

L. N. 311 of 1998

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

RESOLUTION OF THE LEGISLATIVE COUNCIL

RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

Resolution made and passed by the Legislative Council under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China on 9 September 1998.

Resolved that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended---

(1) in Part F---

(a) in the heading, by adding "and Personal Explanations" after "Statements";

(b) by adding---

"28A. Personal Explanations

(1) A Member who wishes to make an explanation of personal matters shall inform the President of his wish, and provide an advance copy of the intended explanation to the President for agreement to ensure that the explanation will not provoke a debate and that the contents are appropriate. If leave is given by the President for making the explanation, the Member shall not depart from the agreed contents.

(2) No debate may arise on such an explanation but the President may in his discretion allow short questions to be put to the Member making the explanation for the purpose of elucidation.

(3) Where the explanation is made in relation to a motion moved under Part JA (Procedures for Particular Motions) and the Member is unable to attend the meeting at which it is intended to be made, the President may direct that a copy of the explanation be sent to every Member and the text of the explanation be taken as read. ";

(2) in Rule 32---

(a) by renumbering it as Rule 32(1);

(b) in subrule (1), by adding "and the question has been decided in the affirmative, " after "specific question";

(c) by adding---

"(2) Where the Council has taken a decision on a specific question and the question has been decided in the negative, no further motion shall be moved in relation to that question during the current session. ";

(3) in Rule 37(1), by adding "or to which Part JA (Procedures for Particular Motions) applies" after "legislative effect";

(4) in Rule 41(7)---

- (a) by repealing "The" and substituting "Except where his conduct is the subject of a motion to which Part JA (Procedures for Particular Motions) applies, the";
- (b) by repealing "or Members of the Executive Council" and substituting ", a Member of the Executive Council";
- (c) by repealing "Members of the Legislative Council" and substituting "a Member of the Legislative Council";
- (d) by repealing "their" and substituting "his";

(5) in Rule 46---

- (a) in subrule (1), by repealing "Articles 49, 52(2), 73(9), 79(6) and (7)" and substituting "Rules 49B (Relieving a Member of His Duties) and 66 (Bills Returned for Reconsideration) and Articles 52(2), 73(9) (in respect of a motion of impeachment), 79(7)";
- (b) in subrule (2), by repealing "(other than the motion "That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration" referred to in Rule 66 (Bills Returned for Reconsideration))" and substituting "(other than a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in subrule (1))";
- (c) by adding---

"(3) Any motion not passed shall be deemed to be decided in the negative. ";

(6) in Rule 47---

- (a) in subrule (1)(b), by adding "required" before "majority";
 - (b) in subrule (2), by repealing "When" and substituting "Other than in relation to a motion moved under Rule 49B (Relieving a Member of His Duties) or 66 (Bills Returned for Reconsideration) or Article 52(2), 73(9) (in respect of a motion of impeachment), 79(7) or 159 of the Basic Law, when";
 - (c) in subrule (2)(b), by adding "a majority of" before "each of the two groups";
- (7) by adding---

"PART JA

Procedures for Particular Motions

49A. Application of this Part

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

49B. Relieving a Member of His Duties

(1) A motion to relieve a Member of his duties as a Member under Article 79(6) of the Basic Law shall be moved in the following form:

"That whereas (name of Member) was convicted on (date) in (court) in (place) of a criminal offence(s) and was sentenced on (date) by (court) to imprisonment for one

month or more (as particularized in the Schedule to this motion), this Council relieves (name of Member) of his/her duties as a Member of the Legislative Council. "

(2) No amendment may be moved to a motion moved under subrule (1).

(3) The passage of a motion moved under subrule (1) shall require a two-thirds majority vote of the Members present.

(4) Where the Council has decided to relieve a Member of his duties, the President shall declare forthwith that the Member is no longer qualified for his office. "

Ricky FUNG Choi-cheung

Clerk to the Legislative Council

9 September 1998