

CSO/ADM CR 16/3231/98

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9 March 2001

The Honourable Andrew Wong Wang-fat, JP  
Chairman of the Panel on Constitutional Affairs  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Chairman,

**LegCo Panel on Constitutional Affairs**

**Negative Procedure for Vetting of Subsidiary Legislation**

In view of Members' concern that the time for the scrutiny of subsidiary legislation by way of negative vetting is not sufficient, when a piece of subsidiary legislation is complicated and lengthy, we undertook to consider how the existing "extended by one LegCo sitting" provision under Cap.1 section 34(4) of the Laws of Hong Kong might be modified to enable Members to have more time for vetting when considered necessary.

At the meeting of the LegCo Panel on Constitutional Affairs on 18 December 2000, Members welcomed our proposal to modify the provision for extending the negative vetting period to beyond 28 days, from the existing "one LegCo sitting" to "one LegCo sitting or 21 days whichever is the later". To ensure that the extension period will not be 'eroded' by holiday breaks coming in towards the end of this 21-day period, Members suggested that provision be made so that if there is no Council meeting on the day of expiry of the extension period, LegCo may extend that period to the Council meeting following the 21-day period. We agreed to consider this suggestion and revert to Members.

Having consulted within the Administration, we agree to the Panel's suggestion and propose to modify the provision, for extending negative vetting of subsidiary legislation to beyond 28 days to "21 days and, if there is no sitting on the day of expiry of these 21 days, LegCo may extend the vetting period to the sitting

following this 21-day period". In this connection, we note the Panel's view that the existing arrangement whereby it is legally in order for subsidiary legislation under the negative vetting procedure to take effect upon its gazettal still stands and that the Administration may, if the circumstances so require, put into effect subsidiary legislation immediately upon its gazettal. That said, we will under normal circumstances continue with our established practice and arrange for the commencement of a piece of subsidiary legislation on a date at least 28 days plus the extension period after its tabling in the LegCo.

I should be grateful if you would convey our proposal to the Panel. Subject to Members' views, we shall make arrangements for amendments to the relevant provisions of section 34 of Cap. 1 to give effect to the revised extension period.

Yours sincerely,

( Ms Miranda Chiu )  
for Director of Administration