

## **Legislative Council Procedures on Members' Bills**

A Member's bill is a bill presented by a Member of the Legislative Council. It may be a **public bill** which concerns the public at large, or a **private bill** which is defined under section 2 of the Private Bills Ordinance (Cap. 69) as a bill which provides primarily for the particular interest or benefit of any individual, association or body corporate rather than the interest or benefit of the public and which is not a Government measure.

### **Restrictions on presentation of Members' Bills**

2. Presentation of Members' bills is subject to the following restrictions :
  - (a) In accordance with Rule 51(3) of the Rules of Procedure, Members may not either individually or jointly introduce a bill which, in the opinion of the President, relates to public expenditure or political structure or the operation of the Government ; and
  - (b) In accordance with Rule 51(4) of the Rules of Procedure, the notice of presentation of a bill relating to Government policies shall be accompanied by the written consent of the Chief Executive in respect of the bill.
3. The procedures on presenting and processing a Member's bill are set out below.

### **Public Bill**

4. A Member proposing a public bill should :
  - (a) refer the draft bill to the relevant Legislative Council Panel for consideration, if he considers that the Bill is a major and/or potentially controversial proposal;
  - (b) in accordance with Rule 51(1) and (2) of the Rules of Procedure, obtain a certificate from the Law Draftsman stating that the bill conforms to the requirements of Rule 50 of the Rules of Procedure (Form of Bills) and the general form of Hong Kong legislation;

- (c) seek the President's opinion in writing on whether the bill relates to any of the matters mentioned in Rule 51(3) and (4) (paragraph 2(a) and (b) above). In doing so, the Member should provide the President with a copy of the bill and an explanatory memorandum stating the contents and objects of the bill in non-technical language, as well as the above Law Draftsman's certificate. If the President is of the opinion that the bill relates to any of the matters as described in Rule 51(3) (paragraph 2(a) above), the Member shall not introduce the bill;
- (d) if the President is of the opinion that the bill relates to Government policies (paragraph 2(b) above), obtain the written consent of the Chief Executive in respect of the bill before giving formal notice of presentation of the bill; and
- (e) give formal notice to the Clerk of his intention to present the bill to the Council. The notice shall be accompanied by a copy of the bill, the above explanatory memorandum and Law Draftsman's certificate. If paragraph 4(d) above is applicable, the notice shall also be accompanied by the written consent of the Chief Executive in respect of the bill. To allow the Clerk sufficient time to arrange for gazettal of the bill and to distribute copies of the bill to all Members, the Secretariat proposes that the notice should be given preferably not less than 12 clear days before such meeting as may be specified by the Member for First Reading of the bill.

5. After receipt of a public bill for presentation to the Council, the Clerk shall:

- (a) in accordance with Rule 52(1) of the Rules of Procedure, cause the text of the bill and its explanatory memorandum to be published in the Gazette unless the President directs otherwise;
- (b) in accordance with Rule 52(2) of the Rules of Procedure, cause a copy of the bill and its explanatory memorandum to be sent to every Member, whereupon the bill shall be deemed to have been presented to the Council; and
- (c) in accordance with Rule 53(1) of the Rules of Procedure, arrange for the short title of the bill to be placed on the Agenda of the Council for First Reading at such meeting as may be specified by the Member.

6. The bill then proceeds through the various stages in Council in the usual manner.

## Private Bill

7. A Member proposing a private bill should follow the procedures stipulated in paragraph 4(b) to (d) above and then:

- (a) in accordance with Rule 51(6) of the Rules of Procedure, arrange for the bill to be published in two successive publications of the Gazette and for the notice of the bill to be given by two advertisements in each of two daily newspapers published in Hong Kong, one being a Chinese language newspaper and another being an English language newspaper; and
- (b) give formal notice to the Clerk of his intention to present the bill to the Council. The notice shall be accompanied by a copy of the bill and an explanatory memorandum stating the contents and objects of the bill in non-technical language, the Law Draftsman's certificate, and a certificate signed by the Member, which states that the requirements under Rule 51(6) of the Rules of Procedure (paragraph 7(a) above) have been fulfilled. If paragraph 4(d) above is applicable, the notice shall also be accompanied by the written consent of the Chief Executive in respect of the bill. To allow the Clerk sufficient time to arrange for distribution of copies of the bill to all Members, the Secretariat proposes that the notice should be given preferably not less than 12 clear days before such meeting as may be specified by the Member for First Reading of the bill.

8. After receipt of a private bill for presentation to the Council, the Clerk will follow the procedures stipulated in paragraph 5(b) and (c) above.

9. In accordance with section 3(1) of the Private Bills Ordinance (Cap. 69), the Member proposing a private bill shall pay to the Director of Accounting Services the appropriate prescribed fee within 21 days after the receipt by the Clerk of the notice of intention to present the bill. In accordance with section 3(2) of the Private Bills Ordinance, the Member may apply to the Chief Secretary for Administration for the waiver of the fee in whole or part on the following grounds:

- (a) the bill is for a charitable purpose within the meaning of section 2 of the Registered Trustees Incorporation Ordinance (Cap. 306); or
- (b) the bill facilitates a Government measure.

10. The bill then proceeds through the various stages in Council in the usual manner.

## **Members' Bills presented in one official language**

11. Section 4(1) of the Official Languages Ordinance (Cap. 5) provides that all Ordinances shall be enacted and published in both official languages. Rule 50(4) of the Rules of Procedure also provides that subject to a direction given under section 4(3) of the Official Languages Ordinance by the Chief Executive in Council, bills shall be presented in the Chinese and English languages.

12. Section 4(3) of the Official Languages Ordinance provides that an Ordinance may not be required to be enacted and published in both official languages where the Chief Executive in Council:

- (a) is of the opinion that a Bill is urgent and its enactment as an Ordinance in both official languages will occasion unreasonable delay; and
- (b) directs that the Bill shall be presented to the Legislative Council in one of the official languages.

13. A Member presenting a bill in only one official language should follow the procedures stipulated in paragraph 4(a) to (e) or paragraph 7(a) and (b) as appropriate. In accordance with Rule 51(5) of the Rules of Procedure, the notice of presentation of bill shall be accompanied by a certificate stating that the Chief Executive in Council has directed that the bill should be presented in the Chinese language or, as the case may be, the English language.

Legislative Council Secretariat  
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