

立法會
Legislative Council

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**Paper for the House Committee meeting
on 5 November 1999**

Committee on Rules of Procedure

**Report on the outcome of consultation exercise
on rules of speaking during debates in the Council
and in committee of the whole Council**

Purpose

This paper reports on the outcome of the consultation exercise conducted amongst Members of the Legislative Council (the Council) on the rules of speaking during debates in the Council and in committee of the whole Council.

Background

2. The Committee on Rules of Procedure (the Committee) issued a consultation paper to all Members on 5 October 1999 to invite views on two subjects, namely, whether the present arrangement that a Member may speak more than once on a question in committee of the whole Council should be maintained, and whether a Member may speak after the mover of a motion has made his reply at the end of a motion debate.

Outcome of consultation

3. A total of 59 Members have responded. The preferences and views of these 59 Members on the two subjects are summarized as follows:

Speaking in committee of the whole Council

Preferences	Number of Members
The present arrangement under Rule 38(1)(a) of the Rules of Procedure that a Member may speak more than once on a question in committee of the whole Council should be maintained.	37
Flexibility should be provided in the Rules of Procedure for the House Committee to consider whether to recommend to the President that restrictions should be applied to the number of occasions and/or time of speaking in committee of the whole Council.	16
Members should be allowed to speak only once on each question in committee of the whole Council.	5
No comment	1

Speaking after the mover of a motion has made his reply

Preferences	Number of Members
It should be specified in the Rules of Procedure that Members will be allowed to speak after the mover of a motion has made his reply but before the question is put.	19
It should be specified in the Rules of Procedure that no Member will be allowed to speak after the mover of a motion has made his reply but before the question is put.	38
No comment	2

4. The outcome of the consultation exercise indicates that the majority of Members of the Council are in support of maintaining the present arrangement under Rule 38(1)(a) of the Rules of Procedure that a Member may speak more than once on a question in committee of the whole Council.

5. As to whether Members should be allowed to speak after the mover of a motion has made his reply, the majority of Members are of the view that no Member should be allowed to do so. They also support that this restriction should be specified in the Rules of Procedure. Rule 38 will therefore have to be amended.

The Committee's views

6. The Committee, at its meeting on 26 October 1999, noted the outcome of the consultation exercise. The majority of the members of the Committee considered that the Council should act in accordance with the majority view of Members of the Council.

7. A member however raised concern about the lack of flexibility in the proposed arrangement in paragraph 5 above as a Member who has not spoken in a debate will not be allowed to respond to any new points that the mover of a motion may raise in his reply. He proposed that this discretionary power of the President should be retained. The Committee noted the member's concern but considered that the majority view of Members as expressed in the consultation exercise should be respected.

The Committee's conclusions

8. The Committee concludes that:

- (a) arrangements should be made to amend Rule 38 of the Rules of Procedure to specify that no Member will be allowed to speak after the mover of a motion has made his reply but before the question is put; and
- (b) the House Committee should be informed of the outcome of the consultation exercise and, pending amendment to Rule 38, the President may take into account the majority view of Members as expressed in the consultation exercise when calling upon Members to speak during motion debates.

Advice sought

9. Members are invited to note in particular paragraph 8(b) above.

Acknowledgement

10. The Committee wishes to record its appreciation of the prompt response of Members of the Council in the consultation exercise.

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