

Preface

The Legislature of the Hong Kong Special Administrative Region ("HKSAR") exercises its powers and functions under a unique procedural system, in accordance with the Basic Law of the HKSAR. The system was developed from the rules and practices of the pre-1997 legislature of Hong Kong. It has been modified to comply with the requirements of the Basic Law and to enable the legislature to conduct its business smoothly and effectively.

It has always been a challenge to any new Member or any member of the public to understand how we work and why we do things in a certain way. It is therefore our wish to provide an authoritative guide for all those who work inside the Legislative Council or need to work with us, be they Members, Members' staff, staff of the Legislative Council Secretariat, public officers, researchers or any citizens who are interested in knowing more about the way we conduct our business.

In November 2012, The Legislative Council Commission decided to produce a manual to provide not only the details about the Council's rules and practices but also the historical development of its organisation and procedures. It also decided to appoint Ms Pauline NG as the Chief Writer for the production of this manual. Ms NG, who was Secretary General from 2008 to 2012 and was Clerk to the Legislative Council during this period, steered various major reviews of the Council's rules and procedure in her 20 years of service to the Legislature. She was considered the most suitable person to be responsible for this task.

The Manual, now entitled "*A Companion to the history, rules and practices of the Legislative Council of the Hong Kong Special Administrative Region*", will be in three parts, with the first part focusing on the "parliamentary principles" underlying our rules of procedure and an introduction to our organisation and procedures. The second part will focus on the conduct of business in the Council and in committees, and the third part on public engagement and how the legislature performs its functions through partnering with people. As the *Companion* may take some years to complete, the Commission considers it appropriate to have each part published on the Legislative Council Website for public access as soon as it is ready and have it updated from time to time. Hyperlinks to relevant reference materials are also provided in the electronic version of this publication.

The production of the *Companion* requires extensive commitment in terms of time and effort in searching out old records, compiling and cross-

checking information with reliable sources and, most important of all, setting out complicated concepts in clear and direct language so that it is readable for experts and the general public alike. We are fortunate to have the support from a number of retired and highly experienced staff members of the Legislative Council Secretariat. I wish to thank in particular the Chief Writer Ms Pauline NG and our two expert advisers Mr Jonathan DAW (former Legal Adviser) and Mr LAW Kam-sang (former Deputy Secretary General) for their dedication and perseverance in undertaking the research and writing. I also wish to thank our Legal Adviser Mr Jimmy MA and his team for providing legal research support for the project.

In the course of reviewing the contents of the *Companion*, we also consulted the former Presidents, President's Deputies of the Council and the Chairmen and Deputy Chairmen of the Committee on Rules of Procedure. I wish to thank them for their valuable views and contributions.

As this is the first time we have published a guide on our procedure and practices, we have also sought a review from the former Clerk of the House of Commons of the United Kingdom Sir Malcolm JACK, Editor of the 24th Edition of Erskine May's *Treatise on The Law, Privileges, Proceedings and Usage of Parliament*. In his review, Sir Malcolm considers the *Companion* a work of considerable value and importance. He adds that "it will put the Legislative Council on a comparable footing to many overseas jurisdictions in terms of having an exposition of its own procedure and practices and how they have evolved in a single, authoritative commentary".

I agree with Sir Malcolm JACK that the *Companion* should serve as a standard reference for all users. I hope that through this publication, there will be better understanding of the way the Legislative Council conducts its business and the underlying philosophies behind our procedures. It is only with this understanding that there can be a closer working partnership among all parties in enhancing the governance of the HKSAR for the benefit of its citizens.

Last but not least, I wish to thank all members of the Commission for taking a great interest in this project. Without their support, this project would not have been possible.

Jasper TSANG Yok-sing, GBS, JP
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