

**President's ruling on address by the Chief Executive  
under Rule 8(a) of the Rules of Procedure**

At the Council meeting of 17 October 2012, before I invited the Chief Executive ("CE") to address the Council under item II of the Agenda:

**"Address by the Chief Executive**

The Chief Executive to address the Council, under Rule 8(a) of the Rules of Procedure, to elaborate on his concept of governance, review progress made in the first three months of the Fourth Term Government, and outline his policy direction and work priorities in 2013."

several Members sought clarification on issues relating to the application of Rule 8(a) by way of raising points of order. These issues were:

- (a) whether CE is obliged to answer Members' questions on the address that he has delivered under Rule 8(a) of the Rules of Procedure ("RoP") before the Council; and
- (b) whether Members may seek elucidation of the address made by CE under Rule 8(a) of RoP.

2. While I had clarified the issues when responding to Members' points of order at the meeting, I agreed to reduce what I had said into a written ruling.

**Rule 8 of RoP**

3. Rule 8 of RoP provides:

"The Chief Executive may at his discretion attend meetings of the Council, or any committee or subcommittee thereof, for the following purposes –

- (a) addressing the Council at any time as he shall think fit, including during a special meeting;
- (b) answering Members' questions put to him on the work of the Government; and
- (c) proposing any policy, measure, bill, resolution, motion or question for debate by and in the Council or any such committee or subcommittee."

4. On 10 October 2012, I received a letter from the Director of Administration relaying CE's intention to attend the Council meeting of 17 October 2012 to address the Council in accordance with Rule 8(a) of RoP to elaborate on his concept of governance, review progress made in the first three months of the Fourth Term Government, and outline his policy direction and work priorities in 2013. In the letter, the Director of Administration also stated their intention for the address to be made at the very beginning of the Council meeting. Having considered the Administration's intention, I ordered that "Address by the Chief Executive" be placed on the Agenda for the Council meeting of 17 October 2012 as the first item of business<sup>1</sup>. On 12 October 2012, the Director of Administration informed the Clerk to the Legislative Council ("LegCo") that the first CE's Question and Answer Session was suggested to be held on 1 November 2012. With my approval, notice for a Council meeting on 1 November 2012 informing CE's attendance at the meeting was issued to Members by the Clerk to LegCo on 15 October 2012.

#### **Address by CE under Rule 8(a)**

5. There were two occasions in the previous terms of the Legislative Council on which CE addressed this Council not in a CE's Question and Answer Session ("Q & A session"). At the Council meeting of 17 April 2002, CE addressed the Council on the accountability of principal officials, without making specific reference to a particular rule of RoP. On that occasion, at the request of the House Committee, CE took questions from Members after delivering the address.

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<sup>1</sup> On 12 October 2012, the President acceded to the request of Hon WONG Yuk-man for taking the Legislative Council Oath at the Council meeting of 17 October 2012. Under Rule 18 of RoP, "administration of oath or affirmation" is to be the first item of business for a Council meeting. The taking of the LegCo Oath was placed as the first item of business on the Agenda for the meeting of 17 October 2012 and CE's address then became the second item.

6. Another occasion on which CE addressed this Council not in a CE's Q & A session was at the meeting of 25 June 2008. This was the first time CE addressed this Council under Rule 8(a) of RoP. At that Council meeting, CE of the last term addressed the Council on the "Further development of the Political Appointment System" under Rule 8(a) of RoP. On that occasion, a Member raised a point of order on whether CE had to discharge his duties under Rule 8(a), (b) and (c) if he addressed the Council under Rule 8, and, if so, whether CE had to take questions from Members under Rule 8(b). The then President ruled that Rule 8(a), (b) and (c) could be dealt with separately. Following that ruling, no part of the proceedings that followed on that day was for Members asking questions of CE on his address delivered at that meeting. It was later, at the Council meeting of 16 July 2008, that CE took questions from Members relating to his address in a CE's Q & A Session.

### **Applicability of Rules 28 and 39 of RoP**

7. At the Council meeting of 17 October 2012, some Members also asked me whether, under Rule 28 or Rule 39 of RoP, Members could seek elucidation of CE's address. Rule 28 deals with statements made by designated public officers, under which I may allow short and succinct questions to be put to the public officer making the statement. I pointed out to Members at the meeting that CE is not a designated public officer and Rule 28 does not apply to the address delivered by CE.

8. Rule 39 concerns interrupting a Member while he is speaking. Under Rule 39(b), a Member shall not interrupt another Member, except to seek elucidation of some matter raised by that Member in the course of his speech, if the Member is willing to give way and the Member wishing to interrupt is called by me. There is no question that a Member could seek elucidation of some matter raised by another Member as of right. In any event, Rule 39 governs interruption of speech of Members and does not apply to address delivered by CE.

### **My ruling**

9. Having considered the previous ruling of the President of the Third LegCo on Rule 8 and the scope of application of Rules 28 and 39, I am of the opinion that where CE has addressed the Council under Rule 8(a), no procedure is provided for Members to ask him questions on the address. Rule 28 and Rule 39 of RoP do not apply to CE's address

and therefore Members may not seek elucidation of CE's address under these Rules.

10. I have copied this ruling to the Chairman of the Committee on Rules of Procedure for the Committee to consider whether to follow up the matter.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a long horizontal stroke that tapers to the right.

(Jasper TSANG Yok-sing)  
President  
Legislative Council

22 October 2012