

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 41/99-00

Ref: CB1/R/1/1

**Committee on Rules of Procedure**

**Consultation Paper on  
Rules of speaking during debates in the Council  
and in committee of the whole Council**

**Purpose**

This paper invites Members to give views on the present rules of speaking during debates in the Council and in committee of the whole Council, in particular on the present arrangement that a Member may speak more than once on a question in committee of the whole Council and whether a Member may speak after the mover of a motion has made his reply at the end of a motion debate.

**Background**

2. Since the commencement of the 1998-99 Legislative Council Session, the Committee on Rules of Procedure (the Committee) has identified for further study a number of issues relating to the provisions in Rule 38 of the Rules of Procedure, with a view to improving the conduct of business at meetings of the Council. Rule 38 lists out the occasions when a Member may speak more than once on a question (**Appendix 1**). At its meeting on 23 September 1999, the Committee noted that:

- (a) under Rule 38(1)(a), a Member may speak more than once on a question in committee of the whole Council; and
- (b) it is not clear under Rule 38(4) and (6) whether a Member may speak after the mover of a motion has made his reply but before the question is put.

**Speaking in committee of the whole Council**

3. The Committee notes that the arrangement to allow Members to speak more than once on a question in committee of the whole Council was adopted from the

Standing Orders of the former Hong Kong Legislative Council which basically followed the practice in the United Kingdom. In the United Kingdom, following second reading, a bill must be considered “in committee” when amendments may be moved and debated, and each clause and schedule separately approved. The majority of bills are considered in standing committees, but bills may also be referred to select committees or Committee of the whole House. The proceedings which these committees follow are derived largely from those of the Committee of the whole House. To enable Members to fully deliberate on the bill clause by clause and to approve the text or to modify it to reflect the committee’s views, Members may speak more than once in this “committee stage”. The committee, including a Committee of the whole House, must report to the House after completion of its work. This is the “report stage” of the bill where the House considers afresh the text of the bill. During the “report stage”, amendments to the effect of leaving out clauses or schedules are permitted. While amendments which were rejected or withdrawn in committee may be moved again, and attempts may be made by amendments to restore the original text of the bill, the Speaker has the power of selection of amendments to avoid excessive repetition of debates which have already taken place in committee. Members may speak only once on the same question during the “report stage”. In the case of a bill reported from a standing committee, however, this rule is relaxed in favour of the Member in charge of the bill or of the mover of amendments.

4. In Hong Kong, the study of a bill is usually taken up by a bills committee, whose decision or recommendation is not binding on the Council. The text of the bill is therefore considered afresh in committee of the whole Council, although a large part of the deliberation has already taken place in the bills committee, if such a committee is formed. The “committee stage” in the case of Hong Kong, i.e. consideration by a committee of the whole Council, may be regarded as a combination of the “committee stage” and “report stage” of the British system. That leads to the question of whether a Member should be allowed to speak more than once on a question.

5. Members of the Committee are aware that Members wish to have adequate opportunities to debate the clauses of a bill, and amendments, if any, before voting on them in a committee of the whole Council. Members are also aware that if the debate is turned into a prolonged exchange between a number of Members, there is no rule to put an end to the debate. This will give rise to immense pressure on the time of the Council especially when there is a heavy agenda for that particular meeting.

6. The Committee notes that alternatively, consideration may be given to providing some flexibility in the Rules of Procedure for the House Committee to consider whether restrictions should be applied to the number of occasions and/or time of speaking in committee of the whole Council. The House Committee, before deciding on its recommendation to the President, may give due consideration to whether Members have already had reasonable opportunities to express their views on the text of the bill and any amendments proposed to it. Another possible option is to allow Members to speak only once on each question in committee of the whole Council, in line with the present arrangement in motion debates.

7. The Committee considers that before recommending any changes to the present arrangement, it would be advisable to first seek Members' views on this issue.  
**Speaking after the mover of a motion has made his reply**

8. Under the current Rules, the mover of a motion may reply after all other Members present have had an opportunity of speaking and before the question is put. No Member may speak on a question after the question has been put. However, it is not clear under Rule 38(4) and (6) whether a Member who has not yet spoken on the question may be allowed to speak after the mover of the motion has made his reply but before the question is put.

9. The Committee notes that other common law jurisdictions do not have the same problem. Debates in other legislatures are usually given a specified period of time and it is common practice for the Speaker to invite the mover of the motion to speak towards the end of the given time although there may be other Members waiting for their turn to speak.

10. The Committee considers that since motion debates in the Legislative Council here are not subject to any time limit, it is entirely the Council's own decision as to whether Members who have not yet spoken on a motion may speak after the mover of the motion has made his reply. If this were allowed, the consequence would be that the mover of the motion should be given the opportunity to respond further to such speeches and this may lead to further rounds of debates.

### **Views sought**

11. To facilitate the collection of individual Members' views, a questionnaire is provided in **Appendix 2** setting out the various options. Members are requested to return the completed questionnaire to the Clerk to Committee on Rules of Procedure **on or before Tuesday, 19 October 1999.**

### **Enquiries**

12. Any enquiries on this consultation paper can be directed to:

Ms Pauline NG, Assistant Secretary General 1, at 2869 9220; or  
Miss Salumi CHAN, Chief Assistant Secretary (1)5, at 2869 9244.



**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.

**Questionnaire**

**(To be returned on or before 19 October 1999)**

Ref : CB1/R/1/1  
To : Clerk to Committee on Rules of Procedure  
(Attn: Mr Matthew LOO)  
Legislative Council Secretariat  
3rd floor Citibank Tower  
3 Garden Road, Central  
Hong Kong  
(Fax No. : 2869 6794)

**Consultation Paper on  
Rules of speaking during debates in the Council  
and in committee of the whole Council**

Please state your preference(s) by putting a “√” in the box(es) below. If you have more than one preference, please indicate the order of priority by inserting “1”, “2” and “3”.

**(A) Speaking in committee of the whole Council**

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.

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.

Members should be allowed to speak only once on each question in committee of the whole Council.

Other views:

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**(B) Speaking after the mover of a motion has made his reply**

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.

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.

Other views:

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Signature : \_\_\_\_\_

Name : \_\_\_\_\_

Date : \_\_\_\_\_