

L.N. 187 of 2017

**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 15 December 2017.

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 1B added

After Rule 1A—

Add

“1B. The President of the Legislative Council

There shall be a President of the Council whose powers and functions are set out in Article 72 of the Basic Law, the laws of Hong Kong and these Rules of Procedure.”.

2. Rule 3 amended (Presiding in Council and in committee of the whole Council)

(1) Rule 3(1)—

Repeal

“There shall be a”

Substitute

“The”.

(2) Rule 3(1), English text—

Repeal

“who”.

3. Rule 12 amended (first meeting of term)

Rule 12—

Repeal subrule (3)

Substitute

“(3) The meeting shall be adjourned after all Members present have made or subscribed an oath or affirmation.”.

4. Rule 14 amended (days and hours of meetings)

(1) Rule 14(4)—

Repeal

“on another day”.

(2) Rule 14(4)—

Repeal

“continue on such other day”

Substitute

“continue at any hour or on any day”.

(3) Rule 14(4)—

Repeal

“business on such other day”

Substitute

“business at such hour or on such day”.

5. Rule 17 amended (quorum)

(1) Rule 17(1)—

Repeal

“and of a committee of the whole Council”.

(2) Rule 17(1)—

Repeal

“or Chairman”.

- (3) After Rule 17(1)—

Add

“(1A) The quorum of a committee of the whole Council shall be 20 members including the Chairman.”.

- (4) Rule 17(3), after “shall be resumed and”—

Add

“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”.

- (5) After Rule 17(5)—

Add

“(6) The President may call a meeting to complete the unfinished business on the Agenda after the Council has been so adjourned under subrule (2) or (3), and should the President consider that such a meeting has to be called the adjournment of the Council under subrule (2) or (3) shall be deemed to be a meeting ordered to be suspended and may be resumed for the continuation of business at such hour or on such day pursuant to Rule 14(4) (Days and Hours of Meetings).”.

6. Rule 19 amended (the Agenda of the Council)

- (1) Rule 19(1)—

Repeal

“All”

Substitute

“Subject to subrule (1A), all”.

- (2) After Rule 19(1)—

Add

“(1A) In respect of any motion or any bill to be placed on the Agenda for a meeting of the Council, the President or the Chairman of a committee of the whole Council shall have the power to select the amendments, new clauses or new schedules to be proposed to such motion or bill, and also the power to direct two or more motions or amendments considered by him to be cognate to be combined.”.

7. Rule 20 amended (presentation of petitions)

- (1) Rule 20(6)—

Repeal

“a select committee” (wherever appearing)

Substitute

“the House Committee”.

- (2) Rule 20(6)—

Repeal

“If not less than 20 Members”

Substitute

“If no less than one half of all Members of the Council”.

8. Rule 30 amended (manner of giving notice of motions and amendments)

- (1) Rule 30(3)(b), after “such alterations”—

Add

“, which includes those necessitated by the combination of motions or amendments,”.

- (2) Rule 30(3)(c)—

Repeal the full stop

Substitute

“; or”.

- (3) After Rule 30(3)(c)—

Add

“(d) that it be returned to the Member who signed it—

- (i) as the motion or amendment covered by that notice has not been selected by the President; or
- (ii) as the motion or amendment covered by that notice has been combined with another motion or amendment.”.

- (4) After Rule 30(3)—

Add

“(3A) Before a direction is given under subrule (3)(d), the President may, if he thinks fit, request any Member who has given notice of a motion or an amendment to give such explanation of the subject matter of the motion or amendment as may enable him to form his judgement on the matter, and may take into account the explanation so given. In the event that there are more than one Member proposing the motions or amendments to be combined, the President may designate which Member shall propose it.”.

9. Rule 38 amended (occasions when a Member may speak more than once)

Rule 38(3), before the full stop—

Add

“and shall only speak on the part which has been misunderstood”.

10. Rule 40 amended (adjournment of debate or of proceedings of a committee of the whole Council)

Rule 40(4), after “proceedings.”—

Add

“Where the Chairman is of the opinion that the moving of the adjournment of proceedings is an abuse of procedure, he may decide not to propose the question or to put the question forthwith without debate.”.

11. Rule 45 amended (order in Council and committee)

Rule 45(1)—

Repeal

“standing or select”.

12. Rule 49 amended (divisions)

(1) Rule 49(4)—

Repeal

“shall propose the question on that motion”

Substitute

“shall put the question on that motion without debate”.

(2) Rule 49(6)—

Repeal

“shall propose the question on that motion”

Substitute

“shall put the question on that motion without debate”.

13. Rule 54 amended (second reading)

Rule 54(4), after “on a motion which”—

Add

“, with the consent of the President,”.

14. Rule 55 amended (committal of bills)

Rule 55(1)(a), after “on a motion which”—

Add

“, with the consent of the President,”.

15. Rule 57 amended (amendments to bills)

Rule 57(4)(d), before “which is”—

Add

“or a series of two or more amendments”.

16. Rule 58 amended (procedure in committee of the whole Council on a bill)

Rule 58(12)—

Repeal

“a Member”

Substitute

“the Member or the public officer in charge of the bill”.

17. Rule 59 amended (procedure on reporting of bill from committee of the whole Council)

(1) Rule 59—

Renumber the Rule as Rule 59(1).

- (2) Rule 59(1)—

Repeal

“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.”

Substitute

“the Member or the public officer in charge of the bill shall move a motion that the report that was made under Rule 58(12) (Procedure in Committee of the Whole Council on a Bill) be adopted.”.

- (3) After Rule 59(1)—

Add

“(2) The motion moved under subrule (1) shall be voted on forthwith without amendment or debate. If the motion is agreed to, 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 or public officer in charge of the bill. If the motion is negated, no further proceedings shall be taken on the bill.”.

18. Rule 66 amended (bills returned for reconsideration)

Rule 66(4), after “on a motion which”—

Add

“, with the consent of the President,”.

19. Rule 68 amended (procedure in committee of the whole Council on Appropriation Bill)

Rule 68(7)—

Repeal

“a Member”

Substitute

“the public officer in charge of the bill”.

20. Rule 69A added

After Rule 69—

Add

“69A. Procedure on Reporting of Appropriation Bill from Committee of the Whole Council

- (1) When an Appropriation Bill has been reported from a committee of the whole Council, the public officer in charge of the bill shall move a motion that the report that was made under Rule 68(7) (Procedure in Committee of the Whole Council on Appropriation Bill) be adopted.
- (2) The motion moved under subrule (1) shall be voted on forthwith without amendment or debate. If the motion is agreed to, 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 public officer in charge of the bill. If the motion is negatived, no further proceedings shall be taken on the bill.”.

21. Rule 75 amended (House Committee)

(1) Rule 75(10)(b)—

Repeal

“; or”

Substitute a semicolon.

(2) Rule 75(10)(c)—

Repeal

“(b).”

Substitute

“(b); or”.

(3) After Rule 75(10)(c)—

Add

“(d) a petition referred to it under Rule 20(6) (Presentation of Petitions).”.

(4) Rule 75(10A)—

Repeal

“and other instruments”

Substitute

“, other instruments and petitions”.

22. Rule 79C added

After Rule 79B—

Add

“79C. Determining the Agenda of a Meeting of a Committee by Chairmen of Committees

The agenda of a meeting of any committee shall be determined by its chairman, except where its deputy

chairman (if any) has made a determination in accordance with Rule 79B (Determining the Time and the Place of a Meeting of a Committee by the Deputy Chairman of the Committee).”.

23. Rule 88 amended (withdrawal of members of the press and of the public)

Rule 88(1), after “rise and”—

Add

“, with the consent of the President, Chairman or chairman.”.

24. Schedule 1 amended (procedure for the election of the President of the Legislative Council)

(1) Schedule 1—

Repeal

“The election of the President of the Council shall be conducted at a meeting of the Council.”

Substitute

“General

1. The Clerk shall be responsible for conducting the election of the President of the Council.”.

(2) Schedule 1, paragraph 3, after “acceptance of the nomination”—

Add

“and to declare that he or she is qualified to become the President under Article 71 of the Basic Law and Rule 4(2) (Election of President)”.

(3) Schedule 1—

Repeal paragraph 6

Substitute

“6. The Clerk shall be present at the election of the President and shall provide administrative support and services for Members to elect the President.”.

- (4) Schedule 1—

Repeal paragraph 7.

- (5) Schedule 1—

Repeal paragraph 8

Substitute

“8. Upon the Clerk having confirmed that Members are ready, the election of the President shall commence. The Clerk shall announce all the valid nominations that the Clerk’s office has received.”.

- (6) Schedule 1, paragraph 9—

Repeal

“presiding Member”

Substitute

“Clerk”.

- (7) Schedule 1, paragraph 10—

Repeal

“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”

Substitute

“If there are two or more valid nominations, the Clerk shall announce that a vote by secret ballot will commence and shall distribute”.

- (8) Schedule 1, paragraph 12—

Repeal

“and report the result to the presiding Member who shall check the result for confirmation”.

- (9) Schedule 1, paragraph 13—

Repeal

“presiding Member”

Substitute

“Clerk”.

- (10) Schedule 1, paragraph 13, after “all the candidates”—

Add

“and then conclude the election”.

- (11) Schedule 1, paragraph 14—

Repeal

“presiding Member shall order”

Substitute

“Clerk shall arrange”.

- (12) Schedule 1, paragraph 14—

Repeal

“at the same meeting”.

- (13) Schedule 1, paragraph 14—

Repeal

“10 to 13”

Substitute

“9 to 12”.

- (14) Schedule 1, paragraph 15—
Repeal
“presiding Member”
Substitute
“Clerk”.
- (15) Schedule 1, paragraph 15, after “the President”—
Add
“and then conclude the election”.
- (16) Schedule 1, paragraph 16—
Repeal
“presiding Member”
Substitute
“Clerk”.
- (17) Schedule 1, paragraph 16, after “elected as the President”—
Add
“and then conclude the election”.
- (18) Schedule 1—
Repeal paragraph 17.
- (19) Schedule 1—
Renumber paragraphs 8, 9, 10, 11, 12, 13, 14, 15 and 16 as paragraphs 7, 8, 9, 10, 11, 12, 13, 14, and 15 respectively.

Resolution of the Legislative Council

L.N. 187 of 2017

B5671

Kenneth CHEN Wei-on
Clerk to the Legislative Council

15 December 2017