

立法會
Legislative Council

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Tel : 3919 3300

Date : 27 November 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 December 2017

**12 proposed resolutions under Article 75 of the Basic Law
to amend the Rules of Procedure**

Twelve Members have given separate notices to move the above 12 proposed resolutions at the Council meeting of 6 December 2017. In accordance with Rule 30(3)(a) of the Rules of Procedure (“RoP”), the President has directed that two proposed resolutions by two Members (Hon Paul TSE and Dr Hon KWOK Ka-ki) be printed in the terms in which they were handed in on the Agenda of the Council (**Appendices 1 and 10**).

2. Pursuant to his ruling¹ and RoP 30(3)(b), the President has directed that the proposed resolutions by the other 10 Members (Hon Alvin YEUNG, Hon Tanya CHAN, Hon WU Chi-wai, Hon Charles Peter MOK, Hon Kenneth LEUNG, Dr Hon Fernando CHEUNG, Hon Jeremy TAM, Hon Dennis KWOK, Hon CHAN Chi-chuen and Hon Martin LIAO) be printed on the Agenda of the Council with such alterations as he has directed (**Appendices 2 to 9, 11 and 12**).

(Dora WAI)
for Clerk to the Legislative Council

Encl.

¹ President’s ruling on proposed resolutions by 12 Members to amend the Rules of Procedure of the Legislative Council (issued on 27 November 2017).

Hon Paul TSE

**Basic Law of the Hong Kong Special Administrative Region of the
People's Republic of China**

Resolution

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

**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 as set out in the
Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. “舉” substituted for “舉”

- (1) The following provisions, Chinese text—
- (a) Rule 1;
 - (b) Rule 4(4);
 - (c) Rule 10(1);
 - (d) Rule 12(2);
 - (e) Rule 13(1);
 - (f) Rule 14(1), (2) and (4);
 - (g) Rule 15(1) and (3);
 - (h) Rule 18(1);
 - (i) Rule 19(3);
 - (j) Rule 23(1);
 - (k) Rule 40(6) and (7);
 - (l) Rule 42(a);
 - (m) Rule 46(2)(a) and (b);
 - (n) Rule 47(1)(a) and (2)(a);
 - (o) Rule 49(1);
 - (p) Rule 49E(1)(a) and (b) and (4);
 - (q) Rule 54(5)(a), (b) and (e);
 - (r) Rule 71(2), (2A), (5C), (6) and (7);
 - (s) Rule 72(3) and (6);
 - (t) Rule 73(2), (3) and (4);
 - (u) Rule 73A(1), (4) and (5)(a) and (b);
 - (v) Rule 74(2), (3) and (4);
 - (w) Rule 74A(3), (7) and (8);
 - (x) Rule 75(2), (2A), (12E), (14) and (15);
 - (y) Rule 76(5), (6) and (8B);
 - (z) Rule 77(10), (11), (12) and (13B);
 - (za) Rule 79(2);

- (zb) Rule 79A(1) and (2);
- (zc) Rule 79B;
- (zd) Rule 83(1) and (5)(d)(i);
- (ze) Rule 88(3);
- (zf) Rule 89(1);
- (zg) Rule 93(b);
- (zh) Schedule 1, paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16 and 17;
- (zi) Schedule 1, Annex I, paragraph 1;
- (zj) Schedule 1, Annex II—

Repeal

“舉” (wherever appearing)

Substitute

“舉”.

- (2) The following provisions, Chinese text—
 - (a) Rule 4, heading;
 - (b) Rule 27, heading;
 - (c) Rule 42, heading;
 - (d) Schedule 1, heading;
 - (e) Schedule 1, heading before paragraph 6;
 - (f) Schedule 1, Annex I, heading;
 - (g) Schedule 1, Annex II, heading—

Repeal

“舉” (wherever appearing)

Substitute

“舉”.

Hon Alvin YEUNG

**Basic Law of the Hong Kong Special Administrative Region
of the People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
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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 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 3A added

After Rule 3—

Add

“3A. Autonomy of the Council

The President, in discharging of his duties, shall preserve and defend the autonomy of the Legislative Council at all times.”.

2. Rule 79C added

After Rule 79B—

Add

“79C. Committee and Subcommittee Meetings be Held Openly

Notwithstanding Rule 88 (Withdrawal of Members of the Press and of the Public), all meetings of the committee and subcommittee shall be conducted in an open manner, except those held by the Legislative Council Commission, the Committee on Rules of Procedure, customarily held in camera or otherwise as required by the Rules of Procedure or by law. If a meeting is to be held in camera, it shall be so decided by two-thirds majority of the Members of that committee or subcommittee.”.

3. Rule 92 amended (procedure if Rules of Procedure do not provide)

Rule 92, after “if he thinks fit,”—

Add

“consult the Committee on Rules of Procedure and”.

Hon Tanya CHAN

**Basic Law of the Hong Kong Special Administrative Region
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**Rules of Procedure of the Legislative Council of the
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Resolved that the Rules of Procedure of the Legislative Council of the
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the Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 6 amended (duties of the Clerk)

Rule 6(5A)(a)—

Repeal

“25 years”

Substitute

“20 years”.

2. Rule 83AA amended (claims for reimbursement of operating expenses or applications for advance of operating funds)

(1) Rule 83AA—

Renumber the Rule as Rule 83AA(1)

(2) After Rule 83AA(1) —

Add

“(2) The Clerk must ensure that Members are provided with the necessary facilities and resources within the Legislative Council for the proper execution of their duties.”.

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(Under Article 75 of the Basic Law of the Hong Kong Special
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**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

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Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 1A amended (precedence of Members)

(1) Rule 1A(1) —

Repeal

“the continuous”

Substitute

“the”.

(2) Rule 1A(1) —

Repeal the semicolon

Substitute

“whilst it is not necessary for him to hold office for a continuous period of time; when more than one Member has held office for the same period of time.”.

(3) Rule 1A(2) —

Repeal

“continuous”.

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

After Rule 14(5)——

Add

“(6) Meetings of the Council shall continue to be held during the annual plenary sessions of the National People’s Congress and the Chinese People’s Political Consultative Conference unless the President orders otherwise.”.

Hon Charles Peter MOK

**Basic Law of the Hong Kong Special Administrative Region
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Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
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**Rules of Procedure of the Legislative Council of the
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Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 6 amended (duties of the Clerk)

Rule 6(5), after “records,”——

Add

“video recording.”

2. Rule 8 amended (attendance of the Chief Executive)

(1) Rule 8(b) —

Repeal

“and”.

(2) Rule 8(c) —

Repeal the full stop

Substitute

“; and”.

(3) After Rule 8(c) —

Add

“(d) upon the invitation of the Council, any committee, subcommittee or Member.” .

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**Rules of Procedure of the Legislative Council of the
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Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 6 amended (duties of the Clerk)

Rule 6(7), after “with a clerk” —

Add

“and, unless the Clerk orders otherwise, a deputy clerk”.

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

Rule 14(2) —

Repeal

“14 clear days before the day of the meeting”

Substitute

“12 clear days before the day of the meeting”.

Dr Hon Fernando CHEUNG

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Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 2 amended (language)

Rule 2, after “either”——

Add

“sign language,”.

2. Rule 5 amended (President's deputy)

Rule 5(1), after “President's deputy.”——

Add

“The chairman of the House Committee must be a Member elected from the geographical constituency.”.

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Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 11A added

After Rule 11 —

Add

“11A. Council Meetings be Held Openly

All meetings of the Council shall be conducted in an open manner, subject to Rule 88 or otherwise as required by the Rules of Procedure or by law.”.

Hon Dennis KWOK

**Basic Law of the Hong Kong Special Administrative Region
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Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 3 amended (presiding in Council and in committee of the whole Council)

After Rule 3(1) —

Add

“(1A) The duties of the President require the balancing of the rights and interests of the majority and minority in the Council and that the interests of all parts of the Council are advocated and protected against the use of arbitrary authority.”.

2. Rule 7 amended (Counsel to the Legislature)

After Rule 7(2)—

Add

“(3) The Deputy Counsel shall assist the Counsel to the Legislature in discharge of his duties under subrules (1) and (2).”.

Dr Hon KWOK Ka-ki

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Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 24 amended (notice of questions)

Rule 24(4) —

Repeal

“character and”

Substitute

“character or”.

2. Rule 44 amended (decision of Chair final)

Rule 44, after “shall be final.” —

Add

“If any decision is objected by more than one Member, the President or the Chairman shall allow the Members to explain the objection. The President or the Chairman shall then explain his decision and the explanation should be put on record. The decision shall not be binding on later decisions.”.

3. Rule 71 amended (Finance Committee)

Rule 71(5A),—

Repeal

“The chairman and 8 other members ”

Substitute

“One third of the number of the members (a fraction of the whole number being disregarded), including the chairman,”.

4. Rule 75 amended (House Committee)

Rule 75(12A), —

Repeal

“20 members”

Substitute

“One third of the number of the members (a fraction of the whole number being disregarded)”.

Hon CHAN Chi-chuen

**Basic Law of the Hong Kong Special Administrative Region
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**Rules of Procedure of the Legislative Council of the
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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. Fundamental Rights

All Members of the Council (including the President), in carrying out their duties at the Council, shall respect the fundamental rights of Hong Kong Residents enshrined in Chapter III of the Basic Law and give due consideration to the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other applicable international human rights instruments.”.

2. Rule 2 amended (language)

Rule 2, after “A Member may address the Council”—

Add

“or chair a meeting”.

3. Rule 9A added

After Rule 9—

Add

“9A. Foreign Dignitaries

The Council may invite foreign dignitaries to attend meetings of the Council, any committee or subcommittee from time to time when the President thinks fit.”.

4. Rule 24 amended (notice of questions)

Rule 24 —

Repeal subrule (4)

Substitute

“(4) Not more than two questions without notice may be asked at any one meeting, and a Member may ask not more than one

question without notice in a session, the President may permit the question to be asked without notice, if he is satisfied that sufficient private notice of the question has been or is to be given by the Member concerned to the Government to enable the question to be answered.”.

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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 negatived, 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, paragraph 17 –
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.