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**Paper for the House Committee meeting
on 29 June 2007**

Committee on Rules of Procedure

**Proposed amendments to the Rules of Procedure
regarding the speaking order of designated public officers
during motion debates initiated by Members**

Purpose

This paper invites the House Committee (HC) to endorse the amendments to the Rules of Procedure (RoP) proposed by the Committee on Rules of Procedure (CRoP) regarding the speaking order of designated public officers during motion debates initiated by Members, which are held at meetings of the Legislative Council (LegCo).

Background

2. At the suggestion of Hon Martin LEE, CRoP reviewed the speaking order of designated public officers during motion debates initiated by Members. Under the current arrangement, a designated public officer attending a motion debate initiated by a Member is called upon by the President to speak towards the end of the debate to respond to Members' views expressed during the debate. Under RoP 38(8), designated public officers may speak a second time during debates on Members' motions.

3. Mr LEE proposed that during a motion debate, after the mover of the motion and mover(s) of amendment(s), if any, has spoken, the designated public officer should speak to state or explain the Administration's stance on the motion and the amendment(s). After all those Members who wish to speak at the debate have spoken, the public officer should speak again to respond to Members' views. Mr LEE considered that this would enable Members to express views on the Administration's stance during the debate, and the Administration would better understand Members' views. The debate would thus be more focused and meaningful.

CRoP's deliberation and recommendation

Proposed speaking arrangement

4. CRoP is of the view that a designated public officer attending a motion debate initiated by a Member should speak twice during the debate, i.e. in the early part of the debate to state or explain the Administration's stance on the motion and the amendment(s), if any, and towards the end of the debate to respond to Members' views expressed during the debate, so that the debate would be more focused and meaningful.

5. CRoP is aware that if designated public officers are willing to speak twice during motion debates, there is no need to amend RoP to make the proposed speaking order a standing arrangement. In fact, on behalf of Members, the HC chairman had put forward a similar proposal to the Chief Secretary for Administration (CS) in November 1998 and April 1999. CS responded on both occasions that the Administration did not see the need for changing the speaking arrangement of public officers in motion debates, as it considered that the established practice had worked well and best served the purpose. However, CRoP notes that designated public officers have only on very rare occasions spoken twice during debates on Member's motions in the past. CRoP decides that the relevant provisions in RoP should be amended to enable the President to call upon designated public officers to speak both in the early part and towards the end of motion debates initiated by Members, except for the debate on the Chief Executive's Policy Address under RoP 13. CRoP also notes that even if RoP is amended to the above effect, the contents of the speeches of designated public officers would still be beyond the control of Members.

6. CRoP held a meeting with the Director of Administration to discuss the above proposal.

Administration's views on proposed amendments to RoP

7. Having considered the Administration's views on its proposal, CRoP recommends that subrule (3A) to Rule 33 (Manner of Debating Motions) be amended and a new subrule (3B) be added to this Rule to give effect to the proposed speaking arrangement in paragraph 5 above.

8. The Administration has been consulted on the proposed amendments to RoP 33 and expressed the following views:

- (a) the present RoP already provides the flexibility for designated public officers attending a motion debate to speak more than once. As a matter of fact, designated public officers did speak in the early part as well as at the end of motion debates on

various occasions in the past. The Administration would continue to do so in appropriate circumstances in the future. It therefore does not see a practical need for the proposed amendments to RoP;

- (b) the proposed speaking arrangement is at variance with the general principle reflected in RoP that the President is to call upon any person to speak, only if that person has given notice to transact business at LegCo or if that person indicates his intention to speak. Nevertheless, the Administration respects Members' intention to pursue the suggested amendments if Members consider that there are sufficient justifications to make exceptions in respect of debates on motions not intended to have legislative effect, on the clear understanding that a designated public officer, when called upon by the President under the amended RoP, has the discretion to decide whether to speak or indicate that he does not wish to speak; and
- (c) the proposed amendments to RoP 33 may cover other types of debates that can be initiated by Members, including debates on various motions concerning Members' Bills (RoP 54(3), 55(1)(a), 61 and 63(1), etc). The Administration has suggested that the new RoP 33(3B) be framed in such a way that it applies only to debates on motions not intended to have legislative effect, but exceptions be made for the Motion of Thanks moved under RoP 13 and adjournment motions moved under RoP 16(4).

Proposed amendments to RoP after considering Administration's views

9. After considering the Administration's views on the proposed amendments to RoP, CRoP agrees that, in addition to the debate on the Chief Executive's Policy Address under RoP 13(1), adjournment debate under RoP 16(4) should also be excluded from the new RoP 33(3B). As regards the debates on motions moved under RoP 54(3), 55(1)(a), 61 and 63(1), CRoP considers that they should be covered by the new RoP 33(3B). The proposed amendments to RoP are in the **Appendix**.

10. CRoP notes that, when a designated public officer is called upon by the President under the amended RoP, he has the discretion to decide whether to speak or indicate that he does not wish to speak. However, CRoP hopes that designated public officers concerned will speak when called upon by the President.

Advice sought

11. Members are invited to endorse the speaking arrangement proposed by CRoP and the proposed amendments to RoP 33 in the **Appendix**. Subject to HC's endorsement, a resolution to amend RoP 33 would be moved by the chairman of CRoP at the Council meeting of 11 July 2007. In this connection, HC's support for the President's leave to dispense with the requisite notice for the resolution is also sought.

Legislative Council Secretariat

28 June 2007

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33. Manner of Debating Motions

(1) A Member called upon by the President or Chairman to move a motion shall rise in his place and in moving the motion shall make such remarks as he may wish.

(2) When a motion has been moved, the President or Chairman shall propose the question thereon to the Council or the committee of the whole Council; debate may then take place on that question.

(3) Amendments of which notice has been given or dispensed with in accordance with Rule 29(6)(a) or (b) (Notice of Motions and Amendments) may be moved to a motion at any time after the question has been proposed on the motion by the President or Chairman and after all the amendments have been disposed of the President or Chairman shall again propose the question on the motion, or shall propose the question on the motion as amended, as the case may require, and a further debate may take place.

(3A) ~~When~~ *Subject to subrule (3B), when* no more Member indicates his intention to speak in a debate in the Council, the President shall call upon the mover of the motion to speak in reply. The reply, if so made, shall be confined to matters raised during the debate. (L.N. 86 of 2000)

(3B) *Except in the case of a motion moved by a designated public officer or under Rule 13(1) (The Chief Executive's Policy Address) or Rule 16(4) (Motions for the Adjournment of the Council), the President shall call upon designated public officers attending the debate to speak –*

(a) *before any Member who indicates his intention to speak is called upon to speak; and*

(b) *when no more Member indicates his intention to speak or, in the case of a joint debate on the motion and its amendments, after the mover of the motion has been called upon to speak on the amendments and has spoken.*

(4) After the mover of a motion has made his reply, or in the event that there is no reply, the debate comes to a close. The President shall forthwith put the question on the motion, or on the motion as amended, to the Council for its decision. (L.N. 86 of 2000)

(5) When no or no more Member indicates his intention to speak in a committee of the whole Council, the Chairman shall forthwith put the question on the motion, or on the motion as amended, to the committee of the whole Council for its decision. (*L.N. 86 of 2000*)

(6) No Member may speak on the question after it has been put to the Council or a committee of the whole Council for decision by the President or Chairman. (*L.N. 86 of 2000*)

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.