

PowerPoint slides introducing the Legislative Council

Knowing your Legislative Council

Transcript

Thank you for browsing the information prepared by the Education Service Team of the Legislative Council Secretariat.

To enhance your understanding of the work of the Legislative Council, I am going to introduce to you the composition and functions of the Legislative Council.



(00:00)

The Legislative Council:

The Basic Law stipulates that the Hong Kong Special Administrative Region shall be vested with legislative power and the Legislative Council shall be the Legislature of the Region.



(00:18)

Composition of the Legislative Council:

The Legislative Council has 90 Members, with 40 returned by the Election Committee, 30 returned by 28 functional constituencies, and the other 20 returned by 10 geographical constituencies through direct elections.

Under the Basic Law, the term of office of the Legislative Council is four years except the first term. The President of the Legislative Council is elected by and from among Members.



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Returned by the Election Committee:

The Election Committee comprises a total of 1 500 members who are broadly representative of different sectors and classes of the community. 40 Members are returned by the Election Committee constituency.

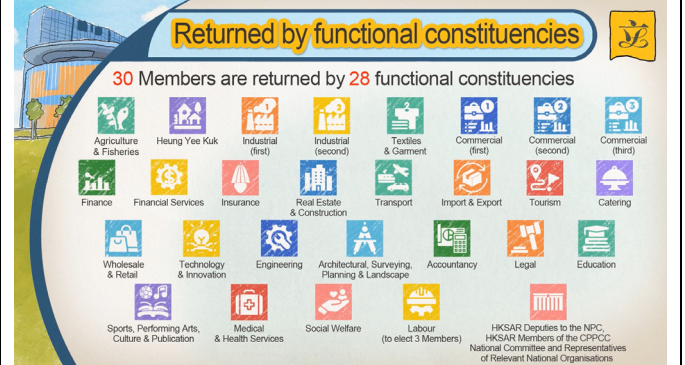


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Returned by functional constituencies:

A total of 30 Members are returned by 28 functional constituencies which represent sectors that are substantial and important to the development of the community.

With the exception of the election of the Labour constituency which returns three Members, the election of each of the constituency returns one Member.

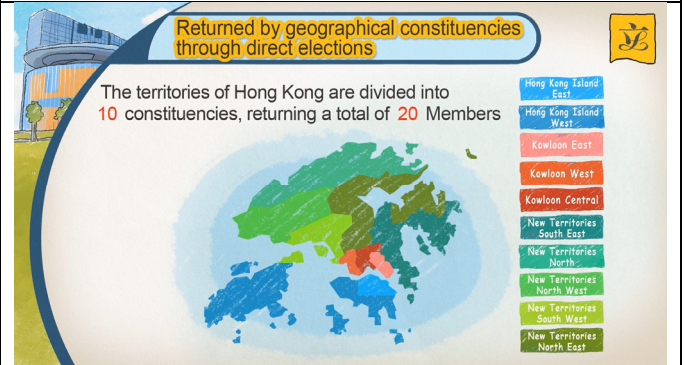


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Returned by geographical constituencies through direct elections:

The territories of Hong Kong are divided into 10 constituencies, returning a total of 20 Members.

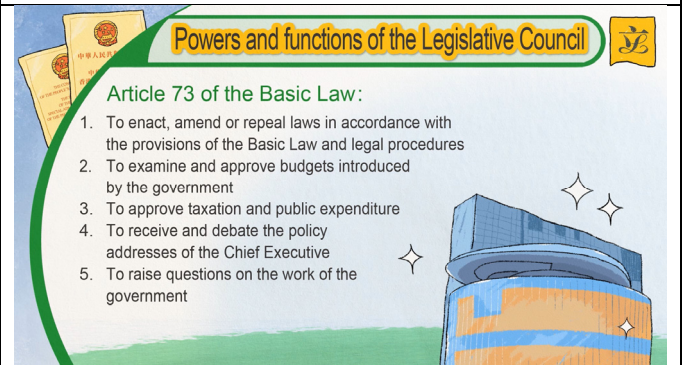
Constituency boundaries are delineated mainly based on the District Council Constituency Area boundaries and the principle of a balanced distribution of population. Two Members are returned by each constituency.



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Powers and functions of the Legislative Council:

As provided for in Article 73 of the Basic Law, the Legislative Council exercises 10 powers and functions.



(02:12)

Powers and functions of the Legislative Council

Article 73 of the Basic Law:

6. To debate any issue concerning public interests
7. To endorse the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court
8. To receive and handle complaints from Hong Kong residents
9. To report a motion of impeachment passed against the Chief Executive to the Central People's Government
10. To summon, as required when exercising the above-mentioned powers and functions, persons concerned to testify or give evidence

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Functions of the Legislative Council:

To sum up, the Legislative Council has three main functions: enacting laws, approving public expenditure, and monitoring the work of the Government.

Functions of the Legislative Council

- (1) Enact laws
- (2) Approve public expenditure
- (3) Monitor the work of the Government

(02:33)

Enact laws:

The Government of the Hong Kong Special Administrative Region and Legislative Council Members may introduce bills into the Legislative Council to propose new legislation, and to amend or repeal existing legislation. Under Article 74 of the Basic Law, bills introduced by Members must not relate to public expenditure, political structure or the operation of the Government. After a bill has been published in the Gazette, it has to go through a three-reading procedure in the Legislative Council before it is passed. There are three main stages in the three-reading procedure, namely First Reading, Second Reading and Third Reading.

First Reading is nothing more than the Clerk to the Legislative Council reading out the short title of the bill at a Council meeting.

Immediately following the First Reading, the public officer or Member in charge of the bill moves a motion that “The bill be

Functions of the Legislative Council

Law-making process

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read the second time” and explains the main purpose of the proposed legislation.

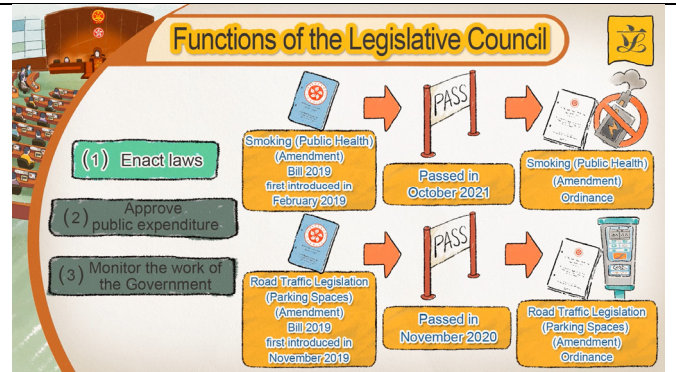
To allow Members more time to scrutinize the bill, normally the debate on the bill is adjourned after the motion for Second Reading is moved. Then the bill is referred to the House Committee which will decide whether a Bills Committee should be formed to scrutinize the bill.

After the Bills Committee completes the scrutiny of the bill, the Second Reading debate on the bill resumes at a Council meeting. At this stage, Members may debate on the general merits and principles of the bill and vote upon whether the bill should receive its Second Reading. If the bill is supported by Members and receives its Second Reading, it shall stand committed to a committee of the whole Council which examines the bill. Members may also propose amendments to the bill.

After the committee of the whole Council completes consideration of the bill, the Legislative Council resumes. The public officer or Member in charge of the bill reports the bill to the Legislative Council with or without amendments and moves a motion that the report be adopted. Members will vote upon the motion without amendment or debate. If the motion is agreed to, the bill proceeds to Third Reading with the public officer or Member in charge of the bill moving a motion that “The bill be read the third time and do pass”. Members may make a short speech on whether the bill should be supported and vote upon whether the bill should receive its Third Reading.

After going through the three-reading procedure, the bill passed by the Legislative Council shall take effect only after it is signed and promulgated by the Chief

Executive. The Chief Executive promulgates the law enacted by the Legislative Council through publication in the Gazette. The Government will report the enacted law to the Standing Committee of the National People's Congress for record.

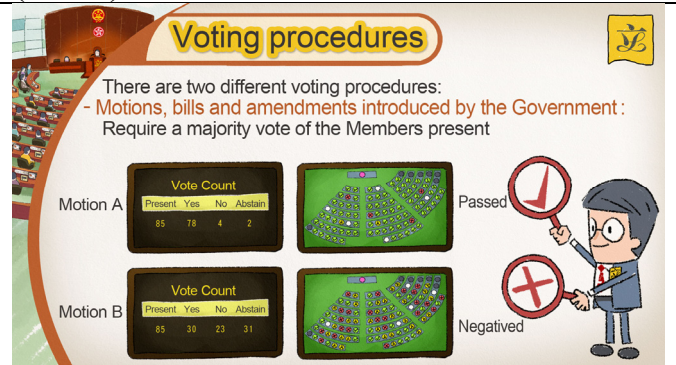


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Voting procedures:

According to the Basic Law and the Rules of Procedure, there are two voting procedures in the Legislative Council.

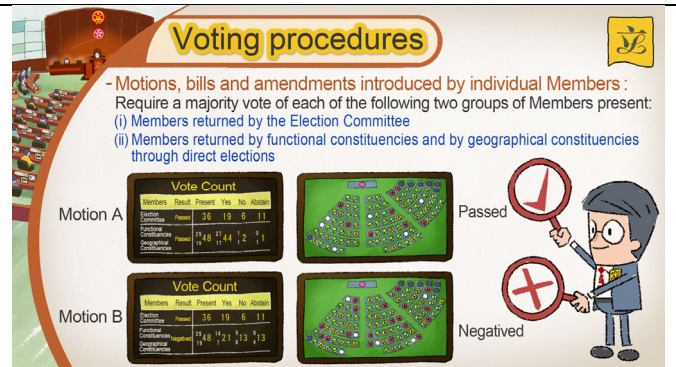
The passage of motions, bills and amendments introduced by the Government requires a majority vote of the Members present.



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The passage of motions, bills and amendments introduced by individual Members requires a majority vote of each of the two groups of Members present.

The first group comprises Members returned by the Election Committee, and the second group comprises those returned by functional constituencies and by geographical constituencies through direct elections.

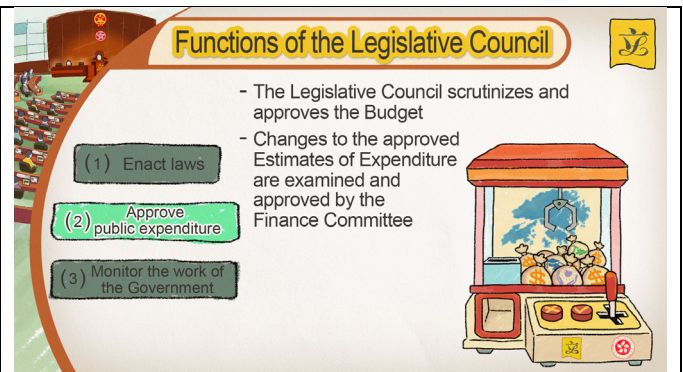


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Approve public expenditure:

The Financial Secretary introduces into the Legislative Council, usually in February each year, the Appropriation Bill and the Government's Estimates of Expenditure for the scrutiny by the Legislative Council. The Financial Secretary's speech to move the Second Reading of the Appropriation Bill is generally known as the Budget Speech. The financial proposals need the examination and approval by the Legislative Council before they can be implemented.

In addition, during a financial year, the Financial Secretary may propose to the Finance Committee of the Legislative Council changes to the approved Estimates of Expenditure.



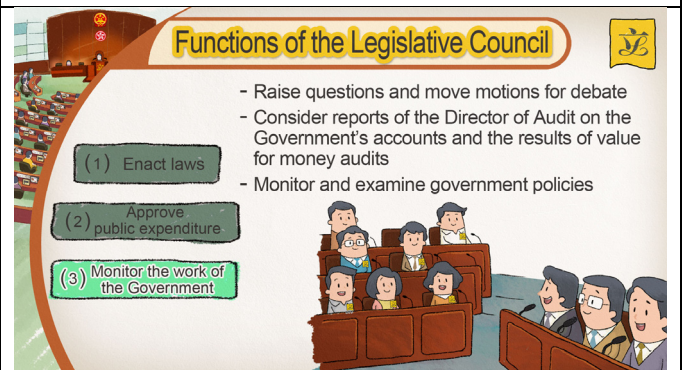
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Monitor the work of the Government:

At Council meetings, Members may raise questions to the Government concerning its work, either to seek information or ask for official action with regard to a particular matter. In addition, to monitor the work of the Government, Members may debate motions with no legislative effect to express their views on issues concerning public interest or call on the Government to take certain actions.

The Public Accounts Committee considers reports of the Director of Audit on the Government's accounts, and the results of value for money audits of the Government and other organizations which are within the purview of public audit.

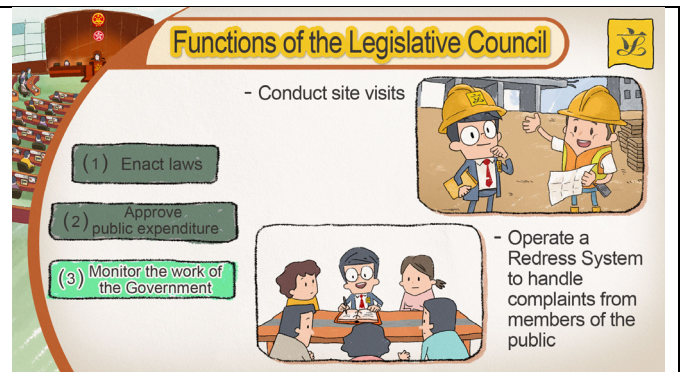
In addition, the Legislative Council establishes Panels to monitor and examine government policies.



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Members conduct site visits to obtain first-hand information on certain subject matters to facilitate deliberations on government policies and issues of wide public concern.

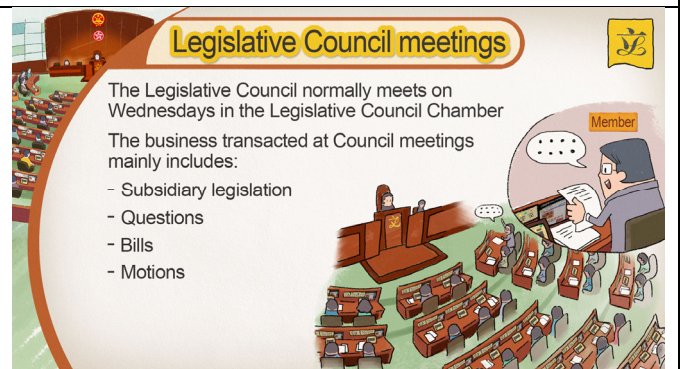
The Legislative Council also operates a Redress System to receive and handle complaints from members of the public who are aggrieved by government actions or policies.



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Legislative Council meetings:

The Legislative Council normally meets on Wednesdays in the Legislative Council Chamber to conduct its business while in session. The business transacted at regular Council meetings mainly includes: subsidiary legislation, questions, bills and motions.



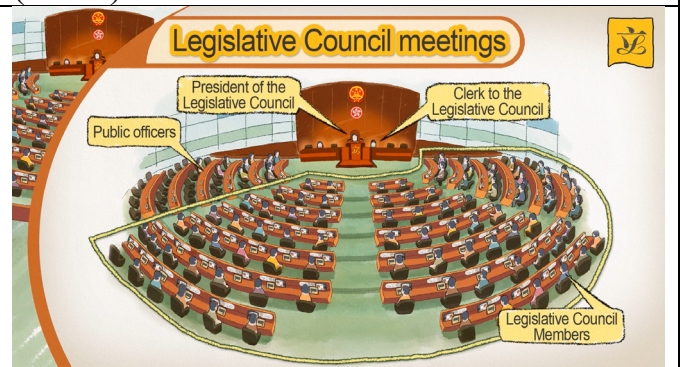
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The President of the Legislative Council presides over Council meetings and ensures the smooth conduct of meetings.

Legislative Council Members raise questions on the work of the Government, enact laws and debate issues concerning public interest.

Public officers answer questions raised by Members, introduce legislative proposals and respond to motions moved by Members.

The Clerk to the Legislative Council assists the President of the Legislative Council at Council meetings.



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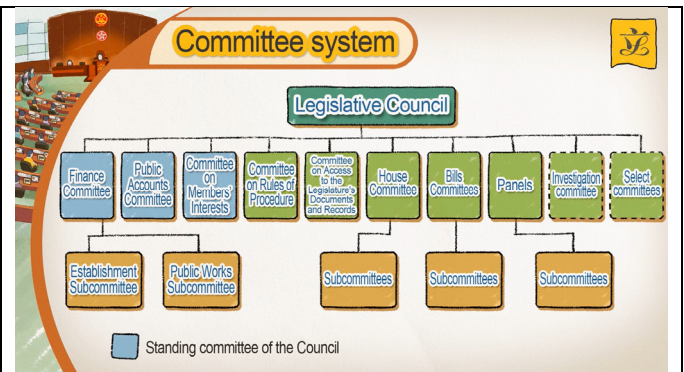
Committee system:

Legislative Council Members perform duties such as scrutinizing bills, approving public expenditure and monitoring the work of the Government through a committee system. There are three standing committees in the Legislative Council.

The Finance Committee scrutinizes and approves public expenditure proposals. The Public Accounts Committee considers reports of the Director of Audit on the Government's accounts, and the results of value for money audits of the Government and other organizations which are within the purview of public audit.

The Committee on Members' Interests considers complaints made in relation to Members' registration and declaration of interests, and their conduct concerning claims for reimbursement of operating expenses, as well as matters of ethics in relation to Members' conduct in their capacity as such.

Apart from the three standing committees, there are other committees in the Legislative Council. The Committee on Rules of Procedure reviews the Rules of Procedure and the committee system. The Committee on Access to the Legislature's Documents and Records determines whether a document or record of the Legislature (or its committee) should be made available for access earlier than the expiry of the closure period specified in the Policy on Access to the Legislature's Documents and Records. The House Committee prepares for Council meetings and considers matters relating to Council business. Bills Committees consider the general merits and principles of bills, and scrutinize the provisions of bills in detail. Panels monitor and examine



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government policies. An investigation committee gathers information relevant to the censure motion moved under the Rules of Procedure and gives its views on whether or not the facts as established constitute grounds for the censure of the Member concerned. The Legislative Council may also appoint select committees to consider in depth the matters or bills referred by the Legislative Council.

The Finance Committee, House Committee, Bills Committees and Panels may appoint respective subcommittees to assist them in the performance of their functions.

Know more about the Legislative Council:

We hope that this presentation can help you understand more about the work of the Legislative Council.

If you would like to get more information, please visit the “Education” section on the Legislative Council Website at www.legco.gov.hk. Thank you.

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