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**Paper for the House Committee meeting
on 17 December 1999**

Committee on Rules of Procedure

Further review of Rule 38 of the Rules of Procedure

Purpose

This paper reports on the preliminary views of the Committee on Rules of Procedure after its further review of Rule 38 of the Rules of Procedure on whether a Member may speak after the mover of a motion has made his reply at the end of a motion debate.

Background

2. Following the consultation among Members on, inter alia, whether a Member may speak after the mover of a motion has made his reply, the Committee on Rules of Procedure (the Committee) reported the outcome of the consultation exercise to the House Committee on 5 November 1999. The House Committee noted that the majority view was that no Member should be allowed to speak after the mover of a motion has made his reply but before the question is put and that such restriction should be specified in the Rules of Procedure. Members also noted Mr Martin LEE's concern about the lack of flexibility in the proposed arrangement as a Member who had not yet spoken in a debate would not be allowed to respond to any new points that the mover of the motion might raise in his reply. Mr LEE proposed that the discretionary power of the President should be retained. To address Mr LEE's concern, Mr Andrew WONG suggested that a provision could be added in the Rules of Procedure to the effect that save with the permission of the President, no Member might speak after the mover of a motion had made his reply.

3. In the circumstances, the House Committee invited the Committee on Rules of Procedure to further look into the subject.

Preliminary views of the Committee

4. The Committee further discussed the subject at its meeting on 30 November 1999. The deliberations and preliminary views of the Committee are summarized in the following paragraphs.

5. The Committee appreciates the concern of Mr Martin LEE and notes that Mr Andrew WONG's suggestion aims at providing in the Rules of Procedure a certain degree of flexibility in expressed terms. However, the Committee considers that if the flexibility is to be retained, consideration should be given to the circumstances that would warrant the President to give permission to a Member to speak after the mover has made his reply. If it is considered that where new points were raised in the reply, permission should be given to those Members who have not yet spoken to respond to the new points, the President would have to refer to the content of the debate and judge whether the points in question are really "new points". This process will pose practical difficulties to the President and may upset the smooth running of Council business especially when there is disagreement over the question of what these "new points" are. Moreover, if permission is given for a Member to speak after the reply, it would only be fair that the mover of the motion should be allowed to make a further reply. The Committee therefore does not consider the suggestion a desirable option.

6. Nevertheless, the Committee notes that the fundamental issue to be addressed is how to ensure that the reply given by the mover of a motion at the end of a debate is confined to responding to points raised by other Members during the debate. The Committee notes that there is common understanding among Members of the purposes of the speeches made by the mover of a motion. The reasons for moving a motion should be given in the opening speech so as to enable other Members to debate the motion meaningfully and with focus. The reply is for the mover to respond to points made by other Members and the designated public officer in the debate, following which the debate will close. There is, however, no provision in the Rules of Procedure to require the mover of the motion to follow this established practice. The Committee therefore considers it necessary to examine further whether stipulations should be made in the Rules of Procedure or other rules of the Council as regards the scope of the speeches in a debate.

Advice sought

7. Pending further examination of the subject, the Committee invites Members to note the preliminary views of the Committee as given in paragraphs 4 to 6 above.