

立法會
Legislative Council

LC Paper No. CB(2) 1130/10-11

Ref : CB2/T/16/1

Information paper for the House Committee

**Procedure for Members to be consulted by
the Administration on a new numbering system for a bill**

Purpose

This paper provides information on the procedure which Members may consider if the Administration makes a proposal for a new numbering system for the clauses of a bill ("new numbering system").

Background

2. At the House Committee meeting on 7 January 2011, Members noted the intention of the Administration to introduce a new numbering system for the Companies Bill, a particularly voluminous bill with 909 clauses and 10 schedules. The Law Draftsman had proposed the adoption of a new numbering system under which each clause would be numbered by the part number of the Bill, followed by a dividing decimal and then the number representing its numerical order within that part. Members also noted that pursuant to the advice given by the Clerk to the Legislative Council to the Administration that the proposed numbering system did not conform to Rule 50(6) of the Rules of Procedure, which provides that a bill should be "divided into clauses numbered consecutively", the Administration had advised that it would not pursue the proposal for the Companies Bill and the Law Draftsman would consult Members should such a proposal be made in the future.

3. Members stressed the need for consultation on any such proposals, and requested the Secretariat to prepare for their reference a paper setting out the consultation procedure to be followed if any new numbering system for a bill is proposed by the Administration.

Procedure for consultation

4. According to Rule 50(1) of the Rules of Procedure, a bill for presentation to the Council shall conform with the requirements laid down in this Rule. One of the requirements as provided in Rule 50(6) is that a bill shall be divided into clauses numbered consecutively and having a descriptive section heading above each clause. A clause numbering system which does not have the clauses of a bill numbered consecutively is not in conformity with Rule 50(6). An amendment to the Rules of Procedure would have to be made by resolution of the Council if the new numbering system were to be used on a bill intended for presentation to the Council.

5. It has been the practice of the Legislative Council for any proposal to amend the Rules of Procedure to be first examined by the Committee on Rules of Procedure which has the function to examine matters of practice and procedures relating to the Council. For matters relating to law drafting, it has been the practice for such matters to be first discussed by the Panel on Administration of Justice and Legal Services ("the Panel"). For example, in the 2009-2010 legislative session, the Administration briefed the Panel on its initiatives to introduce new drafting styles and practices and to make changes to the format and visual design of legislation.

6. As a proposal on a new numbering system involves changes to the format and drafting style of legislation, it would be appropriate for the proposal to be first discussed by the Panel. If considered necessary, the Panel may consult the two legal professional bodies and relevant stakeholders on any such proposals. The Panel may report to the House Committee if the new numbering system is going to affect the scrutiny and enactment of bills and may require changes to the Rules of Procedure. If the House Committee considers that the proposal should be further examined from a procedural point of view, it may refer the matter to the Committee on Rules of Procedure.

7. The Committee on Rules of Procedure does not recommend changes to the Rules of Procedure unless absolutely necessary. In conducting a study on a proposal to change the procedure, the Committee examines the need for the change and, where necessary, conducts research into practices in overseas legislatures. In the course of examination, the Committee will consult Members and if the proposal is to affect the Administration, it will also consult the Administration.

Upon the completion of its study, the Committee may make a report to the House Committee with its recommendations. If the recommendations involve an amendment to the Rules of Procedure and if it has the support of the House Committee, the Chairman of the Committee on Rules of Procedure will propose a resolution in the Council to amend the Rules of Procedure.

Advice sought

8. Members are invited to note the above information on the steps that may be taken to consider any proposed new numbering system for the clauses of a bill.

Council Business Division 2
Legislative Council Secretariat
22 February 2011