

Tabling of Subsidiary Legislation in Legislative Council

Introduction

At the meeting of the Subcommittee held on 2 February, Members proposed for the Administration's consideration the following options to improve the existing arrangement for tabling of subsidiary legislation in Legislative Council -

- (a) The Director of Administration to co-ordinate the giving of notice by the relevant policy secretaries to the Clerk to LegCo in respect of subsidiary legislation that should be tabled; or
- (b) All items of subsidiary legislation that should be tabled to be contained in a separate supplement of the Gazette; or
- (c) The Administration to issue a letter to the Clerk to LegCo advising that subsidiary legislation contained in certain pages of the Gazette should be tabled in LegCo.

Considerations

2. The Administration have carefully considered the points raised by Members at the subcommittee meeting held on 2 February. We appreciate Members' view that not all the Legal Notices contained in the Legal Supplement No. 2 of the Gazette need to be tabled in LegCo and that certain Legal Notices such as executive orders made by the Chief Executive need not be tabled in LegCo. Hence, the existing arrangement whereby the Clerk to LegCo selects items among the Legal Notices

contained in Legal Supplement No. 2 of the Gazette for tabling would need to be improved so that an arrangement will be in place to ensure that all subsidiary legislation that need to be tabled in LegCo is tabled.

3. All the three options as proposed by Members are able to achieve the purpose of specifying the items of subsidiary legislation that should be tabled in LegCo. The Administration propose adopting option (b) and divide the Legal Supplement No. 2 of the Gazette into two parts specifying the first part contains all items of subsidiary legislation that should be tabled in LegCo. This option has the merit of clearly identifying all items of subsidiary legislation that should be tabled in LegCo without considerably increasing the exchange of correspondences with the LegCo Secretariat as in the case of option (a) or making it necessary to make cross references with the Gazette as in the case of option (c). The possibility of confusion or error can hence be minimized.

Proposed future arrangement

4. We therefore propose to adopt option (b) and divide the Legal Supplement No. 2 of the Gazette into two parts. This will ensure all items of subsidiary legislation that should be tabled will be contained in one part of the Legal Supplement No. 2 and the Clerk to LegCo could identify them for negative vetting by LegCo under section 34 of Cap 1. We welcome Members' views on the above proposed arrangement.

Administration Wing

Chief Secretary for Administration's Office

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