

立法會

Legislative Council

LC Paper No. CROP 26/12-13

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Paper for the House Committee meeting on 8 February 2013

Committee on Rules of Procedure

Addressing questions to the Government at Council meetings

Purpose

This paper invites the House Committee to consider the following proposals of the Committee on Rules of Procedure ("CRoP") –

- (a) provision of additional slots at Council meetings for Members to address questions to the Government; and
- (b) proposed amendment to Rule 23(1) of the Rules of Procedure ("RoP").

Provision of additional question slots

Background

2. Under RoP, Members may address oral or written questions at Council meetings (except the first meeting of a term or a meeting at which the President is elected or the Chief Executive addresses the Council on the policies of the Government)¹ to the Government on the work of the Government, either seeking information on such matter or asking for official action with regard to

¹ Rule 23(1) of RoP

it². Under the House Rules ("HR"), at the Council meetings for debate on the Appropriation Bill and that on the Motion of Thanks, there will be no arrangement for Members to put oral questions to the Government³.

3. With the exception of urgent questions⁴, not more than 20 questions of which notice has been given may be asked at a Council meeting⁵. Where there will be a debate on a motion not intended to have legislative effect at a meeting, no more than six oral questions may be asked at that meeting and where there will be no debate on such a motion, no more than 10 oral questions may be asked at that meeting⁶. The registration of questions and allocation of question slots are subject to a registration and allocation system⁷.

4. In the previous terms of the Legislative Council ("LegCo"), each Member might be able to ask on average about three oral questions and eight written questions in a session. With the increase of 10 Members in the Fifth LegCo, if the number of questions as allowed for each meeting under RoP remains unchanged, the average number of oral questions a Member may be able to ask in a session will be reduced from about three to two while that of written question slots will be reduced from about eight to seven.

5. Following two rounds of consultation with Members of the Fourth LegCo, CRoP of the Fourth LegCo had proposed that for each Council meeting in the Fifth LegCo at which both oral questions and written questions may be asked –

- (a) the number of oral question slots be increased by one, i.e. from six to seven; and
- (b) the number of written question slots be increased by two, i.e. from 14 to 16.

² Rule 22(1) of RoP

³ Rule 7(e) of HR

⁴ Under Rule 24(4) of RoP, a Member may with the permission of the President ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance.

⁵ Rule 23(2) of RoP

⁶ This arrangement is provided in Rule 23(3) of RoP, but according to the Secretariat's records, there has been no case of 10 oral questions being asked at a Council meeting.

⁷ This registration and allocation system is set out in rules 5 and 7 of HR.

6. The proposal⁸ was endorsed by the House Committee at its meeting on 25 May 2012, but the motion to amend Rule 23(2) and (3) of RoP to implement the proposal in the Fifth LegCo had not been dealt with by the Council before the Fourth LegCo stood prorogued.

Deliberations and proposal of CRoP of the Fifth LegCo

7. CRoP of the Fifth LegCo has considered the matter. CRoP agrees that for each Council meeting at which both oral questions and written questions may be asked, the number of written question slots at a Council meeting should be increased from 14 to 16. As to whether the number of oral question slots should be increased from six to seven, CRoP conducted a consultation with all Members on the matter in late November 2012. The consultation result is that 36 Members consider that the number of oral question slots should be maintained at six at each Council meeting, while 33 Members support increasing the number to seven. In view of the consultation result, CRoP agrees that the number of oral question slots should be maintained at six at each Council meeting.

8. Accordingly, CRoP proposes that for each Council meeting at which both oral questions and written questions may be asked –

- (a) the number of oral question slots be maintained at six; and
- (b) the number of written question slots be increased by two, i.e. from 14 to 16.

For those Council meetings at which only written questions may be asked, the number of written questions should be increased from 20 to 22. CRoP agrees that Rule 23(2) of RoP and rule 7(b) of HR should be amended as set out in the **Appendix** to implement the proposal.

Proposed amendment to Rule 23(1) of RoP

9. Rule 23(1) of RoP provides that "Questions may be asked at any meeting except the first meeting of a term or a meeting at which the President is elected or the Chief Executive addresses the Council on the policies of the Government."

⁸ LC Paper No. CROP 43/11-12

10. CROp notes that in practice, since the First LegCo, Members may address questions to the Government at any Council meeting except the first meeting of a term or a meeting at which the President is elected or the Chief Executive delivers a Policy Address to the Council. CROp proposes that Rule 23(1) of RoP be amended as set out below to accurately reflect the practice –

" Questions may be asked at any meeting except the first meeting of a term or a meeting at which the President is elected or the Chief Executive ~~addresses the Council on the policies of the Government~~ *delivers a Policy Address to the Council.*"⁹

Advice sought

11. Members are invited to consider CROp's proposals set out in paragraphs 8 and 10 above and the proposed amendments to Rule 23(1) and (2) of RoP and rule 7(b) of HR set out in the Appendix. Subject to Members' views, the Chairman of CROp will move a motion at the Council meeting of 20 March 2013 to amend RoP.

12. Members are invited to note that if the motion to amend Rule 23(1) and (2) of RoP is passed at the Council meeting of 20 March 2013, taking into account the relevant notice requirement, the increase in question slots at a Council meeting from 20 to 22 under the amended Rule 23(2) of RoP will take effect from the Council meeting of 17 April 2013. Accordingly, the amendment to rule 7(b) of HR, if endorsed by the House Committee, will also take effect from the Council meeting of 17 April 2013.

Council Business Division 4
Legislative Council Secretariat
5 February 2013

⁹ Words proposed to be deleted are shown with deletion lines and words proposed to be added are shown in *italics*.

Proposed amendments to the Rules of Procedure and House Rules

Rules of Procedure

23. Question Time

(1) Questions may be asked at any meeting except the first meeting of a term or a meeting at which the President is elected or the Chief Executive ~~addresses the Council on the policies of the Government~~ *delivers a Policy Address to the Council*.

(2) With the exception of questions asked under Rule 24(4) (Notice of Questions), not more than 2022 questions of which notice has been given may be asked at any one meeting and the questions shall be counted by the Clerk in the manner recommended by the House Committee and agreed by the President.

(3) Where, in the opinion of the President, there will be no debate on a motion not intended to have legislative effect at a meeting, no more than 10 questions shall require an oral reply. Where, in the opinion of the President, there will be such a debate, no more than 6 questions shall require an oral reply. The questions shall be counted by the Clerk in the manner recommended by the House Committee and agreed by the President.

(4) The House Committee may recommend to the President that in respect of a particular meeting no question requiring an oral reply should be asked; and if the President accepts such recommendation no such question shall be asked at that meeting, save that the President may permit urgent questions under the provisions of Rule 24(4) (Notice of Questions).

Legend:

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

Texts proposed to be deleted are shown with deletion lines.

House Rules

7. Number and Allocation of Questions

- (a) Where there is no debate on a motion not intended to have legislative effect at a meeting, no more than 10 oral questions shall be asked. Where, in the opinion of the President, there will be such a debate at a meeting, no more than six oral questions shall be asked.
- (b) Under Rule 24(3) of the Rules of Procedure, each Member is normally limited to asking only one oral and one written or alternatively two written questions at any one meeting. Where 2022 or more Members wish to raise questions at a meeting, each Member is allowed to raise only one question. However, questions asked under Rule 26(6) and (6A) of the Rules of Procedure are not counted for the purpose of these restrictions.
- (c) The allocation of questions to be asked at a meeting is normally based on the order of registration of the questions by the Secretariat. Where there are more questions to be raised by Members than can be scheduled for the same meeting and subject to (b) above, priority will be given to Members who have been allocated the least slots respectively for oral or written questions within the session.
- (d) Members may be accorded priority to ask questions with the agreement of the House Committee. Topical interest, public concern and urgency of questions, if any, will be taken into account by the House Committee when making decisions in this regard.
- (e) At the Council meetings for debate on the Appropriation Bill and for the policy debate, there will be no arrangement for Members to put oral questions to the Government.

Legend:

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

Texts proposed to be deleted are shown with deletion lines.