

Your Ref. : CB2/H/3

21 February 2000

Dr the Hon Leong Che-hung
Chairman
Legislative Council House Committee
Legislative Council Building
8 Jackson Road
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Moving of Committee Stage Amendments by Members

Thank you for your letter of 19 January 2000 regarding moving of Committee Stage Amendments by Members.

Members will appreciate that Committee Stage Amendments involve invariably a process of detailed discussion between Members and the Administration in the Bills Committee. Indeed, in examining a Government bill, Members of the Bills Committee may put forward suggestions to amend certain provisions of the Bill. The Administration will examine in detail all these suggestions, from the policy and legal perspectives. If considered necessary and desirable, the Administration will prepare the necessary amendment. The draft amendment will then be discussed by the Bills Committee and agreed upon before it is put forward by the Administration and moved as a Committee Stage Amendment when second reading of the Bill resumes.

This process has worked well. It reflects the close cooperation between Members and the Administration in discussing draft legislation. Thus, to those Members who are not members of the Bills Committee, and to the public at large, a Committee Stage Amendment moved by the Administration with the agreement of the Bills Committee is the product of a constructive partnership and signifies the consensus of the executive and the legislature. On the practical side, an amendment inevitably involves additional work in terms of legal drafting, some of which would be very complex and time consuming. We need to ensure, inter alia, that the draft amendment is consistent with the original bill and/or provisions in other related legal instruments. The required resources are best met by the Department of Justice.

We appreciate Members' concern over the public's perception of their role and we respect Members' wish that in moving Committee Stage Amendments, the contributions and efforts of the Bills Committee should be accurately reflected. We believe this is being done and achieved under the existing arrangement. Firstly, all Bills Committee meetings are open to the public and often fairly widely reported in the press. And, when a bill resumes second reading and goes through the Committee Stage, the Administration invariably acknowledges Members' contributions in suggesting and examining amendments to the bill. The role and efforts by Members in the scrutiny of a bill could not therefore have gone un-noticed by interested parties and the public.

(Mrs Anson Chan)
Chief Secretary for Administration