

**立法會**  
**Legislative Council**

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Date : 20 November 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 2 December 2009**

**Proposed resolution under Article 75 of the Basic Law of the Hong Kong  
Special Administrative Region of the People's Republic of China**

I forward for Members' consideration a proposed resolution which Hon TAM Yiu-chung will move at the Council meeting of 2 December 2009 under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

2. The President has directed that 'it be printed in the terms in which it was handed in' on the Agenda of the Council.

(Mrs Justina LAM)  
for Clerk to the Legislative Council

Encl.

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF  
THE PEOPLE'S REPUBLIC OF CHINA

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**RESOLUTION**

(Under Article 75 of the Basic Law of the Hong Kong Special  
Administrative Region of the People's Republic of China)

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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 —

(a) in Rule 18 —

(i) in subrule (1)(j), by adding “other than those specified in  
paragraph (ja)” after “Government motions”;

(ii) in subrule (1), by adding —

“(ja) Government motions on subsidiary legislation and  
other instruments made under an Ordinance.

(jb) Members' motions on subsidiary legislation and other  
instruments made under an Ordinance.”;

(iii) in subrule (1)(l), by adding “other than those specified in  
paragraph (jb)” after “Members' motions”;

(b) in Rule 21 —

(i) in subrule (3), by adding “and Rule 49D (Presentation of  
Reports of House Committee on Consideration of Subsidiary  
Legislation and Other Instruments)” after “Subject to subrules  
(4) and (4A)”;

(ii) in subrule (5), by repealing “(5) A Member” and substituting “(5) Subject to subrule (7), a Member”;

(iii) by adding —

“(7) No address shall be made under subrule (5) on any subsidiary legislation or instrument referred to in the report which is the subject of a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments).”;

(c) in Rule 33 —

(i) by adding —

“(2A) In the debate on a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), the chairman of a subcommittee formed to study any subsidiary legislation or instrument referred to in the report which is the subject of that motion shall speak in the order as agreed by the House Committee.”;

(ii) in subrule (3A), by repealing “subrule (3B)” and substituting “subrules (3AA) and (3B)”;

(iii) by adding after subrule (3A) —

“(3AA) The mover of a motion under Rule 49E (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments) shall not speak in reply.”;

(iv) in subrule (3B), by repealing “or Rule 16(4) (Motions for the Adjournment of the Council)” and substituting “, Rule 16(4) (Motions for the Adjournment of the Council) or Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments)”;

(v) by adding —

“(3C) In the debate on a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments) —

- (a) subject to paragraph (b), the President shall call upon designated public officers attending the debate to speak when no more Member indicates his intention to speak on the motion; or
- (b) if the debate is divided into sessions, the President shall call upon designated public officers attending a particular session to speak when no more Member indicates his intention to speak in that session.”;

(vi) in subrule (4), by repealing “The President” and substituting “Except as provided in Rule 49E(9) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), the President”;

(d) in Rule 38(1), by adding —

“(fa) upon a motion to take note of a report of the House Committee as provided in Rule 49E(8) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments); or”;

(e) by adding —

#### “PART JB

### REPORTS OF HOUSE COMMITTEE ON SUBSIDIARY LEGISLATION AND OTHER INSTRUMENTS AND RELATED MOTIONS

#### **49C. Application of this Part**

In any matter not provided for in this Part, the Rules in other Parts shall apply as appropriate.

**49D. Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments**

With the permission of the President, a report of the House Committee on the consideration of subsidiary legislation and other instruments which have been laid on the Table of the Council and are subject to amendment by the Council may be presented to the Council by the chairman of the House Committee at the Council meeting immediately before the expiry of the period for amendment in accordance with section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) or the relevant provision in the Ordinance under which the subsidiary legislation or instrument referred to in Rule 29(2) (Notice of Motions and Amendments) is made or, if the period is extended, immediately before the expiry of the extended period.

**49E. Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments**

- (1) (a) A Member may, at a meeting of House Committee held in or not later than the week preceding the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), notify the House Committee that a debate should be held on any subsidiary legislation or instrument referred to in that report, provided that the Member has conveyed his notification to the clerk to the House Committee as an agenda item for that meeting of House Committee.
  - (b) If there is no meeting of House Committee in the week preceding the Council meeting at which a report referred to in paragraph (a) is presented, notification that a debate should be held shall be conveyed to the clerk to the House Committee not later than 6 clear days before that Council meeting, unless notification has been made at an earlier meeting of House Committee.
- (2) Upon receipt of the notification that a debate should be held, the chairman of the House Committee shall, after notice has

been given not less than 2 clear days before the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), move a motion to take note of that report in relation to any specific item of subsidiary legislation or instrument:

Provided that the President may in his discretion dispense with such notice.

(3) If the chairman of the House Committee will not be present to move the motion referred to in subrule (2), the deputy chairman of the House Committee shall give notice and move that motion and in the event that both of them will not be present, the Member who will be present at the Council meeting referred to in subrule (2) and has the highest precedence in the order of precedence of Members as determined in accordance with Rule 1A (Precedence of Members) shall do so.

(4) A motion under subrule (2) shall be moved in the following form:

“That this Council takes note of Report No. (serial number) of the House Committee laid on the Table of the Council on (date of Council meeting at which the House Committee report is laid on the Table of the Council) in relation to the subsidiary legislation and instrument(s) as listed below:

<u>Item Number</u>	<u>Title of Subsidiary Legislation or Instrument</u>
(item number)	(title of subsidiary legislation or instrument on which debate should be held under subrule (1) and the notice number or reference in the Gazette).”.

(5) No amendment may be moved to a motion moved under subrule (2).

(6) If notice has been given under Rule 29(2) (Notice of Motions and Amendments) to amend any subsidiary legislation or instrument, no motion shall be moved under subrule (2) in relation to that subsidiary legislation or instrument.

(7) If the motion relates to more than one item of subsidiary legislation or instruments, the debate on that motion may be divided into sessions each of which relates to one or more items of subsidiary

legislation or instruments.

(8) Subject to Rule 38 (Occasions when a Member may Speak more than once), a Member may speak only once in a debate on a motion moved under subrule (2) and, if the debate is divided into sessions, he may speak once in each of the sessions.

(9) After Members and designated public officers have spoken on a motion moved under subrule (2), the debate comes to a close. The President shall not put any question and the Council shall proceed to the next item of business.”;

(f) in Rule 75, by adding —

“(10A) After the consideration of the subsidiary legislation and other instruments referred to in subrule (10), the committee may present a report to the Council.”.