

立法會
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**Paper for the House Committee meeting
on 25 May 2001**

Committee on Rules of Procedure

**Proposed amendments to the saving provision
in Rule 50(8) of the Rules of Procedure**

Purpose

This paper outlines the Committee on Rules of Procedure (the Committee)'s proposed amendments to the saving provision in Rule 50(8) of the Rules of Procedure.

Background

2. 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).

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. 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.

Proposed amendments

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 are provided in the **Appendix**.

Advice sought

6. Members are invited to note the proposed amendments in the Appendix.

7. Subject to any views Members may have, Hon Jasper TSANG Yok-sing, Chairman of the Committee, will move a motion at a Council meeting within the current session for the Rules of Procedure to be amended as proposed.

Proposed amendments to Rule 50 of the Rules of Procedure

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.~~ which is a "private bill" (私人條例草案) 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."