearer it becomes" does not refer to the pursuit of truth or any scientific law, and this should be very clear to Members. It refers to the pursuit of the greatest

common divisor or the common grounds.

Will this amendment exercise undermine the parliamentary culture? Frankly speaking, from the perspective of the Council, in terms of our parliamentary culture, there is already not much left. For instance, in the past when the opposition camp or the pro-democratic camp—relatively speaking, the pro-democratic camp rarely did this—when Members from the League of Social Democrats staged some parliamentary protests or made some gestures, they were actually making some moves in opposition or expressing their stance of opposition in response to the stifling of our deliberative culture, and this is not—I emphasize that this is not—the so-called deliberative culture in our general understanding. Therefore, if we single this episode out, strictly speaking, our Council has long been a stance-expressing Council. In regard to certain acts or behaviour like fighting, they fall into another subject of discussion. Nonetheless, we have to understand one point: If this Council does not have any opposition camp or pro-democratic camp, will our deliberative culture be restored? Members will understand after listening to the example from yesterday.

Yesterday, we had a debate on the motion about the co-location arrangement at the Huanggang Port, and during deliberation, Members expressed their respective arguments. There was something beyond my expectation—President was also in the Chamber. I have spoken seven and a half minutes on this motion which I think is an ordinary and common motion. To put it plainly, I think this motion on the co-location arrangement at the Huanggang Port debated yesterday has nothing to do with the jurisdiction of Hong Kong—it is different from the practice in West Kowloon Station where a certain area has to be allocated for law enforcement by the Mainland officers—but is about the enforcement of the laws of Hong Kong in Shenzhen. I have no idea why people have to be so sensitive or why there should be such a strong reaction in society. Hence, I think this is a very ordinary and common motion. But why do I think that our deliberative culture does not exist? Because this is not simply the expression of stances by Members only. It is important to indicate your stance, because if no one knows your stance, it will be your problem. However, what is beyond my expectation is the response from the Government—Secretary John LEE—to my speech yesterday, and what he said is not the kind of deliberation in our understanding. He singled out a phrase or two from my speech and then said that I was pulling the wool over the eyes of the public. I said that we basically did not need to spend two to three hours

debating such an ordinary and common motion, but he has to express his stance.

Therefore, why do I say that the deliberative culture of our Council has all gone? The Government has to express its own stance to indicate how radical it is. This is its choice but it should not distort my remarks. On the other hand, we are actually also responsible for this.

In the past, why has the Council turned into one where Members were only used to expressing their stances, chanting slogans or even making one or two gestures? In fact, all Members are also responsible for this. The voters will select a Member of their own kind—of course, if there is still any election. In my speech yesterday, I said that for such an ordinary motion, it was unnecessary to spend so much time to deliberate. As a result, *Apple Daily* thought that I found it unnecessary to ask for a division and made a news story on this—but actually to a certain extent, I am already used to it.

Why would this happen? Our deliberative culture is empty. It is because we do not understand that deliberation itself is for the purpose of making things clear instead of simply expressing our stances. It is important to express your stance, because other people need to know what your stance is. But the problem is that theoretically, our Council is a reflection of the entire community, and our Members represent different parts or strata of the community. If Members only express their stances, what will happen? If there is only expression of stances, it would be unnecessary to amend RoP for the suspension of a Member's service. Concerning the amendment on suspension of a Member's service, we discuss it openly and legally today. In regard to empowering the President of this Council to impose a so-called penalty of suspension in addition to ordering a certain Member to leave the Chamber, before the amendment of the law by NPC, I would find this approach absurd. Because if the President asks me to leave the Chamber, and then says that I will be suspended from my duties as a Member of the Council and also have the chance to be fined, this certainly is stifling the room for deliberation. In that case, I will say less but just express my stance. I will come here to speak, and end my speech by making a gesture. The picture was the same yesterday, as Members were merely expressing their stances, and this was the situation.

Nevertheless, after legislative amendments by NPC, I do not understand what effect in your mind this amendment can practically achieve. Shortly afterwards, an eligibility review committee will be established for screening the

candidates for the Legislative Council election. If there is still a Member who will do anything here that you think is against the rules and then you have to ask him to leave the Chamber as a punishment, I will query whether the threshold of being patriots is too low. Before the legislative amendment by NPC, I thought that this amendment exercise seemed to be for the purpose of stifling the limited room of survival of the minority, even though only eight to ten such Members remain in the Council. But this has to be done to play safe, anyway. However, as we understand, since there will be patriots administering Hong Kong in the future Council, then this amendment may be ... how to describe it? It is better safe than sorry, but this amendment may be superfluous ... What? Do you say that I seem to support this amendment? Hence, it is significant to make my stance clear.

In regard to the restriction on the motions for the adjournment of the Council moved without notice at a meeting, frankly speaking, I find it problematic. As a matter of fact, other than the Legislative Council meetings held on Wednesdays and Thursdays, we do not have much room for the general public of Hong Kong, other countries and even the Beijing authorities to understand what is happening in Hong Kong. The Legislative Council is a place for Members to get together to immediately respond to the issues of Hong Kong. Concerning the motions for the adjournment of the Council moved without notice, I think if the President is empowered—he actually has the power—to impose restrictions, he in fact will be restraining himself with a straitjacket even after the future amendment to the political system of Hong Kong.

Let me illustrate with a simple example. Before the amendment to the Fugitive Offenders Ordinance in 2019, some Members from the pro-establishment camp had also proposed motions for the adjournment of the Council. Why? Because this was not the simple situation of a group of Members trying to stir troubles, but some legislation, if passed, would truly have an impact on the interests of certain industries or on something important to Hong Kong at that time. However, the amendment now of course refers to giving power to the President to make a judgment. But by this logic, in the Third Reading of a bill, if the President is empowered to restrict the speaking time of Members, this will be underestimating the President's ability to judge whether a Member's speech is too lengthy or his arguments too repetitive. Under the original arrangement, a Member can have 15 minutes of speaking time during the Third Reading, but the President has to impose restriction because he says that the time for the debate will be too long. Nonetheless, there will be 90 Members in

the future, and we should have already expected that the time for the debate will be even longer, and hence the speaking time for a Member may be reduced from 15 minutes to 5 minutes or 7 minutes.

In my opening remarks, I mentioned about the meaning of deliberative culture, and the most important part is not about expressing the stance or purely the expression of your personal stance. You present your arguments, substantiation and inferences, but the crux is the conclusion, right? Let us assume that this legislature is really democratically elected or is genuinely representative. During the Third Reading of a bill, we presume that the bill has already gone through the discussion process or the process of debate in which the subject has become clearer. In the Third Reading, a Member can take this opportunity to give a conclusion as to whether he supports a certain amendment or a motion. In other words, deliberation itself allows us to have some room at the end to give a conclusion. Besides, due to the restrictions in the design, not everyone could listen to my views expressed in the bills committee concerned, and you could listen to my views only during the Council meeting. For instance, do I support a total ban on electronic cigarettes, or do I support the regulation on heated tobacco products but a ban on electronic cigarettes? In another scenario, I have not joined the bills committee concerned, and could only express my views during the discussion of the bill at the Council meeting. After listening to my conclusion and justifications, you may agree with me. Let me give you an example, when there is an age restriction in regard to buggery in Hong Kong, why are citizens at the age of 18 or above not trusted to be able to determine whether they should smoke? This is against common sense, right? After listening to my speech, you may adjust your conclusion.

Therefore, concerning the amendment to restrict the speaking time of Members during the Third Reading, it has underestimated the ability of President, because you have the ability to determine whether the Third Reading debate is excessively long and the arguments are repetitive. The present design is to reduce the original speaking time of 15 minutes to 5 minutes, which is an unnecessary amendment. In our Council, there is already too much expression of stances. You are impatient of Members' expression of stances and wish to change certain things through the amendment exercise—although this sounds a little ridiculous, this is the design. However, when the last part is now cut off while the front part is still kept for Members to express their stances, is it not what happened yesterday? Yesterday, Members did nothing but expressed their

stances. Nevertheless, I reiterate that it is important to express your stance. I so submit.

MR CHAN KIN-POR (in Cantonese): President, since the Occupy Central movement, the "mutual destruction camp" waged a "filibuster battle" by taking advantage of the loopholes in the Rules of Procedure ("RoP"), which had rendered the Legislative Council in a semi-paralysed state on many occasions, and brought down legislative work for the purpose of dragging down the Government so that Hong Kong would fall into the trap of "mutual destruction". Their filibuster reached its zenith in 2019 with the behaviour of the "mutual destruction-camp" Members getting more violent and radical. It had become common to see them charge at security staff. They even resorted to throwing rotten eggs. How ridiculous. According to statistics, from 2016 to 2020, their filibustering tactics included abusing the procedure by calling quorum counts for over 500 times, causing the abortion of 17 meetings with at least 14 bills being delayed.

In fact, in order to suppress the wave of filibuster, the amendments to 24 items in RoP moved by pro-establishment Members were passed by the Legislative Council in 2017, and two items in the Finance Committee Procedure were also amended in 2018, for the purpose of narrowing down the room for filibustering. The "mutual destruction camp" showed some restraint at the beginning, but very soon, they racked their brains to come up with different filibustering tactics. The most classic one was their obstruction of the election of the Chairman of the House Committee ("HC"). Since the original HC Chairman, Ms Starry LEE, ran for election, according to RoP, the then HC Deputy Chairman, Mr Dennis KWOK, should preside over HC meetings. Yet, he chaired the meetings in his very special ways in order to delay the election, such as not setting any limit on the time and scope of members' speeches. As a result, HC still failed to elect its Chairman after seven months. That was unprecedented.

Eventually, the President stepped in by specifying me as the member presiding at the HC meeting after seeking legal advice. I also thank him for specifying that we should proceed straight to balloting and should not hear points of order. The new HC Chairman was successfully elected in the end. In fact, in my memory, it was very chaotic and violent on that day. The meeting was

scheduled for 2:30 pm. The door of the conference room was usually opened at 2:00 pm, and I was already sitting on the Chairman's seat by then. A group of Members stormed in and shouted at me with abusive and humiliating words. As Chairman, I could not turn on the microphone to refute them. I could only put up with them. But I do not think I was the one who suffered the most, the security staff were, as they had to physically confront some Members who messed around in front of ... the security staff who had to resist their charge. It was even harder for female security staff. In the past few years and in this incident, talking about the storming of the Council, people who suffered the most were the Secretary General, Legal Advisers and colleagues of the Legislative Council Secretariat for they faced very unreasonable accusations or even personal attacks. The security staff were even more helpless as they were directly confronted by those Members. So I think their professionalism in handling chaos in these few years is worthy of commendation.

After discussion among colleagues, the Committee on Rules of Procedure proposes eight amendments, five of them involve RoP which are going to be considered and voted on today, and three involve the House Rules ("HP"). The five amendments under discussion today include suspending Members with grossly disorderly conduct from service and deducting their remuneration during the suspension period; specifying time limits on debates in the Council and adjusting the length of Members' speeches; granting the chairman/deputy chairman in office all the powers that may be exercised by the chairman/deputy chairman of the committee concerned until the chairman for the next session is elected; fine-tuning the procedure for the adjournment of debate in the Council; and the fifth one, introducing amendments to prevent possible abuse of procedures.

A "red card" system is also introduced in the proposed amendments. If the President is of the opinion that his powers under Rule 45(2) (Order in Council and Committee) are inadequate with respect to the grossly disorderly conduct of a member, the President may name such Member. The President's deputy may then move a motion that should be voted on forthwith without amendment or debate. Should the motion be passed, the concerned Member will be suspended from service. The duration of the suspension is one week on first occasion and will be extended gradually on subsequent occasions. His/her remuneration will

also be withheld during the suspension period. This amendment sounds harsh, but I deem it necessary. I have presided over Finance Committee meetings for many years and have been subject to unreasonable attacks for many times. As Chairman, there is nothing I can do about it. I can tolerate personal humiliation, but such behaviour has interfered with the work of different meetings. We can see that Hong Kong really lagged behind other places in the past few years owing to the disruption in the Council. Members wanted to raise many issues but they did not dare to do so. While submission of proposals to the Legislative Council was a big deal, Members did not even dare to raise issues at that time. The fact that Hong Kong is moving backward, or even not able to move forward, has much to do with such behaviour.

Why did they dare to charge at the President Podium? Because we did not enforce the Legislative Council (Powers and Privileges) Ordinance seriously in the past, and RoP was actually a toothless tiger. Even if Members had grossly disorderly conduct, they would only be ordered to leave the Chamber at most, and they could attend the meeting again the next day. It was even more ridiculous before when Members could go back to the meetings several times within a day. The Council did not impose much punishment on Members. On the contrary, after extensive media coverage on their behaviour in the Council, they were treated as heroes. Seeing that they take more than they give, more and more Members followed suit, and their behaviour got more and more violent. It was the system that made them do so. Now that with the "red card" and remuneration deduction system, I believe that the deterrent effect will be greater.

Another area of concern is adjusting the length of Members' speeches. We all know that the President can set the time limit to four hours in maximum for speeches, and 1.5 hours for the adjournment of the Council. In respect of the speaking time of each Member on motions, the amended one will be shorter. Some Members find it too short as they fear that they may not have enough time to speak. I think we have to speak more concisely in the future. In fact, we very often do not need 10-odd minutes to make a speech. If Members can speak for 2 to 3 minutes to deliver the same effect as a 10-minute speech, it will draw more attention as people's attention span is very short. Three minutes is very long already. If you speak for over 10 minutes, who would listen to you attentively? I think a concise speech lasting a few minutes will be more

effective. On the other hand, I believe that the President will exercise his discretion as appropriate. When we discuss complicated issues, the speaking time may not be enough. I believe that the President will handle it flexibly by discretion. From a practical point of view, shortening the speaking time is inevitable given that the number of Legislative Council Members will increase to 90.

President, RoP of the Legislative Council has generally been following the one used by the British Hong Kong Legislative Council with some amendments over the time. Back then, Members were all well-behaved because appointment system was adopted. If they made a mess in the Council, they would not be appointed again. So, RoP and HR were simply "gentlemen's agreements" with relatively lenient provisions that all Members followed spontaneously. However, in the past few years, some Members proved in action that they would not respect RoP, so we must write down clearer rules to stop them from making use of the loopholes therein. What I say is in fact very sad because the best way is for Members to exercise self-control. However, if we do not tighten the rules, they may make use of the loopholes and abuse the rules concerned as much as possible, which will harm the Council, all colleagues and Hong Kong. In my opinion, we have the responsibility to plug the loopholes in RoP and it is also necessary to do it, so, I support this Motion. Thank you, President.

MR MARTIN LIAO (in Cantonese): President, I speak in support of the proposed resolution under Article 75 of the Basic Law to amend the Rules of Procedure ("RoP") moved by Mr Paul TSE, Chairman of the Committee on Rules of Procedure.

President, in order to bring a rational and solemn legislature back to society, the pro-establishment camp succeeded in amending RoP in December 2017 after spending a lot of efforts, with a view to reducing irrational filibusters so that the Legislative Council could keep abreast of the times and be back on the right track. Before June 2019, we could still notice the effect of that previous amendment exercise, and the overall operation of the Legislative Council was rather smooth. This was particularly attributed to the amendments which have empowered the President to order that a meeting will be convened soon after a meeting is aborted for dealing with the rest of the agenda items, and also

empowered the President to rule that a joint debate shall be conducted on certain motions. The above measures have greatly reduced the room for filibustering.

However, in order to achieve certain political motives, the opposition camp interpreted RoP inappropriately and availed itself of the loopholes by every means. During the last legislative session, the opposition camp hijacked the entire legislature politically. Mr Dennis KWOK, a former Member, who was tasked to host the election of the Chairman of House Committee, kept on exploiting the procedures. Due to his abuse of power and violation of the rules, the House Committee Chairman could still not be elected after seven-odd months, leading to a standstill of the Legislative Council and the accumulation of many important bills and proposals pertaining to people's livelihood and infrastructure. This was strongly condemned by public opinions. Due to COVID-19, the Standing Committee of the National People's Congress passed a decision to extend the term of office of the Sixth Legislative Council. Nevertheless, Members from the opposition camp, who could be back to the legislature, continued to go astray and be regardless of people's livelihood. Before their collective resignation, they continued to filibuster on some non-controversial bills, such as the bill about container specifications and the Statute Law (Miscellaneous Provisions) Bill 2019. During the deliberation of the Statute Law (Miscellaneous Provisions) Bill 2019, the opposition camp asked for a quorum call every half an hour, and some of its Members digressed seriously when they spoke, leading to abortion of the Council meetings for three weeks in a row. This has severely wasted the time of Hong Kong people and public money, and has impeded the socio-economic development of Hong Kong and the implementation of people's livelihood measures.

To ensure that the Legislative Council can operate in an orderly and highly efficient manner in future, we must amend RoP to further plug the loopholes and prevent recurrence of the chaotic scenes in the Chamber. With respect to the grossly disorderly conduct of a Member, the existing sanction under RoP 45(2)—i.e. the Member concerned shall be ordered to withdraw immediately from the Council or the committee for the remainder of that meeting—is inadequate in dealing with the grossly disorderly conduct committed by a Member in a Legislative Council meeting. In the community, many members of the public have grievances on the outrageous manners of some Members in the Chamber for the purpose of achieving their ulterior political motives. They also query why these Members, after committing grossly disorderly conduct, could still swagger outside the Chamber, acting like nothing worse had ever happened,

and be free from any restrictions. The sanction mechanism is drawn up with reference to the systems adopted by overseas legislatures like the House of Commons of the United Kingdom and the Bundestag. It is a new way of punishment under which the penalty is subject to an escalating scale of severity and a financial penalty would be imposed for period of suspension on a pro-rata basis. This is conducive to enhancing the deterrent effect of the penalties with a view to regulating the behaviour of Members.

President, the time of Legislative Council meetings is precious. In practice, in the agenda arrangement of the Legislative Council meetings in each year, excluding the time for the debate of the Policy Address and the Budget as well as the holidays, not much time is left for the deliberation of bills. Members need to use the meeting time well and carry out their legislative work in a highly efficient way and with quality. In this legislative session, only 13 scheduled Council meetings, including this one today, are left, and two of them will be required to deal with the Budget debate. That means there are only 11 meetings to deal with the legislative work on the bills, and for the moment, 30 bills are still pending for scrutiny. Besides, the Chief Executive has also expressed her wish to accomplish five pieces of legislation within her term of office. They include legislation on the incorporation of District Councils in the requirement in respect of oath-taking by public officers, the admission of qualified non-locally trained Hong Kong doctors, tenancy control on subdivided units, anti-doxxing and the improvement to fire safety for old buildings. The tight schedule for legislative arrangement is also coupled with heavy workloads. In terms of the time limits on debates in Council and the length of Members' speeches, in accordance with the nature of bills and motions, Members' speaking time and the time limits on debates will be adjusted appropriately. A Member's speaking time will be reduced from 15 minutes to three to 10 minutes. This can encourage Members to make concise speeches with a view to enhancing the efficiency of the Council in transacting business. At the same time, under Article 72(1) of the Basic Law, when the President of the Legislative Council is exercising the power and function of presiding over meetings, he shall exercise his discretion. The proposed amendments also include empowering the President to adjust the time limits on debates with his discretion. This is to supplement the proposed amendment concerning the length of Members' speeches in order to strike a balance and enable the Council to discharge its constitutional functions properly.

To prevent recurrence of the incidents similar to the one last year when the

House Committee Chairman was unable to be elected for a very long time, the proposed amendments empower the committee chairman in office to deal with normal business prior to the election of the committee chairman for a new session. The proposed amendments also include fine-tuning the procedure for the adjournment of debate in the Council. There is also a series of proposed amendments to prevent possible abuse of procedures. In the past during the Third Reading debate, some Members discussed again the general merits and principles of the bill, or the proposed amendments to or individual provisions of the bill, which should had been discussed at the Second Reading debate. This is not only a departure from the original intent of separating the procedure into Second Reading debate and Third Reading debate of the bill, but also a waste of time of the Council. The proposed regulation on the speeches of Members at the Third Reading debate is conducive to enhancing the quality of Members' speeches and the legislative efficiency.

President, this amendment exercise aims to propose targeted amendments to RoP and to address issues like speaking time, as RoP has been abused in recent years by the opposition camp. The proposed amendments have also struck a reasonable and proper balance between parliamentarians' right in the discussion of political issues and the fulfilment of constitutional duties and social responsibilities of the Legislative Council. In my view, the amendment exercise has not undermined the functions of the legislature. On the contrary, through bringing order out of chaos, it is conducive to our return to reasoning and enhancing the overall quality and efficiency of the Council, with a view to promoting the overall interests and development of Hong Kong. I support this motion.

President, the pro-establishment camp of the Legislative Council will review the existing RoP from time to time, and will propose amendments where necessary with a view to preserving the sanctity of the Legislative Council as well as improving the system, operation and order of the Legislative Council as a whole.

President, I so submit.

DR PRISCILLA LEUNG (in Cantonese): President, Article 75 of the Basic Law provides that the Legislative Council of the Hong Kong Special Administrative

Region may make its rules of procedure on its own. The wording "make ... on its own" implies the conferment of trust with a high degree of autonomy on the Legislative Council of the Hong Kong Special Administrative Region whereby we may cultivate a deliberative culture that ties in with Hong Kong's characteristics.

I remember that before joining the Legislative Council, I found the Legislative Council to be solemn and respectable, and being a Legislative Council Member was an honourable status to people and Members themselves. Why is the distinguished title "Honourable" used? Why is this distinguished title used? The reason is that people and the community cherish expectation of us.

President, during the 13 years from 2008 to 2021, everybody can honestly see the degradation of our parliamentary culture. I remember that soon after joining the Legislative Council, I already witnessed in the Chamber how former Legislative Council Member WONG Yuk-man hurled the first banana. He said that the hurling of the banana was the reason for his successful fight for the "fruit grant". This was how the Pandora's box was opened. At a meeting of the Committee on Rules of Procedure ("CRoP") back then, I already proposed that a yellow and red card system should be put in place, and I have also participated in CRoP all along. Since 2008, I have drawn reference from the rules of procedure in other countries (whether they practise common law or statutory law) and come to realize that the requirements in the Rules of Procedure of the Hong Kong Legislative Council are very lenient. In other places, a suspension order can be made, together with different levels of penalty. Besides, the speaker is given much discretion and may make an effective judgment based on the political circumstances in the community and also the situation in the legislature.

Back in 2011, the degradation of the Rules of Procedure set in, and it can be said that I was one of the protagonists at that time. At the time, five Legislative Council Members avowed that they would initiate a campaign called "Resignation en masse of Members returned from five geographical constituencies to trigger a de facto referendum". After resignation, they hastened to stand for the by-elections of the Legislative Council. Because of this, the speaking order in the Legislative Council would have to be determined after the conclusion of the election involving those five Members. This was downright a farcical show. Apart from wasting public money, it also created a huge temptation for other Members because they might think that they could resort to resignation to voice out their inner thoughts without any cost.

Therefore, I proposed a private bill to amend the Legislative Council Ordinance, so as to stipulate that a resigning Member shall be forbidden to stand for any by-election in the same term. This aroused huge controversy in the whole community, and I was also subject to personal attacks on all fronts from the media during prime time and all sorts of rampant smears. In the end, the Government took on board my amendment proposal and made some adjustment to stipulate that a resigning Member shall not stand for any by-election until half a year later. This was very lenient. In fact, I thought that a prohibition of one term was reasonable.

Under these circumstances, the opposition camp staged its first filibustering campaign and proposed 1 306 amendments. We once heard them read out Buddhist scriptures and Bible verses in the Chamber overnight. All this should not have taken place in the Chamber, and they did so for the sole purpose of filibustering. Filibustering is like a virus that has come to infect new Members one term after another, and it has turned into a norm. The ringing of the summoning bell is not only annoying to the public but also shameful to Legislative Council Members in the course of deliberation.

I still remember that when Alvin YEUNG joined the Legislative Council for the very first time after winning a by-election, I expected this rising star from the opposition camp to play to his strengths. I had never expected that he would request a headcount once he set foot in the Chamber. I once started conversations with new Members, especially those without any political affiliations. I told them to this effect: "They have resorted to extreme means and utterly spun out of control. This is like jumping off the political cliff and will plunge them into deep trouble sooner or later." But manipulating the proceedings is like abusing drugs, and they could not stop themselves.

I once talked to an incumbent Member at the time, who was imprisoned later on. I asked him why he did not propose any motions or oral questions after joining the legislature. He himself cherished many political ideals, so I asked him why he was so obsessed with uncivilized acts after joining the legislature, such as hurling objects, snatching things, flinging drinking glasses, stealing ballot papers from the ballot box, pouring stinking liquid and hurling stinking substances. I went on to ask him why he did not make good use of his capacity as a Member. I still remember what he told me at the time. He said to this effect: "Even though I do not have any political affiliations, I am an opposition Member. Nobody has ever taught me how to propose motions, and our actions

are bundled up." This was what he did after joining the legislature.

Just now, I listened attentively to Dr CHENG Chung-tai's speech. I think we must treasure his speech because he represents ... This term is his first tenure, and I believe he is one of those Members who think that the purpose of joining the legislature is to do something like this. I once moved a motion under Rule 49B of the Rules of Procedure to inquire into his misconduct.

I wish to say something to Dr CHENG Chung-tai or those who are still willing to heed our speeches. Honestly, the Rules of Procedure should not be amended casually or arbitrarily. In the old days, it was extremely difficult to invoke Rule 49B of the Rules of Procedure to censure a Member in the legislature. As I remember, that particular rule was invoked for the very first time to inquire into the incident involving KAM Nai-wai. At the time, both sides were very serious, and an inquiry was held into his misconduct not so much because he was a Member of the opposite side. All Members were returned from election and commanded a popular mandate. We did not want to do this, but the result of the inquiry is like "eating", in the sense that KAM was not subjected to any consequences.

As in the case of the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance"), I am among the few pro-establishment Members who have proposed to invoke the Ordinance for forming a select committee on two occasions. The first occasion took place shortly after I joined the Legislative Council as a Member in 2008. I joined hands with the opposition camp and succeeded in forming a select committee under the Ordinance in the end to address the Lehman incident. The inquiry into the Lehman incident spanned a solid four years. Various Members were like students learning about the financial system, and in the end, we facilitated the conclusion of a settlement and the setting up of the Financial Dispute Resolution Centre, and the legislation relating to the banking industry was also amended. This is rather what we need to do for people's livelihood. On the second occasion, I decided to withdraw my notice at the end of the day because under the prevailing political atmosphere, the legislature no longer saw the need to invoke the Ordinance for inquiring into the social upheaval resulting from the anti-legislative amendment incident in 2019. I hope that when Members want to draw this imperial sword, their intention is for the well-being of society rather than just for fun.

As the opposition camp has kept jumping the queue by proposing motions under the Ordinance—I believe many new Members (including pro-establishment

Members) probably have not joined any select committees formed under the Ordinance—many people consider the relevant proceedings to be undesirable and dreadful. Actually, I think it is regrettable to see the development of things into the present state. In my view, Members should treasure this imperial sword because since the reunification, the design of Hong Kong's Basic Law and its provisions has not changed, and the attitude of the Central Authorities has not changed either, only that serious abuse of this proceeding has occurred in the legislature, so people begin to feel that there are problems with the operation of the three powers in Hong Kong.

Under the relevant design, Hong Kong never practises separation of powers with the Westminster or American style. Some may ask: "When somebody talks about separation of powers, and even some judges also use 'separation of powers', why haven't the Central Authorities taken any actions to correct them?" In fact, the Central Authorities have treated Hong Kong with boundless tolerance and patience, and they do not want to take any actions directly. The division of duties among the three powers in Hong Kong has always been clear, with mutual checks and balances. At a recent symposium, representatives of the Central Authorities once again expressed their hope for a healthy division of duties among the three powers with mutual checks and balances. "Division of duties" among the three powers does not mean the segregation of the three powers or the paralysis of any side's operation.

When Dennis KWOK presided at the election of the House Committee Chairman, I was very disappointed because he was returned by the legal profession after all and should not adopt such an utterly disgraceful way. I was also ashamed of his conduct because he was returned by the legal profession. But the process could completely show that he was unable to make an independent judgment, and he simply followed those reckless Members advocating "mutual destruction" in trying to bring about "mutual destruction" to the election and the Rules of Procedure. The result is, understandably, that it becomes necessary to amend the Rules of Procedure. Otherwise, if we fail to interpret the Rules of Procedure correctly ... I have all along maintained that he must not do so. If he found himself unfit to preside at the election, he should stand down and let the Member who was the preceding House Committee Chairman preside at the election. Now, we have to make things very explicit and clear as a means to prevent similar people from presiding at chairman elections in the future.

The amendment of the Rules of Procedure is a response to the problems

that have arisen. As I remember, the Legislative Council Secretariat once said that that a normal deliberative culture manifested itself only in one form, but there were many abnormal cases, so the Rules of Procedure was originally drawn up as a gentleman's agreement with the intention of laying down a civilized way of doing things. But some have lost control in the process, so the virus has spread around to the point of almost paralysing the legislature.

I really want to say something here. I know that the future President of the Legislative Council and Chairman of the House Committee will have to take up important tasks in the long way ahead. I still hope to see "the ball passed around" in the legislature, the pro-establishment camp versus the opposition camp like France taking on Brazil, and Members deliver quality speeches. Therefore, the judgment of the future President must be accurate, and he should allow sufficient time for Members with dissenting opinions to express their views, so that they may represent people and play to their strengths. As I remember, WONG Yuk-man was the first to use "sit and wait for money" to describe university professors. I once said to him: "Yuk-man, the Hong Kong legislature is always lack of such a sense of humour. You should use your talents in these areas and express your views through words rather than by disgraceful means." Under his immense influence, a Member even snatched the mobile phone from a public officer, not knowing how to express his views verbally. In the legislature of some western countries, there may also be cases where a member who was unable to sense the mockery of him right at that moment can only realize it afterwards and swallow it.

I hope media organizations—I hope they can hear my appeal—can refrain from encouraging physical conflicts through their eyes. On the part of Members, they should also refrain from learning from Taiwan's parliamentary culture, the kind of culture that Hong Kong used to despise. There was an incident where two members beat up each other with a rod in the assembly hall—Japan's legislators later followed suit—and inflicted bleeding injuries on each other as they thought that this was the only way to attract media coverage. But after the meeting, the two members involved could behave very friendly towards each other outside the assembly hall as they were only "putting up a show" just now. I once talked to a Taiwan legislator with a German doctorate title in an interview. He said that he would also do the same thing because of the media's liking for such things in reporting.

We propose to amend the Rules of Procedure with much reluctance, and we do not want to make casual amendments to it. But I hope that in the future,

new Members—we wish to see the participation of Members with different thoughts—can share the same goal with us and protect our rules, to say the very least. That way, we can engage in a high-level competition and enable people to see that the Legislative Council ... The current situation is honestly miserable as, somewhat inexplicably, people no longer call us "Legislative Council". We have heard people refer to us as "you people in this rubbish Council" on numerous occasions. Members should join hands together, so as to return to people a rational, civilized Legislative Council with dignity, a high quality and a sense of commitment that is answerable to the public.

President, I so submit.

MR WILSON OR (in Cantonese): President, I rise to speak in support of the proposed resolution moved by Mr Paul TSE under Article 75 of the Basic Law that the Rules of Procedure ("RoP") be amended.

Here, I would like to thank once again the Chairman and members of the Committee on Rules of Procedure, the Legislative Council Secretariat and the Legal Adviser for preparing today's proposed resolution after conducting numerous studies. This amendment exercise will help restrain some Members' grossly disorderly conduct to the effect that the efficiency and solemnity of the Legislative Council will not be undermined by their conduct, thereby enhancing the deliberative functions of the Council and restoring rational discussions by the entire Council.

President, there are indeed loopholes in RoP. As seen in the past, for those Members who had violated RoP, the President could only expel them from the Chamber. This move, in fact, could not deter them from committing acts of nuisance. In the past few years, we have witnessed frequent use of the loopholes in RoP by Members belonging to the opposition camp who sought to paralyse the Council by various means, such as filibustering which was familiar to us, moving adjournment motions, making quorum calls, etc., which had a devastating impact on Hong Kong.

As criticized by the public, these acts are not only a waste of taxpayers' money, but also a drag on society's development since a lot of motions beneficial to society and people's livelihood have been delayed or failed to gain passage in the Council. Wage earners live from hand to mouth, and while they were struggling to get by, Members belonging to the opposition camp just did not stop but even overstepped the mark to further interfere with the operation of the

Council, thus giving rise to imbalances in the legislature. Their intention of seeking mutual destruction has indeed get people very hot under the collar.

President, let us take a look at history: In 1996, a precedent was set for Members to disrupt the order of the Council by the then Legislative Council Member Mr LEUNG Yiu-chung when he made the remark, "stinky pits breed foul-smelling grasses". Later, in 2008, there came instances of hurling bananas, sweeping desks, launching vituperative attacks, and using foul language at meetings. In 2010, the opposition camp even sought a "de facto referendum" through the "resignation en masse of Members returned from five geographical constituencies ("GC")". Such a "great show" that they had put up eventually led to nothing but a waste of public money. They then made their way back to the legislature through GC by-elections. Since then, the opposition camp had been causing trouble all the time, where those who continued to cause trouble remain the same trouble-makers as before.

Members may still remember that the funding application for the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") in January 2010 was delayed for more than two months because of the filibuster by Members. Moreover, during the scrutiny of the Legislative Council (Amendment) Bill 2012, Members belonging to the opposition camp even submitted 1 306 amendments (consisting of 2 464 pages), deliberately delaying voting on the motion on replacement mechanism for filling vacancies in the Legislative Council. The Legislative Council has since entered an era of filibuster. Apart from the filibustering at Council meetings by Members belonging to the opposition camp, filibuster has also spread to meetings of the Finance Committee and other Panels. The only one overall objective of those Members was to drag on the overall development of Hong Kong by preventing a lot of livelihood issues from being dealt with in a timely manner. The public's comment on them is rather straightforward: "Wishing to see the whole world in chaos, the opposition camp is killing Hong Kong!"

President, despite the amendments made to RoP last year, they still failed to ensure smooth conduct of the Council's proceedings. Just now, some Members have also mentioned that the election of the Chairman of the House Committee ("HC") had been unexpectedly delayed for as long as half a year. Their purpose was so simple: Apart from obstructing the election of the HC Chairman, they also wanted to prevent this Council from resuming the Second Reading debate on the National Anthem Bill. In addition, some Members also resorted to different tactics, such as hurling stink bombs, storming the President

Podium and even using "black-clad violence" to obstruct the normal operation of the Council. Frankly speaking, members of the public were, catching sight of all their acts, well aware of what they were actually doing.

All the above serves to prove once again that there are still many loopholes in RoP, which must be plugged. Our legislature has evolved from so strict a place back then (where a Member could be expelled from the Chamber for making certain remark) to the Legislative Council of today that the President can do nothing even if Members rush over to the President Podium to fight. Members of the public expect the Legislative Council to be a solemn place for deliberation of serious matters, but the present situation is so ridiculous that it has completely failed to meet the expectations of all Hong Kong people.

President, members of the public would like me to relay to the Council these words on their behalf: "How can one sweep the whole world to make it clean if one's house is not swept and kept clean?" If the Legislative Council is not even capable of managing itself properly, how can it monitor the Government and speak up for the people? Members must have credibility. When working in local neighbourhoods, I am often asked by members of the public: "Wilson, why is the Legislative Council in such a mess that even the classroom order of primary schools is better? Why do you not do something about it?" Besides, I was also asked where the many Members had gone after making all the noise and fuss in the Chamber. They queried where those Members had gone and wondered if they had gone to have tea.

We absolutely have no idea about all this in fact, but they pointed out to me the most important thing: "Wilson, no matter if they have gone for tea or a meal after leaving the Chamber, they were still paid a salary together with other allowances and were paid by the public coffers!" Frankly speaking, quite many members of the public have already indicated that they might even not be able to get "fruit grant" or keep their jobs nowadays. And so, how are we supposed to uphold the principle of fairness if the loopholes in RoP are not plugged?

President, my explanation at that time was pretty simple. I told them that since RoP was a gentleman's agreement that only meant for gentlemen, it did not serve the purpose of restraining the villains. The local residents were so smart that they asked me, "Wilson, why not have the rules amended accordingly as you know this is the case?" I was indeed speechless then. Frankly speaking,

people have all seen how the Members belonging to the opposition camp have tried with their might to stop us from introducing amendments to RoP. Fortunately, we are now able to proceed to right the wrongs after lengthy discussions, so as to allow the return of rational discussions in the Council.

I would like to reiterate that righting the wrongs is the wish of all Hong Kong people. They hope that through introducing amendments to RoP, smooth operation of the Legislative Council can be resumed and its efficiency in assisting the Government in policy implementation can be enhanced. I believe that Members of this Council, as people's representatives in the legislature, do have to be accountable to the public. This is also something that all quarters of society wish to see.

President, the proposed amendments to RoP are divided into three aspects: first, suspension of service; second, imposition of financial sanctions; and third, prevention of filibuster. When I sought the views of members of the public on the proposed amendments, they expressed the strongest views on financial sanctions, which they thought should be imposed on a Member whose conduct was grossly disorderly. They became very interested upon hearing the term "financial sanctions" and said, "Serves them right! They should not be paid any salary and their salaries should be deducted instead because they were there to play and not work." They said so because their wages will also be deducted by their employers if they themselves are absent from work. President, when I showed this leaflet to residents of local neighbourhoods for consultation at neighbourhood level—despite the fact that its contents were not enlarged—I found that imposing financial sanctions was considered the best approach by the public because it would mean those irresponsible Members who only want to seek the limelight must bear on their own the consequences of committing acts of sabotage.

President, I think it is time to right the wrongs and plug the loopholes in RoP to enable our legislature to get back on track and look the way it should actually be. As I always say, the Legislative Council is no playground or zoo. Even if Members have different views, they can debate from different perspectives. The truth will only become clearer with more in-depth debate. Besides, it is absolutely possible for Members to, in a rational manner, clearly express their views in this Chamber. Yet, not amending RoP to plug the loopholes is tantamount to conniving those who intentionally act in disregard of

RoP and would continue making trouble in the Council. To be honest, all the amendments are proposed for the good of Hong Kong and the Council while meeting the expectations of all quarters of society.

President, when I visited local neighbourhoods to collect the public's views, nine out of 10 people would approve of the current amendment exercise, but there was always one person who would query: Were the amendments to RoP meant to get rid of the voice of dissent? I would then take myself as an example and tell them that the pro-establishment Members would actually voice their opposition at Council meetings or on other occasions so that the Government could hear them, and that what they have seen in the past was merely the hijacking of the Council by Members belonging to the opposition camp. Members are supposed to make good use of the opportunities to speak in the Council and clearly express their views on various issues. Yet, Members belonging to the opposition camp sought to derail meetings by means of filibustering. Should this also be regarded as voice of dissent then? People in the neighbourhood found my such remarks well-justified.

I further pointed out that in the past, pro-establishment Members did have relayed to the Government people's concerns and views at their meetings with government officials as well as in their speeches delivered at Council meetings. In my opinion, it is for sure that in this Council, every Member is bound to monitor the Government. Only ignorant people would say that the Council wanted to get rid of the voice of dissent. I trust that the Legislative Council has not at all restricted Members' right to reflect public opinion in the Council.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Deputy President, some people asked whether the amendments proposed to prevent Members from filibustering this time is just to specify the duration of motion debates and shorten the speaking time limit of Members in debates. Another member of the public asked whether the restriction and shortening of speaking time was a regression. That day, Deputy President, I was just like attending a debate. I told them that a long speech did not necessarily mean its contents were precise. I always say that precision is important in this world, and this is the case with poverty alleviation and efforts made to provide assistance to

the unemployed. Everything needs to be handled with precision. Precision in Members' speeches is conducive to better efficiency of the proceedings of the Council. As a matter of fact, it is pointless to talk too much since actions speak louder than words. After considering my words, he also agreed with me.

Deputy President, I would also like to point out that apart from expressing their views in the Chamber of this Council, Members can also take the initiative to invite officials to meet with them (or vice versa) and even ask the officials to make corresponding efforts to follow up on the issues of public concern. Members can fully express their views and speak up for the people through a variety of channels, and this will not change even though the speaking time is shortened. I still believe that we have the responsibility to help clarify to the public any fallacious arguments.

Deputy President, when I was collecting views in local neighbourhoods, many of the local residents asked me to express in this Chamber their wishes about the Legislative Council. They hope that the Legislative Council will really become a dignified and solemn legislature which conducts Council proceedings efficiently. They also hope that in future, Members belonging to different political parties or sectors alike will act in the interests of Hong Kong as a whole and in line with the collective wishes of members of the public. I think the current amendment exercise can effectively plug the loopholes in RoP.

Besides, Deputy President, some members of the public asked whether only the Government of the Hong Kong Special Administrative Region under "one country, two systems" would introduce amendments to RoP. I told the young man—I am not going to disclose his name here—I asked him to check it out first and he would then realize that the United Kingdom, the United States and other countries would actually keep abreast of the times as they have been amending and updating from time to time their rules of procedure. Some people may query: Will it not be easier for the legislature to "change the rules of the game" in this case? From this, you will see that whenever I visit local neighbourhoods to talk to members of the public, they will tell us their worries as well as some of the fallacies in local communities while expressing their views to me.

In my opinion, Deputy President, today's resolution to amend the rules in RoP means a great opportunity to put the Council back on track. Thus, I

absolutely support it. Having put it place its own rules and regulations, the Legislative Council is supposed to be a law-making body of which the members deliberate on and deal with serious matters. It monitors and helps improve the Government's policy implementation. On the other hand, it can also be a force that motivates society to move forward.

Deputy President, a member of the public would like me to conclude my speech in this session today with these words: "The people of Hong Kong have had enough! The people of Hong Kong have had enough! The people of Hong Kong have had enough!" Well, important words need to be uttered three times in order to be heard. He hopes that the Council will be able to put things back on track, so that rational discussions may resume. Indeed, we should make overall arrangements as soon as possible in respect of the amendments to RoP.

Deputy President, let me reiterate: I fully support the proposed resolution moved by Mr Paul TSE to amend the rules in RoP.

I so submit. Thank you, Deputy President.

MR CHEUNG KWOK-KWAN (in Cantonese): Deputy President, I rise to speak in support of this proposed resolution on amending the Rules of Procedure.

Throughout Members' speeches since yesterday and even in the community, it is often argued that the Legislative Council's Rules of Procedure is a gentleman's agreement, and the provisions therein are very lenient. This is due to the original intent of respecting Members and the belief that they will behave gently in the Chamber. For this reason, the Rules of Procedure leaves sufficient room and flexibility for Members to speak their mind. But all this is premised upon a very important assumption, the assumption that it is alright even if Members hold dissenting views on various social policies in the Chamber, even if they refuse to yield even just the slightest bit due to their narrow consideration for only the interests of voters in their constituencies or those of the industries, or even if they refuse to show any compassionate understanding or appreciation for officials, but all Members present here must support "one country, two systems", uphold the Basic Law, and bear allegiance to the Hong Kong Special Administrative Region ("HKSAR"). This is the standard required of all Members in the Chamber and also an important foundation of the Rules of

Procedure.

Honestly, society has undergone drastic changes in recent years. I think Members can remember how certain people with ulterior motives, as I will so describe them, openly displayed "Hong Kong independence" banners and chanted "Hong Kong independence" slogans in the Chamber after joining the legislature. Some of them have kept manipulating parliamentary proceedings to paralyse the legislature's operation and hinder the administration of the SAR Government. Some of them have even avowed that they would make use of their capacity as Members to form a "parliamentary battlefront" as they so call it to support the "street battlefront" outside dominated by "black-clad violence", and also the "international battlefront" outside calling for sanctions from the western world on officials of the country and HKSAR. I will describe all this as a dark force that seeks to challenge "one country, two systems" of HKSAR.

Under these circumstances, it appears difficult to retain the lenient basis of the Rules of Procedure. This is also an important reason why it is necessary to amend the Rules of Procedure. Initially, the Rules of Procedure could already ensure order in the legislature, but very ironically, the lenient Rules of Procedure have turned into a "talisman" for Members with ulterior motives over the past period of time, and they have abused every inch of room in the Rules of Procedure. To put it in pleasant terms, they refuse to "yield even one inch". But to me, they have adopted a scorched-earth policy that seeks to turn the solemn Chamber into a wet market full of heated quarrels, a street with the prevalence of hooligan fights, and a stage for "performance arts".

The Deputy President or Members may still remember what has happened in the Chamber and Conference Room 1 over the past few years, and I for one will definitely remember what has happened after leaving the legislature one day. A few examples include certain Members charging at the rostrum; climbing up a wall behind the rostrum like a monkey in an attempt to get closer to the rostrum in Conference Room 1; standing on a Member's work bench and tearing apart a hard copy of the Rules of Procedure page by page; trying to break through the door; charging at the security line; feigning injury like "simulation" in football matches; locking a speaker playing slogans or music in a Member's drawer to interfere with Members' discussions; and even tying up chairs with metal chains. All this has taken place over and over again in this Chamber over the past few years.

If the inhabitants of a village can behave themselves and respect one another, they actually need not lock the door during sleep at night. But precisely because some of them have abused such trust and respect and done all sorts of bad things, the good days of leaving the door unlocked at nighttime have become something of the past. In our case, what can we do? We can only "lock the doors and windows" to protect the legislature and safeguard Hong Kong. The point is as simple as that.

Our observation over all this time shows that the conduct of certain Members in the legislature has been grossly disorderly. While it is true to say that they have not used any foul language in their speeches, some of their words as we have heard are very mean and harsh, and they are filled with personal attacks on officials or other Members in the legislature. It can be said that they sound even more unpleasant than foul language. I think the Deputy President surely knows which Members I am talking about. Certainly, the hurling of objects, the snatching of officials' documents and chairmen's microphones, and also all sorts of philistine-like violent behaviour such as beating, smashing and snatching, have occurred over and over again in the legislature all this time. While the President and various chairmen may expel those Members with disorderly conduct from the meetings in accordance with the Rules of Procedure, such Members, as rightly asserted by Mr CHAN Kin-por, are merely barred from attending the remainder of a Council meeting or, for example, the relevant two-hour debate session of a Finance Committee meeting. But then two hours later, after a coffee break, they may participate in the meeting again. All this has no deterrence at all on Members manifesting disorderly conduct.

Just now, Dr CHENG Chung-tai asserted that the legislature was not merely a place for showing one's stance; rather, it should be a place to unveil the truth of an issue through debate. He is right. But his words that followed were baffling. He said that he was worried about a suspension of service due to disorderly conduct. I wonder if he was unable to make his point clear as he was afraid that he might exhibit disorderly conduct.

The amendment exercise this time around proposes a penalty mechanism called "Naming and Suspending". I will not repeat the details here, but I think such a mechanism is appropriate and necessary. Members can come to think about this. Even in football matches such as the World Cup or the English

Premier League, players and coaches are most afraid of seeing a red card from the referee because this not only means that the player concerned will be forbidden to play for the remainder of the match. The coach is even worried that the player will be banned from playing for the next few matches. Such deterrence is very important in football matches, and this is precisely the reason why a player who has been booked with a yellow card will start to behave himself afterwards. I think the suspension mechanism to be introduced into the legislature this time can precisely fulfil this function.

Apart from a penalty mechanism, a series of amendment proposals have also been put forth in this amendment exercise. In my view, they are all aimed to address the recurrent realities of the legislature all this time. Such proposals include repealing "rise in his place and ask the question" and substituting it with the express wording of "rise in his place and read out the question set out on the Agenda". Some in the community may question why it is necessary to teach Members who are supposed to be adults in great detail to read out a question as printed on the Agenda, just like teaching a primary school student. The reason is that such puerile conduct has lasted for quite some time in the legislature.

Besides, an amendment proposal also seeks to prevent Members from jumping the queue by abusing motions under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") or the Basic Law to summons witnesses or form select committees. Figures show that in the past year or so, the Legislative Council has been unable to hold any debates on Members' motions with no legislative effect. The reason is that certain Members have kept proposing motions under the Basic Law or the Ordinance in order to jump the queue. As a result, the legislature has been unable to operate normally. Another point concerns the moving of adjournment motions without notice. If the President believes that any Member has abused the proceedings, he may decide not to propose the question on the motion or to put the question forthwith without debate, so as to prevent Members from hindering the conduct of business in the legislature by abusing such proceedings and giving speeches repeatedly.

Deputy President, speaking of the procedure for Third Reading, it is now specified that Members—actually, this has been the requirement all along, only that it has not been expressly or clearly set out—shall only debate the support or otherwise for the bill involved and shall not repeat any debate contents in Second Reading or the Committee stage, or the general merits and principles of the bill. In fact, these are the basics that all of us should know as Members. If Members

can respect one another, it is simply not necessary to set out these requirements in the Rules of Procedure. But we cannot but do so because the past period of time has honestly shown that certain Members are unaware or have feigned ignorance of such basics. For this reason, we can only set them out clearly to avoid disputes in the future. In many cases, the lack of express provisions has enabled such Members to feign ignorance of the relevant requirements and engage in pointless arguments with the President. Their purpose is to put up delay and hinder the conduct of business in the legislature. This is the very reason why we have to set out the requirements clearly.

Deputy President, since the amendments contain a great deal of content, I am not able to speak on each amendment, and I can only bring up those parts which I think are important. Now, I wish to discuss the last amendment. To Members' understanding, during the election of the chairman and the vice-chairman of a committee, the incumbent chairman and vice-chairman shall continue to enjoy the power of a chairman and vice-chairman before the successful election of their successors. But somewhat inexplicably, such a clear understanding has nonetheless caused a mess in the legislature, with the result that it was impossible to elect the Chairman of the House Committee. For this reason, we can only set out the arrangement expressly and clearly, so as to avoid unnecessary disputes in the future.

Deputy President, even though the amendment exercise this time around may be unable to completely prevent any further abuse of the Rules of Procedure, I hope that it can plug those long-standing loopholes that are more obvious, so that the Legislative Council can debate policies smoothly, and Members can fulfil their constitutional role as people's representatives.

I so submit. Thank you, Deputy President.

DR JUNIUS HO (in Cantonese): Deputy President, I support the proposed amendments to the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region ("RoP"). Here, I wish to specially thank members of the Committee on Rules of Procedure for their deed of bravery. I also wish to thank the Secretariat staff for their efficiency and their immense input in this sophisticated amendment of RoP. But of course, it still hinges on this Council as to whether the motion can be passed.

Before this motion is laid on the table of this Council, thorough consultation has been carried out. The majority of the Members, or I may say almost 99% of the Members, supported the motion. Mr Tommy CHEUNG said yesterday that we had better not waste time on the amendment if it was a mission impossible. He used to be rather hopeless and disappointed at that time and did not place high hopes on the amendment. He explained his logics yesterday. But however impossible and difficult an endeavour may appear, we can conquer it with determination. And I am glad to hear that he also agreed with this point yesterday.

Many outrageous things happened in Hong Kong in the past few years. But many miracles happened in the past two years as well. With the powerful support and embrace from our great Motherland, Hong Kong can achieve things that we normally regard as impossible. The things that happened in the past two years have overruled the unspoken rules or standing practices that we regard as unsurpassable.

Actually, such thinking is too pedantic and fails to match up with the speed of our country. Our country progresses forward in a systematic manner on a target-meeting schedule. Given that the country has announced its National 14th Five-Year Plan, this is what we need to work on in this Council. We should boldly take actions after careful consideration. Today, we amend RoP, and then we can be free from obstacles and work on legislation and scrutinize government policies, and support the Government of the Hong Kong Special Administrative Region ("HKSAR") to take executive-led actions. Or let me put it this way. The Chief Executive can then work smoothly like gliding on the 5G or even 6G broadband without obstruction and achieve what she can think of.

So, I have an idea. Given that this Council has self-enhanced, including the ongoing improvement of the electoral system of the legislature, my hope or expectation is that the HKSAR Government should also think about how it can self-enhance its work attitude, how it can self-enhance its speed together with its 190 000-strong civil service, and how it can rid itself of its internal resistance. This is a big question. I believe the Chief Executive has been thinking beyond this question because she has been thinking for a long time. She should be thinking how to achieve this goal and arrive at outcome. The Radio Television

Hong Kong ("RTHK") is one of the problems. Many colleagues in this Council agree that this is a problem which needs to be dealt with. For instance, Ms YUNG Hoi-yan put an oral question on this problem yesterday. She did the right thing. And now RTHK has a new head. These are what we need to do.

Let me come back to the amendments contained in this motion today. What is the essence of the motion? I think the essence is very good. It provides both honour and punishment. If Members have done a good job, the Government will certainly honour them. If Members have a satisfactory performance, they will be honoured in the future. When it comes to the punishment, the highlight of the punishment system is the proposed RoP 45A. It is one of the 18 amendments. The clause is perfect. Why? The President of the Legislative Council can name the Member whose conduct is disorderly. The Member is named not for any happy news or being the top scorer, but for his misconduct. The Deputy President will then move, without amendment or debate, a motion on the naming. And the President will then directly put the motion to vote. Of the 18 amendments, this is the greatest and brightest one which I regard highly. In the beginning some Members said the naming is unachievable. But today we manage to do so.

Besides, Deputy President, if a Member whose conduct is considered grossly disorderly during the same term is named by the President, and a motion on the naming is passed, the Member will have to face suspension from service. The period of suspension is one week for the first time of a Suspension Motion passed, two weeks for the second time and twice the time of the previous suspension for any subsequent Suspension Motion passed. Apart from suspension from service, the penalized Member is also barred from exercising his powers and functions of a Legislative Council Member as enshrined in the Basic Law. His remuneration will also be deducted. Apart from his own remuneration being deducted, it may also affect his assistants or the troublemakers who pretend to work for him, such as people like Joshua WONG.

This is a problem we need to think about. Given that Members are required to reach a certain standard, should Members' assistants not be subject to the same requirement? Should people with criminal records or grossly disorderly conduct be freely allowed to work here? This is a question we need to think about. Although the proposed RoP 45A to be added in this amendment exercise does not provide for the exact details, it does not put a close on this issue

and we must continue to explore this subject.

At present, we still have a "rare species" in this Council, and that is Dr CHENG Chung-tai. I quite admire him. He has somewhat turned over a new leaf, despite some occasional lapses. But this does not matter. As he is given a chance to change over, he should do it properly. However, the real problem lies in the aimless ringing of quorum bells and asking for headcounts. In fact, I have repeatedly asked whether we should consider the conduct of Members who ask for a headcount every hour disorderly. This is a question we should think about. We do not oppose Article 75(1) of the Basic Law which provides for the quorum for the Legislative Council meeting to be not less than one half of all its Members. But I hold that if Members are allowed to ask for a headcount within very short periods of time, and the Member who asks for the headcount would then leave the Chamber as well, the conduct of this Member in this situation should be regarded as disorderly.

The proposed RoP 45A will cover such conduct. If Members are sincere in asking for a headcount, they should then remain in the Chamber and do not walk away; otherwise, they should be regarded as insincerely discharging their duty as Legislative Council Member. If the Member who asks for a headcount leaves the Chamber, what kind of an attitude does he display? Is his conduct not grossly disorderly? Besides, if the meeting is not terminated two hours after a headcount, it shows that the Member who requested the headcount wants to deliberately create troubles and waste time. Such a Member has contravened the other 18 RoP amendments.

The President limits the speaking time of Members precisely because he does not want Members to filibuster. The essential principle is to refuse to let filibuster hinder the normal operation of this Council. A member who uses headcount requests as an excuse and then leaves the Chamber establishes a prima facie case of grossly disorderly conduct. Today, I especially raise this point here to facilitate future reference. The main theme and essential principle is that after the addition of RoP 45A is passed, we should continue to optimize RoP to comprehensively enhance the HKSAR legislature to continue to serve the people.

I truly believe that after this swift and decisive action to put the Legislative Council back on its track, we will enter a new era. When we say we want "50 years no change" for HKSAR, the "no change" we mean is not about doing things

in a perfunctory manner just as before. We mean to change for the better and to improve the things that are not good. Apart from preserving the good things, we want to change for the better. This is the spirit of "50 years no change". It does not mean that we want to remain in the same spot. Who would remain in the same spot? We should take a look at the speed of our country. It says that it can reach the Mars next month. At this juncture, if we still remain in the same spot, are we not wasting our time and money? Will we not disappoint the people who have voted for us?

A decision was made last year to extend term of the Sixth Legislative Council, and I have said that the extension will last for no less than one year. In fact, we are tasked with an important mission. We may have to accomplish in one year what should be accomplished in four years. Now that we have dealt with the amendment to RoP ... and the motion on the co-location arrangement under debate yesterday should also be properly dealt with, we should also properly work on and deal with the decision just made on 11 March by the National People's Congress on improving the electoral system of Hong Kong. In its National 14th Five-Year Plan, our country expressed high hopes for Hong Kong. It hopes that Hong Kong can take a leading role in innovation and technology. How should we tailor our policy to this end?

I am actually rather supportive of the Government. That said, I cannot stand the Government at times for its tortoise speed at work. For instance, 85 hectares of land at the Loop will be developed, but the work will only be completed in 2033. As I just said, the rocket of our country is going to land on the Mars next month. But in Hong Kong, our infrastructural projects take more than 10 years to complete. The construction of the 8.5 kilometre-long Route 11 will take 16 years to complete. How can we face up to our country? How can we face up to Hong Kong? We spend money on these projects, and the sum of money is not small and is three times more expensive than others. And the time needed is also three to four times longer. If the Government maintains such a work attitude, what should we do?

Today, this Council amends RoP. We want to improve our legislature and comprehensively assist the executive-led Government. The Chief Executive has to be bold and decisive. Next, I hope I can witness a timetable to be laid down on the legislation on Article 23 of the Basic Law. Article 7 of the HKSAR National Security Law says that HKSAR shall complete, as early as possible, legislation for safeguarding national security ... it does not say "start to" complete

but to complete the legislation "as early as possible".

Secretary John LEE told me last week that this Government could not complete the legislation on Article 23. I regret that an important meeting last week prevented me from meeting him and reprimanding him in person. He has taken oath to do his best. In just five weeks, our country completed the HKSAR National Security Law for us. But Secretary LEE dares to say that the legislation on Article 23 is very complicated. Article 23 was not drafted yesterday. It was drafted on 4 April 1990 and came into effect on 1 July 1997. A bill was proposed in 2003 but was ultimately shelved. No progress was made on the legislation in these 17 years. Our country has done two out of seven parts of the job for us, but he dares to say that the remaining five parts of the job are very complicated. How complicated are they?

So, Deputy President, here I am happy to say that I fully support us to improve ourselves. At the same time, I place high hope on the Government. The Government and its 190 000-strong civil service can no longer sit on their hands and wait for their pension. They should abandon the mindset of expecting every working day to be a comfortable one without incident. Nowadays, it is no longer common to get off duty at 5:00 pm. One often has to continue to work even at midnight. Completing the work within the specified time frame is the attitude we should adopt.

I so submit.

MR CHAN HAK-KAN (in Cantonese): Deputy President, I rise to speak in support of the motion moved by Mr Paul TSE to amend the Rules of Procedure. As the Deputy President said in her earlier speech, the amendments this time around encompass five major parts involving substantial contents. Our debate on this motion has gone on for almost three hours, and many Members have already put forth their views on every detail therein. I will not repeat their specific viewpoints in my speech here, but I wish to tell Members about the rationale and spirit behind the need for amending the Rules of Procedure.

Actually, we in this legislature already performed a "major operation" on the text of the Rules of Procedure now in my hand during two amendment exercises, and my involvement in both exercises was quite extensive. So, I wish to take this opportunity to tell Members about the reason for our amendments to

the Rules of Procedure.

When we raise the necessity to amend the Rules of Procedure, opposition Members or their supporters will definitely put forth one viewpoint only, the point that any amendments to the Rules of Procedure are precisely intended to reduce the room for Members' speeches in the legislature. This is the viewpoint they often talk about.

But I wish to tell Members that the amendment of the Rules of Procedure is not without a reason. Twenty-odd years have passed since the reunification. Why did people begin to see our amendment of the Rules of Procedure only in the last two years instead of the previous 10 or 20 years? The reason is that in the previous operation of the legislature, there were not as many abnormalities and breaches of the Rules of Procedure as we can see these days. So, why is it necessary to amend the Rules of Procedure? The precise reason is that Members championing "mutual destruction" have flouted the Rules of Procedure and the long-standing consensus on the operation of the legislature. This is the very reason why we raise the need for amendment. The precise reason is that they have ruined the operation of the legislature; if not, it simply would not have been necessary for us to amend so much of its content for so many times. The several amendment exercises concerning the Rules of Procedure are mainly intended to prevent the persistent filibustering attempt of certain Members to obstruct the normal operation of the legislature. The damage they have inflicted is the precise reason for our rectification action. If we do not do anything to rectify the damage they have done, we in the legislature must be held responsible. As in the case of many laws, it may not be necessary to enact any such laws, actually. If everybody abides by the law and refrains from upsetting law and order in society, it will not be necessary to enact so many laws to restrict people's conduct. This is my reply to their question about why we have to amend the Rules of Procedure and a very important underlying reason.

Second, I must explain two concepts clearly. The purpose of amending the Rules of Procedure is, first, to rectify the undesirable trend, and second, to keep it abreast of the times. Over the years, the operation of our legislature has been based on self-discipline on the part of Members. This is the case of the legislature in not only Hong Kong but also overseas countries. The legislature in some places may be composed of a few dozen members like ours, and the legislature in some other places may even consist of hundreds of Members. If members only want to gain the limelight and abuse the proceedings, it will be

utterly impossible for the legislature to operate. So, a set of rules must be formulated to regulate members' conduct. This set of rules, to a large extent, is a gentleman's agreement among all members. If any members yell in their seats or even dash out of their seats, hurl objects and pour stinking liquid from time to time in defiance of this gentleman's agreement and the rules, with the result that it is impossible to conduct meetings, then how can the legislature operate, may I ask?

(THE PRESIDENT resumed the Chair)

And, more importantly, everybody can see that the deeds of many Members or the opposition camp have plunged the legislature into complete chaos, and we are utterly unable to conduct meetings or heed Members' speeches and officials' replies. So, if the situation is like this every time, and if such Members can get away every time without having to face any consequences or pay a price except for their mere expulsion from the Chamber that day, I believe this is very unfair to other Members who attend meetings diligently. Certain opposition Members already had such intentions when they joined the legislature. Their intention is to create a mess in the legislature and bring it to a standstill as a means to advance their political aspirations. If they are captured by the camera how they have been taken away from the Chamber, they will upload the relevant photographs or video clips onto their social media accounts afterwards in order to get "likes" from supporters. This is precisely their main purpose. They have never thought of explaining their convictions to others in the legislature through reasoning or debate. Well, they may be able to gain some political capital, but the legislature has to pay the greatest price of suspending its operation.

So, speaking of such Members, if we do not impose any penalties on them, the cases I talked about just now may persist. Despite the resignation en masse of certain opposition Members today, the operation of the whole legislature may still be hindered solely by anyone like them who joins the legislature in the future. So, we also introduce a suspension mechanism as a consequence during our amendment of the Rules of Procedure this time around. Of course, salary deduction is also another move.

I also wish to discuss my personal views at this point of my speech. Just now, I heard Mr YIU Si-wing say that he actually agreed to a suspension

mechanism only, but it should not be implemented on a cumulative basis. On this issue, I also once said in public that I only agreed to a suspension mechanism and had personal reservations about the imposition of fines because I thought that suspending a Member from meeting was already a severe punishment. But after consultation and discussions among pro-establishment Members, we invariably think that a dual-pronged approach should be adopted, and I have also submitted myself to the consensus of pro-establishment Members. This is why we propose to adopt a dual-pronged approach today that consists of a suspension mechanism on a cumulative basis and the imposition of fines.

What does this show? Some may argue that without opposition Members in the legislature in the days ahead, the pro-establishment camp will endorse anything like a rubber stamp. I must say the case is not like this. This example shows that Mr YIU Si-wing has his own views, and so have I, only that in the end, when we have to make a decision, we must compromise in order to reach a consensus; or else the legislature cannot possibly function. In contrast, opposition Members only cling to their stance forever, thinking that they are right forever and they are the victors forever. They never bother to discuss with us in the opposite side if we hold divergent views, and they will only brush away our things or hinder us in holding meetings or casting our votes. This is what they will do. But we are different from them, right? Many Members have argued that if we do not plug the loopholes in the Rules of Procedure or the legislature, we in the legislature should actually be held responsible and cannot possibly avoid the blame. So, I will say that the amendment of the Rules of Procedure today is a difficult decision, and it is a decision that we have reached on the basis of thorough discussions and a consensus.

Of course, many Members talked about the farcical show involving the election of the House Committee ("HC") Chairman two years ago. Since a Member abused his power as the presiding Member, the election of the HC Chairman and Vice-chairman was obstructed. Actually, he had no power whatsoever to deal with any points of order, but he procrastinated by allowing numerous points of order and obstructed our election of the HC Chairman and Vice-chairman. So, such a bitter lesson from the failure to return the HC Chairman despite the passage of half a year or even a longer time has aroused our concern about the possibility of similar incidents in the future if we do not plug the loopholes that may give rise to a similar scenario in the chairman election of other Panels. If we do not do so, then I must say we have failed in our duties and responsibilities as Members. This is what I meant by rectifying the

undesirable trend earlier on.

The second point about the concept of progressing abreast of the times is relatively simple. Any legislature must introduce corresponding changes on the basis of social development and actual circumstances. Obviously, with the decision of the National People's Congress, the composition of the legislature will increase from 70 to 90 Members in the future, and it naturally follows that the duration of meetings will likewise increase. If Council meetings are to be conducted efficiently, the speaking time of a Member in certain proceedings may have to be reduced. Why? The reason is to allow more Members to speak. On this point, it is erroneous to simplistically equate restricting Members' speeches with disallowing Members from speaking. So, I must say our understanding of fairness is not quite the same as the perception of the opposition camp, in the sense that in their view, fairness means that the right to speak is exclusive to themselves only. To us, fairness should rather mean providing each Member with the time, room and opportunity for speaking.

In addition, the amendment of the Rules of Procedure this time around also seeks to bring in an arrangement to keep the legislature abreast of the times. The arrangement is that having regard to the prevailing COVID-19 epidemic, Members are allowed to conduct meetings with the use of videoconferencing software, and there is an express provision stipulating that the contents of speeches in meetings conducted with videoconferencing tools are to be protected under the Legislative Council (Powers and Privileges) Ordinance as a means to accord greater protection to meetings and Members' speeches. Actually, such arrangements are not exclusive to Hong Kong. Other countries may have put in place similar arrangements more expeditiously and earlier than we do.

President, I wish to point out that the amendment of the Rules of Procedure this time around is totally legitimate and justifiable, and the amendments are targeted at the existing loopholes in the Rules of Procedure and actual needs. Therefore, I speak in support of the motion moved by Mr Paul TSE. I so submit.

MR CHUNG KWOK-PAN (in Cantonese): President, I will just speak in brief. Certainly, I will support the proposed resolution put forward by Mr Paul TSE today concerning the amendments to the Rules of Procedures ("RoP").

As Mr CHAN Hak-kan just mentioned, RoP were not amended in the past two to three decades, so why then were RoP amended twice during these two years suddenly? Drawn up in the past, RoP were meant to be gentleman rules, i.e. the rules for people who are abiding by rules and behave gentlemanly. But during the past few years, what we call gentlemen were nowhere to be seen in this Council. Rogues were all that we had here. It is thus natural that amendments are made to RoP now, and there has been a consensus among us.

Just now, other Honourable colleagues already went into a lot of details, so I am not going to discuss the amendments further. Also, it is not necessary for me to talk about what happened in the past as it is all too clear to us. I just wish to discuss whether the amended RoP will be useful to us, and whether they can really help to ensure that the discussions in this Council and the Government's policy implementation are carried out smoothly.

Obviously, when we proposed the amendments to RoP, the National People's Congress ("NPC") has not yet made the decision on improving our electoral system, so the relevant amendments focus one hundred per cent on the situation once confronting us before, i.e. what the opposition camp and the pan-democrats did. But then, if next Monday or Tuesday, NPC passes the decision on improving the electoral system which concerns the election for the next term of the Legislative Council, all those who will stand for election or participate in politics in the future must be people who love our country and Hong Kong. They will never stir up any trouble upon entry into the Council for sure, right? The President will no longer need to make the decision about expelling Members from the Chamber so often. Therefore, I think these amendments to RoP are definitely well-intentioned, but in the future, will we really need to use these amended rules? I believe, many of the rules amended by us now may not be put to use. So, Members should not worry about the presence of a mechanism for financial penalty or suspension from the service of the Council. I believe that from the next term of the Legislative Council, none of these situations will arise, and the President can save the effort of making decisions in respect of these situations.

By coincidence, this time when we amend RoP to shorten the speaking time limits of certain sessions, we happen to have such a need, especially when this Council will see an increase in the number of Members from 70 at present to 90. Let us just do some calculations. If the speaking time limit for each Member is 7 minutes or 15 minutes, this will definitely lengthen the meeting time

significantly, with the deliberation time for each agenda item possibly increased by one third or even two fifths. Just take today's discussion about the amendments to RoP as an example. This Council only consists of some 40 Members, but the discussion has already continued for three to four hours. If RoP are not amended, President, you may have to spend double the time sitting in this Chamber to chair meetings held for the scrutiny of bills when there are 90 Members in this Council. Therefore, by sheer fluke, the amendments proposed on this occasion will be helpful to the policy discussion process in the future, or, to put in another way, greatly enhance the efficiency of the meetings.

Of course, regarding filibuster, election of committee chairmen and things ... I believe situations like the election of the Chairman of the House Committee last year will never happen again, because now—as I just said—all those who join the Legislative Council will be patriots, regardless of their political affiliations, be it the pan-democratic camp or whatever. Whoever joins the Legislative Council will definitely comply with the rules previously established. No one will run amok nor dare to do so. I believe that the proposal for improving the election system, coupled with the amended RoP, will certainly enhance the speed and efficiency of policy discussions in Hong Kong in the future, and enable smoother administration in Hong Kong.

Thank you, President. I so submit.

MS ELIZABETH QUAT (in Cantonese): President, I remember that when watching news programmes on television in the past, we would laugh at Taiwan as long as we saw how people flung their shoes out or fell to the floor during heated fights in its legislature, saying that its parliamentary culture was undesirable. At that time, the Hong Kong legislature was still a place with decent demeanour, meaning a civilized place where Members truly engaged in policy deliberation and concrete things. But since I joined the legislature—it is the ninth year into my membership—I have witnessed how Hong Kong's Legislative Council has become increasingly like the Taiwan legislature with the proliferation of violence. I have seen the transformation of pan-democratic Members into opposition Members and further into advocates of "mutual destruction". They have persistently escalated their violent conduct for the mere sake of putting up a show and grabbing the limelight. So, today, I rise to speak in support of this proposed resolution on amending the Rules of Procedure as it is high time that Hong Kong set things straight.

President, we all know that the Rules of Procedure of the Legislative Council is meant as a gentleman's agreement all along rather than a safeguard against undesirable elements. But as I said just now, we have seen the movement of our parliamentary culture in the direction of an undesirable parliamentary culture. In the course of my service on the streets, many people have come to ask me furiously: "How should I call the legislature? The Legislative Council? Or the rubbish Council?" Actually, I am indeed saddened to hear this. In retrospect, I will say my original intention of being a Member was to do concrete things for Hong Kong. My sole intention of joining the legislature was to promote the development of innovation, technology and environmentalism, and to speak up for women and the people. But things have turned out to be unexpected over the past few years, as I have come to realize that Members who are supposed to deliberate, debate and take forward policies will also have to take part in fights. There has been more than one occasion where Members have to call the Police or be hospitalized for an examination of their injuries. It has never occurred to me that I will have to face all this as a Member of the Legislative Council.

As I have seen, the hurling of objects in the legislature ranging from bananas some time ago to drinking glasses and stinking substances lately, the snatching of documents from officials, the hysterical filibustering attempt and the hysterical requests for a headcount on the part of Members championing "mutual destruction" in a bid to bring forth the adjournment of the Council, their repetitive speeches, their raising of questions which I think are utterly hysterical, uninformed and ridiculous at Panel and committee meetings, and also their incessant requests for proposing adjournment motions and motions without notice, are for the mere sake of "slowing down the rotation of Earth", opposing anything associated with China and raising opposition. We have witnessed how certain Members advocating "mutual destruction" have abused their power, one notable example being Dennis KWOK. He insisted on acting as the presiding member for seven months, but he was unable to return the House Committee Chairman. As a result, the Legislative Council was brought to a standstill for seven months and was unable to scrutinize any bills. As we have seen, violence has turned increasingly rampant in the legislature, and every time when Members championing "mutual destruction" rise to speak, they will hurl insults at public officers and pro-establishment Members. Apart from verbal violence, they have likewise resorted to physical violence, including charging at the rostrum and creating chaos persistently, with the intention of hindering the conduct of meetings. Sometimes, when I hear their speeches and witness their physical violence here in the Legislative Council, I honestly have the feeling that I am

wasting my life. But the most important of all is that the time of Hong Kong has been wasted. Initially, Hong Kong was a place with high efficiency, and Hong Kong people have always been praised for their efficiency and vibrancy. But as we have seen, Hong Kong has become less and less efficient over the past few years, and we have been gradually overtaken by our neighbouring cities in every respect. As I have noticed, the development of innovation and technology, an area which I eagerly wish to promote in Hong Kong, has been slow, and Shenzhen has overtaken Hong Kong with its incessant development in this respect.

President, why would Hong Kong degenerate into such a deplorable state? The reason is that a number of Members have manipulated our loopholes, including certain requirements in the Rules of Procedure that were originally meant for the gentleman rather than as a safeguard against undesirable elements. By exhausting the room of the Rules of Procedure, they have done things that are detrimental to Hong Kong. So, today, I feel that we as Legislative Council Members, especially Members of the current-term Legislative Council, are duty-bound to amend the Rules of Procedure as a means to address those problems that have come to our attention. Some have argued that as future Legislative Council elections will be based on the principle of "patriots administering Hong Kong", it is not necessary to amend the Rules of Procedure. I for one, however, do not agree to this assertion. As we have noticed certain problems, we are precisely duty-bound to undertake an amendment exercise properly within the current term of the Legislative Council.

I am also a member of the Committee on Rules of Procedure. The amendment of the Rules of Procedure this time around is actually very comprehensive, and it seeks to address certain acts I mentioned just now. Speaking of certain Members' grossly disorderly conduct in the Legislative Council as we could see in the past, the President could only issue warnings one after another and expel the relevant Members from the Chamber, without any power to do anything further afterwards. At the next meeting, those Members might hurl any objects again. The threshold for penalizing such Members was very high, in the sense that we could only propose a censure motion to see if they could be disqualified from office. But in the process, the Members concerned were not subject to any other penalties. The amendments to the Rules of Procedure this time around include such penalties as the suspension of service on a cumulative basis and the imposition of fines, in the hope of enhancing deterrence and preventing any further persistent attempt of Members to obstruct

the legislature's operation through grossly disorderly conduct that is purely intended for grabbing the limelight. In the case of the procedures for electing committee chairmen, we have likewise introduced amendment. If a committee is unable to return a chairman for a new session, the chairman for the previous session may continue to handle the business of the committee concerned. Actually, all the amendments are necessary and important, and I very much hope that after the amendments are passed today, the Hong Kong Legislative Council can really get back on track and do concrete things for people's livelihood.

In fact, the people of Hong Kong invariably hope that the Hong Kong Legislative Council can really do something concrete to resolve the various problems of Hong Kong. Many problems plaguing Hong Kong are in urgent need of a solution. In the past, it was honestly difficult for us to get things done because of the deliberate delay to our work. President, an apt example is the motion on implementing co-location arrangement for Huanggang Port that we endorsed yesterday. Members can imagine that if Members advocating "mutual destruction" had still remained in the legislature, they would have resorted to every possible means permitted under the Rules of Procedure, such as putting forth persistent requests for a headcount and moving adjournment motions, followed by charging at the rostrum. It was highly likely that we would have been besieged by them again, and they would have persisted in inciting violence. I believe all this would have made it difficult for us to pass the motion on implementing co-location arrangement for Huanggang Port at the Council meeting yesterday. Should this happen, I would wonder how much longer this simple and necessary task would be delayed before its accomplishment.

In the days ahead, Hong Kong still has to resolve its housing, healthcare and education problems. We hope to seize the opportunities presented by the country's "internal and external circulation" economic strategy, the Guangdong-Hong Kong-Macao Greater Bay Area, and also the 14th Five-Year Plan. We have a lot work to do.

President, I support this amendment exercise, and I hope for the expeditious passage of the amendments, so as to enable the legislature to get back on track and bring Hong Kong out of chaos into stability. I so submit.

MR KWOK WAI-KEUNG (in Cantonese): I speak in support of the proposed resolution moved by Mr Paul TSE, Chairman of the Committee on Rules of Procedure. Certainly, I have also to thank the Secretariat for having collected

information from different parliaments around the world for our reference, as well as having provided long-term consultation and done massive work in the past few years in relation to the amendments.

President, simply put, great turmoil must be followed by great governance, as mentioned in a conversation between Emperor Taizong and WEI Zheng in the early Tang Dynasty. Emperor Taizong asked if it would be difficult to bring about change in public mores in a short period of time if the country had just been through a war, and WEI Zheng said no, explaining that it was the best time for reform because people were still in pain from the great turmoil and worried about the recurrence of "black-clad violence", given that those who had just endured starvation would not be picky about what to eat or drink. It struck me deeply that Hong Kong as a whole, and the Legislative Council alike, suffered from the great turmoil of 2019. This reform will definitely come about.

Earlier on, I heard many colleagues say that our Rules of Procedure ("RoP") was not supposed to be amended casually, frequently or unnecessarily. They have come up with many reasons to explain why RoP should be amended. However, I hold that amending RoP is a matter easily understood. The simplest example is that when your knee is tapped, it will naturally jerk. This is called a conditioned reflex [sic]¹. In fact, we see that the "black-clad violence", or for that matter "mutual destruction" in this Council, has been a real blow to us. Should we react to this blow? We should definitely show our reaction. A lack of reaction even in such a situation would simply reveal that we are slow off the mark. President, since this is a reflex action, there is no need at all to explain too much about it. But, of course, we want the public to understand the rationale and the need for the amendments.

President, to begin with, I would like to say that the current amendment to RoP consists of five items, and in fact most of them focus on a punitive regime with "yellow cards" and "red cards", so the objective is very clear. Since the penalties were not severe in the past, it is now necessary to amend RoP by including a punitive regime with "yellow cards" and "red cards". Some people have asked whether the statement that the penalties were not severe is a personal view. If the conclusion on whether they were severe or not is based on personal judgment, then what is meant by being "severe" or "not severe"? In fact, there was an objective criterion, namely whether or not the original penalties were

¹ The correct term is "knee-jerk reaction".

deterrent. As many colleagues have said, the evolvement from filibustering and banana-hurling by a small group of Members to the power-grabbing behaviour of the whole "mutual destruction camp", as well as the increasing trend of breaches in terms of the number of Members involved, frequency and gravity, indicated that the penalties were not severe by the objective criterion.

President, over the past 10 years, indeed too many things have happened in this Council. At first, the opposition camp only pressed the "No" button. Whether the Budget or the Policy Address was involved, and whether or not there was a cash handout, they cast a negative vote. Later on, they went further to filibuster, throw a banana, hurl a glass, climb up, lie down, yell in the Chamber, seek expulsion, stop security guards from enforcing the President's ruling, sweep things off the benches, pop a rape alarm into a locker and lock it, bring their own amplifiers into the Chamber, and storm and even occupy the President Podium. These were subsequently followed by throwing smelly water and dropping stink bombs. At a later stage, they even showed their cloven foot, namely paralysing the Council. The House Committee failed to elect its chairman in seven months, because the ultimate aim was to bring the administration to a standstill.

President, if the numerous matters just mentioned are viewed separately, you will only feel that they are getting more and more radical. It seems that this bunch of people are increasingly radical in their behaviour in order to suck up votes, attract camera attention and steal the limelight, but if we connect the dots between everything they have done and what has happened in this Council over the past 10 years, this is actually an episode of "Stories from Afar". What kind of "country" is this "far away country"? It is the country that wants to bring Hong Kong down, the country that wants to bring this Council down, and ...

In fact, we all notice that the Legislative Council is actually Hong Kong writ large. The level of chaos in this Council is one of the factors that shape the international perception of the image of Hong Kong. So, the way this bunch of people are acting reveals the truth that this episode of "Stories from Afar" is about bringing Hong Kong down and then pursuing their path of usurpation. Actually, this is the strategy of cooking a frog in slowly boiling water. What does it mean? At first, they were slightly radical. When you got used to them, they turned more radical. When you got used to them again, they turned even more radical, and afterwards they would tell you straight out: "I want to seize power by means of '35+'. I want 'mutual destruction'." This path of usurpation is evident if we piece the events together. Of course, today we see that they want to bring Hong Kong down, but while Hong Kong has not yet collapsed, they have already

found their "home country".

President, another scenario is that, at bottom ... The reason has already been explained—that is, we have to piece the events together. We have now come to an era of reform. The Central Authorities have taken the strong step of improving the electoral system, which actually seeks to bring about great governance in the wake of great turmoil. Besides, the 2.38 million signatures also reflect precisely the lingering public reaction to the "black-clad violence" of the year before last, as well as to the serious conflicts occurring in this Council over the past few years, namely that they do not want any more chaos, nor do they want the recurrence of "black-clad violence" or "mutual destruction" in this Council. The message is loud and clear.

Admittedly, many colleagues have also mentioned that, in truth, RoP can guard against "superior men", but not "mean men". In fact, we used to mention it often in this Council, but I think it is still an understatement. Strictly speaking, RoP not only cannot protect against "mean men", but also cannot protect against "domineering men". Why do I say this? Having conducted meetings with members of the Committee on Rules of Procedure ("CRoP"), Mr Paul TSE should know what I mean. It is not the first time that this punitive regime of "red cards" and "yellow cards" has been proposed. A few years have already passed since it was proposed but why has it never been tabled in this Council, still pending a lot of consultation work? It is because Members of the "mutual destruction camp" were decidedly opposed to the relevant amendments in CRoP. Not only did they stand against it on the surface, but their faces also conveyed a message—although the meeting was closed, and hence not found on the Legislative Council's website, I noticed it because I also took part in the meeting. I must say that although they have a legal background, they have given us the impression that they were trying to get the "official licence" to cause trouble. Since there were no express provisions in RoP prohibiting disruption, it was unfair and unjust not to allow them to cause trouble, and it was fair and just only if they were allowed to do so. This was their explanation. They often put on a stern face at meetings, as if they had come across the killer of their father. This was the face they put on at meetings, which was really unpalatable. However, with the concerted efforts of Members, we have finally come through this period of time.

Certainly, as Members have said many times, we do not want to repeat the same mistake Taiwan made, because the memory is still vivid to everyone.

Once when I was in secondary school, I saw on television a member of Taiwan's Legislative Yuan pressing the sole of his shoe onto another member's face. We all felt that Taiwan was such a mess, like the countryside. Little did we know that Hong Kong would actually follow in Taiwan's footsteps. I hope that this problem can be resolved upon realization of this great governance. If we do not actively amend RoP to improve this problem, we will be questioned whether we have taken seriously the painful lessons we learned from experience. If we remain apathetic, or even do nothing, will we be helping the perpetrators?

President, I have just mentioned that timing is essential. There is urgency in time for great governance to replace great turmoil, and there should also be legitimacy for us to amend RoP. Another point I would like to raise is about the security colleagues of this Council. According to the data obtained by my colleagues, there were 16 cases of injuries suffered by security colleagues while handling conflicts or maintaining order in the Council between 2017 and 2020. Nobody wants to see this situation, but the thing is, when fighting for camera attention, Members of the "mutual destruction camp" will become irrational and not care about the safety of frontline workers. They not only run riot, but even climb up and down. In short, when a Member of the "mutual destruction camp" goes into a sudden free fall, the people below have to catch him. If they do not succeed in catching him, hence resulting in his injury, he will take a retaliatory move to accuse them, turning himself from a perpetrator into a complainant, so it is really a rough ride for the security colleagues of this Council.

Moreover, we have learned from our frequent chats with security colleagues that they are also faced with difficulties: first, even if injured, they cannot report to the Police themselves, and the matter has to be dealt with by the Legislative Council Commission. In addition, regarding work allocation, as manpower is stretched thin, if a colleague is injured, he or she has to be replaced by other serving colleagues, hence bringing additional work stress on them. Therefore, despite 16 cases of injury having been reported, I believe there may be more unreported because, with strong teamwork, they do not want to affect the work of other colleagues. We are worried that the problem will continue to worsen. That is why we consider it necessary to increase the penalties to prevent future disruption. The suspension rule stipulates that the duration of the suspension from service will double from one week to two weeks, four weeks and so on. Certainly we consider this arrangement relatively reasonable.

President, there is one more thing that I think needs to be addressed, and

that is the abuse of points of order. Although the current amendment emphasizes that disorderly conduct will result in expulsion from the Chamber, is the abuse of a point of order considered to be disorderly conduct? Of course, it is up to the President to decide, but past experience suggests that many Members of the "mutual destruction camp" have abused the points of order. That is to say, their question actually had nothing to do with the procedure, but they raised it as a point of order. In fact, in the past, we have stressed that there should be a procedural framework whereby the Member who wishes to raise a point of order has to first indicate the rule of procedure referred to before providing the content. However, a common scenario in the past was that Members of the "mutual destruction camp" first gave a bunch of irrelevant reasons to stall for time, but they were unable to say which rule of procedure they were referring to. In fact, in this regard, we have to rely on the President's insightful judgment to prevent the abuse of points of order from happening again.

Besides, there is an amendment concerning the arrangement of speaking time, which is in fact very simple. As many Members have mentioned earlier, since the number of seats will be increased from 70 to 90 in future in order to improve the electoral system, such increase in the number of participants will result in less time being allocated. If the Council still meets only on Wednesdays and Thursdays, the time is limited. I certainly consider this amendment reasonable because every society is faced with the problem of limited resources, or in other words, the pie is only so big. If Members wanted to have a long intimate talk and discussion for several days, no one would stop them, but I think the Council needs to fulfil social expectations on the use of time, restrictions and limited resources. The way to optimize the use of limited resources is to achieve the goal of fair participation through better allocation of time.

President, it has been hard to get to this point. I hope that the current amendment will be a good start and model for the smooth operation of the Council in future, and that Members will continue to work together to more effectively scrutinize the Government's bills and work, so as to contribute to the improvement of people's livelihood and economic development.

Thank you, President.

MR SHIU KA-FAI (in Cantonese): Actually, President, Mr Tommy CHEUNG, Chairman of the Liberal Party, has already expressed on behalf of us our support for the current amendments to the Rules of Procedure ("RoP"). I did not intend to speak at first, but having listened to a number of Honourable colleagues who mentioned the events that happened in the past, in particular in the previous year, a lot of my memories have been brought back, so I would also like to share with Members my personal feelings.

First and foremost, concerning today's proposed resolution, I am very grateful to Mr Paul TSE, Chairman of the Committee on Rules of Procedure ("CRoP"), and other CRoP members since the sweeping amendment exercise is way more than what the members of the public have seen in the debate today or what was discussed at previous CRoP meetings. They have succeeded in introducing today's proposed resolution all because they have spent a great deal of time examining RoP rule by rule to identify as well as plug the loopholes. Therefore, I have to thank them for having devoted so much time to accomplishing the task.

Second, why is it necessary for Hong Kong to enact legislation? Why is it necessary for places all over the world to enact different laws? Just as I often mention: why do people have to live in groups? Why does every single person not live alone? It is because people can protect each other and work for each other's well-being when they come together. As the number of people within a group grows larger, however, there must be rules for everyone to follow. Otherwise society will be in chaos when everyone considers only his own interests or looks at things only from his own perspective. Therefore, each place will enact its own laws suitable for the local society, and the Legislative Council is responsible for making laws for Hong Kong. Based on the same principle, CRoP has taken a long, hard look at RoP in an attempt to plug the loopholes arisen in the past.

Some member of the public questioned: Are we tightening the restrictions ourselves? Actually, the current amendment exercise intends not to tighten the restrictions but to make RoP better. As to how the rules are made better, numerous Members have already given elaborations and examples—just like the case in which my seat here was splashed with water containing faecal matter, right? Another example is that when I had a meal in the past—Members also

know that—I dined in the restaurant downstairs but was still unable to finish up my meal after going back and forth four times.

There were people who wanted to, particularly over the past year, take advantage of all the loopholes—those who used to sit there on my right-hand side are all gone now—and seemed to have lost their minds in doing and supporting a lot of things which they should not have done or supported. When they were supposed to come forward to speak up—for the incident in which a young woman suffered brutal eye injury, a whole group of people just stood on my right-hand side, each covering one of their eyes with one hand. We all know whether the woman really got her eye injured in a way that they believed to be the case, but if so, she would have come forward to confirm it at an early stage. But still, they insisted what they believed was true.

In fact, their anti-intellectual behaviours were evident—exploiting the Council's loopholes to cause incessant delays that only wasted our time. Not only have they obstructed the Council's normal operation, but they have also held back Hong Kong, making it impossible for the city to move ahead. How much time was wasted by them in the election of the Chairman of the House Committee ("HC")? Well, Hong Kong has been forced to come to a standstill for nearly half a year, "thanks" to them! In short, it is imperative that RoP be amended in order to plug the loopholes, and I believe that many people in Hong Kong do support the amendment exercise.

Lastly, I would like to point out that everything has its upside and downside. There is no need to mention the downside since other Members have already jumped all over them. As for the upside, President, I have learnt one thing during the course. I used to think: it is quite good to be the President of the Legislative Council, who does not have to sit on other committees, and all he has to do is simply to take the seat up there, say a few words and ask a certain Member what he has said, quite a relaxed job. However, over the past year or so, I came to realize that the workload of the President is actually rather heavy.

For example, President Andrew LEUNG has, on our behalf, dealt with their bizarre motions several times, especially during the six-month-long period when the HC Chairman was not elected yet and Ms Starry LEE could not take the chair as President's Deputy to chair Council meetings. And so, as I have seen on

Wednesdays and Thursdays then, the President sat there in the Chamber from 9 am in the morning till night. The following day, he repeated the same routine, listening attentively to those people's frivolous speeches. He had to correct them when they said something wrong and could not let his mind wander for even a second. It is absolutely no easy task to concentrate for such a long time. Hence, I am very grateful to President Andrew LEUNG for his dedication.

Thank you.

MR WONG TING-KWONG (in Cantonese): President, first of all, I am very grateful to Mr Paul TSE for leading the Committee on Rules of Procedure ("CRoP") of the Legislative Council to complete its new task and moving the proposed resolution to amend the Rules of Procedure ("RoP") today. Besides, I would like to extend my gratitude to the President, Mr Andrew LEUNG, the Deputy President, Ms Starry LEE, and the Security Office of the Legislative Council Secretariat for they did have to cope with rather difficult tasks over the past few years.

Of course, I am very supportive of the current amendments to RoP. Let me see—I have been working in the Legislative Council for 16 to 17 years and have witnessed the changing of the ethos of this Council—a solemn Chamber has turned into to a place that is worse than a street market. The Legislative Council, a place of prestige and dignity, is now being referred to as the "Rubbish Council" by the public. This really breaks my heart.

I heard many Members express their strong support for the current amendment exercise which I definitely support. However, we must be on our guard. The most important thing is to enforce the rules once they are made. Or else, it means nothing, just like enacting legislation without enforcement. Therefore, I hope that Members will, in future, stand up to firmly resist and fight with all their might against any malignant trends in the Council.

On the other hand, I hope that members of the public will denounce nefarious acts in this Council. As for the local media, I hope that they will not put the rowdy acts of certain Members on a pedestal, glorify them with high-sounding words, or even sing praise to them. And yet, they should not just remain silent and turn a blind eye either. This will only encourage their such

acts.

I hope that, upon shaking off the "black-clad violence" and COVID-19, the Legislative Council and local society as a whole will turn the page to usher in a new era.

Here, I would like to thank Mr Paul TSE once again for leading CRoP in accomplishing such a demanding task. Meanwhile, I would also like to thank the President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon Mr Paul TSE to reply. Then, the debate will come to a close.

MR PAUL TSE (in Cantonese): President, first of all, I have to thank over half of the Members here who have spoken on this motion, and a majority of them are in support of the proposed amendments. I also thank them for showing appreciation to my work, but the praise should go to the colleagues in the Secretariat, whether the clerk or the legal adviser of the committee, who have truly worked very hard.

President, in order to be succinct, I will only make a very brief response, highlighting the arguments which have not been explored, or making slight clarification and rectification of certain concepts for the record. Firstly, quite a number of Members cited the concept of keeping abreast of the times or move with the times, with which I absolutely agree. However, Mr KWOK Wai-keung just mentioned "膝跳反射" (knee-jerk reaction) when explaining why we need to make amendment. I believe Members also know that the English expression of that term is "knee-jerk reaction", but this may not be appropriate in explaining or describing this amendment exercise. Because this amendment exercise should be similar to the previous amendment exercises, in which we have to be very cautious. This certainly is not a kind of reflex action like knee jerk reaction, but an amendment exercise after many years of consideration with the support of a lot

of analyses and studies.

According to the criticism from some colleagues or the opinions from the public, there is a query on why it is still necessary to amend the rules when the electoral system of the Legislative Council will be amended soon. As I mentioned in my speech earlier, this is the concept of never too late to mend the fold after a sheep is lost. In the contemporary language, this is similar to the situation when a kind of virus exists in the community, but in the absence of any antibody or vaccine during some time, we have to live in agony for a long period of time. We hope that the situation can be handled with the presence of antibodies and vaccines, and this amendment exercise is precisely one of the mechanisms to raise the level of the antibodies.

Some Members, including Dr CHENG Chung-tai, also query whether this amendment exercise is superfluous. First of all, I want to point out that this amendment exercise is not targeted at particular groups, political parties or Members, but the concept of "everyone may look to others for help" is adopted. If you know how to play mah-jong, you will understand better. It is my wish that after the rules are set, Members can be more rule-abiding. In fact, a number of Members from the pro-establishment camp were asked to leave the Chamber in the past. If I recall correctly, even Mr CHAN Kin-por, who is quite a gentleman, was asked by Mr Alan LEONG, a former Member, to leave the Chamber, not to mention Dr Junius HO. Mr KWOK Wai-keung and Mr WONG Ting-kwong also had similar experience. Precisely because not a few colleagues have been asked to leave the Chamber, I hope that after such clear rules have been set, this means will not be abused.

More importantly, I would like to highlight one point: Not a few cases in the past were handled on the basis of the old Rules of Procedure ("RoP"). After RoP is amended with the introduction of new wording, new structure and new understanding, the President, when enforcing the rules in future, will be allowed to have a new chapter and new opportunity to kick off a brand new kind of interpretation. This is a significant move, because according to public criticism, one of the reasons for the deterioration of the parliamentary culture in the Legislative Council is that RoP have not been strictly enforced. This amendment exercise can provide an opportunity for a fresh start or to start again. It is hoped that this amendment to RoP can provide a new opportunity to the President to restart a new way of interpretation, so that our parliamentary culture can further move forward.

Those who love sports will understand that whether in football or basketball matches, the rules need to move with the times, no matter how perfect they are. In the past, there was no VAR (video assistant referee), a referee could not make decisions with the assistance of video review. When it comes to football, I feel a little perplexed by the example quoted earlier by Dr Priscilla LEUNG concerning the football match between Brazil and France, because this was a match in 1998 and could not reflect the latest situation ...

(Dr Priscilla LEUNG was responding in her seat)

Right, this match has left a deep impression on us, but it seemed to be too long ago.

Concerning the other point that I would like to raise, as I mentioned in my speech earlier, the Legislative Council should have the dignity to be respected just the same as courts, about which I believe not much elaboration is needed. Some colleagues mentioned the banana hurling incident, which can be regarded as the first move of window breaking, as in the broken windows theory that I cited in the past. When the window is broken and you do not fix it immediately, people's impression is that things will get worse, and likewise, the parliamentary culture will be on the decline. The incident of banana hurling is indeed the first step in the decline of parliamentary culture. It is unfortunate that the troublemaker is still at large, without being subject to genuine sanction no matter inside or outside the legislature.

I would also like to talk about the price to pay, an issue that a number of Members also mentioned earlier. The deterioration of parliamentary culture has already led to regression and coming to a standstill of society. This actually is not limited to regression in abstract sense, but also involves money and resources in objective and practical sense. Our society has spent quite a sum of public money on the operation of the legislature. But due to the lack of a set of comprehensive RoP or sufficient parliamentary sanction, according to the statistics provided by the Secretariat, millions of dollars of public money per hour have been wasted unnecessarily. Hence, filibustering is indeed a dollars-and-cents issue or a financial issue.

This does not involve the financial problem alone. As particularly mentioned by Mr KWOK Wai-keung earlier, it was more common that security

staff suffered injuries in recent years. This situation did not happen in the past two sessions of the Legislative Council, but frequently happened during this session. Because some new and especially radical Members, who do not mind being injured at all, do not consider the personal safety of security staff. Since they are the initiators, they definitely will not consider their own personal safety, but neither do they consider the safety of other staff. This kind of highly selfish and inappropriate behaviour has led to a number of accidents.

Compared with the sanction against those members of Parliament in the United Kingdom who have failed to comply with the President's orders, the situation in Hong Kong is lagging far behind and rather lenient. In the example of the Parliament of the United Kingdom, after the Speaker has given an order, if the Member of Parliament concerned refuses to leave the venue on his own and enforcement by security staff is needed, there can be very serious consequences, not to mention the serious consequence of being carried away from the venue. But according to the tradition and practice in the United Kingdom, if a security officer or what they call sergeant-at-arms, who is responsible for law enforcement, walks to the side of the Member concerned and gives a slight pat on his shoulder, this Member will be unable to attend the parliamentary meetings for the rest of his term of office. The practice in the United Kingdom is far more stringent than that in Hong Kong, and the legislature in Hong Kong is really lagging far behind.

President, a number of colleagues have mentioned about this Council's return to reasoning. I have to thank Dr CHENG Chung-tai for raising the question on the room for deliberation and deliberative culture, under the situation when there are fewer voices of opposition at present. Members may not fully understand his arguments, and perhaps he wanted to discuss the cultural matters in a more academic way. Anyway, I want to point out that the legislature should be just like a court where people resort to reasoning rather than force, engaging in the battle of words and wits with their sense of humour rather than engaging in any fights.

Different Members have different styles. For instance, Mr Wilson OR prefers giving interesting explanations by making use of his interaction and dialogues with the public, while Dr Priscilla LEUNG prefers giving an account on her work in the past so that people can understand the stages of development. It is fine to have different styles of speeches, as what is most important is that the subject becomes clearer through the debate and Members are speaking on the

subject, thus benefiting each other. Even the style of Mr CHUNG Kwok-pan, who prefers speaking succinctly without repeating his arguments, is also commendable.

As regards the saying that the more a subject is debated, the clearer it becomes, this can only be realized with an outstanding parliamentary culture. If the emphasis is placed on antics, political grandstanding or putting up a show, it is true that more attention and coverage from the media can be gained, but on the flip side, it does not have much function on the debate itself. I believe this is common knowledge to Members.

Besides, I want to discuss the issue of parliamentary culture. The opposition camp and even the radical Members used to say that if there was no procedural justice in the legislature, there would also be no justice in society, and thus their antagonistic behaviour was necessary in the legislature. This is the stance expression issue mentioned by Dr CHENG Chung-tai. I understand this point and would like to highlight through this opportunity that in amending RoP, it is also our wish to uphold the outstanding tradition, culture and civility of our legislature. Even though we stress that the majority rules, we definitely need to respect the voices of the minority and will particularly pay heed to their views. Therefore, I will also pay particular attention to Dr CHENG Chung-tai's speeches and hope that a matter can be measured from different perspectives.

More importantly, I hope that the Government, after the concept of "patriots administering Hong Kong" has been introduced with the endorsement of the Standing Committee of the National People's Congress or the amendment from this Council, will not be too high-handed in its administration in future. In case a measure is not benevolent and has created a lot of grievances in society, this Council will still be under pressure and become a place for political confrontations. It is our wish that with good progress and amendments made in terms of parliamentary culture, public resentment can be alleviated outside the legislature or in the community, so that there will be fewer political confrontations in the legislature, which is a microcosm of society.

President, some technical issues need to be clarified. They include firstly, this amendment exercise does not include financial sanction. Although this has been discussed and generally agreed by us, since amendment to the legislation concerned is needed, if the public think that after the passage of the proposed amendments, the Member concerned will be asked to leave the Chamber and pay

a financial penalty, I am sorry to say that this cannot be realized at the moment and can only be done after the legislation is amended. Secondly, it is the issue of holding video meetings. This is not included in this amendment exercise, but the arrangement concerned has already been made in the motion passed previously.

In regard to the two points just mentioned by Dr CHENG Chung-tai, although he has, to be fair to himself, stated explicitly that he does not have deep understanding of the amendments concerned, I also want to give a brief clarification. First of all, in respect of the Third Reading arrangement, he thinks that it will stifle the room for deliberation so that Members will be deprived of the opportunity to make final remarks after discussion and debate or after listening to other Members' speeches, and after discussion of the amendments. As a matter of fact, as regards the speaking time of 15 minutes, from the past experience, firstly, only very few Members would speak and they usually spoke for the purpose of filibustering; and secondly, those Members' speeches were often interrupted by President because of digression. It is already provided in the existing RoP 63 that the debate on the motion shall be confined to the contents of the bill, but since the wording is not very clear, disputes were frequently seen in the past.

This amendment concerned aims mainly to achieve the following. First, a reduction of the speaking time from 15 minutes to 3 minutes; second, Members are required to only express their stance of whether they would support a bill or otherwise, and they are not allowed or do not need to discuss again the general merits of the bill or the proposed amendments, as these should have been discussed at the Second Reading debate; and third, Members shall not have any debate on individual provisions of the bill. We wish to make this procedure clearer after the amendment, and also wish that Dr CHENG Chung-tai can understand the objective and effect of this amendment.

The second point that I want to supplement is related to adjournment motions. Dr CHENG Chung-tai thinks that it is a very good mechanism for us to have the opportunities to listen to the views from the community towards some significant and ad-hoc issues of great concern to the community during the Council meetings held on Wednesdays and Thursdays. In fact, this mechanism will still exist after the amendment. We only specify through the amendment that the general duration of a debate shall not exceed 1.5 hours, instead of following the old practice which is unclear. Members can still move adjournment motions and I hope Dr CHENG Chung-tai can understand that the

room for deliberation has not been reduced.

President, finally, I have to thank again all those Members who have given their views on the proposed amendments, Members of the Committee on Rules of Procedure and the whole Council. They have responded very comprehensively and positively to the consultation on the proposed amendments. I usually feel quite reluctant to mention this, but please allow me to reiterate here that as a directly elected Member for two terms, I have included promoting a healthy democracy in my election manifesto. I always believe that no matter in the court or in the Council, without any healthy system, culture and civilized norms, we cannot make proper contributions to society.

In this regard, the Committee on Rules of Procedure wanted to propose amendments to RoP for several times, but to no avail due to the framework or hurdle of the rule on separate voting system. As mentioned by Mr Tommy CHEUNG whose attitude is rather pragmatic, he would not attempt the impossible, and that was exactly the case. Some colleagues may ask why there were not so many amendments during the time when Mr TAM Yiu-chung was the Chairman, whereas a lot of amendments are now proposed. This was not because of any shortcomings on the part of Mr TAM Yiu-chung, but was mainly due to the restrictions of our system in the past.

I feel thankful and grateful that two major amendment exercises were able to be made within this term of office. It is my wish that through this amendment exercise, the legislature can have more room for rational discussion, continue to uphold the traditional and quality culture of Hong Kong and have room for quality deliberation just like the courts, so that our society can make a progress. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Paul TSE be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr CHENG Chung-tai rose to claim a division.

PRESIDENT (in Cantonese): Dr CHENG Chung-tai has claimed a division. The division bell will ring for five minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr Jimmy NG, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU and Mr Tony TSE voted for the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Ms Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted for the motion.

Dr CHENG Chung-tai voted against the motion.

THE PRESIDENT announced that among the Members returned by functional constituencies, 23 were present and 22 were in favour of the motion; while among the Members returned by geographical constituencies through direct elections, 17 were present, 16 were in favour of the motion and 1 against it. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was passed.

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L.N. 47 of 2021

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

Resolution of the Legislative Council

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

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 25 March 2021.

Resolved that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

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

1. **Rule 16 amended (motions for the adjournment of the Council)**
 - (1) Rule 16(2), after “two items of business”—
Add
“that are set out in Rule 18(1) (Order of Business at a Meeting)”.
 - (2) After Rule 16(2)—
Add
“(2A) If at the expiration of one and a half hours, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (2) such motion has not been agreed to, the President shall not put the question on the motion and the Council shall proceed to the next item of business.”.
 - (3) After Rule 16(7)—
Add
“(8) A motion that is to be moved under subrule (2) or (4) at a meeting of the Council but is not reached before the Council is adjourned shall not stand over until the next meeting, and shall be taken as having been disposed of.”.
2. **Rule 18 amended (order of business at a meeting)**
 - (1) Rule 18(1)(jb)—

Repeal the full stop

Substitute

“, excluding motions moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments).”.

- (2) After Rule 18(1)(jb)—

Add

“(jc) Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).”.

- (3) Rule 18(1)(l)—

Repeal

“motions other than those specified in paragraph (jb)”

Substitute

“other motions”.

- (4) Rule 18(1)—

Repeal paragraph (m).

- (5) Rule 18(2)—

Repeal

“(d), (e).”.

3. Rule 19 amended (the Agenda of the Council)

Rule 19(1A)—

Repeal the full stop

Substitute

“, and to set a time limit on the consideration of such motion or bill.”.

4. Rule 20 amended (presentation of petitions)

(1) Rule 20(2)—

Repeal

“inform the President not later than the day before the meeting”

Substitute

“give notice to the President not later than 3 clear days before the meeting”.

(2) Rule 20(2)—

Repeal

“so informing the President”

Substitute

“giving such notice”.

5. Rule 21 amended (presentation of papers)

(1) Rule 21(1)—

Repeal the full stop

Substitute

“, but no paper shall be so presented unless notice of it has been given not less than 2 clear days before the Council meeting at which the paper is to be presented provided that the President may in his discretion dispense with such notice.”.

(2) Rule 21(1), Chinese text—

Repeal the semicolon

Substitute

“，而”。

- (3) Rule 21(4), after “a Bills Committee”—

Add

“or of a committee to which a bill has been referred for consideration under Rule 54(4) (Second Reading)”.

- (4) Rule 21(4A)—

Repeal

“the Member presenting a report of the Bills Committee on the bill”

Substitute

“the Member presenting a report of a Bills Committee or of a committee to which the bill has been referred for consideration”.

- (5) Rule 21(5)—

Repeal

“, with the consent of the President.”.

- (6) Rule 21(5)—

Repeal

“inform the President of his wish before the beginning of that meeting”

Substitute

“give written notice to the President of his wish before the beginning of that meeting, and may only address the Council if the President has given his consent”.

6. Rule 26 amended (asking and answering of questions)

- Rule 26(3)—

Repeal

“rise in his place and ask the question”

Substitute

“rise in his place and read out the question set out on the Agenda”.

7. Rule 29 amended (notice of motions and amendments)

After Rule 29(3)—

Add

“(3A) The President shall, upon the moving of a motion under subrule (3), put the question on that motion without debate.”.

8. Rule 37 amended (recommendations of House Committee as to time of speaking)

Rule 37—

Repeal subrule (1)

Substitute

“(1) In relation to any motion or amendment to a motion to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may make recommendations on the duration of debates and the speaking time limits of Members in debates, provided that the President or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits.”.

9. Rule 40 amended (adjournment of debate or of proceedings of a committee of the whole Council)

(1) Rule 40(1)—

Repeal

“A”

Substitute

“Subject to subrules (1A) and (1B), a”.

- (2) Rule 40(1), before “may move without notice”—

Add

“, and before he so speaks.”.

- (3) After Rule 40(1)—

Add

“(1A) No motion without notice may be moved to adjourn a debate on a motion moved under subrule (6A), Rule 16 (Motions for the Adjournment of the Council), Rule 49B(2A) (Disqualification of Member from Office), Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), Rule 54(4) (Second Reading), Rule 55(1)(a) (Committal of Bills), Rule 84(3A) or (4) (Voting or Withdrawal in case of Direct Pecuniary Interest), Rule 89(2) (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) or Rule 90(2) (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).

- (1B) Where the President is of the opinion that the moving of the motion that the debate be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate.”.

- (4) Rule 40(8), after “(1)”—

Add

“, (1B)”.

10. Rule 45A added

Part I, after Rule 45—

Add

“45A. Naming and Suspending

- (1) If, by reason of the grossly disorderly conduct of a Member, the President is of the opinion that his powers under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct, the President may, at any time he considers appropriate, name such Member.
- (2) Where it comes to the knowledge of the President that a Member’s grossly disorderly conduct has been committed in a committee of the whole Council, the Finance Committee or the House Committee, the President may, at any time he considers appropriate, name such Member if the President is of the opinion that the powers of the Chairman of the committee of the whole Council, the chairman of the Finance Committee or the chairman of the House Committee under Rule 45(2) (Order in Council and Committee) are inadequate with respect to such grossly disorderly conduct.
- (3) Where a Member is named by the President under subrule (1) or (2), the President shall, on a motion being moved forthwith by the President’s deputy, put the question “That (name of such Member) be suspended from the service of the Council”.
- (4) A motion moved under subrule (3) shall be voted on forthwith without amendment or debate.

- (5) If a Member is suspended by a motion moved and passed under subrule (3), the duration of the suspension (including the day of suspension)—
 - (a) on the first occasion is one week;
 - (b) on the second occasion during the same term of the Council is two weeks; and
 - (c) on any subsequent occasion during the same term of the Council is twice that of the previous occasion, provided that such duration shall not extend beyond the end date of the term concerned.
- (6) Any Member who is suspended from the service of the Council under this Rule shall immediately leave the Chamber. The suspended Member shall, for the duration of his suspension, be excluded from participation in the exercise of the Council's powers and functions under Article 73 of the Basic Law.
- (7) If the suspended Member refuses to comply with subrule (6), the President shall order the Clerk to take such action as may be necessary to ensure compliance.”.

11. Rule 49 amended (divisions)

- (1) Rule 49(6), after “Rule 29(2)(b)”—

Add

“or (3)”.

- (2) Rule 49(6)—

Repeal

“(excluding motions referred to in Rule 29(3))”.

12. Rule 51 amended (notice of presentation of bills)

(1) Rule 51(1)—

Repeal

“A”

Substitute

“Subject to subrule (1A), a”.

(2) After Rule 51(1)—

Add

“(1A) A Member who intends to present a bill under subrule (1) may only do so after he has consulted the relevant Panel on a draft of the bill.”.

13. Rule 54 amended (second reading)

Rule 54(7)—

Repeal

“a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees)”

Substitute

“a report of a Bills Committee under Rule 76(9) (Bills Committees) or of a committee to which a bill has been referred for consideration under subrule (4)”.

14. Rule 56 amended (functions of committees on bills)

Rule 56(1)—

Repeal

“principles of the bill but only its details”

Substitute

“general merits and principles of the bill but only whether it supports the amendments proposed to the bill, and whether clauses of the bill as amended or without amendment should stand part of the bill”.

15. Rule 63 amended (third reading)

Rule 63(1)—

Repeal

“confined to the contents of the bill”

Substitute

“in the form of short and succinct speeches and confined to whether the bill should be supported, and not on the general merits and principles of the bill or in relation to proposed amendments to or individual provisions of the bill.”.

16. Rule 79D added

After Rule 79C—

Add

“79D. Powers of Chairman and Deputy Chairman of a Committee in Office

- (1) Where it is provided in these Rules of Procedure that the chairman of a committee (*chairman in office*) shall hold office until the chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement, the chairman in office shall have all the powers that may be exercised by a chairman of the committee until the commencement of the next session or the election of the chairman for the next session, whichever is the later.

- (2) Where it is provided in these Rules of Procedure that the deputy chairman of a committee (*deputy chairman in office*) shall hold office until the deputy chairman for the next session is elected in that next session or, in case that election is held before that next session commences, until that commencement, the deputy chairman in office shall have all the powers that may be exercised by a deputy chairman of the committee until the commencement of the next session or the election of deputy chairman for the next session, whichever is the later.”.

17. Rule 91 amended (suspension of Rules)

- (1) Rule 91, after “except”—

Add

“with the recommendation of the House Committee and”.

- (2) Rule 91—

Repeal

“or with”

Substitute

“together with”.

18. Rule 93 amended (interpretation)

- (1) Rule 93(b), after “the expression “clear days””—

Add

“as a period of time”.

- (2) Rule 93(b)—

Repeal the semicolon

Substitute

Resolution of the Legislative Council

Schedule
Section 18

L.N. 47 of 2021
B3251

“, and ends at 5 p.m. on the last day of that period;”.

Kenneth CHEN Wei-on
Clerk to the Legislative Council

25 March 2021

**Extract of the Committee on Rules of Procedure of
the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period October 2020 to October 2021**

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Chapter 2 Conduct of business in the Council

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.

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.

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>).

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.

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**.

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

Committee on Rules of Procedure

List of issues studied during the period from October 2020 to October 2021

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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		
3.	Procedures for dealing with points <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

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**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> <ul style="list-style-type: none"> (a) adjournment debates under RoP 16(2) may only be allowed to be moved between two items of business mentioned in RoP 18(1); (b) a time limit (i.e. 90 minutes) shall be specified for dealing with a motion under RoP 16(2); and (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.
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.

**Extract of the Official Record of Proceedings of the
Legislative Council meeting held on 27 October 2021**

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ADDRESS

PRESIDENT (in Cantonese): Address. Mr Paul TSE will address the Council on the "Committee on Rules of Procedure Progress Report for the period October 2020 to October 2021".

**Committee on Rules of Procedure of the Legislative Council of the Hong Kong
Special Administrative Region Progress Report for the period October 2020 to
October 2021**

MR Paul TSE (in Cantonese): President, in my capacity as Chairman of the Committee on Rules of Procedure ("the Committee"), I submit to this Council the progress report of the Committee's work for the period October 2020 to October 2021.

President, given the delay in the election of committee chairmen due to the past incidents of filibusters in the Council and committees, grossly disorderly conduct of certain Members, and abuse of procedures to cause disruption to the proceedings of meetings, coupled with the fact that the number of Members of the Seventh Legislative Council will increase to 90, the Committee initiated a review on the Rules of Procedure ("RoP") and House Rules ("HR") in January this year, in a bid to enhance the effectiveness of deliberation.

In order to complete the review expeditiously, the Committee held a total of 11 meetings and 6 consultations sessions this year to gauge Members' views on certain proposed amendments. After discussions and consultations, all four batches of amendments to RoP and HR comprising 18 groups of recommendations were passed and approved by the House Committee ("HC") and the Legislative Council respectively. Some amendment items took effect immediately after the concerned resolutions were gazetted, while the remaining ones will come into effect from the day the term of the Seventh Legislative Council commences. The whole review was formally completed in October. President, the review has amended or incorporated 31 provisions in RoP and 21 provisions in HR, covering various areas. I will just give a summary on the major amendments as follows.

President, in respect of Council proceedings and Members' behaviour and manner in meetings, RoP and HR have set time limits on handling motions and speaking time limit for Members in debates, and have specified procedures for dealing with points of order which the President deems to be abusive in nature. RoP also requires Members to dress in business attire when attending Council meetings and meetings of the committee of the whole Council, and the display of objects during speeches should also comply with relevant requirements.

Since the enactment of the Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Bill 2021 in September this year, the Legislative Council has got express statutory authority to impose financial penalties on Members with the following behaviour: (a) the remuneration of Members who are suspended from the service of Legislative Council due to their grossly disorderly conduct will be reduced on a pro-rata basis during the period of suspension; and (b) Members whose absence from a meeting results in the adjournment of a Council meeting should pay a financial penalty equivalent to one day's remuneration payable to a Member who does not serve on the Executive Council.

Given the increase in the number of Members in the next Legislative Council, in order to ensure the operation effectiveness of committees, the membership of committees and the procedures for electing the chairman and deputy chairman of committees have been amended. The maximum number of members for Panels, bills committees and subcommittees are set at 20 or 15, while the Finance Committee and HC, which Members can join on their own will, should have not less than 50 members. In addition, the current review has also made amendments to other parts of RoP and HR, such as removing the requirement for the Member or public officer in charge of a bill to consult the HC Chairman before the resumption of Second Reading debate of the bill, and no longer allowing Members to move a motion without notice for the purpose of expressing their views or stances in committee meetings.

President, the current review covers many different areas and involves complicated procedures. I thank Members on behalf of the Committee for their opinions and support which have enabled us to finish the work before the end of the current session. Thank you, President.

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