

立法會 *Legislative Council*

LC Paper No. CROP 39/07-08

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Paper for the House Committee meeting on 16 May 2008

Committee on Rules of Procedure

Proposed amendments to the Rules of Procedure and the House Rules regarding the transfer of debate slots among Members and extension of duration of adjournment debates

Purpose

This paper invites the House Committee (HC) to endorse the amendments to the Rules of Procedure (RoP) and the House Rules (HR) proposed by the Committee on Rules of Procedure (CRoP) to provide for the transfer of debate slots among Members and extension of the duration of adjournment debates held pursuant to RoP 16(4).

Background

2. CRoP has recently reviewed the arrangements for moving motions not intended to have legislative effect for debate at Council meetings and considered alternative arrangements to enable Members to move such motions on topical issues in a timely manner. All Members have been consulted on the alternative arrangements proposed by CRoP.

CRoP's recommendations

3. Based on the majority view of Members received during the consultation, CRoP recommends that the relevant provisions in RoP and HR should be amended to give effect to the following:

- (a) the transfer of debate slots among Members is to be allowed, provided that the request for such transfer is made and agreed to by the Member concerned before the 12 clear days' deadline for giving notice of motions. The Member who has transferred his debate slot will not be

regarded as having used his slot, but any priority he originally has before the ballot will be removed. The Member who is allowed to use another Member's debate slot will be regarded as having been allocated a slot under the allocation system. Moreover, the Member who seeks to use another Member's debate slot is required to have bid for a slot for the Council meeting concerned but was unsuccessful; and

- (b) the duration of adjournment debates held pursuant to RoP 16(4) is to be extended from one hour to one and a half hours. Each Member, including the proposer, may speak for up to five minutes, subject to a total speaking time of 75 minutes allocated to Members. The total speaking time for designated public officers will remain to be 15 minutes.

4. The proposed amendments to RoP and HR are set out in the **Appendix**, which include:

- (a) amending RoP 16(6) and (7) (Motions for the Adjournment of the Council); and
- (b) amending the original HR 14(f) (Allocation of Slots for Debates to Individual Members) and changing it to HR 14(j), adding new HR 14(f) to (i), adding new HR 14A(l) (Allocation of Slots for Debates to Chairmen of Committees of the Council), and amending HR 18 (Adjournment Debates).

5. In addition, CRoP also recommends that:

- (a) where a Member has transferred his allocated debate slot to another Member, there shall be no further transfer of that slot (the proposed HR 14(g) refers); and
- (b) a debate slot allocated pursuant to the original HR 14(f) and 14A shall not be transferred (the proposed HR 14(j) and 14A(l) refer). The original HR 14(f) provides for allocation of debate slots to Members for debates on urgent, important and topical issues. HR 14A provides for allocation of debate slots to the chairmen of committees of the Council.

6. CRoP further recommends that the Member to whom a debate slot has been transferred should notify the Secretariat of the transfer as soon as consent is obtained via a form to be designed by the Secretariat.

The Administration

7. The Administration has been informed of CRoP's recommendation regarding the extension of the duration of adjournment debates held pursuant to RoP 16(4), as set out in paragraph 3(b) above.

Advice sought

8. Members are invited to endorse CRoP's recommendations in paragraphs 3 to 6 above, and the proposed amendments to RoP and HR in the Appendix. Subject to HC's endorsement, the proposed amendments to RoP will be presented to the Council for approval on 4 June 2008.

Legislative Council Secretariat
14 May 2008

**Proposed amendments to the Rules of Procedure and House Rules
regarding the transfer of debate slots among Members
and extension of duration of adjournment debates**

Rules of Procedure

16. Motions for the Adjournment of the Council

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(4) At the conclusion of all the business on the Agenda of the Council a Member may move that this Council do now adjourn, for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer.

(5) A Member who wishes to move a motion under the provisions of subrule (4) shall give notice of the issue in writing to the Clerk not less than 7 clear days before the meeting at which he wishes to do so:

Provided that the President may in his discretion dispense with such notice.

(6) If at the expiration of ~~45~~⁷⁵ minutes, or such longer period as the President may at any meeting determine, from the moving of a motion under subrule (4) a designated public officer has not yet been called upon to reply, the President shall direct the Member then speaking to resume his seat and shall call upon a designated public officer to reply.

(7) If at the expiration of one ~~hour~~^{and a half hours}, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (4) such motion has not been agreed to, the President shall adjourn the Council without putting any question.

House Rules

14. Allocation of Slots for Debates to Individual Members

- (a) Each Member is normally allocated only one slot for moving a motion debate or proposing one adjournment debate in a session.
- (b) A Member who wishes to move a motion for debate at a Council meeting shall make a prior application for the allocation of a debate slot. An application for a debate slot at a particular meeting should be submitted with the wording of the motion to the Secretariat not later than 14 clear days before that meeting.
- (c) No application will be accepted after the cut-off date in (b) above, even if there is any untaken slot. If the subject matter of the proposed motions submitted by Members is substantially the same, the Member who first secures a debate slot has priority to move the subject matter for debate.
- (d) If more than two applications have been received in respect of the same Council meeting by the cut-off date in (b) above, allocation will be determined by drawing lots by the chairman of the House Committee. A Member who has previously been allocated a debate slot in the session will not be included in the ballot.
- (e) A Member not previously allocated a debate slot in a session and who has been unsuccessful for the highest number of times in two or more consecutive ballots will be accorded priority and allocated one debate slot at a subsequent Council meeting. Where there are more than one such Members, lots will be drawn by the chairman of the House Committee to determine the allocation of the debate slot to one of these Members. The Member(s) who is unsuccessful in this ballot will then join those Members who have been unsuccessful for fewer number of times and those Members who have not previously been allocated a debate slot in the session in a ballot to be conducted by the chairman of the House Committee for determining the allocation of the remaining slot.
- (f) *A Member who has been unsuccessful in his application for a debate slot for a Council meeting may use the debate slot allocated to another Member for that meeting if a request for transfer of the slot is made and agreed to by that other Member 12 clear days before the date of that meeting.*
- (g) *Where a Member has transferred his allocated debate slot to another Member pursuant to (f) above, there shall be no further transfer of that slot.*

- (h) *Where a Member has transferred his allocated debate slot pursuant to (f) above, his priority in an allocation of debate slots to be made under (e) above in respect of a Council meeting to be held after the one to which the transferred slot relates shall be determined subject to the following -*
- (i) *he shall not be regarded as having been allocated a debate slot notwithstanding the allocation of the slot that he has so transferred; and*
 - (ii) *all his previous unsuccessful applications for a debate slot, if any, that were taken into account in the allocation of the slot that he has so transferred shall be disregarded.*
- (i) *For the purpose of this rule, the Member to whom a debate slot has been transferred pursuant to (f) above is regarded as having been allocated a slot.*
- ~~(f)~~(j) Notwithstanding the method of allocation stated above, with the agreement of the House Committee, Members may be given priority in respect of the allocation of slots for debates on urgent, important and topical issues. *A debate slot allocated in accordance with such priority shall not be transferred pursuant to (f) above.*
- ~~(g)~~(k) A mover of a motion may withdraw a notice of a motion at any time before it is moved by giving instructions to the Clerk. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the Member is deemed to have been allocated a debate slot.
- ~~(h)~~(l) Where the mover of a motion withdraws a motion during a Council meeting, the debate slot will be treated in one of the following manners -
- (i) the Member is regarded as having used his debate slot; or
 - (ii) with the agreement of the House Committee, the Member may move the withdrawn motion at the first available slot at a subsequent Council meeting. However, the number of motion debates at the Council meeting should not thus exceed two.
- ~~(i)~~(m) Where the House Committee makes prior suggestion to the mover of a motion for deferring his debate, and the mover accepts the suggestion, his debate slot will be treated in accordance with ~~(h)~~(l)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, his debate slot will be treated in accordance with ~~(h)~~(l)(i) above.

14A. Allocation of Slots for Debates to Chairmen of Committees of the Council

- (a) A slot will be automatically allocated to the chairman of a Panel for moving, in accordance with a Panel's decision, a motion for debate at a Council meeting provided that:
 - (i) the motion is on a consultative document published by the Government and will be debated before the expiry of the consultation period;
 - (ii) the motion is neutrally-worded without stating any stance; and
 - (iii) no amendment to the motion will be proposed.
- (b) The slot so allocated will not be counted as the mover's own slot as an individual Member.
- (c) Only one slot will be allocated for such purpose for each Council meeting.
- (d) A Panel's request for debate slot at a particular Council meeting should be submitted with the wording of the motion to the Secretariat before the relevant cut-off date for application for debate slots.
- (e) Except with the agreement of the House Committee, each Panel will normally be allocated not more than one such slot in a session.
- (f) Where there are more than one application from Panels in respect of the same Council meeting, priority will be given to the debate on the consultative document with the earliest deadline for concluding the consultation. Where the deadlines are the same, allocation will be determined by balloting. The Panel(s) which is not allocated a slot under this subrule may be allocated one at the next or subsequent Council meeting(s), depending on the number of Panels requesting the slots and the order of priority as determined by the ballot.
- (g) The automatic allocation of slots mentioned in (a) above does not apply to cases in which a Panel requests that a debate slot be allocated to its chairman for moving a motion on matters other than as stated in (a)(i) above, or that a debate slot be allocated to the chairman of the House Committee, even if the motion is on a consultative document published by the Government.
- (h) Requests by a Panel mentioned in (g) above and similar requests from other committees and subcommittees of the Council for priority allocation of debate slots shall be put forward to the House Committee for consideration on a case-by-case basis. Should the House Committee accede to such a request, the debate slot shall not be counted as the mover's own slot.

- (i) The chairman of a Panel, committee or subcommittee who has been so allocated a slot may withdraw the notice of the motion at any time before it is moved by giving instructions to the Clerk. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the chairman of the Panel, committee or subcommittee is deemed to have been allocated a debate slot for the purposes of this rule.
- (j) Where the chairman of the Panel, committee or subcommittee withdraws the motion during a Council meeting, the debate slot will be treated in one of the following manners -
 - (i) the chairman of the Panel, committee or subcommittee is regarded as having used the debate slot for the purposes of this rule; or
 - (ii) with the agreement of the House Committee, the chairman of the Panel, committee or subcommittee may move the withdrawn motion at the first available slot at a subsequent Council meeting. However, the number of motion debates at the Council meeting should not thus exceed two.
- (k) Where the House Committee makes prior suggestion to the chairman of the Panel, committee or subcommittee for deferring the debate, and the mover accepts the suggestion, the debate slot will be treated in accordance with (j)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, the debate slot will be treated in accordance with (j)(i) above.
- (l) *A debate slot allocated pursuant to this rule shall not be transferred pursuant to rule 14(f) above.*

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18. Adjournment Debates

- (a) The subject matter and scope of an adjournment debate must be specified at the time of application. A proposer must not subsequently seek to change the subject matter of the debate.
- (b) The duration of an adjournment debate ~~at a meeting held pursuant to Rule 16(4) of the Rules of Procedure~~ will be kept within one ~~hour and a half hours~~ (4575 minutes for speeches by Members and 15 minutes for replies by ~~Government officials-designated public officers~~) unless extended by the President. *Each Member, including the proposer, may speak for up to five minutes in the debate.*

(c) ~~A Member who wishes to speak on an adjournment debate should notify the Secretariat two clear days preceding the relevant meeting to enable the Secretariat to compile a speakers list and recommend the apportionment of speaking time for the Members concerned. The proposer of an adjournment debate is entitled to a minimum of five minutes' speaking time.~~

Legend:

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

Texts proposed to be deleted are shown with deletion lines.