

立法會
Legislative Council

LC Paper No. CROP 37/04-05

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**Paper for the House Committee meeting
on 15 April 2005**

Committee on Rules of Procedure

**Proposed amendments to the Rules of Procedure and
House Rules regarding withdrawal of bills**

Purpose

This paper invites Members to endorse the proposed amendments to Rules 21 (Presentation of Papers), 54 (Second Reading) and 64 (Withdrawal or Postponement of Bills) of the Rules of Procedure (RoP), and the consequential amendments to the House Rules (HR) regarding withdrawal of bills which have been introduced into the Council.

Background

Applicability of Rule 64 of RoP at the different stages for processing a bill at Council meetings

2. Part K of RoP prescribes a number of stages for processing a bill at Council meetings. These stages are:

- (a) First Reading: At this stage, a bill is read the first time and is then automatically set down for Second Reading at the same meeting (Rule 53 of RoP);
- (b) Second Reading (moving of Second Reading motion and debate adjourned): At this stage, the public officer or Member in charge of the bill moves the motion that the bill be read the second time, and the debate on the bill (except in relation to Appropriation Bills) will then be adjourned to a later meeting unless the Council otherwise orders (Rule 54(1) to (4) of RoP);

- (c) Second Reading (debate resumed): At this later meeting, the Second Reading debate resumes and concludes and is followed by voting on the motion on the Second Reading of the bill. If the motion is passed, the bill immediately proceeds to the next stage. If the motion is negatived, no further proceedings will be taken on the bill (Rule 54(5) to (8) of RoP);
- (d) Committee Stage: At this stage, the clauses of the bill and amendments thereto, if any, are debated and put to vote (Rules 55 to 62 of RoP); and
- (e) Third Reading: At this stage, the motion that the bill be read the third time and do pass is considered and put to vote. If the motion is passed, the bill will be read the third time, and that completes its proceedings in Council. If the motion is negatived, no further proceedings will be taken on the bill (Rule 63 of RoP).

3. The existing Rule 64 of RoP provides that “The Member or public officer in charge of a bill may, by announcement in Council at the beginning of proceedings for its second or third reading, withdraw or postpone the bill.” Under this rule, withdrawal of bills may take place only at the beginning of stages (b) (Second Reading (moving of Second Reading motion and debate adjourned)) and (e) (Third Reading).

Previous deliberations by the Committee on Rules of Procedure

4. At its meeting on 3 October 2003, the House Committee (HC) decided to invite the Committee on Rules of Procedure (CRoP) to study whether Rule 64 of RoP should be amended to facilitate the withdrawal of bills in other situations, such as that involving the National Security (Legislative Provisions) Bill which had gone through stages (a) and (b) at the time but did not proceed to stage (c) and beyond.

5. CRoP then reviewed Rule 64 of RoP and proposed that:

- (a) Rule 64 should be amended so that, apart from withdrawal at the beginning of stages (b) and (e), bills may also be withdrawn at the beginning of stage (c) (Second Reading (debate resumed)), subject to:
 - (i) Rule 76(9), which provides that a Bills Committee (BC) shall, as soon as it has completed consideration of a bill allocated to it, notify HC and then report further to the Council; and

- (ii) Rule 21(4), which provides that where a BC report on a bill has been laid on the table of the Council, the Member presenting the report may, with the President's permission, address the Council on the report at the commencement of the resumption of the Second Reading debate on the bill;
- (b) such withdrawal should not be allowed for bills which have not gone through adjournment of debate at the beginning of its Second Reading process; and
- (c) in giving notice of the resumption of the Second Reading debate on a bill for the purpose of withdrawal, the Member or public officer in charge of the bill should state that the purpose of the resumption is for making an announcement for withdrawal of the bill. The form for giving notice of resumption of Second Reading debate has been revised for this purpose. The revised form is in **Appendix I**.

6. After consulting the Administration and considering its comments, CRoP decided to revise its proposal along the following lines:

- (a) the timing of the address by the Member presenting the BC report should be changed from the beginning of the resumption of the Second Reading debate to the time when it is laid on the Table of the Council under "Tabling of Papers" on the Agenda of the relevant Council meeting. The address is subject to Rule 21(6) of RoP, which does not permit it to provoke a debate;
- (b) as a result of the change, the timing for the withdrawal announcement should be advanced to the beginning of the resumption of the Second Reading debate. In making the announcement, the Member or public officer in charge of the bill may speak on matters relevant to the withdrawal, including the BC report; and
- (c) on the two occasions mentioned in paragraph 6(a) and (b) above, other Members are not allowed to speak on the relevant BC report or bill.

CRoP also asked the Secretariat to prepare the relevant amendments to RoP and HR and seek the Administration's comments thereon, with a view to presenting the amendments to CRoP for consideration in the third term of the Council.

Proposed amendments to RoP and consequential amendments to HR

7. The Secretariat has prepared the amendments to RoP and HR, which are in **Appendices II and III** respectively, and sought the Administration's comments thereon.

8. The Administration has responded that the proposed procedure under the new Rule 64(2) of RoP would enable the Member/public officer to withdraw a bill at the resumption of the Second Reading debate on the bill. With this new procedure, the Administration notes that it would still remain a matter for the Member/public officer to decide whether he/she would resume the Second Reading debate on a bill for the purpose of withdrawing it. The Administration also notes that section 9(4) of the Legislative Council Ordinance, as reflected in Rule 11(4) of RoP, will not be affected by the new procedure. That is, the consideration of any bill will lapse at the end of a Council term. With the above understanding, the Administration has no comments on the draft amendments.

9. After considering the proposed amendments to RoP and HR and the Administration's comments at its meeting on 4 April 2005, CRoP has agreed that the proposed amendments be presented to HC for endorsement. The amendments to RoP will then be presented to the Council for approval.

Advice sought

10. Members are invited to endorse the proposed amendments to RoP and HR in Appendices II and III. Subject to any views Members may have, the amendments to RoP will be presented to the Council for approval. The amendments to HR will be made upon the Council's approval of the amendments to RoP.

Legislative Council Secretariat

13 April 2005

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作出恢復二讀辯論預告表格的修訂本
(若《議事規則》關於撤回法案的修訂建議獲得通過)
Revised form for giving notice of resumption of Second Reading debate
(Subject to passage of the proposed amendments to the Rules of Procedure
regarding withdrawal of bills)

附錄I
Appendix I

致：立法會秘書 (傳真號碼：2810 1691)
To：Clerk to the Legislative Council (Fax No.：2810 1691)

立法會
LEGISLATIVE COUNCIL

恢復二讀辯論預告
NOTICE OF RESUMPTION OF SECOND READING DEBATE

謹按照《議事規則》第54(5)條作出預告，本人擬在_____年
_____月_____日舉行的立法會會議，就下列法案恢復二讀辯論：

In accordance with Rule 54(5) of the Rules of Procedure, I hereby
give notice to resume the Second Reading debate on the following bill at the
Legislative Council meeting of _____:

(中文名稱) _____

(English title) _____

2. 本人已按照《議事規則》第54(5)條，就該法案恢復二讀辯論
一事與內務委員會主席磋商。

In accordance with Rule 54(5) of the Rules of Procedure, I have
consulted the Chairman of the House Committee on the resumption of *the*
Second Reading debate on the bill.

*3. 本人謹此聲明：就該法案恢復二讀辯論的目的，是為了按照
《議事規則》第64條宣布撤回該法案。

*I hereby state that the purpose of the resumption of the Second
Reading debate on the bill is for making an announcement for the withdrawal of
the bill in accordance with Rule 64 of the Rules of Procedure.*

簽署

Signature: _____

姓名

Name: _____

職位名稱

Post title: _____

日期

Date: _____

獲委派官員須填寫職位名稱，議員無須填寫。

Designated public officers, but not Members, are required to state their post titles.

* 第3段如不適用，請刪去該段。

* Please cross out paragraph 3 if not applicable.

(4/2005)

新增的文字以斜體標示。

Texts added are shown in *italics*.

Proposed amendments to the Rules of Procedure

Proposed amendments to Rule 64 of the Rules of Procedure

64. Withdrawal or Postponement of Bills

(1) The Member or public officer in charge of a bill may, by an announcement *made* in Council at the beginning of proceedings for its second or third reading, withdraw or postpone the bill.

(2) *The Member or public officer in charge of a bill may, by an announcement made in Council at the beginning of proceedings for the resumption of the second reading debate on the bill, withdraw the bill if -*

- (a) *the purpose of the resumption is for making such an announcement; and*
- (b) *such purpose has been so stated in the notice of the resumption of debate given under Rule 54(5) (Second Reading).*

(3) *The Member or public officer in charge of a bill may, in making an announcement for the withdrawal of the bill under subrule (2), address the Council on matters relevant to the withdrawal but no debate may arise on such an address.*

* * * * *

Consequential amendments to other Rules of the Rules of Procedure

21. Presentation of Papers

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(3) Subject to subrules (4) *and* (4A), whenever a paper has been laid on the Table of the Council, the Member or the designated public officer presenting it may, with the permission of the President, address the Council thereon.

(4) *Subject to subrule (4A),* whenever a report of a Bills Committee has been laid on the Table of the Council, the Member presenting it may, with the permission of the President, address the Council on the report at the commencement of the resumption of the second reading debate on the relevant bill.

(4A) *Where the purpose of the resumption of the second reading debate on a bill is for making an announcement for the withdrawal of the bill in accordance with Rule 64 (Withdrawal or Postponement of Bills), the Member presenting a report of the Bills Committee on the bill at the meeting of the Council at which such an announcement is to be made may, with the permission of the President, address the Council thereon at the time when the report is laid on the Table of the Council.*

(5) A Member or a designated public officer may, with the consent of the President, address the Council on subsidiary legislation laid on the Table of the Council, provided that the period (or any extended period) under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) for amendment of the subsidiary legislation has not expired. A Member or a designated public officer who wishes to address the Council under this subrule at any meeting shall inform the President of his wish before the beginning of that meeting.

(6) No debate may arise on any address presented by a Member or a designated public officer under subrule (3), (4A) or (5) but the President may in his discretion allow short questions to be put to the Member or the designated public officer making the address for the purpose of elucidating any matter raised by the Member or the designated public officer in the course of his address.

* * * * *

54. Second Reading

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(7) At the resumption of the second reading debate on a bill (*other than resumption for the purpose of making an announcement for the withdrawal of a bill in accordance with Rule 64 (Withdrawal or Postponement of Bills)*), a Member making a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees) may, with the permission of the President, be the first Member to speak.

Legend :

Texts proposed to be added are shown in *italics*.

Text proposed to be deleted is shown with a deletion line.

Proposed consequential amendments to the House Rules

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2. **Address on Subsidiary Legislation, and Papers and Bills Committee Reports Tabled in the Council**

A Member who seeks the President's permission to address the Council *under Rule 21(3), (4A) or (5) of the Rules of Procedure* on ~~subsidiary legislation or papers tabled in the Council under Rule 21(3) and (5) of the Rules of Procedure~~ *the following matters* should provide an advance copy of the intended address to enable the President to decide whether the address may provoke a debate, which is not permitted under Rule 21(6) of the Rules of Procedure.:

- (a) *a paper tabled in the Council;*
- (b) *subsidiary legislation tabled in the Council; or*
- (c) *a report of a Bills Committee on a bill tabled in the Council and presented at the Council meeting at which the resumption of the second reading debate on the bill for the purpose of making an announcement for the withdrawal of the bill takes place.*

* * * * *

21. **Bills Committees**

* * * * *

- (k) *Subject to (n), ~~the~~ chairman or any member of a Bills Committee, when reporting to the Council on the work of the Bills Committee, shall address the Council at the resumption of the second reading debate on the bill. ~~With the permission of the President, the chairman or the member reporting may be the first Member to speak at the debate, and his speech will not be subject to the 15 minute time restriction.~~*
- (l) *Where a Bills Committee determines that a written report shall be laid on the table of the Council ~~when reporting to the Council on the work of the Bills Committee~~, the report shall be presented at the same meeting at which the resumption of the second reading debate on the bill takes place. ~~The chairman or any member of the Bills Committee presenting the report shall address the Council thereon at the commencement of the debate.~~*
- (m) *Subject to (n), the chairman or any member of a Bills Committee*

presenting a written report referred to in (l) may, with the permission of the President, address the Council on the report at the commencement of the resumption of the second reading debate on the relevant bill.

- (n) *Where the purpose of the resumption of the second reading debate on a bill is for making an announcement for the withdrawal of the bill, the chairman or any member of the Bills Committee concerned, who is to present the Bills Committee report at the Council meeting at which such an announcement is to be made, may, with the permission of the President, address the Council at the time when the report is laid on the Table of the Council.*
- (o) *At the resumption of the second reading debate on a bill (other than resumption for the purpose of making an announcement for the withdrawal of a bill), the chairman or any member of a Bills Committee reporting to the Council on the work of the Bills Committee under (k) or (m) may, with the permission of the President, be the first Member to speak.*
- (p) *An address made under (k), (m) or (n) is not subject to the 15-minute restriction on speaking time.*
- (mq) In the situation where there is no indication that the second reading debate on a bill will resume within a reasonable time after completion of the Bills Committee's work, the chairman or any member representing the Bills Committee shall, if the Bills Committee so determines, table a written report in the Council and seek the President's permission to address the Council thereon under Rule 21(3) of the Rules of Procedure.
- (nr) A Bills Committee will be dissolved as soon as the bill it has considered passes through the Council, or when the House Committee so decides.

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.