

立法會
Legislative Council

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Paper for the House Committee meeting on 1 June 2001

Committee on Rules of Procedure

**Consultation Paper on
Debate on the Policy Address**

Purpose

This paper seeks Members' views on an alternative mode of debate on the Policy Address delivered by the Chief Executive (CE) at the beginning of a legislative session.

Background

2. Under Rule 13 (The Chief Executive's Policy Address) of the Rules of Procedure, CE shall deliver a Policy Address to the Council, if he so wishes, at the first meeting of a session, and that a motion may be moved to thank CE for his address at a meeting not less than 14 days after the address has been presented. The motion shall be moved in the form of "That this Council thanks the Chief Executive for his address.". Amendments may be moved to the motion only by way of adding words at the end of the motion.

3. The Committee on Rules of Procedure (the Committee) was invited to review the current procedure in relation to the Motion of Thanks having regard to the function of the Legislative Council to receive and debate the Policy Addresses of CE under Article 73(4) of the Basic Law. It was also requested to review the appropriateness of the present wording of the Motion and the arrangement of allowing amendments to the motion only by way of adding words at the end of the motion.

4. During the review of the procedure, the Committee made reference to the relevant practices in the United Kingdom (UK), Canada and Australia. The practice in the United States is not applicable as their rules and customs do not provide for responses or replies by the Congress to the President's State of the Union Address.

The tradition of moving a Motion of Thanks after a Policy Address

5. Prior to July 1997, a Legislative Council session commenced in October each year with the Governor delivering the Policy Address at the first sitting. A Motion of Thanks would then be moved to thank the Governor for his address. This practice which had been provided for in the Standing Orders since 1968 was based on the practice in UK where a session of the Parliament is opened by the Queen's Speech which sets out the Government's business, including the legislative programme, for the session. After the Queen's Speech has been read, an Address in Reply is moved and seconded by two government back-benchers in the form of a motion expressing thanks to the Queen for her Speech. The Address in Reply in the House of Commons in Canada and that in the House of Representatives in Australia are also moved in the form of a motion with similar wording.

6. As regards amendments to the Motion of Thanks, the practice in the Hong Kong Legislature also models on that in UK. In the House of Commons in UK, amendments to the Address in Reply may be moved in the form of an addition of words to the Address. Amendments are usually moved by opposition Members, and they are usually critical of the government. The practice in the House of Commons in Canada and the House of Representatives in Australia is also similar. Amendments to the Address in Reply are used by the Opposition for the purpose of challenging government policies or actions. In the case of Hong Kong, it had all along been laid down in the Standing Orders of the previous Legislative Council that amendments might be moved to the Motion of Thanks only by way of adding words at the end of the motion. The same provision is adopted in the current Rules of Procedure.

Appropriateness of the current arrangement

7. The Committee finds that the delivery of a Policy Address is now an obligation of CE under the Basic Law and the Legislative Council has the duty to receive and debate it. As the present rules only provide for a debate to take place after a motion has been moved and the President to propose the question thereon, the current arrangement of debating the Policy Address upon a motion is not inconsistent with the Basic Law.

8. The Committee has considered the wording of the motion, in particular if it is more appropriate to adopt a neutrally worded motion. In this connection, some members consider that although the delivery of a Policy Address is an obligation of CE, the Council could still thank CE for his address. They therefore do not see any need to change the wording. Another suggestion is to change the wording of the motion to "That this Council supports the Policy Address of the Chief Executive" so that there will be an indication of the Council's stance on CE's Policy Address at the end of the debate. Some members however consider that the responsibility of the Legislative Council is to receive and debate the Policy Address. The wording of the

motion should therefore only reflect that the Council has carried out its duty instead of indicating any stance on the address. A more neutrally worded motion: "That this Council takes note of the Policy Address of the Chief Executive" has been put forward.

9. The Committee notes that the idea of providing a more neutrally worded motion is to enable the motion to be passed more easily. The word "thanks (感謝)" gives the impression of support and is more likely to lead to a defeat of the motion if different Members are not happy with different aspects of the Policy Address. The majority of members of the Committee consider that the change of the wording to some neutral wording such as "takes note of (察悉)" could not on the one hand remove the possibility of the motion being negated; and would give rise to more confusion if the motion were defeated on the other. The majority of members also do not consider it appropriate to adopt the word "supports (支持)" in place of "thanks (感謝)".

10. In the circumstances, the Committee concludes that the present wording of the motion, i.e. "That this Council thanks the Chief Executive for his address", should be retained. The Committee also considers that the motion should continue to be moved by the Chairman of the House Committee.

Review of the current mode of debate on the Policy Address

11. While reviewing the current procedure for debating the Policy Address (**Appendix I**), the Committee sees the need to make the debate more substantial and meaningful. In this connection, the Committee finds the practice in other jurisdictions such as UK worth referring to as the debate allows Members to speak on specific policy areas on specified days of the debate period with the Minister concerned responding at the end of the debate on a specific policy area. A general debate on cross-subject issues or general policies takes place on the last day at the end of which amendments to the motion and the motion are voted on.

12. The Committee considers that structuring the debate by policy areas has the merits of making the debate more focused and efficient. Furthermore, under the current arrangement, it is not possible to expect all government officials to be in attendance throughout the entire debate as Members are free to speak on any aspects of the Policy Address, or even issues not covered in the address. By structuring the debate, it will be easier for both Members and government officials to be more focused on specific policies during each session of the debate.

Procedure

13. The Committee proposes a six-day debate on the Policy Address, as follows:

- (a) After CE has delivered his Policy Address at the first Council meeting, the Chairman of the House Committee will give notice not later than the following day to move a motion to debate the Policy Address at the second Council meeting; notice of amendments to the motion should be given not later than two clear days before the day on which the motion is moved;
- (b) At the second Council meeting, the Chairman of the House Committee moves the motion; debate by specific policy areas will commence and continue for five consecutive working days except Saturday. Each day of debate, which is regarded as a session of the debate, will start at 2:30 pm. Members will speak on the specific policy area(s) until a specified time, e.g. 9:00 pm after which the Bureau Secretaries concerned are expected to respond. Bureau Secretaries may speak more than once in each session so that they have the chance to explain their policies in the earlier part of the debate session; and
- (c) On the sixth day, a general debate will take place. Members may speak on overall government policies and programmes. At the end of the debate, amendments by adding words at the end of the motion, if any, will be moved and voted upon but no debate on the amendments will be allowed. The motion, or the motion as amended, will then be voted on.

14. Some members have expressed reservation on the number of sessions for the debate on specific policy areas. The Committee has no strong views on the number of days required but for the purpose of illustration, five days are used to explain the procedure in the foregoing paragraphs. Members' views are invited on the number of sessions required.

Grouping of policy areas

15. The Committee proposes that the debate on each group of policy areas should start on a new day. Five groups of policy areas will have to be determined. In this connection, the Committee has considered various options but has come to the view that the grouping of policy areas should be determined beforehand in consultation with the Administration. Where possible, the grouping should be spelt out in the Rules of Procedure or the House Rules. An example of the possible grouping is as follows:

- 1st group : Administration of Justice and Legal Services, Constitutional Affairs, Security, and Public Service;
- 2nd group : Commerce and Industry, Economic Services, and Financial Affairs;
- 3rd group : Environmental Affairs, Food Safety and Environmental Hygiene, and Health Services;
- 4th group : Education, Manpower, Welfare Services, Home Affairs, and Information Technology and Broadcasting; and
- 5th group : Housing, Planning, Lands and Works, and Transport.

16. The Committee has also examined the feasibility of determining the grouping of policy areas for the debate each time after the delivery of the Policy Address, but considered it not viable in view of the limited time available for thorough discussion among Members and consultation with the Administration.

Speaking time limits

17. The Committee proposes that a Member may speak not more than once in each session of the debate, and in the general debate, but the points made in his previous speeches should not be repeated in the speech at the general debate. To facilitate the efficient conduct of the debate, the Committee considers it important to impose a speaking time limit on a Member's speech on each occasion, such as the seven-minute rule. However, the Committee also recognizes that longer speaking time may be needed for a Member to speak on the group of policy areas which is of his utmost concern. To cater for this need, a possible option may be to apply the seven-minute rule, but allow each Member to select a group of policy areas on which he may speak for not more than 15 minutes. Prior notice to the President is required.

18. The Committee has not come to a definitive view on the issue and would welcome any views from Members.

Policy briefings for Panels

19. The Committee considers that with the new mode of debate on the Policy Address, the current practice of individual Panels conducting special meetings to receive policy briefings from the Bureau Secretaries concerned before the debate should be discontinued. Individual Panels may, if considered necessary, invite the Bureau Secretaries concerned to brief members on their policy objectives at a regular meeting of the Panel in the beginning of a session.

20. Nevertheless, the Administration should continue to issue the "Policy Objectives" for their respective policy bureaux to Members after the Policy Address.

Quorum

21. The Committee observes that the proposed arrangement for debating the Policy Address will no doubt impose more pressure on Members as the debate will take a total of six days to complete. To maintain a quorum throughout the six-day debate will require Members' full commitments.

Advice sought

22. Members are invited to give views on the proposed arrangements set out above.

23. Subject to any views Members may have, the Committee will proceed to consult the Administration on the proposed arrangement with an aim to implement the arrangement on a trial basis when the next session commences in October 2001.

Council Business Division 1
Legislative Council Secretariat
29 May 2001

Motion to debate the Policy Address

Current procedure for a three-day debate

Council meeting

Procedure

First Council meeting of a session

CE delivers his Policy Address.

Printed copies of "Policy Objectives" for individual bureaux issued to all Members.

The day following the delivery of the Policy Address

CE answers questions on the Policy Address raised by Members at a Council meeting.

Within 10 days from the delivery of the Policy Address

Panels conduct special meetings to receive policy briefings from Bureau Secretaries.

7 clear days before the third Council meeting

Chairman of House Committee gives notice of the Motion of Thanks.

5 clear days before the third Council meeting

Deadline for giving notice of amendments.

Third Council meeting (two consecutive days)

First day

- (a) Chairman of House Committee moves the Motion of Thanks.
- (b) Mover of amendment(s) moves the amendment(s).
- (c) Members speak on the motion and amendment(s).

Second day

- (a) Members speak on the motion and amendment(s).
- (b) Chairman of House Committee moves that the debate on the motion be adjourned to the following Council meeting.

Fourth Council meeting

Last day

Debate on the motion is resumed -

- (a) Chairman of House Committee speaks on the amendment(s).
- (b) Individual government officials respond to Members' views.
- (c) Voting on the amendment(s).
- (d) Chairman of House Committee gives reply in conclusion of debate.
- (e) Voting on the motion (or motion as amended).

Motion to debate the Policy Address

Proposed procedure for a six-day debate

<u>Day of the week</u>	<u>Procedure</u>
Wednesday (1 st week)	The Chief Executive delivers his Policy Address at the first Council meeting.
Thursday (1 st week)	Deadline for giving notice of motion to debate the Policy Address.
Saturday (1 st week)	Deadline for giving notice of amendments to the motion.
Wednesday, Thursday and Friday (2 nd week), and Monday and Tuesday (3 rd week)	The Chairman of House Committee moves a motion to debate the Policy Address at the second Council meeting. The debate will last six days. The first five days will be divided into sessions, with each session focusing on specific policy area(s). The Bureau Secretaries concerned are expected to respond at each session.
Wednesday (3 rd week)	<p>The debate on the last day is a general debate on overall government policies and programmes.</p> <p>Amendments, if any, will be moved and voted upon towards the end of the debate but no debate will be allowed on the amendments. The motion, or the motion as amended, will then be voted on.</p>