

Legislative Drafting: A Lawmaker's Perspective

Margaret Ng¹



The BL 23 legislation

The most well known legislation I have been involved participated in as a legislator is undoubtedly the *National Security (Legislative Provisions) Bill*, introduced by the Government in February 2003. It was known as “Article 23 legislation” for short, because the Bill’s objective was to implement Article 23 of the Basic Law under which the Hong Kong Special Administrative Region (HKSAR) was required to “enact laws on its own to prohibit any act of treason, sedition, subversion against the Chinese Central People’s Government, or theft of state secrets”. The intention of the SAR Government was to have the Bill passed in July, before the Legislative Council (LegCo) rose for the summer break, but the Bill disturbed much of the Hong Kong population, many of whom had escaped from Communist China in the 1950s and 60s. The memory of the June 4 incident of 1989 was still fresh in the minds of the rest.

The Bill, drafted as an amending Bill, amended three existing Ordinances. It was complex and in obscure language alien to the public.² The legal profession’s warning and concerns were ignored. The demand for a ‘white Bill’³ was rejected because the Government was worried about delay. It also believed that a majority of LegCo members supported the Bill.

In the event, mistrust in the Bill grew into a movement, and in that year when Hong Kong already faced an economic recession and alarm over the spread of the SARS disease, sparked

¹ Legislative Councillor, Hong Kong Special Administrative Region (HKSAR). Appendix 1 to this article contains the legislation in which Hon. Ng has participated, reproduced here to give an indication as to the number and range of subjects that the Hong Kong legislature has passed.

² A summary of provisions relating to voting procedures is at Appendix II to this article, and the provisions governing the introduction of Bills in the Legislative Council and their amendment are at Appendix III to this article.

³ I.e., a draft Bill published for consultation.

off a march of 500,000 people in the streets on 1 July 2003. A consequence of the march was that the Bill was eventually withdrawn. Its other consequence was that, a year later, the Chief Executive, Tung Chee-hwa, stepped down for reasons of “ill health”, and was replaced by Donald Tsang the present Chief Executive. So legislative drafting is no joke in Hong Kong.

The Basic Law: Hong Kong's constitution

Hong Kong's constitutional arrangements are unique. In consequence, its legislative process and practice are similarly unique. Nevertheless, Hong Kong does have a great deal in common with many other jurisdictions that are also derived from the Westminster system.

This means, broadly speaking, Hong Kong's aims regarding legislative drafting are similar, and the rules and procedures governing the legislative process are similar. Most politicians are in Parliament because they want to influence public policies which implement certain values, and policies frequently require legislative underpinning. Of course, sometimes a situation has arisen which provokes a social outcry that politicians should ‘do something’, or that ‘there should be a law against it!’, and passing a law becomes the substitute for real action or policy. Personally, I hope that this does not happen too often, because law made under such circumstances lacks circumspection.

The role and operation of the Hong Kong Legislative Council

The political aims of Hong Kong's legislators are quite distinctive, in my view, because of Hong Kong's particular political circumstances and recent history. The fact of transfer of sovereignty from Britain to China has dominated us for the past 30 years: from the first Sino-British talks on the future of Hong Kong and the run-up to 1997, and then from the establishment of the HKSAR under the Chinese Constitution from the 1 July 1997 to today. We are still in that process of establishing the HKSAR under our “mini-constitution” the Basic Law, and in the totally uncharted waters of “one country, two systems”. Thus, much of our political aims have to do with institution building, including the legislature itself as an institution, to adapt to Chinese sovereignty on the one hand and, on the other hand, to preserve the fundamental values such as the rule of law, democracy, and individual rights and freedoms.

Although LegCo has adopted the Westminster style of rules and procedure and even some of the language – such as the absurd title of “the Honourable”, there are missing blocks in the structure, the most obvious one being a workable party system. The large number of unaffiliated members, of course, affects the way LegCo can realistically conduct its business, including the core business of legislation at every step.

Also arising from our historical and constitutional background, LegCo is not divided by political creeds reflecting class interests. The Government is appointed, not elected⁴ and has no seat in LegCo. LegCo is elected by a large variety of methods, and split into geographical constituency seats and functional constituency seats, but politically divided into the “pro-Government” or

⁴ The Chief Executive of the HKSAR is nominated and elected by an Election Committee of 800 and appointed by the Central People's Government. The appointment is a substantive exercise of power and not merely formal or nominal.

“pro-China camp”, which may be counted to support the Government and Beijing, and is opposed to challenges of their authority; and the “pan-democrats” or the “opposition camp”, who press for democracy, advocate universal human rights and mistrust the SAR Government and Central Authorities.

I have annexed to the text of this speech some essential features of the composition, voting procedure and powers of LegCo (See Appendices I, II and III), and I invite you to bear them in mind.

Quite apart from social policies, then, there is the underlying programme of pushing for democracy and autonomy on one side of the House, and maintaining supremacy of the executive authority, particularly Beijing's authority, on the other side of the House. Since the Government has no seat in LegCo and the Chief Executive is not allowed to belong to any political party, it has to push its proposals through LegCo through influence and patronage. The outcome may be reasonably assured, but the process is, I am sure, exhausting. Government officials have frequently complained that the so-called “pro-Government camp” is even harder to deal with than the so-called “opposition camp”.

The legislative process

From this very rough sketch, it can be seen that interests in LegCo are highly complex and fragmented. Politics is notoriously short-term anywhere in the world. In Hong Kong it can be even more short-term and volatile. This brings in a large measure of unpredictability. It also means that the heart of parliamentary business – the enactment of laws – is a lengthy and tortuous business.⁵ Members can be overly cautious sometimes, and insufficiently painstaking at other times. The Government, for a variety of reasons, is rarely flexible enough to take members' concerns into account. In recent years, scared of amendments moved by members, Bills have tended to be drafted with greater and greater rigidity, all to ensure that the number of issues that can be considered to fall within its scope is minimised.

To both officials and members, the legislative process can be very frustrating. It can be a huge waste of expensive time and effort on all sides, including the drafting team and the LegCo Legal Services Division. The end product of such a process is often a clumpy piece of legislation which nobody is happy with.

In dealing with a Bill, the legislators and the Government may focus on different things. Legislators want to know the impact on the public, especially their electorate. The Government is mostly concerned with administrative convenience and the needs of the particular department responsible for its implementation. Many clashes between legislators and Government originate from this difference of focus. When the Government is exclusively concerned with its own political aims, especially when it is pressed for time, there can be serious oversight.

⁵ See Table A and Table B appended which set out the length of deliberations in Bills committees.

Revenue (Abolition of Estate Duty) Bill

One example of this is the *Revenue (Abolition of Estate Duty) Bill 2005*. In his budget speech on 16 March 2005, the Financial Secretary proposed to abolish estate duty. He wanted that to come into effect in July. The Bill that he introduced on 11 May 2005 purported to abolish the then existing Estate Duty Ordinance, but overlooked the whole probate practice which underpinned by the EDO, and which effectively protected beneficiaries of a deceased's estate. In the end, the Bill that was passed, without any prior consultation, introduced a new scheme that had far-reaching effects for ordinary families and not just those who died billionaires.

The “Spy Bill”

A much more dramatic example is the *Interception of Communications and Surveillance Bill 2006*.⁶ The Government's law enforcement agencies such as the police and the Independent Commission Against Corruption (ICAC) had been telephone-tapping without lawful authority, contrary to Article 30 of the Basic Law. Judicial review proceedings were brought. The Government lost before the Court of First Instance, lost again on appeal and also on appeal to the Court of Appeal, and had to have a law enacted before the suspension of the court's declaration expired. The Government rushed to push through legislation in a matter of month.

The subject matter of the Bill was politically sensitive. It was feared that people with unwelcome political views will be interfered with. The “pan-democrats” were up in arms because the Government showed itself to have scant respect for privacy of communication, in defiance of basic rights. The “pro-Government” groups were determined to overcome opposition and ensure that Government law enforcement agencies have the power they wanted to investigate crime and threats against security. The Secretary for Justice played only a backroom role. The Secretary for Security was the minister who sponsored the Bill, but the police and ICAC, the main operator of wiretapping, were the real driving force.

The Bill introduced a two-tier system of authorization. Wiretapping required the authorization of a ‘panel judges’ appointed in an administrative and not juridical role. The whole system operates in secret, but a Justice of Appeal, again appointed in an administrative capacity as Commissioner, is given certain powers to monitor the implementation of the system and report to the Chief Executive.

During the intensive vetting process, many ambiguities and gaps were pointed out, and numerous amendments were suggested, but the Government was unwilling to accept most of the material suggestions. Second reading debate was resumed just before the deadline. The debate took 58 hours, spread over 3 days. The Government moved 189 amendments, all of which were passed; members moved 187 amendments, all of which were defeated. Most legislators could not, and the pro-government members did not, follow the debate. The public had little idea of what happened, but a survey of “opinion leaders” by the SCMP was highly critical of the Bill.

The Government paid a heavy price. In February this year, the Commissioner reported

⁶ This Bill was referred to as the “spy Bill” for short.

'irregularities', notably by the ICAC. The public learnt that the ambiguities of some provisions resulted in ICAC officers disregarding the views and orders of the panel judges and the Commission where the ICAC took a different view of what the law meant. The disclosure and obvious dissatisfaction of the Commissioner put the integrity of the ICAC in question.

To say the very least, the rush plus rigidity to meet an immediate need make poor legislation. The rush is not confined to the vetting process. Often, the Government's procrastination means a decision is not made until late in the day, uncertain drafting instructions are thrust upon the Law Draftsman, and things are turned upside down when the Bill goes to LegCo.

It is worth pointing out that a member who moves an amendment to a Bill is responsible for drafting it. The draft is vetted by LegCo's Legal Services Division for language and technical correctness. It was no small task for me to draft the 120 amendments in two languages within the short time available, and I would not have done so if I had not felt it was a matter of fundamental principle.

How amendments to Bills are dealt with

By our rules, an amendment that has the support of the majority in a Bills committee is drafted by the Legal Services Division. I have that luxury as Chairman of the Bills Committee when we considered the *Race Discrimination Bill* in 2007. There was no dire pressure of time in this case, but the Government's rigidity about the provisions was extreme. Government officials just repeated set responses verbatim when confronted with queries and criticism.

In that case, there was a large degree of consensus among members of the Bills committee in favour of greater racial equality. Not only is this a basic right, but minorities are becoming an important constituency. My belief is that the Government's rigidity stems from its inability either to promote racial equality across the board in its departments or in the community where racial discrimination is deep seated and pervasive, though not often manifest directly or viciously.

Naturally, most Bills are relatively mundane and passed without even a Bills Committee being formed. On my own count, from 1995 to 2008, a total of 127 Bills committees were formed of which many were short and uncontentious.

Mainland Judgment (Reciprocal Enforcement) Bill

My last example is chosen to give the story a happy ending. The *Mainland Judgment (Reciprocal Enforcement) Bill* was, admittedly, a "technical" Bill that put into effect an agreement between the mainland of China and the HKSAR on the mutual enforcement of judgments in certain types of cases and under a set of conditions. It was nevertheless of great symbolic significance and the vetting required meticulous care because our two systems of law are profoundly different, and if mainland judgments can reach property in Hong Kong, we have to be sure that there is clear justification and adequate safeguards. On the other hand, links with mainland courts are inevitable and desirable for good reasons.

A number of amendments resulted from the vetting process, all of which were agreed and considered to be improvements. The reason for the smooth process was undoubtedly the knowledgeable Government team and their good working relationship with the mainland

officials responsible for the mutual enforcement agreement in the first place. Perhaps there is one other reason. Being “technical”, the Bill was thought to be boring and has no political appeal. The lack of excitement was conducive to rational scrutiny!

Conclusion

Let me conclude with a few observations and some pious hopes. I am here giving you only this lawmaker's perspective and cannot speak for others.

It is essential to the rule of law and so a categorical imperative with our profession that no law should be passed which does not conform to the fundamental principles of clarity, accessibility, constitutionality and due process. By constitutionality I mean particularly due regard for the rights of the individual under the constitutional settlement. By clarity and accessibility I mean the same as King James I when he said: “Every subject ought to understand the law under which he lives”. If the law is meant to be obeyed other than as an instrument of tyranny, then it must be based on consensus, and to be based on consensus, it must first be understood. By due process I mean not just the letter of the rules of procedure, but first of all, consensus through consultation and rational debate, and secondly the fairness that underlies these rules and procedures.

I believe that much of the problems of Hong Kong's legislation have to do with the fact that the legislative process has become almost unmanageable. But to make it manageable the Government must recognise the proper political interest of the legislator, and be prepared to come to a reasonable settlement at the stage the policy is being formulated, before law drafting even begins. Then, once the process has begun, it must go at a good pace without losing its momentum. To achieve that, sensible decisions have to be made along the way, and this can happen only if there is sufficient trust and give and take. When consultation in broad general conceptual terms is inadequate and may lead to mistrust and controversy, the publication of a ‘white Bill’⁷ is often a good idea, and I urge that Government to make more use of it.

I have long advocated a process for LegCo whereby the Government takes seriously the obligation to consult the legislature on its policies and for legislators to indicate their support or opposition, and take responsibility for it, so that drafting can proceed on the firm basis of that bargain. A Bill that correctly implements that bargain should in the main be supported. Such a Bill will have a much better chance of being a cogent piece of legislation, and then we need not look to interminable debates to fit in or reject illogical or prolific amendments.

In the context of Hong Kong's present political framework, I believe this simple proposal may not be entirely practicable. That is one of the main reasons why I think the sooner the SAR Government and Beijing make up their minds to give Hong Kong democracy the better it will be for the integrity of our legal system. In the interim, I believe the following steps can bring improvement to the efficiency of the process and quality of the product:

⁷ I.e. a draft bill intended for public consultation.

- More communication between the legislators and the drafting team to give legislators a better understanding of law drafting.
 - Greater discipline instilled into policy bureaux to keep to a viable timetable from drafting instructions to the final draft.
 - Greater use of white Bills for consultation where the technical language is material.
 - Simpler and more accessible drafting, including the development of a more felicitous Chinese drafting language.
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Appendix 1

Margaret Ng's involvement in Bills committees 1995 – 2009 (as at 31.3.09)

Total number of Bills committees on which she sat as member: 128

The total number of Bills committees on which she served as Chairman: 43

1995 - 1997⁸

**	Legal Aid Services Council (No/2) Bill
**	Intellectual Property (World Trade Organization Amendments Bill) 1995
**	Costs in Criminal Cases Bill
**	Rehabilitation of Offenders (Amendment) Bill 1995
**	Crimes (Amendment) Bill 1995
**	Immigration (Amendment) Bill 1995
**	Criminal Procedure (Amendment) Bill 1996
**	Mental Health (Amendment) Bill 1996
**	Immigration Service (Amendment) Bill 1996
**	Coroners Bill
**	Legal Practitioners (Amendment) Bill 1996
**	Evidence (Amendment) Bill 1996
**	New Territories Lands Exchange Entitlements (Redemption) Bill
*	Legal Services Legislation (Miscellaneous Amendments) Bill 1996
*	Independent Police Complaints Council Bill

⁸ * Served as Chairman;

** Served as Deputy Chairman

	Patents Bill
	Crimes (Amendment) (No.2) Bill 1996
	Official Secrets Bill
	Government Rent (Assessment and Collection) Bill
	Immigration (Amendment) Bill 1997
	Copyright Bill
	Supreme Court (Amendment) Bill 1997
	Registered Design Bill
	Jury (Amendment) Bill 1997
**	Long Term Prison Sentences Review Bill
	Mutual Legal Assistance in Criminal Matters Bill

1998 – 2000

*	Evidence (Amendment) Bill 1998
	Securities (Amendment) Bill 1998
	Securities (Insider Dealing) (Amendment) Bill 1998
	Adaptation of Laws Bill 1998
	Adaptation of Laws (No. 2) Bill 1998
	Adaptation of Laws (No. 3) Bill 1998
	Adaptation of Laws (No. 4) Bill 1998
	Adaptation of Laws (No. 6) Bill 1998
*	Theft (Amendment) Bill 1998
	Adaptation of Laws (No. 12) Bill 1998
*	Legislative Council (Amendment) Bill 1999
*	Interpretation and General Clauses (Amendment) Bill 1999
	Adaptation of Laws (No. 5) Bill 1999
*	Adaptation of Laws (No. 9) Bill 1999
	Revenue Bill 1999
	Trade Marks Bill
	Adaptation of Laws (No. 16) Bill 1999
	Statute Law (Miscellaneous Provisions) Bill 1999
	Legal Practitioners (Amendment) Bill 1999
*	Evidence (Amendment) Bill 1999
*	Arbitration (Amendment) Bill 1999
*	Adaptation of Laws (No. 10) Bill 1999
*	Legal Aid (Amendment) Bill 1999
*	District Court (Amendment) Bill 1999
*	Companies (Amendment) Bill 2000
	Road Traffic (Amendment) Bill 2000
**	Family Status Discrimination (Amendment) Bill 2000

2000 - 2004

	Immigration (Amendment) Bill 2000
	Drug Trafficking and Organized Crimes (Amendment) Bill 2000
	Adaptation of Laws Bill 2000
*	Securities and Futures Bill
	Banking (Amendment) Bill 2000
**	Land Registration (Amendment) Bill 2000
**	Chief Executive Election Bill
	Revenue Bill 2001
	Revenue (No.2) Bill 2001
	Revenue (No.3) Bill 2001
	Copyright (Suspension of Amendments) Bill 2001
*	Boilers and Pressure Vessels (Amendment) Bill 2001
*	Massage Establishments (Amendment) Bill 2001
	Mandatory Provident Fund Schemes (Amendment) Bill 2001
*	The Ombudsman (Amendment) Bill 2001
	Hong Kong Court of Final Appeal (Amendment) Bill 2001
	Statute Law (Miscellaneous Provisions) Bill 2001
	Companies (Corporate Rescue) Bill
	Inland Revenue (Amendment) Bill 2001
	Juvenile Offenders (Amendment) Bill 2001
	Inland Revenue (Amendment) (No. 2) Bill 2001
*	Immigration (Amendment) Bill 2001
*	Adaptation of Laws Bill 2001
*	Copyright (Amendment) Bill 2001
*	Interest on Arrears of Maintenance Bill 2001
*	Registration of Persons (Amendment) Bill 2001
*	Prevention of Child Pornography Bill
*	Revenue Bill 2002
	Revenue (No. 2) Bill 2002
*	United Nations (Anti-Terrorism Measures) Bill
	Land (Miscellaneous Provisions) (Amendment) Bill 2002
	Evidence (Miscellaneous Amendments) Bill 2002
	Land Titles Bill
	Copyright (Amendment) Bill 2003
*	National Security (Legislative Provisions) Bill
	Legislative Council (Amendment) Bill 2003
	Buildings (Amendment) Bill 2003
*	Deposit Protection Scheme Bill
	United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003
	Public Officers Pay Adjustments (2004/2005) Bill
	Adoption (Amendment) Bill 2003
*	Criminal Procedure (Amendment) Bill 2004
**	Merchant Shipping (Security of Ships and Port Facilities) Bill

2004 – 2008

*	Trade Descriptions (Amendment) Bill 2004
	Transfer of Sentenced Persons (Amendment) (Macau) Bill
	Statute Law (Miscellaneous Provisions) Bill 2005
*	Aviation Security (Amendment) Bill 2005
*	Securities and Futures (Amendment) Bill 2005
*	Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill
	Building Management (Amendment) Bill 2005
	Revenue (Abolition of Estate Duty) Bill 2005
	Civil Aviation (Amendment) Bill 2005
	Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill
	Accreditation of Academic and Vocational Qualifications Bill
	Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Bill
*	Copyright (Amendment) Bill 2006
*	Interception of Communication and Surveillance Bill
*	Safety of United Nations and Associated Personnel Bill
	Race Discrimination Bill
	Employment (Amendment) Bill 2006
	Shenzhen Bay Port Hong Kong Port Area Bill
	Mainland Judgment (Reciprocal Enforcement) Bill
	Patent (Amendment) Bill 2007
	Statute Law (Miscellaneous Provisions) Bill 2007
	Civil Justice (Miscellaneous Amendments) Bill 2007
	Attachment of Income Order (Application to Government and Miscellaneous Amendments) Bill 2007
*	Domestic Violence (Amendment) Bill 2007
*	Independent Police Complaints Council Bill
*	Prevention of Bribery (Amendment) Bill 2007
	Legislative Council (Amendment) Bill 2007
*	Prevention and Control of Disease Bill
*	Trade Descriptions (Amendment) Bill 2007
*	West Kowloon Cultural District Authority Bill
	Statute Law (Miscellaneous Provisions) Bill 2008

2009

*	Adaptation of Laws Bill 2009
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Total number of Bills: 128 (43 as Chairman)

Appendix 2

Subcommittees on Subsidiary Legislation

1995-1997

	Subcommittee on the Immigration (Amendment) Bill 1996 Subcommittee on the Resolution under Section 100A of the Interpretation and General Clauses Ordinance (Cap.1) Subcommittee on Sewage Services (Sewage Charge) (Amendment) Regulation 1996 and Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 1996
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1998-2000

*	Subcommittee on five resolutions made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap.525) Subcommittee on Public Revenue Protection (Revenue) Order 1999 Subcommittee on resolution under the Immigration Ordinance Subcommittee to study issues relating to the tabling of Subsidiary Legislation in Legislative Council Subcommittee on Immigration (Amendment) Regulation 1999 Subcommittee to study the Italy Order, the South Korea Order and the Switzerland Order made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap.525)
*	Subcommittee on Rules of the District Court and District Court Civil Procedure (Fees) (Amendment) Rules 2000 (Chairman)

2000-2004

*	Subcommittee on Solicitors (Professional Indemnity) (Amendment) Rules 2001 © Subcommittee on Attachment of Income Order (Amendment) Rules 2001
*	Subcommittee on Fugitive Offenders (Sri Lanka) Order and Fugitive Offenders (Portugal) Order Subcommittee on Mutual Legal Assistance in Criminal Matters (Canada) Order, Mutual Legal Assistance in Criminal Matters (Philippines) Order and Mutual Legal Assistance in Criminal Matters (Portugal) Order Subcommittee on the Resolution of the Board of Directors of the Po Leung Kuk Subcommittee on Revenue (Variation and Reduction of Fees and Charges) Order 2002 Subcommittee on Solicitors (Group Practice) Rules Subcommittee on Solicitors (Professional Indemnity) (Amendment) Rules 2001 Subcommittee on United Nations Sanctions (Afghanistan)(Amendment) Regulation 2002 & United Nations Sanctions (Angola)(Suspension of Operation) Regulation 2002 Subcommittee on the draft Criminal Jurisdiction Ordinance (Amendment of section 2(2)) Order 2002 Subcommittee on the motion to amend the Resolution of the Land Fund under section 29 of the Public Finance Ordinance (Cap. 2) Subcommittee on the Mutual Legal Assistance in Criminal Matters (Ireland) Order and the

*	Mutual Legal Assistance in Criminal Matters (Netherlands) Order
*	Subcommittee on Patents (General) (Amendment) (No.2) Rules 2002
*	Subcommittee on Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003
*	Subcommittee on Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) Order 2003 and Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2003
*	Subcommittee on Rules of the High Court (Amendment) Rules 2003
*	Subcommittee on Trade Marks Rules and Trade Marks Ordinance (Cap.559) (Commencement) Notice 2003
*	Subcommittee on United Nations Sanctions (Afghanistan)(Amendment) Regulation 2002 and United Nations Sanctions (Angola)(Suspension of Operation) Regulation 2002
*	Subcommittee on Commencement Notices under the Chinese Medicine Ordinance, Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation
*	Subcommittee on the draft Criminal Jurisdiction Ordinance (Amendment of section 2(2)) Order 2002
*	Subcommittee on proposed resolution under section 7(a) of the Legal Aid Ordinance
*	Subcommittee on the Mutual Legal Assistance in Criminal Matters (Ukraine) Order and the Mutual Legal Assistance in Criminal Matters (Singapore) Order
*	Subcommittee on Summary Disposal of Complaints (Solicitors) Rules
*	Subcommittee on United Nations Sanctions (Liberia) Regulation 2003

2004-2008

*	Subcommittee to Study Four Items of Subsidiary Legislation under the Road Traffic Ordinance
*	Subcommittee on Mutual Legal Assistance in Criminal Matters (Belgium) Order and Mutual Legal Assistance in Criminal Matters (Denmark) Order
*	Subcommittee on Proposed Resolutions under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) and Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)
*	Subcommittee on Subsidiary Legislation Relating to Consular Matters
*	Subcommittee on Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order
*	Subcommittee on Fugitive Offenders (Finland) Order
*	Subcommittee on Mutual Legal Assistance in Criminal Matters (Poland) Order and Mutual Legal Assistance in Criminal Matters (Israel) Order
*	Subcommittee on Fugitive Offenders (Germany) Order and Fugitive Offenders (Republic of Korea) Order
*	Subcommittee on Fugitive Offenders (Malaysia) (Amendment) Order 2007 and Fugitive Offenders (Suppression of the Financing of Terrorism) Order
*	Subcommittee on Mutual Legal Assistance in Criminal Matters (Germany) Order
*	Subcommittee on Mutual Legal Assistance in Criminal Matters (Malaysia) Order
*	Subcommittee on Official Languages (Alteration of Text under section 4D) (Miscellaneous) Order 2007
*	Subcommittee on Subsidiary Legislation to Implement the Obligations under the United Nations Convention Against Corruption
*	Subcommittee on Subsidiary Legislation Relating to the Shenzhen Bay Port Hong Kong Port Area
*	Subcommittee on Securities and Futures (Contracts Limits and Reportable Positions)

	(Amendment) (No.2) Rules 2007
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Appendix 3

LegCo members' power to introduce Bills and amendments

Under Article 74 of the Basic Law—

- Members may introduce Bills in accordance with the provisions of the Basic Law and legal procedures;
- Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced;
- Bills relating to government policies can be introduced only with the written consent of the Chief Executive.

Under the Rules of Procedure passed by LegCo—

Amendments

LegCo does not regard Art. 74 to intend to refer to amendments of Bills. However, the following restrictions are imposed under Rule 57 (4) of the Rules of Procedure:

- An amendment must be 'relevant' to the subject matter of the Bill (the 'scope' rule);
- An amendment the object or effect of which is to dispose or charge the revenue or other public moneys can be proposed only with the approval of the government (the 'charging effect' rule).

Table A^s

<i>Term</i>	<i>Total Bills studied by Bills Committees (names of Bills in Appendix I)</i>	<i>Duration of scrutiny (number of days between date of First Reading and date of passage)</i>		
		<i>Longest</i>	<i>Shortest</i>	<i>Average</i>
1995 - 1997	94	533	20	207
1997 - 1998	27	131	8	50
1998 - 2000	71	644	28	192
2000 - 2004	105	1 319	22	290

2004 - 2008	72	719	22	235
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Table B[§]

<i>Term</i>	<i>Longest duration</i>		<i>Shortest duration</i>	
	<i>Days</i>	<i>Bill (further details in Appendix II)</i>	<i>Days</i>	<i>Bill (further details in Appendix II)</i>
1995 - 1997	533	Estates Agents Bill	20	Judicial Service Commission (Special Provision) Bill 1997
1997 - 1998	131	Occupational Deafness (Compensation) (Amendment) (No. 2) Bill 1997	8	Legislative Provisions (Suspension of Operation) Bill 1997
1998 - 2000	644	Human Reproductive Technology Bill	28	Human Organ Transplant (Amendment) Bill 1999
2000 - 2004	1 319	Inland Revenue (Amendment) Bill 2000	22	Inland Revenue (Amendment) Bill 2001
2004 - 2008	719	Building Management (Amendment) Bill 2005	22	Mandatory Provident Fund Schemes (Amendment) Bill 2008

§ Courtesy of the LegCo Secretariat
