

立法會

Legislative Council

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Paper for House Committee Meeting on 22 March 2002

Reports on legislation to the House Committee

Purpose

This paper seeks Members' views on the suggestions made by the "Working Group to Review the Organization and Structure of the Legislative Council Secretariat" concerning reports on legislation to the House Committee.

Suggestions of Working Group

2. As Members are aware, a Working Group has been formed by The Legislative Council Commission under the chairmanship of the President to review the organization and structure of the Legislative Council (LegCo) Secretariat. In the course of their deliberations, members of the Working Group have made the following suggestions concerning the reports on bills prepared by the Legal Service Division for the House Committee -

- (a) Apart from assessing a bill from the legal perspective, reports on legislation to the House Committee should also provide an analysis of policy issues; and
- (b) Consideration might be given to providing an executive summary stating the policy and legal implications of a bill in reports on legislation to the House Committee.

3. The Working Group has decided that the suggestions should be referred to the House Committee for consideration.

Present format and content of reports on bills

4. Following the introduction of a bill into the Council, the Legal Service Division will, at the earliest House Committee meeting held after the relevant

Council meeting, present a report on the bill to assist Members to decide whether or not to form a Bills Committee. In preparing such a report, the Division's analysis and consideration include the following -

- (a) Whether the bill as drafted reflects the policy intent as stated by the Administration or by the Member in charge of the bill;
- (b) Implications on legal principles and other laws and legislation, e.g. the Basic Law and Bill of Rights; and
- (c) Whether the drafting of the Chinese and English texts of the bill matches each other.

5. The report also provides information on whether public consultation has been conducted on the bill and whether the policy aspects have been discussed by the relevant LegCo Panel.

Proposed enhancements to the format and content of reports on bills

6. The LegCo Secretariat considers that the format and content of the reports of bills can be enhanced by providing an analysis of the policy issues and an executive summary, as suggested by the Working Group.

7. As far as the analysis of policy issues is concerned, the information to be provided in reports on bills could include the following -

- (a) Whether the relevant Panel has been consulted on any policy aspects of the bill;
- (b) The date(s) of the relevant Panel meeting(s);
- (c) The views and concerns, if any, raised by Members;
- (d) Whether the views and concerns raised have been addressed;
- (e) Whether the Panel has taken a position on the bill; and
- (f) Whether the Panel has specifically recommended that a Bills Committee should be formed.

8. At present, reports on bills are presented with the use of headings to guide Members to information which they may consider useful in deciding whether a Bills Committee should be formed. To further facilitate Members' consideration of these reports, there could be a one-page summary which contains quick reference to the object(s) of the bill, its legal and policy

implications and the conclusion/recommendation of the Legal Service Division. Full comments and other details are to be attached to that summary.

Members' views

9. Members' views are sought on -
 - (a) The suggestions of the Working Group in paragraph 2 above; and
 - (b) The proposed enhancements to the format and content of reports on bills in paragraphs 7 and 8 above.

Legislative Council Secretariat

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