

立法會
Legislative Council

LC Paper No. CB(1) 1000/98-99

Ref: CB1/R/1/1

**Paper for the House Committee meeting
on 19 March 1999**

Committee on Rules of Procedure

Consultation Paper on Order of Speaking in Motion Debates

Purpose

This paper invites Members' views on the order of speaking of Members and public officers during motion debates initiated by Members at Council meetings.

Background

2. During a motion debate at the Council meeting on 9 December 1998, a Member sought the leave of the President to speak after the public officer concerned had spoken. The President allowed the Member to speak as the Member was entitled to do so. However, as this deviates from the usual practice, the President has requested that the subject be considered by the Committee on Rules of Procedure.

3. In this connection, Members may recall that at the House Committee meeting on 30 October 1998, it was suggested that public officers could speak also at an earlier part of the debate, so that Members could be made aware of the position of the Administration and take that into account in the debate. A similar view was in fact been expressed by members of the Subcommittee on Procedural Matters of the former Legislative Council in 1996. On both occasions, the Administration which had been consulted advised that it also recognized the need to address issues raised by Members and, for this purpose, has arranged for more than one Bureau Secretary to participate in motion debates initiated by Members on several occasions. The Administration has undertaken to continue to exercise flexibility to cater for such a need.

Present practice

4. Under the present practice, the President of the Legislative Council calls upon Members to speak on a motion in accordance with the following rules and having regard to the long standing practices of the speaking order in motion debates:

Rules of Procedure

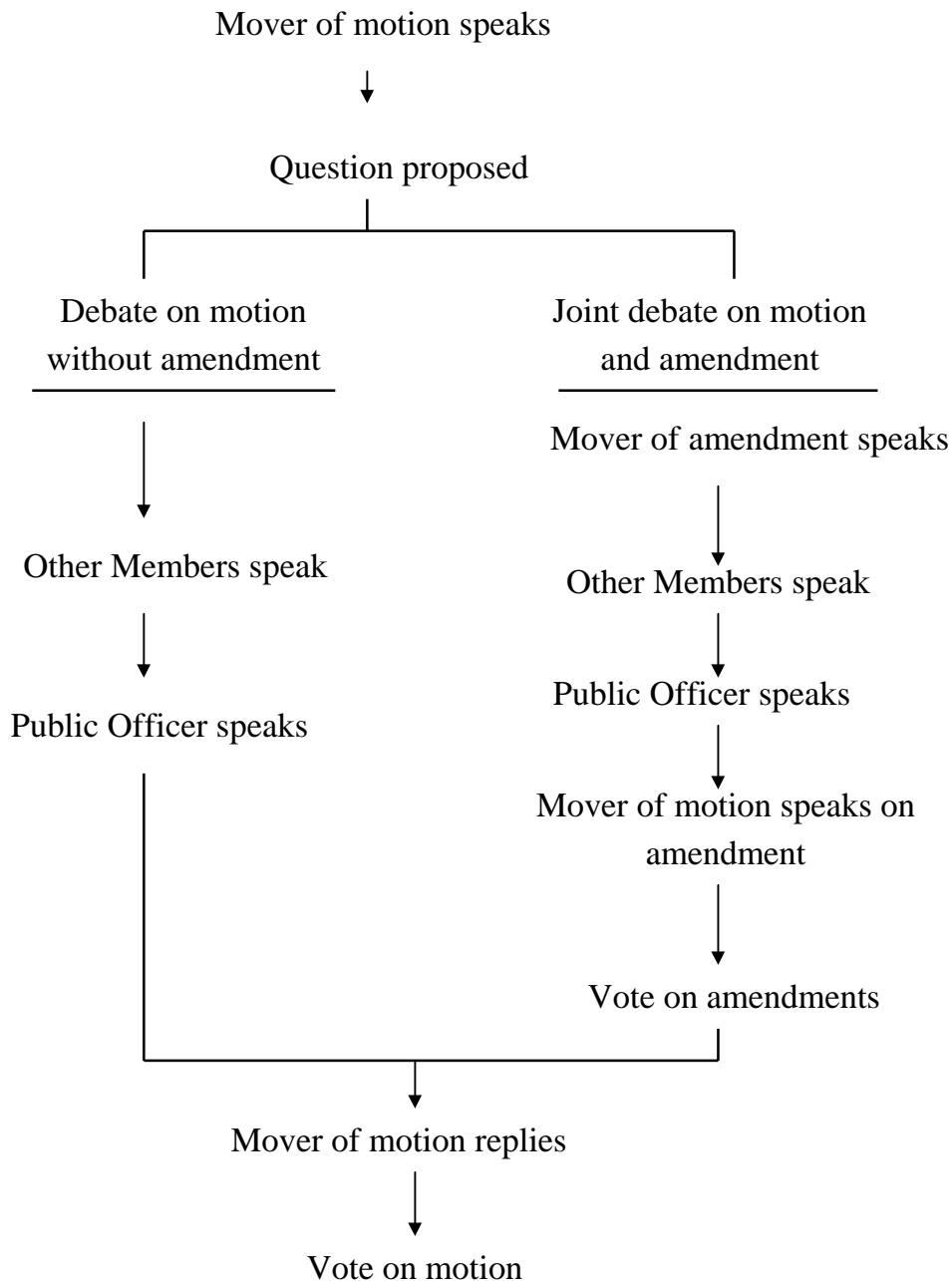
- Rule 33 (Manner of Debating Motions), which provides for the mover of a motion to start off the debate by moving and speaking on the motion;
- Rule 34 (Manner of Debating Amendments to Motions), which provides for the mover of an amendment to move the amendment, to be followed by a joint debate;
- Rule 37 (Recommendations of House Committee as to Time of Speaking), which provides for the House Committee to make recommendations on the allocation of speaking time for a debate;
- Rule 38 (Occasions when a Member may Speak more than once), which sets out the circumstances under which Members and public officers may speak more than once; and

House Rules

- Rule 17 (Motion Debates) which specifies the allocation of speaking time for a debate.

An extract of these rules is in the **Appendix**.

5. With the exception of the mover of a motion who is allowed to speak at the commencement of the debate and reply after Members who wish to speak have spoken, no specific provisions have been laid down in current rules as regards the order of speaking of Members vis-a-vis public officers. The present arrangement derives from the long standing practice whereby no Member (except the mover of the motion) will speak after the public officer designated to speak in the debate has spoken. In gist, the sequence of speaking is as follows:



(Note - The above is aimed at illustrating the sequence of speaking of Members and public officers, and does not take into account situations where amendments to

amendment or more than one amendment have been proposed.)

Practice in overseas legislatures

6. In considering the way forward, reference has been made to the practice in overseas legislatures, including the United Kingdom, Australia and Canada. While the practices on speaking order in these legislatures vary in one way or another, the following common features have been identified:

- (a) The principles of allowing participants in a debate to speak only once and giving the mover of a motion the right of reply invariably apply;
- (b) The relevant Minister normally speaks first, usually immediately after the mover has spoken. He may speak a second time by unanimous consent to respond to viewpoints made by Members; and
- (c) A Member does not normally speak after a Minister has made his “final speech”, although there are no rules prohibiting a Member from doing so. In other words, if a speech by a Minister is understood to be his “final speech”, no other Member will speak after the Minister has spoken and before the mover of the motion makes his reply.

The Committee’s views

7. In considering whether a Member should be allowed to speak after the public officer has spoken, the Committee has taken into account the fact that Members may wish to speak on the points made by the public officer in his speech. At present, it is usual practice for the public officer concerned to speak only once and the speech is made after all Members have spoken and before the mover of the motion makes his reply. The Committee, therefore, considers that the crux of the matter is the manner in which the order of speaking could be arranged so as to make the debate more meaningful.

8. Members of the Council have all along expressed a wish for a public officer to speak at an earlier part of the debate to enable Members to understand the position of the Administration before they speak. This would obviate the need for Members to speak towards the end of a debate after the public officer has responded to points raised by Members. The Committee considers it necessary to appeal to the Administration again for a public officer to speak immediately after the mover of a motion has moved the motion. The public officer should be permitted to speak again at the end of the debate to respond to Members’ views expressed earlier in the debate. Alternatively, another public officer may respond to points raised by Members before the mover of the motion makes his reply.

9. There is, however, a possibility for Members to be engaged in more than one round of debates if no rules are laid down to prohibit Members from speaking after the public officer's "final speech". The Committee, therefore, suggests that provision should be made in, say, the House Rules, to the effect that Members will not be allowed to speak after the public officer has made his "final speech" and before the mover of the motion makes his reply.

10. While it is at the discretion of the Administration to decide when its public officer(s) would speak in a motion debate, the Committee notes that Members are also at liberty to decide when they would speak. If no more Member indicates his intention to speak, the President would then invite the public officer to speak. There is no provision prohibiting a Member who has not yet spoken from indicating his intention to speak after the public officer has spoken, and once the Member has indicated his intention, the President has to call upon the Member to speak. In other words, current Rules allow Members to wait until the public officer has spoken to decide whether they wish to speak in the debate.

11. The Committee considers it unnecessary to make any change to the Rules of Procedure for the time being. It is, however, appropriate for the Chairman of the House Committee to bring the matter to the Chief Secretary for Administration's attention, in particular, provisions in current rules which allow Members to speak after a public officer has spoken. If there is firm commitment on the part of the Administration that a public officer will speak at an earlier part of the debate and also give a "final speech" before the mover of the motion makes his reply, appropriate amendments would be made to the House Rules to put the arrangement into practice as soon as practicable.

Advice sought

12. Members are invited to give views on paragraphs 7 to 11 above to Ms Pauline NG, Assistant Secretary General 1, (at tel no. 2869 9220/fax no. 28696794) or Mrs Vivian KAM, Chief Assistant Secretary (1)5, (at tel no. 2869 9244/fax no. 2869 6794) on or before **27 March 1999**.

Legislative Council Secretariat

12 March 1999

Extract from the Rules of Procedure and House Rules

Rules of Procedure

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.

(4) When no more Members wish to speak the President or Chairman shall put the question on the motion, or on the motion as amended, to the Council or to the committee of the whole Council for its decision.

34. Manner of Debating Amendments to Motions

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

(2) An amendment to a motion shall take one of the following forms –

(a) To leave out one or more words of the motion.

(b) To insert or add one or more words in the motion or at the end of the motion.

- (c) To leave out one or more words of the motion and to insert or add one or more words instead.

(3) When an amendment has been moved the President or Chairman shall thereupon propose the question that the amendment be made; and a debate may then take place on that question.

(4) The President or Chairman may allow a joint debate on a motion and its amendments.

(5) When two or more amendments are proposed to be moved to the same motion the President or Chairman shall call on the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt in the order decided by the President or Chairman.

(6) When no more Members wish to speak the President or Chairman shall put the question that the amendment be made to the Council or the committee of the whole Council for its decision.

37. Recommendations of House Committee as to Time of Speaking

(1) In relation to any motion or amendment to a motion (other than a motion intended to have legislative effect or to which Part JA (Procedures for Particular Motions) applies) to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may recommend – *(L.N. 311 of 1998)*

- (a) that the mover of the motion should not speak for more than a specified number of minutes (such period to be inclusive of any speech in reply under Rule 38(4) (Occasions when a Member may Speak more than once));
- (b) that the mover of an amendment to the motion should not speak for more than a specified number of minutes; and
- (c) that other Members each should not speak for more than a specified number of minutes.

(2) Where the House Committee so recommends under subrule (1) the Chairman shall cause the President to be notified in writing of the Committee's recommendations.

(3) Any recommendations of the House Committee under subrule (1), if accepted by the President (in which event he shall so inform Members as soon as practicable prior to calling upon the Member to move the motion), shall be binding upon all Members, but not upon designated public officers, and the President shall direct any Member speaking in excess of the recommended specified time to discontinue his speech.

38. Occasions when a Member may Speak more than once

(1) Save with the leave of the President, a Member may not speak more than once on a question, except –

- (a) in committee of the whole Council; or
- (b) as provided in subrule (2); or
- (c) in explanation as provided in subrule (3); or
- (d) in the case of the mover of a motion, in reply as provided in subrule (4); or
- (e) upon a motion “That this Council thanks the Chief Executive for his address” as provided in subrule (7).

(2) A Member who has spoken under Rule 54(7) (Second Reading) may speak a second time during the same debate.

(3) A Member who has spoken on a question may again be heard to explain some part of his speech which has been misunderstood, but when speaking he shall not introduce new matter.

(4) In the Council the mover of a motion may reply after all other Members present have had an opportunity of speaking and before the question is put; but the mover of an amendment shall not have the right of reply.

(5) A Member who has spoken on a question may speak again on an amendment moved to that question, and on a motion that the debate now be adjourned moved during the debate on that question.

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

(7) A designated public officer who has spoken on a motion “That this Council thanks the Chief Executive for his address” may speak a second time upon that motion in reply to any matter raised during the debate on the motion.

House Rules

17. Motion Debates

- (a) An application for a debating slot may be submitted by a Member with or without the subject or wording of the motion. A Member who has not submitted the subject of the motion should not, upon securing a debating slot, propose a motion debate on a subject which has already been submitted by another Member except with the latter’s consent.
- (b) The minimum notice periods required for formal notice of motions and amendments to motions are as follows -

	<u>Minimum notice required</u>	<u>Rules of Procedure</u>
Notice of motion	12 clear days	Rule 29(1)
Notice of amendment to a motion	5 clear days	Rule 29(6)(a)
Notice of amendment to an amendment to a motion	3 clear days and at the President’s discretion	---

- (c) Unless otherwise decided by the House Committee, the allocation of speaking time for a debate should normally be as follows -

	<u>Maximum time allowed</u>
Mover of the motion	
- introductory speech and reply	15 mins (in total)
- speech on proposed amendment(s)	5 mins (in total)
Mover of amendment to the motion	10 mins
Mover of amendment to an amendment to the motion	7 mins
Other speakers	7 mins each
Member who has been given permission to reword his original proposed amendment to a motion which has been amended earlier on	additional 3 minutes

- (d) When a motion to adjourn a motion debate is moved and where the House Committee has made a recommendation to the President under Rule 37 of the Rules of Procedure, Members speaking on the motion must limit their speeches to the recommended specified time if it is accepted by the President. Members should speak to that motion and not to the original motion.