

立法會
Legislative Council

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Date : 7 March 2014

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 19 March 2014

**Proposed resolution under Article 75 of the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China**

Hon TAM Yiu-chung will move a proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China at the Council meeting of 19 March 2014. The proposed resolution is attached for Members' consideration.

2. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

(Thomas WONG)
for Clerk to the Legislative Council

Encl.

**Basic Law of the Hong Kong Special Administrative Region of the
People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

Resolved that the Rules of Procedure of the Legislative Council of
the Hong Kong Special Administrative Region be amended as set out
in the Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 4 amended (election of President)

Rule 4(1)—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

2. Rule 6 amended (duties of the Clerk)

After Rule 6(5)—

Add

- “(5A) (a) The Clerk shall conduct the review referred to in paragraph (b) of the Policy on Access to the Legislature’s Documents and Records in Schedule 2 within 25 years of the existence of the document or record as to whether access should be made available at an earlier time, and to conduct a further review of the document or record, if not already made available for public access, at least once every four years from the last review.
- (b) The Clerk may deny access to a document or record in accordance with any guidelines set by the Committee on Access to the Legislature’s Documents and Records.”.

3. Rule 74A added

After Rule 74—

Add

“74A. Committee on Access to the Legislature’s Documents and Records

- (1) There shall be a committee to be called the Committee on Access to the Legislature's Documents and Records to—
 - (a) determine that a document or record of the Legislature (or its committee) should be made available for access earlier than the expiry of the closure period specified in paragraph (a) of the Policy on Access to the Legislature's Documents and Records in Schedule 2;
 - (b) set guidelines for implementing the Policy;
 - (c) consider any objection against the denial of access to such a document or record by the Clerk under Rule 6(5A)(b)(Duties of the Clerk); and
 - (d) consider any other matter relating to or arising from the Policy.
- (2) The committee shall consist of—
 - (a) the President, who shall be the chairman;
 - (b) the chairman of the House Committee, who shall be the deputy chairman;
 - (c) the deputy chairman of the House Committee; and
 - (d) not more than 10 other members who shall be elected at a House Committee meeting in such manner as the House Committee may determine.
- (3) The term of office of the elected members shall be one year or until the next House Committee meeting held for the election of members, whichever is the earlier.
- (4) The chairman and three other members shall constitute a quorum of the committee.
- (5) In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence.
- (6) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote.

- (7) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least three days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.
- (8) Meetings need not be held in public unless the chairman otherwise orders in accordance with any decision of the committee.
- (9) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.
- (10) The committee may make such reports as it considers appropriate to the Council.
- (11) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.”.

4. Schedule amended

- (1) The Schedule—
Renumber the Schedule as Schedule 1.
- (2) Schedule 1, Annex I, paragraph 1—
Repeal
“the Schedule”
Substitute
“Schedule 1”.

5. Schedule 2 added

After Schedule 1—

Add

“Schedule 2

[Rules 6 & 74A]

Policy on Access to the Legislature’s Documents and Records

The documents and records of the Legislature (and its committees) in the custody of the Legislative Council Secretariat may be made available for access subject to the following—

- (a) if the Legislature (or its committee) considers that any of its documents or records should not be made available for access or prescribes a period for which it should not be made so available, access to the document or record may not be made available until the prescribed period has expired or it has been in existence for 50 years, whichever is shorter;
- (b) any such document or record may be made available for access before expiry of the closure period specified in paragraph (a) consequent to a review;
- (c) any other document or record of the Legislature (or its committee) may be made available for access at any time but must be made so available when it has been in existence for 20 years; and
- (d) access to any document or record or any part of it shall not be made available if such access is prohibited by law.”.