

立法會

Legislative Council

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Paper for the House Committee meeting on 16 December 2005

Committee on Rules of Procedure

Proposed amendments to Rules of Procedure and House Rules regarding oral questions asked at Council meetings

Purpose

The Committee on Rules of Procedure (CRoP) invites the House Committee (HC) to endorse the proposed amendments to the Rules of Procedure (RoP) and House Rules (HR) regarding oral questions asked at Council meetings.

Background

2. Arising from the query raised by a Member about another Member changing an oral question, scheduled to be asked at the Council meeting on 1 December 2004, to a written one, HC considered LC Paper No. CB(3) 207/04-05 entitled “Change of oral questions to written ones” at its meeting on 10 December 2004. HC agreed to invite CRoP to review the existing arrangements for raising oral questions at Council meetings.

Proposal to disallow changing oral questions to written ones

3. CRoP has studied whether Members should be allowed to change questions from oral to written ones after notices of the questions have been given. CRoP notes that changing an oral question to a written one will deprive interested Members of the opportunity to ask supplementaries on the question. Furthermore, under Rule 25(1)(1) of RoP, a question asked and answered in the Council cannot be raised again in the same Legislative Council session. To avoid such situation, CRoP proposes that Members should **not** be allowed to change oral questions to written ones after notices of the questions have been given.

Proposal to ask oral questions on behalf of other Members

4. Under Rule 26(6) of RoP, if a Member is not present to ask his/her oral question, the question may with his/her consent be asked by another Member, but otherwise shall be treated as a written question. In view of its proposal to disallow changing oral questions to written ones, CRoP has studied whether the oral question of an absent Member, who has not invited or given consent to another Member to ask it, should be treated as having been withdrawn. CRoP notes that such treatment will have the effect of prohibiting the question to be asked at the Council meeting at which it is originally scheduled. This may delay the answering of oral questions of topical interest in a timely manner.

5. CRoP therefore proposes that when a Member is not present to ask his/her oral question and has not invited or given consent to another Member to ask it on his/her behalf, the question should be asked by the chairman or, in her absence, the deputy chairman of HC. The chairman of HC may decide whether or not to follow the usual practice and ask the first supplementary question after the public officer has answered the question. In the unlikely event that both of them are absent or otherwise unable to ask the question, the question shall be regarded as having been asked. The President will ask the responsible public officer to answer the question; thereafter, Members of the Council may ask supplementary questions to the original question.

Proposal to allow withdrawing an oral question if there is no dissenting voice

6. CRoP has also studied whether or not Members may be allowed to withdraw oral questions scheduled to be asked at Council meetings under Rule 26(8) of RoP in view of its proposals in paragraphs 3 and 5 above. CRoP considers that, while disallowing the withdrawal of an oral question may achieve its aim to ensure that a scheduled oral question and supplementary questions can be asked and answered, a total ban against withdrawal even where there are valid reasons for withdrawing a question may not be in the Council's interest. For example, there have been cases in which the matters asked in questions or part(s) of them were overtaken by the announcements made by the Administration prior to the Council meeting, and the Members decided that no useful purpose would be served by continuing to ask the questions or part(s) of them.

7. To strike a fair balance, CRoP proposes that the Member who has given notice to ask an oral question at a Council meeting may, with leave of the Council, withdraw the question at the relevant meeting before it is asked, provided that there is no dissenting voice and that no debate on the withdrawal is allowed. This arrangement is similar to that under Rule 35(2) of RoP in relation to withdrawing a motion or an amendment before the relevant question is put at a Council meeting.

Restrictions on number of questions asked not applicable to asking oral questions on behalf of other Members

8. Under Rule 24(3) of RoP and Rule 7(b) of HR, each Member is normally limited to asking only one oral and one written or alternatively two written questions at any one meeting. However, if 20 or more Members wish to raise questions at a meeting, each Member is allowed to raise only one question. Currently, these restrictions on the number of questions do not apply to the asking of an oral question by a Member on behalf of another Member. CRoP proposes that such restrictions should also **not** apply to the asking of oral questions by the chairman or deputy chairman of HC under the arrangement mentioned in paragraph 5 above.

Proposed amendments to RoP and HR

9. The **Appendix** contains the proposed amendments to RoP and HR in order to give effect to CRoP's proposals in paragraphs 3, 5, 7 and 8 above. CRoP proposes that these amendments should be presented to HC for endorsement. The amendments to RoP will then be presented to the Council for approval on 11 January 2006.

Advice sought

10. Members are invited to endorse CRoP's proposals in paragraphs 3, 5, 7, 8 and 9 above and the proposed amendments to RoP and HR in the Appendix.

Legislative Council Secretariat
15 December 2005

**Proposed amendments to Rules of Procedure and House Rules
regarding oral questions asked at Council meetings**

Rules of Procedure

24. Notice of Questions

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(3) A Member may not ask more than two questions of which notice has been given at any one meeting and not more than one of those questions shall require an oral reply.

~~Provided that the President may, if in his opinion an additional question is an important one of public concern, allow a Member to ask that additional question.~~

(3A) Notwithstanding the provision in subrule (3), the President may, if in his opinion an additional question is an important one of public concern, allow a Member to ask that additional question.

(4) If a Member asks the permission of the President to ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance, the President may permit the question to be asked without notice, if he is satisfied that it is of that nature and that sufficient private notice of the question has been or is to be given by the Member concerned to the Government to enable the question to be answered.

(5) The reference to "questions" in subrule (3) shall not include the question asked by a Member under Rule 26(6) (Asking and Answering of Questions) or by the chairman or deputy chairman of the House Committee under Rule 26(6A) (Asking and Answering of Questions).

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26. Asking and Answering of Questions

(1) Every question in respect of which a Member has given due notice under the provisions of Rule 24 (Notice of Questions) and which complies with the provisions of Rule 25 (Contents of Questions) shall be put on the Agenda for the meeting at which the Member has stated that he wishes to ask it.

(2) The questions to be asked at each meeting shall, subject to the provisions of Rule 23 (Question Time), be placed on the Agenda by the Clerk in the order in which notice of them was received by him, and when a Member has given notice of several questions at the same time in the order indicated by the Member.

(3) When each question is reached on the Agenda the President shall, except in the case of a question for which a written answer has been sought, call

on the Member in whose name the question stands. The Member called shall then rise in his place and ask the question and the designated public officer who is to answer it shall give his reply.

* * * *

(5) A Member shall not address the Council on a question and a question shall not be made a pretext for a debate.

~~(6) If a Member is not present to ask his question, the question may with his consent be asked by another Member, but otherwise shall be treated as a question for which a written answer has been sought. If a Member is not present to ask his question when that question is reached on the Agenda, the question may with his consent be asked by another Member.~~

(6A) *If the President is satisfied that a Member is not present to ask his question and no other Member present has the consent of the Member to ask the question under subrule (6), the President shall call upon the chairman of the House Committee to ask the question.*

(6B) *In subrule (6A), “the chairman of the House Committee” shall mean “the deputy chairman of the House Committee” if the former is absent or otherwise unable to ask the question at the meeting at which the question is to be asked.*

(6C) *In the event that both the chairman and the deputy chairman of the House Committee are absent or otherwise unable to ask the question under subrule (6A), the question shall be regarded as having been asked.*

(7) In the case of a question for which a written answer has been sought, or in the case of a supplementary question for which a written answer has been offered, a written answer shall be supplied to each Member and shall be printed in the Official Record.

~~(8) A Member who has given notice of a question may withdraw the question by giving notice to the Clerk one and a half hours before the meeting at which the question is to be asked. No question of which notice has been given may be withdrawn, except –~~

(a) *where the question is a question for which a written answer has been sought, the Member who has given notice of such question may withdraw it by giving notice to the Clerk not less than one and a half hours before the meeting at which the question is to be asked; or*

(b) *where a Member is called by the President to ask his question under subrule (3), he may, with leave of the Council, withdraw the question before the question is asked if there is no dissenting voice, and no debate may arise on the withdrawal of the question.*

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House Rules

7. Number and Allocation of Questions

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- (b) Under Rule 24(3) of the Rules of Procedure, each Member is normally limited to asking only one oral and one written or alternatively two written questions at any one meeting. However, if 20 or more Members wish to raise questions at a meeting, each Member is allowed to raise only one question. *These restrictions on the number of questions shall not apply to the asking of questions by a Member under Rule 26(6) of the Rules of Procedure, or by the chairman or deputy chairman of the House Committee under Rule 26(6A) of the Rules of Procedure.*

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11. Question Scheduled for Meeting but not Asked by Member

- (a) Under Rule 26(6A) of the Rules of Procedure, *if the President is satisfied that a Member is not present to ask his oral question, ~~the question may with his prior consent be asked by another Member, or otherwise shall be treated as a question seeking a written answer, and no other Member present has the consent of the Member to ask the question, the President shall call upon the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, to ask the question at the Council meeting at which the question is to be asked. In the event that both the chairman and deputy chairman of the House Committee are absent or otherwise unable to ask the question, the question shall be regarded as having been asked.~~*
- (b) For the purpose of the queuing system for questions, the ~~absent~~ Member *who is not present to ask his oral question* will be regarded as having asked a question for oral reply.

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.