

立法會

Legislative Council

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Paper for the House Committee meeting on 25 November 2005

Committee on Rules of Procedure

Handbook for Chairmen of Bills Committees

Purpose

This paper invites Members to endorse the Handbook for Chairmen of Bills Committees.

Background

2. At its meeting on 5 September 2005, the Committee on Rules of Procedure (CRoP) considered the draft “Handbook for Chairmen of Bills Committees”. CRoP agreed that the draft Handbook should be circulated to all Members for comments (LC Paper No. CROP 81/04-05).

Comments received and proposed amendments

Order of speaking

3. Only Hon Martin LEE provided comments on the draft Handbook on behalf of Members belonging to the Democratic Party (DP). Members of DP proposed that paragraph 4.18 be amended to read: “It is not appropriate for Bills Committees to adopt the approaches described in paragraph 4.17”.

4. For Members’ easy reference, paragraphs 4.17 and 4.18 of the draft Handbook read as follows –

“ 4.17 In the case of Panels, where there is limited time and there is a long queue of Members waiting to speak, it may be necessary for the Panel Chairman to –

- (a) allow a Member to ask only one question and a short follow-up; or
- (b) set a time limit, e.g. five minutes, within which a Member asks his/her question and the Administration responds to the question; and

not to invite a Member to speak again until other Members wishing to speak have spoken.

4.18 The approaches described in paragraph 4.17 above may not be desirable or practicable when a Bills Committee is examining the relevant bill clause by clause.”

5. After discussion, CRoP has decided to delete the above two paragraphs from the Handbook.

Other proposed amendments

6. In response to enquiries received during the consultation period, textual amendments have been made to a number of paragraphs to make their meaning clearer, and endorsed by CRoP.

Amendments to Rules of Procedure on voting rights of Chairmen of Bills Committees

7. At the Council meetings on 19 October and 23 November 2005, Members approved the amendments to the Rules of Procedure (RoP) relating, inter alia, to the voting rights of Chairmen of Bills Committees and their subcommittees. The Handbook has been revised to reflect the relevant provisions in RoP.

Advice sought

8. Members are invited to endorse the attached Handbook for Chairman of Bills Committees.

Legislative Council Secretariat

24 November 2005

法案委員會

主席手冊

**HANDBOOK FOR
CHAIRMEN OF
BILLS COMMITTEES**

主席手冊的目的

本手冊以便覽方式，載述相關的規則和慣例，並提供一般指引，協助法案委員會主席了解本身的職責、權力和權限，以及籌備會議、主持會議及處理會議的跟進工作。本手冊載述的慣例只供參考。

本手冊亦在適當之處援引《議事規則》及《內務守則》的有關條文，方便參考。

PURPOSE OF THE HANDBOOK

This Handbook provides quick reference to the relevant rules and practices as well as general guidelines to assist Chairmen of Bills Committees in understanding their responsibilities, powers and authority; and making preparations for a meeting, chairing a meeting and undertaking the follow-up work of a meeting. The practices set out in this Handbook are for reference only.

For easy reference, the relevant rules in the Rules of Procedure (RoP) and the House Rules (HR) are cited where appropriate.

TABLE OF CONTENTS

	Page
CHAPTERS	
1 GENERAL	1 – 10
2 SCRUTINISING A BILL	11 – 19
3 PREPARATIONS FOR A MEETING	20 – 29
4 CONDUCTING A MEETING	30 – 42
5 VISITS	43 – 45
6 SUBCOMMITTEES AND WORKING GROUPS	46 – 48
7 POWERS TO SUMMONS WITNESSES	49 – 50
8 FOLLOW-UP WORK OF A MEETING	51 – 59

CHAPTER 1 GENERAL

Work of a Bills Committee	1
Election of Chairman and Deputy Chairman	1 – 2
Chairman	2 – 7
• Responsibilities	2 – 3
• Powers and authority	3 – 6
• Guiding principles	6 – 7
Membership	7
Non-Bills Committee Members' attendance	7
Meeting schedule	8
Public's attendance	8
Support service	9 – 10
• Clerk	9
• Legal adviser	9
• Research support	9 – 10

CHAPTER 2 SCRUTINISING A BILL

Stages	11 – 12
Inviting public views	12
Work progress	12 – 13

	Page
Merits and principles	13
Clause-by-clause examination	13 – 14
Amendments	14 – 15
Procedural matters relating to resumption of Second Reading debate	16
Holding work in abeyance	16 – 17
Subsidiary legislation	17
Notice for resumption	17 – 18
Consultation with House Committee Chairman	18
Withdrawal of bill	18 – 19
Dissolution of a Bills Committee	19

CHAPTER 3 PREPARATIONS FOR A MEETING

First meeting	20 – 21
Subsequent meetings	21
• Meeting schedule	21
• Clash of meetings	21
• Lunch time meetings	21
Notice of meeting	21
Agenda	22 – 23
• Deciding on agenda items	22 – 23
• Revised agenda	23
• Time allowed for each item	23
Inviting attendees	23 – 24
• Administration	23 – 24
• Other organisations	24
Deputations	24 – 25
• Invitations	24
• Submissions	24 – 25
• Speaking order	25
• Speaking time	25
Background briefs	26
Papers from the Administration	26
Information notes/fact sheets	26
Research reports	27

	Page
Personal data	27
Defamatory expressions	27
Other papers	27
Chairman's Brief	28 – 29
Meeting with the Clerk	29

CHAPTER 4 CONDUCTING A MEETING

Chairing meetings	30 – 31
Quorum	31
Venue not available	32
Keeping time	32
Order of agenda items	32
Privileges and immunities	33
Order of speaking	33
Direct pecuniary interest	33
Voting	34 – 35
Decisions	35
Voting right of Chairman	35
Conduct	36 – 37
• Members	36 – 37
• Public	37
Motion without notice	38 – 40
• Substantive motions	38 – 40
• Procedural motions	40
Extension of meetings	40 – 41
Language	42

CHAPTER 5 VISITS

Purpose	43
Visits outside Hong Kong	43 – 44
• Permission of the House Committee	43
• Forming the delegation	43 – 44
• Funding	44

	Page
• Preparatory work	44
• Role of the Clerk	44
Visits in Hong Kong	45

CHAPTER 6 SUBCOMMITTEES AND WORKING GROUPS

Subcommittees	46 – 47
• Formation	46
• Terms of reference	46
• Voting and decisions	46
• Voting right of Chairman	46
• Procedures and practices	47
• Reporting to the Bills Committee	47
• Dissolution	47
Working groups	47 – 48
• Formation	47
• No privileges and immunities	47
• Terms of reference	48
• Reporting to the Bills Committee	48
• Dissolution	48

CHAPTER 7 POWERS TO SUMMONS WITNESSES

Powers to summons witnesses	49
Proposal to appoint a select committee	50

CHAPTER 8 FOLLOW-UP WORK OF A MEETING

Decisions	51
Minutes	52
Verbatim records	52 – 53
Reports for the House Committee	53 – 56
• Report to seek an extension to work beyond three months	53

	Page
• Report of a Bills Committee on holding its work in abeyance	53
• Report upon completion of scrutiny work	53 – 55
• Report on a bill which is to be withdrawn	55
• Comments by Administration and Chairman	55
• Speaking note	56
Reporting to the Legislative Council	56 – 58
• Resumption of Second Reading debate	56 – 57
• No indication of resumption of Second Reading debate	57
• Resumption of Second Reading debate on a bill for the purpose of withdrawing it	57 – 58
Addressing the Council	58 – 59

APPENDICES

I	Restrictions on moving of Committee Stage amendments to bills	60 – 62
II	Critical dates for consultation with the Chairman of the House Committee on resumption of Second Reading debates on bills under Rule 54(5)	63 – 64
III	List of public officers designated by the Chief Executive for the purpose of attending meetings of the Legislative Council or its committees	65 – 70

CHAPTER 1 GENERAL

	<i>Paragraphs</i>
Work of a Bills Committee	1.1 – 1.3
Election of Chairman and Deputy Chairman	1.4 – 1.7
Chairman	1.8 – 1.14
Membership	1.15 – 1.18
Non-Bills Committee Members' attendance	1.19
Meeting schedule	1.20 – 1.22
Public's attendance	1.23 – 1.25
Support service	1.26 – 1.30

Work of a Bills Committee

1.1 A Bills Committee may be formed by the House Committee to scrutinise any bill, except the Appropriation Bill and bills not referred by the Legislative Council (LegCo) to the House Committee. *[RoP 54(4) and 76(1)]*

1.2 A Bills Committee is a deliberative forum for studying the policy aspect of the bill under scrutiny, its merits and principles, detailed provisions and any proposed amendments to it. *[RoP 76(7)]*

1.3 A Bills Committee does not have the power to summons witnesses to give evidence, unless it has been authorised by the Council to do so. *[RoP 80(b)]*

Election of Chairman and Deputy Chairman

1.4 The Chairman of a Bills Committee is elected by and from members of the Bills Committee at its first meeting. The Bills Committee may also elect a Deputy Chairman, if considered necessary by the Bills Committee. *[RoP 76(2), HR 21(e) and Appendix IV]*

1.5 If there are two or more nominations for chairmanship or deputy chairmanship, an election by secret ballot will be held. The Chairman or the member presiding has both an original vote and a casting vote. Where two or more nominees receive the same highest number of valid votes in the election, lots will be drawn in respect of these nominees, and the Chairman or the member presiding shall exercise his/her casting vote in accordance with the lot drawn by him/her. To ensure the secrecy of the ballot papers, the Clerk will supervise the shredding of the ballot papers immediately after the meeting at which the election(s) is held. *[RoP 76(8B) and 79A(2), HR 21(e) and Appendix IV]*

1.6 The Chairman and Deputy Chairman hold office until the dissolution of the Bills Committee. *[HR 21(e)]*

1.7 A Member whose late application for membership of a Bills Committee is accepted may not seek a re-election of the Chairman or Deputy Chairman by reason of his/her joining the Bills Committee (see paragraphs 1.15 to 1.17 below). *[HR 23(d)]*

Chairman

Responsibilities

1.8 The responsibilities of the Chairman of a Bills Committee are not explicitly stipulated in the Rules of Procedure or House Rules. However, it is generally accepted by Members that the Chairman has the following responsibilities –

- (a) steering the work of the Bills Committee in consultation with its members;
- (b) chairing meetings and ensuring that the business on the agenda is transacted in a proper and efficient manner;
- (c) maintaining order at meetings;
- (d) presenting the report of the Bills Committee to the House Committee;

- (e) tabling and speaking on the report of the Bills Committee in Council; and
- (f) moving Committee Stage amendments agreed to by the Bills Committee on its behalf.

1.9 The responsibilities of the Chairman are discussed in greater detail in the following chapters.

Powers and authority

1.10 The Chairman of a Bills Committee has certain powers and authority. Some of these are provided or reflected in the Rules of Procedure and House Rules. Others are exercised by the Chairman based on practices generally accepted by Members.

1.11 The powers and authority of a Chairman are summarised below –

(a) Membership of a Bills Committee

Rules

- (i) determining whether a late application for membership of a Bills Committee on the ground of a Member's indisposition or absence from Hong Kong should be accepted [*HR 23(b)*]

(b) Preparations for a meeting

Rules

- (i) determining the day, time and place of a meeting [*RoP 76(5)*]
- (ii) directing that written notice shorter than three days for a meeting may be given [*RoP 76(5), HR 24(c)*]

- (iii) deciding on the time allotted for discussion on each item on the agenda of a meeting [*HR 24(m)*]
- (iv) determining whether a meeting should be cancelled if Storm Signal No. 8 or Rainstorm Black Warning is hoisted and/or remains in force two hours before the appointed time of the meeting [*HR 28(b)*]

Practices

- (v) deciding on the order of agenda items, and whether an item should be added to or removed from an agenda
- (vi) deciding on the deadline for submissions, the order of speaking of deputations and their speaking time
- (vii) deciding whether translation into Chinese should be arranged for submissions made in English
- (viii) deciding whether certain documents should be circulated to members
- (ix) deciding how documents containing defamatory remarks/expressions should be dealt with
- (x) giving direction to the Clerk on logistical arrangements for meetings of the Bills Committee
- (xi) consenting to the issuance of background briefs and other papers of the Bills Committee prepared by the Clerk to members
- (xii) consenting to the issuance of the outline of a research study to members
- (xiii) consenting to the issuance of information notes and fact sheets to members

(c) Conducting a meeting

Rules

- (i) determining whether certain rules of speaking at Council meetings should apply to meetings of the Bills Committee [RoP 43]
- (ii) having an original vote, except in an election of the Chairman and Deputy Chairman of the Bills Committee [RoP 76(8) and (8B), HR 21(e) and Appendix IV]
- (iii) having a casting vote in addition to his/her original vote in an election of the Chairman and Deputy Chairman of the Bills Committee [RoP 76(8B), HR 21(e) and Appendix IV]
- (iv) closing a meeting when a quorum is not present [HR 24(g) and (h)]
- (v) closing a meeting if Storm Signal No. 8 is hoisted when the meeting is in progress [HR 28(b)]
- (vi) deciding whether to close or continue with a meeting if a Rainstorm Black Warning is hoisted when the meeting is in progress [HR 28(b)]
- (vii) ordering the removal of a member of the press or the public who behaves in a disorderly manner from a meeting [RoP 87, HR 24(s)]

Practices

- (viii) ruling on how a motion moved at a meeting of the Bills Committee should be dealt with
- (ix) ruling on procedural matters either on his/her own motion or in response to a point of order raised at a meeting

(d) Visits of a Bills Committee

Rules

- (i) deciding, in consultation with other Members or the host organisation, whether a scheduled visit in Hong Kong should be cancelled or postponed if less than three Members have signed up for the visit [HR 29(d)]

Practices

- (ii) giving direction to the Clerk on logistical arrangements for visits of the Bills Committee

(e) Follow-up work of a meeting

Rules

- (i) deciding whether the comments of the Administration and other attendees on the minutes of a meeting or any part of the minutes should be sought [HR 25(d)]

Practices

- (ii) clearing reports and minutes of meetings of the Bills Committee prepared by the Clerk

1.12 The powers and authority of a Chairman are discussed in greater detail in the following chapters.

Guiding principles

1.13 As the Chairman chairs meetings and has the responsibility to ensure that the business on the agenda is transacted in a proper and efficient manner, he/she should be familiar with the relevant rules in the Rules of Procedure and House Rules and practices of Bills Committees. The Chairman should consult the Bills Committee on the course of action to be taken regarding a certain matter, if there are no relevant rules or practices.

1.14 The Chairman should conduct himself/herself with impartiality in discharging his/her responsibilities. He/she should ensure that members have adequate opportunities to take part in the deliberations of the Bills Committee. Where there are differences of opinion, the Chairman should give each side an equal chance to express its views.

Membership

1.15 Members are free to join any Bills Committee. Members of a Bills Committee are those who have signified membership before the deadline for application and those whose late application for membership has been accepted. Unless a member withdraws membership, he/she remains a member until the Bills Committee is dissolved. A Bills Committee must have at least three Members. *[RoP 76(1A) and (3), HR 21(b), (c) and (d)]*

1.16 Acceptance of a late application for membership on the ground that the Member concerned was indisposed or away from Hong Kong during the time when membership for the Bills Committee is invited is decided by the Chairman. If the late application is not made on such reasons, it will be for the Bills Committee to decide whether there are sufficient grounds to accept the application. *[HR 23(b) and (c)]*

1.17 Any Member whose late application is rejected by the Chairman or the Bills Committee may put his/her case to the House Committee for a decision. *[HR 23(e)]*

1.18 Members of a Bills Committee should try to attend all meetings and stay through each meeting. *[HR 21(i)(ii)]*

Non-Bills Committee Members' attendance

1.19 A Member may attend any meeting of any Bills Committee, regardless of whether he/she is a member of that Bills Committee. A non-Bills Committee Member, however, does not have any voting right in respect of the business of the Bills Committee. *[HR 24(d)]*

Meeting schedule

1.20 At the first meeting of the Bills Committee, the Chairman should invite the Bills Committee to consider whether it is necessary to anticipate the number of subsequent meetings and set tentative dates for these meetings. Whenever feasible, a Bills Committee should meet frequently. *[HR 21(i)(i) and 24(l)]*

1.21 In normal circumstances, the Bills Committee should not book more than three time slots at a time. *[HR 24(l)]*

1.22 If a Bills Committee, however, decides to meet very frequently or it has difficulties in finding meeting slots, it may be necessary to book more than three time slots in advance.

Public's attendance

1.23 Meetings of a Bills Committee are held in public unless the Chairman instructs otherwise in accordance with the decision of the Bills Committee. *[RoP 76(6)]*

1.24 Where a decision is to be made on whether a meeting or any part of it should be held in private, the decision should be made at an open meeting.

1.25 The public should be admitted to all open meetings of a Bills Committee as long as there are seats in the public galleries of the meeting venue. *[HR 24(q)]*

Support service

Clerk

1.26 A Clerk is assigned to each Bills Committee. The Clerk together with his/her team provide secretariat services for the Bills Committee and its subcommittees/working groups. The Clerk is the procedural adviser to the Chairman and the Bills Committee, as well as the resource person on the subjects discussed by the Bills Committee. The Clerk follows up decisions of the Bills Committee and prepares background briefs, minutes of meetings, and reports, etc. The Clerk also oversees logistical arrangements for meetings and visits of the Bills Committee.

Legal adviser

1.27 A legal adviser is assigned to each Bills Committee to provide legal advice and support to the Bills Committee and its subcommittees/working groups.

1.28 Committee Stage amendments to be moved by the Bills Committee to the bill are drafted by the legal adviser. Amendments to be moved by the Administration are scrutinised by the legal adviser to ascertain that the drafting reflects what has been discussed at meetings. The drafting of amendments which an individual member is considering to move is the responsibility of the member concerned. The legal adviser may provide assistance if necessary.

Research support

1.29 The Research and Library Services Division provides research support for Bills Committees. On the instruction of a Bills Committee, the Division undertakes an in-depth study and analysis of a subject and produces a report for the Bills Committee. References to overseas practices and experiences in other places outside Hong Kong are normally made in such a study.

1.30 The Division also produces short information notes or fact sheets on topical issues or issues of concern on its own initiative or as suggested by a Bills Committee. Such information notes or fact sheets may also make reference to experiences and practices of other places.

CHAPTER 2 SCRUTINISING A BILL

	<i>Paragraphs</i>
Stages	2.1 – 2.2
Inviting public views	2.3 – 2.5
Work progress	2.6 – 2.9
Merits and principles	2.10 – 2.12
Clause-by-clause examination	2.13 – 2.16
Amendments	2.17 – 2.25
Procedural matters relating to resumption of Second Reading debate	2.26 – 2.29
Holding work in abeyance	2.30 – 2.32
Subsidiary legislation	2.33
Notice for resumption	2.34 – 2.37
Consultation with House Committee Chairman	2.38 – 2.40
Withdrawal of bill	2.41 – 2.43
Dissolution of a Bills Committee	2.44

Stages

2.1 The scrutiny work of a Bills Committee normally comprises the following stages –

- (a) first, to consider the general merits and principles of the bill, including its policy aspect *[RoP 76(7)]*;
- (b) second, to consider the drafting and legal aspects through examining the bill clause by clause *[RoP 76(7)]*;
- (c) third, to consider amendments, if any, to the bill *[RoP 76(7)]*; and
- (d) fourth, to consider procedural matters relating to the resumption of Second Reading debate.

Individual Bills Committee may make adjustment, if necessary, to the sequence of the above stages to suit its circumstances. For instance, to expedite scrutiny of an urgent bill, the Bills Committee concerned may decide to immediately examine the bill clause by clause, and the general merits and principles are considered during clause-by-clause examination.

2.2 The stages are discussed in greater detail in paragraphs 2.10 to 2.29 below.

Inviting public views

2.3 It is for the Bills Committee to decide whether public views on the bill under its study should be invited. It should be noted that on occasions, the Administration may have consulted selected organisations/bodies in the course of formulating details of the bill. However, these organisations/bodies may not have the opportunity to express their views on the draft or final text of the bill.

2.4 There is no standard practice as to whether views should be obtained first before the Bills Committee proceeds to scrutinise the bill, or whether obtaining views and scrutinising the bill should proceed in parallel. It is also for individual Bills Committees to decide.

2.5 Arrangements in respect of inviting deputations are discussed in paragraphs 3.20 to 3.29 below.

Work progress

2.6 The scrutiny of a bill should be conducted quickly and, whenever possible, be completed within three months of its commencement. Should there be the need for a Bills Committee to work beyond this period, the Chairman should report to the House Committee for an extension of the period (see paragraph 8.12 below).

[HR 21(h)]

2.7 The Chairman of a Bills Committee should monitor closely its work. *[HR 21(i)(iv)]*

2.8 The Chairman should regularly review the progress of the scrutiny of the bill with the Clerk and the legal adviser to the Bills Committee, and consult the Bills Committee on the way forward. For instance, the Bills Committee may need more time to scrutinise the bill, or scrutiny of the bill may need to be expedited.

2.9 Re-opening of discussion on issues on which there has been full deliberation should not be allowed. *[HR 21(i)(iii)]*

Merits and principles

2.10 As discussed in paragraph 2.1 above, in scrutinising a bill, it is the normal practice to first consider the general merits and principles of the bill, including its policy aspect. *[RoP 76(7)]*

2.11 If the bill is complex, the Bills Committee should draw up a work plan to guide its work. The work plan should set out the subject areas or policy issues to be studied as well as the order of and timeframe for studying these areas or issues.

2.12 Normally, the Chairman, with the assistance of the Clerk and the legal adviser, prepares a draft work plan for the consideration of the Bills Committee.

Clause-by-clause examination

2.13 In conducting clause-by-clause examination of a bill, the Chairman should invite the Bills Committee to first examine either the English text or the Chinese text of the bill. In the case of an amendment bill, a marked-up copy of the relevant ordinance(s) to be amended by the bill will be prepared by the Legal Service Division to assist the Bills Committee in its scrutiny. *[RoP 76(7)]*

2.14 At the commencement of clause-by-clause examination, the Administration should brief members on the overall structure of the bill. The Bills Committee should first examine the long title and preamble (if any) of the bill, and then examine the clauses and schedules (if any) one by one, in accordance with their serial number.

2.15 In examining a clause, the Chairman should invite the Administration to explain the clause and, if necessary, the relevant clauses or schedules. The Chairman should also invite the legal adviser to give his/her views, if any, on the legal or drafting aspects of the clause and the relevant clauses or schedules.

2.16 After examination of the text of the bill in one language has been completed, the Bills Committee should move on to consider the text in the other language. Alternatively, the Bills Committee may request the legal adviser to examine the text in the other language, and to alert the Bills Committee if issues are identified at this stage of work which require the Bills Committee to consider.

Amendments

2.17 It is the normal practice for a Bills Committee to consider any Committee Stage amendments proposed by the Administration, the Bills Committee and individual members to the bill, and to attach the text of the amendments to its written report for the House Committee (see paragraph 8.21 below). *[RoP 76(7)]*

2.18 To facilitate the Bills Committee to consider the proposed amendments, the Administration is normally invited to provide the following papers –

- (a) explanation on the amendments proposed by the Administration; and
- (b) the Administration's written response to the amendments proposed by the Bills Committee or individual members.

2.19 The Administration or the legal adviser is normally invited to provide a marked-up copy of the relevant bill and/or ordinances showing the proposed amendments.

2.20 It may be necessary for the Bills Committee to invite deputations, such as the relevant professional bodies or trade associations, to give views on important or controversial amendments.

2.21 In the situation where the Administration does not agree to move certain amendments and there is agreement among the majority of the members on the amendments, the Bills Committee should consider whether the Chairman should move the amendments on behalf of the Bills Committee.

2.22 If the Chairman is not in favour of the proposed amendments, he/she should invite the Bills Committee to consider whether the Deputy Chairman (if any) or any other member who is in favour of the amendments should move the amendments on behalf of the Bills Committee.

2.23 Amendments to be moved by the Bills Committee are drafted by the legal adviser to the Bills Committee. The drafting of amendments which an individual member is considering to move is the responsibility of the member concerned. The legal adviser may provide assistance if necessary.

2.24 Notice of Committee Stage amendments is to be given not less than seven clear days before the relevant Council meeting (see paragraph 2.26(b) below). The President has the discretion to dispense with the notice. *[RoP 57(2)]*

2.25 Committee Stage amendments to a bill are subject to certain restrictions in the Rules of Procedure, as detailed in *Appendix I*. *[RoP 57(4) to (6)]*

Procedural matters relating to resumption of Second Reading debate

2.26 At an appropriate juncture, e.g. when the Bills Committee is about to conclude its deliberation, the Chairman should request the Administration to indicate the date of the resumption of the Second Reading debate on the bill, to enable the Bills Committee to –

- (a) plan when it will provide a report on its deliberations to the House Committee (see paragraph 8.15 to 8.21 below); and
- (b) ascertain the deadline for giving notice of Committee Stage amendments (paragraph 2.24 above refers).

2.27 The Chairman should invite members to indicate whether they support the resumption date, and request the Administration to reconsider if the Bills Committee does not support the resumption date.

2.28 In the situation where the Bills Committee has completed its work, but the Administration has not yet decided on the resumption date, the Bills Committee should proceed to provide its report to the House Committee (see paragraph 8.15 to 8.21 below).

2.29 The requisite notice period for resumption of Second Reading debate on bills and the consultation process with the Chairman of the House Committee are discussed in paragraphs 2.34 to 2.40 below.

Holding work in abeyance

2.30 On its own initiative or at the request of the Administration, the Bills Committee may decide to hold its work in abeyance and release its slot to the House Committee. For instance, a Bills Committee may hold its work in abeyance to allow the Administration time (e.g. a few months or more) to conduct consultation or to respond to issues or queries raised by the Bills Committee.

2.31 If the Bills Committee decides to hold its work in abeyance, a report should be made to the House Committee (see paragraphs 8.13 to 8.14 below). *[HR 21(g) and (i)(iv)]*

2.32 Upon receiving such a report from the Bills Committee, the House Committee decides whether the next Bills Committee on the waiting list should be activated. A Bills Committee held in abeyance will not normally be reactivated until a vacant slot arises to accommodate its reactivation. *[HR 21(g)]*

Subsidiary legislation

2.33 Normally, a Bills Committee does not study the draft subsidiary legislation to be made under the bill after its enactment, except if the Bills Committee considers that studying the draft subsidiary legislation is essential to the scrutiny of the bill.

Notice for resumption

2.34 If resumption of debate is to take place nine clear days after the meeting of House Committee at which the bill is considered in preparation for resumption, notice of resumption is to be given no later than two clear days after that House Committee meeting. *[RoP 54(5)(a) and (e)]*

2.35 If the House Committee recommends that the Second Reading debate be resumed at the following Council meeting, resumption may take place with the permission of the President and notice of resumption is to be given no later than two clear days after that House Committee meeting. *[RoP 54(5)(c) and (e)]*

2.36 In other situations, notice of resumption of debate is to be given by the public officer or Member in charge of the bill not less than 12 clear days before the relevant Council meeting. *[RoP 54(5)(d)]*

2.37 The President has the discretion to dispense with the notice for resumption of Second Reading debate referred to in paragraphs 2.34 to 2.36 above. *[RoP 54(5)]*

Consultation with House Committee Chairman

2.38 The public officer in charge of a bill is required to consult the Chairman of the House Committee on the resumption of the Second Reading debate on the bill. *[RoP 54(5)]*

2.39 As agreed with the Administration, the public officer in charge of the bill is required to issue a letter to consult the Chairman of the House Committee on the resumption date no less than 12 clear days before the relevant Council meeting. The timing for issuing the consultation letter to the Chairman of the House Committee will be advanced, if there are intervening public holidays/Council break falling within the consultation period. The relevant dates for consultation in respect of the Council meetings in the 2005-2006 session are detailed in *Appendix II*.

2.40 The system of consultation also applies to bills presented by Members.

Withdrawal of bill

2.41 In the situation where the public officer or Member in charge of a bill decides not to proceed with the bill, he/she may give notice to resume the Second Reading debate on the bill for the purpose of making an announcement for the withdrawal of the bill. The public officer or the Member may address the Council on matters relevant to the withdrawal but no debate may arise on such an address. *[RoP 21(4A) and (6), 64(2) and (3), HR 2 and 21(n)]*

2.42 The Bills Committee concerned should provide a report to the House Committee (see paragraphs 8.21 and 8.22 below).

2.43 The system of consultation detailed in paragraphs 2.38 to 2.40 above applies to such resumption.

Dissolution of a Bills Committee

2.44 A Bills Committee is dissolved as soon as the bill it has considered passes through the Council, or when the House Committee so decides. *[HR 21(r)]*

CHAPTER 3 PREPARATIONS FOR A MEETING

	<i>Paragraphs</i>
First meeting	3.1 – 3.2
Subsequent meetings	3.3 – 3.7
Notice of meeting	3.8
Agenda	3.9 – 3.16
Inviting attendees	3.17 – 3.19
Deputations	3.20 – 3.29
Background briefs	3.30 – 3.31
Papers from the Administration	3.32 – 3.34
Information notes/fact sheets	3.35
Research reports	3.36 – 3.37
Personal data	3.38
Defamatory expressions	3.39
Other papers	3.40
Chairman’s Brief	3.41 – 3.42
Meeting with the Clerk	3.43

First meeting

3.1 The member who has the highest precedence on the preliminary membership list sets the date and time of the first meeting. The preliminary membership list comprises those Members who have indicated their intention to join the Bills Committee at the House Committee meeting. *[HR 21(c)]*

3.2 The election of the Chairman and Deputy Chairman takes place at the first meeting. After the election, the Bills Committee will normally –

- (a) meet with the Administration to commence discussion on the bill;
- (b) consider whether it is necessary to invite deputations to give views on the bill;

- (c) determine the frequency of meetings; and
- (d) set the dates and time of subsequent meetings.

Subsequent meetings

Meeting schedule

3.3 The Chairman sets the date and time of a meeting. Whenever feasible, the Bills Committee should meet frequently. *[RoP 76(5), HR 21(i)(i)]*

3.4 If the Bills Committee has agreed on a meeting schedule, the Chairman should set the date and time of a meeting according to the schedule, unless there is reason to re-schedule the meeting. Members should be informed of the reason for re-scheduling.

Clash of meetings

3.5 Efforts should be made, as far as practicable, to avoid scheduling two meetings within the same time slot. *[HR 24(b)]*

3.6 If a clash of two meetings cannot be avoided, there should be no or minimum overlapping of membership between the two committees, or no member of the Bills Committee is expected to attend the other meeting.

Lunch time meetings

3.7 Where necessary, a meeting during lunch time, normally from 1:00 pm to 2:15 pm, may be scheduled.

Notice of meeting

3.8 Notice of the date, time and venue of a meeting should be given by the Clerk at least three days before the meeting unless the Chairman agrees that shorter notice be given. *[RoP 76(5), HR 24(c)]*

Agenda

Deciding on agenda items

3.9 There are no rules in the Rules of Procedure and House Rules on who decides on the agenda items for a meeting. It is the normal practice for the Chairman to decide on the agenda and consult the Bills Committee, if necessary.

3.10 The agenda items of a Bills Committee meeting are normally couched in general terms, such as “Meeting with the Administration”, “Continue discussion with the Administration”. “Meeting with deputations” or “Clause-by-clause examination”. If the Bills Committee has drawn up a work plan setting out the subject areas and policy issues to be studied and the order of studying these areas or issues, the Chairman should consider whether the specific areas or issues to be discussed at a particular meeting should be stated in the agenda to facilitate members to prepare for the meeting and to bring along the relevant papers to the meeting.

3.11 The agenda, after clearance with the Chairman on the order and wording of items and time allowed for each item, is normally issued to members together with the notice of meeting.

3.12 It is the normal practice for the Chairman, upon the request of the Administration or individual members, to decide whether a special/urgent item or subject area/policy issue should be added to the agenda of a meeting. In considering whether to accede to the request, the Chairman should have regard to –

- (a) whether sufficient time can be allotted to the item/subject area/policy issue;
- (b) whether sufficient notice can be given to members, the Administration and other parties concerned; and

- (c) whether relevant information about the item/subject area/policy issue can be provided to members at a reasonable time before the meeting to facilitate discussion on it.

3.13 Where there is a request to defer discussion on an item/subject area/policy issue, the Chairman should consult the Bills Committee on whether the request should be acceded to, if there is urgency in discussing the item/subject area/policy issue or the item/subject area/policy issue is controversial (see paragraph 3.34 below regarding late submission of papers and Committee Stage amendments).

3.14 Where there is a request to alter the order of items/subject areas/policy issues on an agenda, the Chairman should consider whether there is good reason for the request, whether the change will cause inconvenience for other attendees, and whether reasonable notice can be given to members about the change, before making a decision on the request.

Revised agenda

3.15 Where subsequent changes are made to the agenda of a meeting, a revised agenda should be issued as soon as possible by the Clerk, to ensure that members are given notice of what will be discussed at the meeting.

Time allowed for each item

3.16 The Chairman should decide beforehand the time allowed for discussion on each item/subject area/policy issue, and instruct the Clerk to have the time indicated on the agenda. *[HR 24(m)]*

Inviting attendees

Administration

3.17 It is the normal practice for the policy bureau concerned to coordinate the attendance of public officers for discussion on a certain item/subject area/policy issue.

3.18 The Chairman or the Bills Committee may request that a certain public officer be invited. *[RoP 9(4)]*

Other organisations

3.19 Representatives, other than those from the Administration, such as representatives of public bodies, may be invited by a Bills Committee to attend its meeting for discussion on a certain item/subject area/policy issue on the agenda.

Deputations

Invitation

3.20 A Bills Committee may invite deputations to make written submissions and oral representations to the Bills Committee on the bill. The Chairman normally invites members to give views on which organisations or individuals should be approached.

3.21 If the bill in question is of wide public concern, it is the normal practice for the Bills Committee to invite views from the public by issuing press releases and/or posting a notice on the LegCo website. Advertisements may also be placed in one English newspaper and one Chinese newspaper as decided by the Chairman or the Bills Committee, but consideration should be given to the cost involved. If a Bills Committee decides to invite views by any one of the three approaches mentioned above, the Bills Committee should also invite the 18 District Councils to give views on the bill.

Submissions

3.22 Unless there is great urgency in obtaining views from deputations, it is the normal practice to allow two to three weeks for deputations to send in their submissions. The deadline for submissions and requests for making oral representations is normally one to two weeks prior to the relevant meeting.

3.23 The Chairman decides whether requests for making oral representations, which are received after the deadline, should be acceded to.

3.24 Deputations who have put in written submissions prior to the meeting may make further submissions after the meeting on points not covered in their earlier submissions. *[HR 25(b)]*

3.25 The Chairman decides whether translation into Chinese should be arranged for submissions made in English. Summary translation into Chinese may be considered for very lengthy submissions made in English. Submissions are circulated to members and made available to the public, unless the deputations concerned raised objection.

3.26 Submissions are also forwarded to the Administration for its response to the issues and concerns raised in the submissions.

3.27 Where necessary, the Clerk prepares summaries of issues and concerns raised in the submissions received from deputations and the Administration's response to these issues and concerns.

Speaking order

3.28 The Chairman determines the speaking order of deputations by applying the following criteria –

- (a) in the order of the receipt of the submissions; and/or
- (b) by groups having regard to the background or nature of the deputations; and/or
- (c) preference of the deputations.

Speaking time

3.29 The Chairman determines the speaking time limit for deputations. In principle, equal speaking time should be allotted to deputations attending the same meeting.

Background briefs

3.30 The Clerk prepares a background brief on the relevant bill to facilitate the Bills Committee's discussion at the first meeting of the Bills Committee.

3.31 Where practicable and considered necessary by the Chairman, the Clerk prepares background briefs on specific subjects, particularly those involving important, complex, and/or controversial issues, to facilitate the Bills Committee's discussion. The Chairman's consent is sought by the Clerk before issuance of the brief to members.

Papers from the Administration

3.32 It is the normal practice to request the Administration to respond in writing to the issues and concerns raised by members, and to provide other relevant discussion papers for a Bills Committee meeting.

3.33 Unlike the provision of discussion papers for Panels, there are no agreed deadlines with the Administration for the provision of papers for Bills Committee meetings, because the frequency of Bills Committee meetings varies from case to case.

3.34 As a Bills Committee invariably consults the Administration's representatives in fixing the date of its next meeting, the Administration should have assessed its ability to provide discussion papers or draft Committee Stage amendments at a reasonable time before the meeting. In line with the practice of Panels, the Chairman should invite the Bills Committee to consider whether discussion on papers or draft Committee Stage amendments that arrive too late before a meeting should be deferred, if the situation warrants.

Information notes/fact sheets

3.35 The consent of the Chairman is sought for issuance of an information note or fact sheet produced by the Research and Library Services Division.

Research reports

3.36 Upon the endorsement of the Bills Committee for a study to be carried out, an outline of the study is prepared for members' comments and endorsement at a meeting or by circulation. The Chairman's consent is sought before issuance of the outline to members.

3.37 The Chairman and interested members of the Bills Committee are invited to comment on the draft research report before it is finalised for presentation to the Bills Committee. Internal deliberation may be held to consider whether the draft report has covered all the aspects expected to be covered in the study.

Personal data

3.38 Personal data contained in a document is normally obliterated before issuance.

Defamatory expressions

3.39 If a document, e.g. submission from a deputation, contains defamatory remarks/expressions made against or which may be embarrassing to any person or body, etc, the Chairman should instruct the Clerk on how such a document should be dealt with. It may be necessary to restrict the circulation of such a document to members only, or to obliterate the remarks/expressions before circulation.

Other papers

3.40 The Chairman decides whether certain documents sent to the Bills Committee, which are not related to any agenda item, subject area or policy issue to be discussed, should be circulated to members.

Chairman's Brief

3.41 A Brief for the Chairman is prepared by the Clerk for every meeting (other than the first meeting), and is normally sent to the Chairman not less than one working day before the meeting. The Brief usually contains the following information –

- (a) the number of members required to form a quorum of the meeting;
- (b) a list of the members of the Bills Committee, representatives of the Administration and other organisations and Secretariat staff attending the meeting;
- (c) date of the meeting the minutes of which are to be confirmed;
- (d) outstanding issues and concerns raised at previous meetings to be followed up and new issues to be discussed by the Bills Committee;
- (e) titles of papers for the meeting;
- (f) matters requiring the Bills Committee's attention/decision;
- (g) a reminder of the date of the next meeting; and
- (h) any procedural or other matters to which the Chairman's attention should be drawn.

3.42 The following information is also included in the Brief when it is anticipated that the Bills Committee is about to conclude its deliberation –

- (a) the date of the Council meeting at which the Second Reading debate on the bill is to resume;
- (b) the date of the House Committee meeting at which the Bills Committee is to provide a written report;

- (c) the relevant dates in respect of consultation with the Chairman of the House Committee on the resumption of the Second Reading debate on the bill;
- (d) the deadline for giving notice of resumption of Second Reading debate; and
- (e) the deadline for giving notice of Committee Stage amendments.

Meeting with the Clerk

3.43 Where necessary, the Chairman and Deputy Chairman (if any) meet with the Clerk before the meeting to receive an update on the items to be discussed and to consider any procedural points which may be brought up at the meeting.

CHAPTER 4 CONDUCTING A MEETING

	<i>Paragraphs</i>
Chairing meetings	4.1 – 4.4
Quorum	4.5 – 4.8
Venue not available	4.9
Keeping time	4.10 – 4.11
Order of agenda items	4.12
Privileges and immunities	4.13 – 4.14
Order of speaking	4.15 – 4.16
Direct pecuniary interest	4.17
Voting	4.18 – 4.24
Decisions	4.25 – 4.26
Voting right of Chairman	4.27 – 4.28
Conduct	4.29 – 4.32
Motion without notice	4.33 – 4.49
Extension of meetings	4.50 – 4.54
Language	4.55 – 4.56

Chairing meetings

4.1 The Chairman of a Bills Committee chairs all its meetings. In his/her absence, the Deputy Chairman (if one has been elected) takes over as the Chair.

4.2 In the temporary absence of the Chairman or Deputy Chairman (if one has been elected), the Bills Committee may elect a Chairman to act during the absence. *[RoP 76(2)]*

4.3 Although the Chairman has the same rights, in principle, as any other member to give his/her views, the Chairman should intervene as little as possible in the discussion and should not usually express personal opinions, in order to avoid giving the impression or being accused of taking sides.

4.4 Where the Chairman of a Bills Committee considers that there may be concern about conflict of interest or conflict of roles in his/her chairing the meeting for discussion on a certain item, he/she should make a declaration of the matter which is the cause for the concern and invite the Bills Committee to consider whether he/she should preside over the discussion on the item. The Bills Committee may decide whether the Deputy Chairman or another member should preside.

Quorum

4.5 The quorum of a Bills Committee is three members including the Chairman or one-third of its members including the Chairman (a fraction of the whole number being disregarded), whichever is the greater. *[RoP 76(3)]*

4.6 If a quorum is not present within 15 minutes of the appointed time, the Chairman should cancel the meeting. *[HR 24(g)]*

4.7 In the case where a meeting has just been cancelled, and then all the members of the Bills Committee are present and the public officers are still available, the Chairman may, with the agreement of all the members, call another meeting to be held immediately. *[RoP 76(5), HR 24(c)]*

4.8 If the attention of the Chairman is drawn to the fact that a quorum is not present during a meeting, he/she should ask that members be summoned. Unless a quorum is present within 15 minutes, the Chairman should close the meeting. *[HR 24(h)]*

Venue not available

4.9 In the situation where a quorum is present but the venue for a meeting is not available at the appointed meeting time, because the meeting held in the same venue in an earlier time slot has overrun, the following arrangement may be adopted: the Chairman of the meeting in progress should suspend the meeting to enable the other Chairman to declare the meeting open and then immediately suspend the meeting. The earlier meeting can then resume and the other meeting can be held after the earlier meeting has ended.

Keeping time

4.10 The Chairman should have regard to the time allotted to each item and should keep tight time control to ensure that business on the agenda is dealt with before the appointed ending time of the meeting. The Chairman may extend the meeting or allow the meeting to continue for not more than 15 minutes beyond the appointed ending time of the meeting, provided that the meeting venue is available. *[HR 24A(a)]*

4.11 Further extension of the meeting is subject to the conditions detailed in paragraphs 4.51 to 4.54 below.

Order of agenda items

4.12 Items should be taken in the order in which they appear on the agenda. If there is a request for the order of an item to be varied, the Chairman should consult members of the Bills Committee as well as representatives of the Administration and/or other parties concerned, such as deputations. If no objection is raised, the request may be acceded to.

Privileges and immunities

4.13 At meetings of the Council or its committees, the privileges and immunities provided by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) are available to all Members, the Chief Executive and any public officer designated by the Chief Executive for the purpose of attending such meetings. A list of the public officers so designated is in *Appendix III*.

4.14 Where discussion on an item is attended by persons who are not covered by the privileges and immunities provided under Cap. 382, e.g. deputations, the Chairman should remind them, at the beginning of the discussion, that when addressing the Bills Committee they do not have such protection and their written submissions are also not protected.

Order of speaking

4.15 Members should register their intention to speak at a meeting by raising their hands. The Chairman should call upon Members to speak in turn, having regard to the order in which they have raised their hands.

4.16 Where there are differences of opinion, the Chairman should, as far as possible, give each side an equal chance to express its views.

Direct pecuniary interest

4.17 A Member should not vote on any question in which he/she has a direct pecuniary interest, except where his/her interest is in common with the rest or a sector of the population of Hong Kong, or his/her vote is given on a matter of Government policy. [*RoP 84(1) and (1A)*]

Voting

4.18 Matters for the decision of a Bills Committee are decided by a majority of the members voting. Non-Bills Committee Members do not have voting right in respect of the business of the Bills Committee.

[RoP 76(8), HR 24(d)]

4.19 Before a matter is voted upon at a meeting of a Bills Committee, a voting bell will be rung if the Chairman orders, on his own motion or upon the request of a member of the Bills Committee, that the members of the Bills Committee be notified of the voting. The Bills Committee will proceed to vote immediately after the bell has been rung for two minutes. However, if the meeting is held simultaneously with a Council meeting, the bell will not be rung. *[HR 24(i)]*

4.20 Where no voting bell is provided for the venue where a Bills Committee meets or if the bell does not function or may not be rung, the Chairman should order the Clerk to arrange for members of the Bills Committee within the precincts of the Chamber to be notified of the voting. The voting will be held four minutes after the order has been made. *[HR 24(j)]*

4.21 Voting by members at a meeting of a Bills Committee is by a show of hands.

4.22 A question put to vote will be regarded as agreed to if more members voted in favour of it than those who voted against it. It is the normal practice to record the number of members who abstained from voting, but the number of abstentions is not counted for the purpose of determining the result of the vote.

4.23 If a member wishes to claim a division of the votes, the member must make the request before the Chairman declares the result of the vote.

4.24 When the Chairman orders a division, the Clerk will record the names of members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then instruct the Clerk to read out the names of the members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then declare the result of the vote. The number of abstentions is not counted for the purpose of determining the result of the vote, as detailed in paragraph 4.22 above.

Decisions

4.25 The Chairman may instruct that a matter for the decision of a Bills Committee be considered by circulation of papers to its members. The matter will be regarded as being agreed to by the Bills Committee, if the majority of the members responding to the relevant paper signify agreement.

4.26 The decisions of a Bills Committee should not be re-opened for discussion, unless with the permission of the Bills Committee. *[HR 24(n)]*

Voting right of Chairman

4.27 Except in an election of the Chairman and Deputy Chairman of a Bills Committee, the Chairman or any presiding member has an original vote but not a casting vote. *[RoP 76(8) and (8B)]*

4.28 If the Chairman or the member presiding wishes to exercise his/her original vote on a matter before a Bills Committee, the vote must be exercised at the same time as other members of the Bills Committee exercise their votes; otherwise, the Chairman or the member presiding will be regarded as having given up his/her right to vote on the relevant matter. *[RoP 79A(3)]*

Conduct

Members

4.29 The Chairman is responsible for maintaining order at meetings to ensure the business on the agenda is conducted properly and efficiently.

4.30 Some of the rules in the Rules of Procedure which govern the order of Members at Council meetings are applicable to committee meetings, unless the Chairman of the committee decides otherwise. These rules are –

- (a) a Member should not interrupt another Member who is speaking except to raise a point of order or to seek elucidation [RoP 39]
- (b) a Member should restrict his/her observations to the subject under discussion and should not introduce matters irrelevant to that subject [RoP 41(1)]
- (c) a Member should not make reference to a case pending in a court of law in such a way as, in the opinion of the Chairman, might prejudice that case [RoP 41(2)]
- (d) a Member should not use offensive or insulting language about other Members [RoP 41(4)]
- (e) a Member should not impute improper motives to another Member [RoP 41(5)]
- (f) the name of the Chief Executive should not be used to influence the Council [RoP 41(6)]
- (g) the conduct of the Chief Executive, a Member of the Executive Council or a Member of LegCo otherwise than in the performance of his/her official duties shall not be raised [RoP 41(7)]

- (h) the conduct of judges and other persons performing judicial functions should not be raised *[RoP 41(8)]*
- (i) all Members should enter or leave the meeting venue properly attired and with decorum; no Member should cross the floor of the meeting venue unnecessarily; Members should not read newspapers, books or other document except if the contents of such documents are related to the business of the Council; and while a Member is speaking all Members should be silent and should not make unseemly interruptions *[RoP 42]*

4.31 The Chairman of a Bills Committee does not have the power conferred under Rules 44 and 45 of the Rules of Procedure to order a Member to discontinue his/her speech or withdraw from a meeting. In dealing with controversies concerning Members' conduct or points of order at meetings, e.g. the use of offensive or insulting language by a Member, the Chairman may adopt the following approaches –

- (a) remind the Member that his/her conduct is inappropriate;
- (b) persuade the Member not to continue to behave in the manner which is the subject of the controversy;
- (c) suspend the meeting to let the controversy die down, if necessary; and/or
- (d) seek the view of the Bills Committee on how the controversy should be dealt with.

Public

4.32 If a member of the press or the public is behaving or is likely to behave in a disorderly manner, the Chairman may order the removal of the person from the meeting. *[RoP 87, HR 24(s)]*

Motion without notice

Substantive motions

4.33 The procedure for the moving of a motion at Bills Committee meetings is not provided in the Rules of Procedure and House Rules. Bills Committees may follow the procedure provided for Panels in rule 22(p) of the House Rules.

4.34 Under rule 22(p), if a motion is moved without notice by a member in relation to an agenda item, the Chairman should deal with it in accordance with the following steps –

- (a) to decide whether the motion is directly related to the agenda item;
- (b) to invite the members present to consider whether the motion should be dealt with, if the motion is ruled directly related to the agenda item; and
- (c) to proceed to deal with the motion, if agreed to by a majority of the members voting.

[HR 22(p)]

These steps are discussed in greater detail below.

4.35 The Chairman should first decide whether the motion is directly related to an agenda item of that meeting. This is to ensure that members are aware of the possibility that a motion may be moved without notice on the subject matter of an agenda item. For this reason, a motion moved under “Any other business” or under a newly added discussion item under “Any other business” should not be ruled admissible by the Chairman.

4.36 The proposed motion or any amendment to the motion should be presented to the Bills Committee in written form. *[HR 22(p)]*

4.37 The Chairman or the Clerk should read out the wording of the motion and any amendment. If necessary, the Chairman should instruct the Clerk to arrange for the wording of the proposed motion and any amendment to be copied to members.

4.38 If the Chairman rules that the motion is directly related to the agenda item, the Chairman should invite members present to consider whether the motion should be proceeded with. The motion will be proceeded with if agreed to by a majority of the members voting, and it should be dealt with under the agenda item to which it relates. The Chairman may, with the agreement of the Bills Committee, decide to deal with the motion later at the same meeting.

4.39 No new motion, however, may be proposed during the period of extension of the meeting agreed to by the Bills Committee (see paragraphs 4.50 to 4.54 below). *[HR 24A(f)]*

4.40 The Chairman should allow members to give views on the motion and any amendment before they are put to vote.

4.41 After members have expressed their views, the amendment should be voted on first. If the amendment is voted down, the original motion should be put to vote.

4.42 If there are two or more amendments, the Chairman should call on the members concerned to move their amendments in the order in which these amendments relate to the text of the motion, or in cases of doubt in the order decided by the Chairman.

4.43 In the case of two amendments being inconsistent with each other, if the amendment which is voted on first is passed, the other amendment is deemed to be negatived.

4.44 If there are two or more motions moved by members which have been ruled by the Chairman to be directly related to the agenda item and decided by the Bills Committee that they should be proceeded with, a joint discussion on the motions should be held.

4.45 After members have given their views, the motions should be voted on in the order in which they were presented to the Bills Committee.

4.46 In the case of two motions being inconsistent with each other, if the motion which is voted on first is passed, the other motion is deemed to be negated.

4.47 A Member may not move any motion or amendment relating to a matter in which he/she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he/she discloses the nature of that interest. *[RoP 83A]*

Procedural motions

Motion to adjourn

4.48 If during the discussion on a substantive motion, a member moves a procedural motion to adjourn the discussion, the procedural motion should be dealt with first. If the motion is supported, the Chairman will adjourn the discussion. If the motion is voted down, discussion on the substantive motion may continue.

Motion to take vote immediately

4.49 If during the discussion on a substantive motion, a member moves a procedural motion that a vote on the substantive motion be taken immediately, the procedural motion should be dealt with first. If the motion is supported, a vote on the substantive motion will be taken immediately. If the motion is voted down, discussion on the substantive motion may continue.

Extension of meetings

4.50 As detailed in paragraph 4.10 above, the Chairman may extend a meeting or allow a meeting of the Bills Committee to continue for not more than 15 minutes beyond the appointed ending time of the meeting, provided that the meeting venue is available. *[HR 24A(a)]*

4.51 The meeting may be extended for more than 15 minutes beyond the appointed ending time or the period of extension/continuation of meeting referred to in paragraph 4.50 above, provided that –

- (a) such a proposal is put forward during the original appointed meeting time or the period of extension/continuation of meeting referred to in paragraph 4.50 above;
- (b) no member of the Bills Committee present at the meeting raises objection to the proposal; and
- (c) the meeting venue is available.

[HR 24A(b)(i) to (iii)]

4.52 Subject to the availability of the meeting venue, the period of extension referred to in paragraph 4.51 above may be extended for a further specified period, provided that such a proposal is put forward during that extended period and no member of the Bills Committee present at the meeting raises objection to the proposal. *[HR 24A(c)]*

4.53 The Chairman shall ascertain whether any member of the Bills Committee present at the meeting raises objection to a proposal put forward under paragraph 4.51 or 4.52 above without debate or discussion.

[HR 24A(d)]

4.54 Where a motion has been proposed and agreed to be dealt with during the appointed meeting time or the period of extension/continuation of meeting referred to in paragraph 4.50 above but has not been dealt with, the motion may be dealt with during the period of extension as decided by the Bills Committee under paragraph 4.51 or 4.52 above. However, no new motion may be proposed during such period of extension. *[HR*

24A(e)and (f)]

Language

4.55 Members and other attendees of a meeting may speak in either Cantonese, Putonghua or English. However, prior notification to address the Bills Committee in Putonghua must be given to the Clerk so that appropriate simultaneous interpretation service can be arranged.

4.56 The Chairman, whenever necessary, should remind Members, representatives of the Administration and deputations to refrain from using “cocktail” language at meetings so as to facilitate the work of the simultaneous interpreters. *[HR 24(o)]*

CHAPTER 5 VISITS

	<i>Paragraphs</i>
Purpose	5.1
Visits outside Hong Kong	5.2 – 5.9
Visits in Hong Kong	5.10 – 5.12

Purpose

5.1 Visits may be conducted by Bills Committees to enable Members to gain first-hand information on issues or organisations of interest to them in connection with Council business. *[HR 29(a)]*

Visits outside Hong Kong

Permission of the House Committee

5.2 Should a Bills Committee consider it necessary to undertake any activities outside Hong Kong under the name of the Bills Committee, it is the normal practice to seek the permission of the House Committee, although this is not required under the Rules of Procedure and House Rules.

5.3 The Chairman presents a paper on the proposed visit to the House Committee. The paper is drafted by the Clerk.

Forming the delegation

5.4 The broad guidelines for determining the size and membership of a delegation are –

- (a) members of the Bills Committee should have priority in participating in the visit; and
- (b) the delegation should be of a manageable size in order not to create difficulties in logistical arrangements.

5.5 Non-Bills Committee Members may join a duty visit outside Hong Kong with the consent of the Bills Committee.

5.6 The Chairman of the Bills Committee is normally the leader of the delegation. If the Chairman does not participate in the visit, the Deputy Chairman (if any) is normally the leader and if he/she also does not participate in the visit, the delegation may choose a leader and inform the Bills Committee of its choice.

Funding

5.7 Visits outside Hong Kong are funded in accordance with the prevailing arrangements approved by The Legislative Council Commission.

Preparatory work

5.8 Prior to the visit, the delegation should discuss the matters to be studied during the visit, the programme and the parties to be visited. Background briefs for the visit are prepared by the Clerk jointly with the Research and Library Services Division. Questions are also drawn up by the Clerk in consultation with the delegation, to facilitate discussion with the parties to be visited.

Role of the Clerk

5.9 There will be Secretariat staff, normally the Clerk, accompanying the delegation. The Clerk (or the staff concerned) is responsible for making the logistical arrangements and will draft the report of the visit in consultation with the delegation. The report, after clearance with the delegation, is presented to the Bills Committee and then, with suitable adaptation, to the House Committee.

Visits in Hong Kong

5.10 The timing and programme of a visit are decided by the Chairman in consultation with members of the Bills Committee and the host organisations. The duration of a visit should be kept to within three hours as far as possible. *[HR 29(b)]*

5.11 The Chairman, in consultation with other Members or the host organisation, determines whether a scheduled visit should be cancelled or postponed if the visiting party consists of less than three Members. *[HR 29(d)]*

5.12 The Chairman and the host organisation are consulted as to whether the visit should be open to the media.

CHAPTER 6 SUBCOMMITTEES AND WORKING GROUPS

Subcommittees	<i>Paragraphs</i>
Working groups	6.1 – 6.7
	6.8 – 6.12

Subcommittees

Formation

6.1 A Bills Committee may appoint a subcommittee to study a specific issue and report to the Bills Committee. Members of the subcommittee should be members of that Bills Committee. *[RoP 76(4)]*

Terms of reference

6.2 The terms of reference of a subcommittee of a Bills Committee may be proposed by the subcommittee. They should be within the scope and purpose decided by the Bills Committee and should be submitted by the subcommittee to the Bills Committee for endorsement.

Voting and decisions

6.3 All matters for the decision of a subcommittee of a Bills Committee are decided by the majority of the members of the subcommittee voting. *[RoP 76(8)]*

Voting right of Chairman

6.4 Except in an election of the Chairman and Deputy Chairman of a subcommittee, the Chairman or any presiding member has an original vote but not a casting vote. If the Chairman or the member presiding wishes to exercise his/her original vote on a matter before the subcommittee, the vote must be exercised at the same time as other members of the subcommittee exercise their votes; otherwise, the Chairman or the member presiding will be regarded as having given up his/her right to vote on the relevant matter. *[RoP 76(8), (8B) and 79A(3)]*

Procedures and practices

6.5 The procedures and practices of the subcommittee of a Bills Committee are determined by that Bills Committee. *[RoP 76(11)]*

Reporting to the Bills Committee

6.6 When a subcommittee has completed its work, a report detailing its deliberations and recommendations/conclusions should be submitted to the Bills Committee. The Clerk to the subcommittee drafts the report and clears it with the Chairman of the subcommittee before issuance.

Dissolution

6.7 The subcommittee is dissolved upon the submission of the report, or when the Bills Committee decides.

Working groups

Formation

6.8 A Bills Committee may form a working group for the purpose of assisting the Bills Committee in the performance of its functions, such as undertaking preparatory work to facilitate the consideration of a subject by the Bills Committee. Members of the working group should be members of that Bills Committee.

No privileges and immunities

6.9 Meetings of a working group are informal and are held in closed sessions. The privileges and immunities provided under Cap. 382 are not available to members of the working group because it is not a LegCo committee. The procedures and practices of Bills Committees do not normally apply to the operation of a working group.

Terms of reference

6.10 The terms of reference of a working group are determined by the Bills Committee. The terms of reference of a working group may be proposed by the working group. Such proposed terms of reference should be within the scope and purpose decided by the Bills Committee and submitted to the Bills Committee for endorsement.

Reporting to the Bills Committee

6.11 The Clerk is responsible for drafting the report of the working group to report its deliberations and recommendations/conclusions to the Bills Committee. The Clerk clears the report with the Chairman of the working group before issuance.

Dissolution

6.12 The working group is dissolved upon the submission of the report, or when the Bills Committee decides.

CHAPTER 7 POWERS TO SUMMONS WITNESSES

	<i>Paragraphs</i>
Powers to summons witnesses	7.1 – 7.5
Proposal to appoint a select committee	7.6 – 7.8

Powers to summons witnesses

7.1 A Bills Committee may exercise the powers conferred by section 9(1) of Cap. 382 to order any person to testify or give evidence or to produce any paper, book, record or document in his/her possession, if authorised by the Council to do so. *[RoP 80(b)]*

7.2 If a Bills Committee member proposes that the Bills Committee should exercise the powers conferred by section 9(1) of Cap. 382 in connection with its work, a motion on the proposal should be put to the Bills Committee for consideration and decision. If the Bills Committee supports the motion, the House Committee should be informed of the Bills Committee's decision.

7.3 The relevant motion in Council is normally moved by the Chairman of the Bills Committee.

7.4 If a Bills Committee is authorised to exercise powers conferred by section 9(1) of Cap. 382, the Bills Committee should, similar to Panels, make a report to the Council after it has completed its consideration, although this is not required under the Rules of Procedure and House Rules.

7.5 There is no precedent of a Bills Committee being authorised by the Council to exercise the powers conferred by section 9(1) of Cap. 382 in connection with its work.

Proposal to appoint a select committee

7.6 If a Bills Committee decides to recommend the appointment of a select committee to conduct an enquiry and for the select committee to exercise the powers conferred by section 9(1) of Cap. 382 for the purpose of the enquiry, a paper should be presented to the House Committee. The Clerk prepares the paper and clears it with the Chairman before issuance.

7.7 If the House Committee supports the proposal of the appointment of a select committee, the relevant motion in Council is normally moved by the Chairman of the House Committee or the Chairman of the subcommittee, if one is formed to undertake preparatory work for the appointment of the select committee.

7.8 There is no precedent of a Bills Committee recommending the appointment of a select committee to conduct an enquiry.

CHAPTER 8 FOLLOW-UP WORK OF A MEETING

	<i>Paragraphs</i>
Decisions	8.1 – 8.4
Minutes	8.5 – 8.9
Verbatim records	8.10 – 8.11
Reports for the House Committee	8.12 – 8.24
Reporting to the Legislative Council	8.25 – 8.33
Addressing the Council	8.34 – 8.37

Decisions

8.1 Decisions made by the Bills Committee are followed up by the Clerk in consultation with the Chairman.

8.2 Where a motion passed by the Bills Committee requires the Administration's follow-up action or response, the Clerk writes to inform the Bureau Secretary (or other public officers) concerned of the motion and to request him/her (or the public officer) to take follow-up action or provide a response to the motion, as appropriate.

8.3 The Clerk also writes to the relevant bureau if there are other follow-up actions required of the Administration.

8.4 The Clerk undertakes other necessary follow-up work according to the decisions of the Bills Committee including –

- (a) seeking the House Committee's permission to undertake a visit outside Hong Kong (paragraphs 5.2 and 5.3 above refer);
- (b) informing the House Committee of the Bills Committee's decision to seek the Council's authorisation to exercise the powers conferred by section 9(1) of Cap. 382 (paragraph 7.2 above refers); and
- (c) recommending to the House Committee that a select committee be appointed (paragraph 7.6 above refers).

Minutes

8.5 The Clerk to the Bills Committee prepares the minutes of the meetings of the Bills Committee. *[HR 25(a)]*

8.6 The minutes of a Bills Committee meeting are presented in condensed form. The minutes should record the decisions of the Bills Committee, outstanding matters to be followed up at future meetings, undertakings made by the Administration, declarations of interest by members, and decisions of members to move Committee Stage amendments, etc. The format of the minutes should follow that agreed to by the House Committee on 5 October 2001.

8.7 The audio records of the proceedings are indexed, and the index is annexed to the minutes to facilitate easy retrieval of such records. The format of the index should follow that agreed to by the House Committee on 14 June 2002.

8.8 The minutes of a meeting with the Administration and other outside parties need not normally be cleared with them. The Chairman has the discretion to decide whether the draft minutes or any part of the draft minutes should be shown to those who have attended the meeting if, in the Chairman's view, it will facilitate the work of the Bills Committee.
[HR 25(c) and (d)]

8.9 The draft minutes are cleared with the Chairman before issuance to members for confirmation at a meeting or by circulation.
[HR 25(e)]

Verbatim records

8.10 Verbatim records are not normally prepared for a meeting, except where the Bills Committee is conducting an enquiry and has been authorised to summons witnesses to give evidence. *[HR 25(a)]*

8.11 The Chairman may, with the agreement of the Bills Committee, determine that a verbatim record of a meeting be made. The request should be justified on the grounds of need. Such a request should be submitted to The Legislative Council Commission with justifications for record.

Reports for the House Committee

Report to seek an extension to work beyond three months

8.12 Should there be the need for a Bills Committee to work beyond three months of its commencement, the Chairman should make a verbal report to the House Committee to seek an extension of that period (see paragraph 8.24 below). *[HR 21(h)]*

Report of a Bills Committee on holding its work in abeyance

8.13 If a Bills Committee decides to hold its work in abeyance, a report should be made to the House Committee. *[HR 21(g) and (i)(iv)]*

8.14 The report, which may be a written or verbal report, should explain the reason(s) for the Bills Committee holding its work in abeyance.

Report upon completion of scrutiny work

8.15 A Bills Committee should, as soon as it has completed consideration of the bill allocated to it, advise the House Committee in writing of the Bills Committee's deliberations and where appropriate, the majority and minority views, and whether or not the Bills Committee supports the bill. *[RoP 76(9), HR 21(j)]*

8.16 The deliberations of a Bills Committee on a bill may be discussed by the House Committee for the purpose of informing Members in preparation for resumption of the Second Reading debate on the bill in Council. The deliberations are not binding on any Member, whether in the House Committee or the Council. *[RoP 76(10)]*

8.17 A Bills Committee normally provides a written report on its deliberations to the House Committee before the deadline for giving notice to resume the Second Reading debate on the bill.

8.18 Where there is urgency to resume the Second Reading debate on a bill and a written report cannot be provided to the House Committee before the deadline for giving notice of resumption, the Chairman may make a verbal report (see paragraph 8.24 below), and provide a written report at the earliest opportunity, e.g. at the following House Committee meeting.

8.19 If there are new developments relating to the bill after the Bills Committee has issued its written report to the House Committee, the Chairman may make a verbal report on the new developments at the House Committee meeting. Consideration should be given to preparing an addendum to the report of the Bills Committee detailing the new developments (see paragraph 8.24 below).

8.20 If a Bills Committee needs to hold further meeting(s) after presenting a written report to the House Committee, the Bills Committee should provide another written report to the House Committee after the Bills Committee has concluded its deliberations.

8.21 The Clerk drafts the report to the House Committee. The report of a Bills Committee normally contains the following information –

- (a) a brief description of the bill;
- (b) the membership of the Bills Committee;
- (c) the number of meetings held and visit(s) conducted, if any, as well as submissions received and deputations met, if any, by the Bills Committee;

- (d) the deliberations of the Bills Committee, including issues and concerns raised in relation to the objects of the Bill, the majority and minority views of members, and the Administration's response to issues raised at meetings;
- (e) the Administration's undertakings, if any;
- (f) the respective Committee Stage amendments to be moved by the Administration, the Bills Committee and/or individual members, if any;
- (g) the date of resumption of the Second Reading debate on the Bill, if available, and the view of the Bills Committee regarding the resumption date;
- (h) other recommendations of the Bills Committee, if any;
- (i) follow-up actions to be taken by the Administration or other committees of the Council, if any; and
- (j) any other matters or points to which the House Committee's attention should be drawn.

Report on a bill which is to be withdrawn

8.22 In the situation where the Bills Committee is to provide a report on a bill which is to be withdrawn by the public officer or Member in charge at the resumption of the Second Reading debate, suitable adaptations should be made to the topics detailed in paragraph 8.21 above. The reason(s) for the withdrawal should be explained in the report.

Comments by Administration and Chairman

8.23 The draft report of the Bills Committee is normally sent to the Administration for comments. It will then be cleared with the Chairman for issuance to the House Committee. The draft report will be circulated to members of the Bills Committee before issuance to the House Committee, if so requested by members.

Speaking note

8.24 Where the Chairman is to make a verbal report to the House Committee (paragraphs 8.12, 8.14, 8.18 and 8.19 above refer), the Clerk prepares a speaking note for the Chairman. If necessary and subject to the agreement of the Chairman of the Bills Committee and that of the Chairman of the House Committee, the speaking note may be tabled at the House Committee meeting.

Reporting to the Legislative Council

Resumption of Second Reading debate

8.25 After presenting its report to the House Committee, the Bills Committee shall then further report to the Council. A Bills Committee should table a report on its deliberations at the same Council meeting at which the resumption of the Second Reading debate on the bill takes place. *[RoP 76(9), HR 21(j) and (l)]*

8.26 Irrespective of the number of reports made to the House Committee, the Bills Committee should present only one report to the Council for Members' easy reference.

8.27 The report of the Bills Committee to the Council should be based on the report of the Bills Committee for the House Committee, as detailed in paragraph 8.21 above. However, there is no need to attach the relevant Committee Stage amendments, if any. The report should also contain the following information –

- (a) the date on which the Bills Committee's report was presented to the House Committee; and
- (b) any recommendations of the House Committee or points raised at the discussion of the House Committee on the report which would facilitate the Council's debate on the bill.

8.28 The Chairman of a Bills Committee, when reporting to the Council on the work of the Bills Committee, addresses the Council at the resumption of the Second Reading debate on the bill. With the permission of the President, the Chairman may be the first Member to speak at the debate. *[RoP 21(4) and 54(7), HR 21(k), (l), (m) and (o)]*

8.29 The Chairman may speak a second time during the same debate on his/her own views on the bill. *[RoP 38(2)]*

No indication of resumption of Second Reading debate

8.30 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 should, if the Bills Committee so determines, table a written report in the Council and seek the President's permission to address the Council. *[RoP 21(2), (3) and (6), HR 2 and 21(q)]*

8.31 The report should be based on the report of the Bills Committee to the House Committee, as detailed in paragraph 8.21 above. The report should also contain the following information –

- (a) the date on which the Bills Committee's report was presented to the House Committee; and
- (b) any relevant points raised at the discussion of the House Committee on the report.

Resumption of Second Reading debate on a bill for the purpose of withdrawing it

8.32 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 (paragraphs 2.41 to 2.43 above refer), the Chairman of the Bills Committee may present a report of the Bills Committee at the Council meeting at which such an announcement is to be made, and may, with the permission of the President, address the Council on the report. *[RoP 21(4A) and (6), HR 2 and 21(n)]*

8.33 The report should be based on the report of the Bills Committee to the House Committee, as detailed in paragraphs 8.21 and 8.22 above. The report should also contain the following information –

- (a) the date on which the Bills Committee’s report was presented to the House Committee; and
- (b) any relevant points raised at the discussion of the House Committee on the report.

Addressing the Council

8.34 The Clerk is responsible for drafting the address of the Chairman referred to in paragraphs 8.30 and 8.32 above. The speaking time limit of 15 minutes does not apply to such an address. However, the Chairman is required to provide an advance copy of the intended address to the President to enable the President to decide whether the address may give rise to a debate. *[RoP 21(2), (3), (4A) and (6), RoP 36(6), HR 2, HR 21(n), (p) and (q)]*

8.35 The Clerk is also responsible for drafting the following speeches –

- (a) a speech for the Chairman to speak on the report of the Bills Committee at the commencement of the resumption of the Second Reading debate on the bill referred to in paragraph 8.28 above; and
- (b) speech(es) for the Chairman to move Committee Stage amendment(s), on behalf of the Bills Committee, to the bill.

8.36 Regarding paragraph 8.35(a) above, the speaking time limit of 15 minutes does not apply to such a speech. If the Chairman wishes to state his/her own views on the bill in the same speech immediately after speaking on the report, the 15-minute time limit will apply to that part of the speech where he/she states his/her own views. *[RoP 36(5) and (6), HR 21(k), (m) and (p)]*

8.37 Regarding paragraph 8.35(b) above, the speaking time limit of 15 minutes applies to such speeches, although there is no limit to the number of times a Member may speak during the Committee Stage.

[RoP 36(5) and 38(1)(a)]

對法案動議委員會審議階段修正案的限制
Restrictions on moving of
Committee Stage amendments to bills

Restrictions on moving of Committee Stage amendments to bills

Committee Stage amendments proposed by the Administration, Bills Committees and individual members are subject to the ruling of the President on whether they may be moved.

2. Rule 57(4) of the Rules of Procedure provides that the following provisions shall apply to amendments relating to bills –

- (a) an amendment must be relevant to the subject matter of the bill and to the subject matter of the clause to which it relates;
- (b) an amendment must not be inconsistent with any clause already agreed to or with any previous decision of the Council upon the bill;
- (c) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;
- (d) an amendment which is in the opinion of the President is frivolous or meaningless may not be moved; and
- (e) an amendment should be made to the text of the bill in each language, unless it is an amendment that clearly affects the text in one language only. An amendment which creates a conflict or discrepancy between the text in one language and the text in the other may not be moved.

3. Rule 57(5) of the Rules of Procedure provides that if an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.

4. Rule 57(6) of the Rules of Procedure provides that a Member cannot propose an amendment, the object or effect of which may, in the opinion of the President, dispose of or charge any part of the revenue or other public moneys of Hong Kong, except where the Chief Executive consents in writing to the proposal.

根據《議事規則》第 54(5)條就法案恢復二讀辯論
一事與內務委員會主席磋商的關鍵日期

**Critical dates for consultation with
the Chairman of the House Committee on resumption of Second
Reading debates on bills under Rule 54(5)**

**Critical Dates for Consultation with
the Chairman of the House Committee
on Resumption of Second Reading Debate on Bills
under Rule 54(5) of Rules of Procedure**

(October to December 2005)

(A) Date of issuance of consultation letter to HC Chairman		(B) Date for Bills Committee to report to HC		(C) Date for HC Chairman to give her signification		(D) Deadline for giving notice for resumption		(E) Date of resumption of 2nd Reading Debate [^]	
10 Oct 2005	(Mon)	14 Oct 2005	(Fri)	15 Oct 2005	(Sat)	*18 Oct 2005	(Tue)	2 Nov 2005	(Wed)
18 Oct 2005	(Tue)	21 Oct 2005	(Fri)	22 Oct 2005	(Sat)	#24 Oct 2005	(Mon)	2 Nov 2005	(Wed)
18 Oct 2005	(Tue)	21 Oct 2005 [@]	(Fri)	22 Oct 2005	(Sat)	*25 Oct 2005	(Tue)	9 Nov 2005	(Wed)
1 Nov 2005	(Tue)	4 Nov 2005	(Fri)	5 Nov 2005	(Sat)	#7 Nov 2005	(Mon)	16 Nov 2005	(Wed)
8 Nov 2005	(Tue)	11 Nov 2005	(Fri)	12 Nov 2005	(Sat)	#14 Nov 2005	(Mon)	23 Nov 2005	(Wed)
15 Nov 2005	(Tue)	18 Nov 2005	(Fri)	19 Nov 2005	(Sat)	#21 Nov 2005	(Mon)	30 Nov 2005	(Wed)
22 Nov 2005	(Tue)	25 Nov 2005	(Fri)	26 Nov 2005	(Sat)	#28 Nov 2005	(Mon)	7 Dec 2005	(Wed)
29 Nov 2005	(Tue)	2 Dec 2005	(Fri)	3 Dec 2005	(Sat)	#5 Dec 2005	(Mon)	14 Dec 2005	(Wed)
6 Dec 2005	(Tue)	9 Dec 2005	(Fri)	10 Dec 2005	(Sat)	#12 Dec 2005	(Mon)	21 Dec 2005	(Wed)

[^] Government bills would not normally be processed at the Council meetings on 12 October 2005 and 26-28 October 2005 which have been designated respectively for the delivery of Policy Address and the debate on the Motion of Thanks.

* Notice of resumption of debate shall be given not less than 12 clear days before the day on which the debate is to be resumed (Rule 54(5)(d) of RoP).

Where resumption of debate is to take place 9 clear days or less after the meeting of House Committee at which the bill was considered in preparation for resumption, then notice of resumption of debate shall be given no later than 2 clear days after that meeting (Rule 54(5)(e) of RoP).

[@] There is no House Committee meeting on 28 October 2005 due to the debate on Motion of Thanks. Hence, for bills which seek to resume Second Reading debate on 9 November 2005, the relevant Bills Committees should report to the House Committee on 21 October 2005.

行政長官委派出席立法會或
立法會轄下委員會會議的官員名單
**List of public officers designated by
the Chief Executive for the purpose of attending meetings of
the Legislative Council or its committees**



本函檔號 Our Ref.:

CSO/ADM CR 5/5/1139/91

來函檔號 Your Ref.:

Tel No.: 2810 3838

Fax No.: 2804 6870

28 June 2002

Mr Ricky C C Fung
Secretary General
Legislative Council
8 Jackson Road
Central
Hong Kong

Dear Ricky

**Attendance of Officials at Meetings of
the Legislative Council, its Committees and Subcommittees**

To tie in with the implementation of the Accountability System on 1 July 2002, the Chief Executive has designated under Article 62(6) of the Basic Law a list of officials to attend meetings of the Legislative Council, its committees and subcommittees.

Article 62(6) of the Basic Law provides that the Government of the HKSAR shall exercise the powers and functions to designate officials to sit in on the meetings of the Legislative Council and to speak on behalf of the government. By virtue of the power vested therein and as the Head of the HKSAR Government, the Chief Executive has designated –

- (a) Officials in Annex A to attend meetings of the Legislative Council, its committees and subcommittees; and
- (b) officials in Annex B to attend meetings of committees and subcommittees of the Legislative Council, if so directed by officials in Annex C who are authorized by the Chief Executive to give such directions.

The designations are applicable to officials who from time to time either substantially occupy or act in the posts specified in the Annexes.

The designation shall take effect from 1 July 2002 and continue in force, unless revoked by the Chief Executive.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Andrew H Y Wong', written in a cursive style.

**(Andrew H Y Wong)
Director of Administration**

Annex A

**Officials designated by the Chief Executive to attend Meetings of the
Legislative Council, its Committees or Subcommittees**

The Chief Secretary for Administration

The Financial Secretary

The Secretary for Justice

All Directors of Bureaux

Permanent Secretary for the Civil Service

All Law Officers in the Department of Justice

**Officials designated by the Chief Executive to attend Meetings of
Committees and Subcommittees of the Legislative Council**

All directorate officers

And without prejudice to the generality of the item above, the following specific categories of officials –

- (a) Officials at the ranks of Assistant Secretary, Principal Assistant Secretary, Deputy Secretary and Permanent Secretary in the Government Secretariat; and
- (b) Officials at the ranks of Government Counsel, Senior Government Counsel, Deputy Principal Government Counsel, Principal Government Counsel and Law Officer in the Department of Justice

The Director of the Chief Executive's Office

The Commissioner, Independent Commission Against Corruption and all directorate officers in the Office of the Independent Commission Against Corruption

The Chief Executive and all Heads of Division or above in the Hong Kong Monetary Authority

**Officials Authorised by the Chief Executive to Direct
Designated Officials to Attend Meetings of
Committees and Subcommittees of the Legislative Council**

The Chief Secretary for Administration

The Financial Secretary

The Secretary for Justice

All Directors of Bureaux

The Director of the Chief Executive's Office

All Permanent Secretaries

All Heads of Departments or Agencies

All Law Officers in the Department of Justice

The Commissioner, Independent Commission Against
Corruption

The Chief Executive of the Hong Kong Monetary Authority