

立法會
Legislative Council

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Tel : 2869 9205
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From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 3 February 2010

I attach the transcript of the President's remarks made at the beginning of today's Council meeting relating to the quorum of the Council for Members' information.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(English translation)

I would like to say a few words on quorum now.

Article 75 of the Basic Law provides that "[t]he quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be not less than one half of all its members".

Since the resignation of five Legislative Council ("LegCo") Members last week, there has been widespread concern about the meaning of the expression "all of its members" ("全體議員" in the Chinese authentic text) in the above provision.

As the LegCo President, I must preside over meetings in accordance with the Basic Law and LegCo's Rules of Procedure. The rule on quorum, as set out in Rule 17(1) of the Rules of Procedure, reads "[t]he quorum of the Council and of a committee of the whole Council shall be not less than one half of all its Members including the President or Chairman". This is a supplemented reproduction of the quorum provision in Article 75 of the Basic Law.

I notice that the expression "全體議員" appears in Articles 49, 52, 67, 73, 75 and 159 of, and Annex I and Annex II to the Basic Law. If I were to give a meaning of "全體議員" for the purpose of ascertaining the number of Members required to form a quorum, the interpretation I am giving to it in the context of Article 75 may be regarded as also applicable to other provisions in which the expression "全體議員" is referred to, giving rise to unforeseeable implications on the application of these provisions.

In view of the complexity of the issues involved, I have to exercise great prudence in dealing with the interpretation of the expression "全體議員".

Based on this premise, my decision is that the most appropriate course of action I should now take is to act in accordance with Rule 17 and fix the number of members forming a quorum at 30, which is a number "not less than one half of all its Members" whether the expression "all its Members" should be taken to mean 60 or less than 60. The decision would therefore not be in contravention of the relevant provisions of the Basic Law.

This decision of mine shall not prejudice any future interpretation of the expression "all its Members" ("全體議員"). I note that the Committee on Rules of Procedure will discuss in detail the issue relating to the meaning of "all its Members" ("全體議員"). Unless any amendments should be made to the provisions of the Rules of Procedure on quorum, I will continue to use 30 Members as the quorum for meetings of the Council.