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From : Clerk to Committee on Rules of Procedure
To : All Members of the Legislative Council

Committee on Rules of Procedure

**Consultation on the arrangements for asking and answering
oral questions at Council meetings**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on proposals to facilitate the asking of oral questions on topical issues by Members in a timely manner, and other suggestions to enhance the current arrangements for asking and answering oral questions at Council meetings.

Background

2. Under Article 73(5) of the Basic Law ("BL"), one of the powers and functions of the Legislative Council ("LegCo") is to raise questions on the work of the Government. The Government shall, under BL 64, answer questions raised by Members and, under BL 62(6), designate officials to sit in on the meetings of the Council and speak on behalf of the Government. The Rules of Procedure ("RoP") provide four channels for Members to raise questions on the work of the Government at Council meetings: (a) asking questions for oral replies at a Council meeting;¹ (b) asking questions for written replies at a Council meeting;² (c) asking urgent questions without notice at a Council meeting;³ and (d) putting questions to

¹ RoP 22.

² RoP 22.

³ RoP 24(4).

the Chief Executive ("CE") when he or she attends a Council meeting.⁴ The House Rules ("HR") further set out details of the arrangements for the asking of questions by Members, the giving of replies by designated officials, and the attendance of CE at a Council meeting.⁵

3. At its meeting on 14 March 2017, CRoP considered proposals to improve the arrangements for asking and answering oral questions at Council meetings, so as to ensure more effective use of the Council's time and allow more Members to participate in asking questions.

4. On 29 March 2017, 26 Members jointly wrote to the President concerning the asking of urgent questions at Council meetings. In their letter, the Members expressed concerns that despite many requests made by Members since the beginning of the Sixth LegCo for asking urgent questions under RoP 24(4), the President had not given permission to any of such questions.⁶

5. In the reply letter on behalf of the President to these Members on 31 March 2017, the Clerk to LegCo explained the principles adopted by the President for determining whether the questions proposed by Members have met the requirements laid down in RoP 24(4).⁷ The President notes that at present, RoP do not provide for arrangements to facilitate Members seeking timely responses from the Government on topical issues which are of widespread public concerns, but have not yet met the conditions required of an urgent question. As such, the President has requested the Secretariat to study arrangements which would facilitate Members to ask questions on topical issues in a timely manner at Council meetings in order to improve

⁴ RoP 8(b).

⁵ HR 4, 5, 6, 7, 8, 9, 9A, 10, 11 and 12.

⁶ Under RoP 24(4), the President may permit a question to be asked without notice if he is satisfied that it is of an urgent character and relates to a matter of public importance. In addition, he must also be satisfied that sufficient private notice has been or is to be given by the Member concerned to the Government. As of 28 June 2017, none of the 32 applications by Members for asking an oral question without notice under RoP 24(4) were permitted to be raised at a Council meeting since the beginning of the Sixth LegCo in October 2016.

⁷ The principle adopted by the President for determining whether the question has met the requirements laid down in RoP 24(4) is whether there would be any irreversible consequences if the question is not asked at that meeting, or whether the asking of the question will become meaningless or will have no effect if it is asked at a later date. The President also needs to be satisfied that the question is on a matter of public importance. He may also take into account other relevant factors.

the efficiency in monitoring the work of the Government by the legislature.

Consideration by the Committee on Rules of Procedure

6. In considering options to enhance the arrangements for asking and answering oral questions at Council meetings and to facilitate the asking of questions by Members in a timely manner, CRoP has studied the rules and practices of selected overseas legislatures.⁸ CRoP notes that among the legislatures studied, oral questions are normally raised for the purposes of calling on the government to account for its actions, usually through lively and heated partisan exchanges. Oral questions usually do not seek detailed information from the respective governments. A common feature in some of these legislatures is that Members are provided with the opportunities to ask questions on topical issues with very short notice or without notice, where government officials have to provide spontaneous responses on the spot. Where Members wish to obtain detailed information from the government on certain policy issues or specific topics, Members may do so by raising questions for written replies.

7. After reviewing the current arrangements for the asking of oral questions by Members, and the relevant rules and practices of other legislatures, CRoP invites Members to consider the proposals set out in **Appendix I** to improve the topicality of questions to the Government for oral replies ("the Proposals") and the consequential arrangements. A summary of the main points of the Proposals is in paragraphs 8 to 12 below. The consequential arrangements are explained in paragraphs 13 and 14 below.

The Proposals

Simplifying notice requirements for oral questions (items 1 to 3 of Appendix I)

8. It is **proposed** that the current notice period for questions requiring oral replies be shortened from seven clear days before the

⁸ The legislatures include: the House of Commons of the Parliament of the United Kingdom, the House of Commons of the Parliament of Canada, the House of Representatives of the Parliament of Australia, House of Representatives of the Parliament of New Zealand, the Parliament of Singapore, the Legislative Yuan of Taiwan and Lok Sabha of India.

Council meeting, to noon of the Friday preceding the Council meeting⁹ (item 1 of Appendix I). When giving notice, the Member asking the question should submit a title and content of the question. Only the title, which should be sufficiently clear to identify the subject matter and the scope of the question, is to be placed on the Agenda of the relevant Council meeting. By shortening the notice period, Members would have the maximum flexibility to ask topical questions at Council meetings (item 2 of Appendix I).

9. It is also **proposed** that instead of continuing the current requirement for the Government to provide written replies to the LegCo Secretariat by 9:30 am on the day of the Council meeting, designated public officers would no longer be required to make available written replies ahead of their oral response at the Council meeting. This would enable the Government to include the most up-to-date developments in the replies, in the light of the shortened notice period (item 3 of Appendix I).

10. The current notice requirements for questions for written replies under RoP and HR should remain unchanged.

More focused questions and answers with increased opportunities for Members to ask supplementary questions (items 4 to 6 of Appendix I)

11. Under the current practice, an oral question should not contain more than three parts. Under HR 9A(a) and (b), three minutes should be used to ask the main question while seven minutes should be allowed to give the main reply. In order to enable the questions and answers to be more succinct, it is **proposed** that each main oral question should be single-barrelled, with not more than 120 Chinese characters or 100 words in English. The word limits may be recommended by the House Committee (item 4 of Appendix I). Members should also be reminded that questions which require detailed information and statistics should be asked more appropriately as written questions.

12. It is also **proposed** that the current time limit for asking six oral questions at each Council meeting be kept at 132 minutes, i.e. the duration of each oral question (including any supplementary or follow-up question and all answers) should not exceed 22 minutes in total as required under HR 9A. As the main oral question and answer will become more focused,

⁹ The deadline would fall at noon on the Friday immediately before the Council meeting if there is no intervening public holiday except Sunday. Otherwise, the deadline should be at noon on the day which is three clear days before the Council meeting.

the time allowed for public officers to deliver the replies can be reduced correspondingly, enabling up to twice as many Members as currently able to ask supplementary questions. It is **proposed** that the following time limits be adopted for each oral question (items 5 and 6 of Appendix I):

- (a) three minutes should be used to ask the main question and to give the main reply; and
- (b) one minute should be used to ask a supplementary or any follow-up question, and one minute should be allowed for reply.

Consequential arrangements (items 7 to 10 of Appendix I)

13. In order to implement the Proposals outlined in paragraphs 8 to 12 above, Members are invited to consider the following proposed consequential arrangements:

- (a) to make corresponding adjustments to the time-frames of registration and the way question slots are allocated for oral questions, so as to distinguish them from the current arrangements for written questions which will remain unchanged under the Proposals. The current arrangement under HR 7(c) where Members who have been allocated the least question slots in a session will have priority will remain unchanged for oral and written questions. In case of equal priority for oral questions, ballot will be conducted to determine the allocation (items 7 and 8 of Appendix I);
- (b) as certain topical issues may become the focus of attention by more than one Member who have secured slots to ask oral questions, it is proposed that the current restrictions under RoP 25(3)(a) and HR 5(c), which prevent questions of the same or similar subject matters and content to be asked, should be relaxed. To ensure effective use of Council's time, the President should be given discretion to group oral questions of the same or similar subject matters together for answers as in the current arrangements for asking and answering urgent questions (item 9 of Appendix I); and
- (c) At present under RoP 24(3) and HR 7(b), a Member may not ask more than two questions at any one Council meeting, and not more than one of those questions shall

require an oral reply. As Members will be required to register oral and written questions separately under the Proposals, Members are invited to consider relaxing the restriction and allow each Member to ask a maximum of one oral question and two written questions at a Council meeting subject to the availability of question slots (item 10 of Appendix I).

Attendance of the Chief Executive at regular Council meetings to answer questions put to him/her on the work of the Government by Members (item 11 of Appendix I)

14. Under the current practice, CE attends Question and Answer Sessions about four times each year at Council meetings where no other business is transacted, with each session usually lasting about 90 minutes. To improve the efficiency in monitoring the work of the Government by Members, CRoP also proposes that:

- (a) relevant amendments be made to RoP and HR so that CE may, in addition to the aforesaid Question and Answer Sessions, on his/her own volition, attend regular Council meetings once or twice a month to answer questions put to him/her on the work of the Government by Members;¹⁰
- (b) when CE attends a regular Council meeting to take questions from Members, 30 minutes of the Question Time for oral questions at that meeting will be reserved for CE, with the number of oral questions at that meeting reduced to five;
- (c) two minutes should be allowed for the asking and answering of each question at CE's Question Time; and
- (d) the arrangements for Members to put questions to CE at a regular Council meeting mentioned in paragraph 14(b) above will basically follow the current arrangements for the CE's Question and Answer Session.

¹⁰ Acting CE may attend the Question Time in the absence of CE, for example due to overseas duty visits or vacation leave.

Questionnaire

15. Members are invited to give their views on the proposed arrangements set out in paragraphs 8 to 14 above and in **Appendix I** by completing and returning the questionnaire at **Appendix II** by **12 July 2017**. Having considered Members' views, CRoP will consult the Government on the Proposals thereafter.

(Daniel SIN)
Clerk to
Committee on Rules of Procedure

Encl.

c.c. Hon Andrew LEUNG Kwan-yuen, GBS, JP (President of the
Legislative Council)
Hon Paul TSE Wai-chun, JP (Chairman)
SG, LA, DSG, ASG1, ASG2, ASG3, ASG4, SALA2, H(PI), ALA9

Proposed arrangements to improve topicality of oral questions at Council meetings

I. Proposal to simplify notice requirements for oral questions

		Current arrangements	Proposed arrangements
1	Notice period/deadline	- Seven clear days (i.e. usually the second Monday before the Council meeting)	- The deadline falls at noon on the day which is three clear days before the Council meeting (i.e. noon on the Friday immediately before the Council meeting if there is no intervening public holiday except Sunday)
2	Form of questions shown on the Agenda	- Contents of questions	- Only the titles of questions will be shown on the Agenda - Contents of questions submitted by Members will be provided to the President and the Administration in advance for reference - The President may exercise discretion to disallow a question to be asked, if in his opinion the content of an oral question raised at a Council meeting deviates from the wording provided by the Member and forwarded to the Administration
3	Written main reply (in both Chinese and English) provided by the Administration	- The Administration provides written replies to oral and written questions to the LegCo Secretariat by 9:30 am on the day of the Council meeting	- No written reply to oral questions is required

II. Proposal to facilitate more focused questions and answers with increased opportunities for Members to ask supplementary questions

		Current arrangements	Proposed arrangements
4	Form of questions	<ul style="list-style-type: none"> - Contain not more than three parts (In the Fifth Legislative Council ("LegCo"), 487 characters on average) 	<ul style="list-style-type: none"> - Single-barrelled question of not more than 120 Chinese characters or 100 words in English. The question should be accompanied by a title of not more than 15 Chinese characters or 12 words in English - The title of an oral question should be sufficiently clear to identify the subject matter and the scope of the question - It is not recommended that the above word limits should be specified in the Rules of Procedure ("RoP") or House Rules ("HR"). A new rule in HR may be added to allow the House Committee to make recommendation on word limits
5	Number of main oral questions allowed to be asked at a Council meeting	<ul style="list-style-type: none"> - Six questions (total 132 minutes with around 22 minutes for each question) - Three minutes for the main question and seven minutes for the Administration's reply. One minute for supplementary question (HR 9A) 	<ul style="list-style-type: none"> - Six questions (total 132 minutes with 22 minutes for each question) with restrictions as follows: <ul style="list-style-type: none"> (a) three minutes should be allowed for the asking and answering of each main question; and (b) one minute should be used to ask a supplementary or any follow-up question, and one minute should be allowed for reply
6	Estimated number of Members able to ask supplementary questions to each main question	<ul style="list-style-type: none"> - Four to five Members on average 	<ul style="list-style-type: none"> - Nine to 10 Members

III. Consequential arrangements

		Current arrangements	Proposed arrangements
7	Registration of questions/question titles	<ul style="list-style-type: none"> - By midnight of the third Friday (i.e. about 19 calendar days) before the Council meeting - When a question is submitted for registration, the draft wording should be sufficiently clear to identify the subject matter and the scope of the question (HR 5(b)) - The above arrangement is applied to both oral and written questions 	<ul style="list-style-type: none"> - Members may signify interests to ask oral questions: <ul style="list-style-type: none"> (a) from 9:00 am on the day which is seven clear days before the Council meeting (i.e. the second Monday before the Council meeting if there is no intervening public holiday except Sunday); and (b) before noon on the day which is five clear days before the Council meeting (i.e. noon on the Wednesday immediately before the Council meeting if there is no intervening public holiday except Sunday) - No question or its title needs to be provided when registering an oral question - The current arrangement for written question will remain unchanged
8	Allocation of question slots	<ul style="list-style-type: none"> - Two criteria in descending order: <ul style="list-style-type: none"> (a) Members who have been allocated the least question slots in a session have priority (HR7(c)); and (b) In case of equal priority, the Member who registered the question earlier has priority (HR7(c)) 	<ul style="list-style-type: none"> - Oral question slots will be allocated to Members in accordance with the following two criteria in descending order: <ul style="list-style-type: none"> (a) Members who have been allocated the least question slots in a session have priority (HR 7(c)); and (b) In case of equal priority, ballot will be conducted to determine the allocation - Members will be informed of the results of allocation within two to three hours after the deadline of registration

		Current arrangements	Proposed arrangements
9	Rules on the contents of questions	<ul style="list-style-type: none"> - RoP 22 and 25 applied - For main questions, ruled by the President before Council meetings. For supplementary questions, enforced by the President during Council meetings 	<ul style="list-style-type: none"> - Basically no change. RoP 25(1) and (2) should be amended to include the title of oral questions. RoP 25(3)(a) and HR 5(c) should be amended to exclude oral questions - For both the main and supplementary questions, the rules will be enforced by the President at Council meetings - The President may group questions of the same or similar subject matters together for answers to ensure effective use of Council's time
10	Restriction on the number of questions under RoP 24(3) and HR 7(b)	<ul style="list-style-type: none"> - Each Member is normally limited to asking only one oral and one written or alternatively two written questions at any one Council meeting 	<ul style="list-style-type: none"> - To relax the restriction and allow each Member to ask a maximum of one oral question and two written questions at a Council meeting subject to the availability of question slots

IV. Proposal to facilitate the attendance of the Chief Executive at regular Council meetings to answer questions put to him/her on the work of the Government by Members

		Current arrangements	Proposed arrangements
11	Attendance of the Chief Executive ("CE")	<ul style="list-style-type: none"> - CE's Question and Answer Session 	<ul style="list-style-type: none"> - 30 minutes for CE's Question Time and the number of oral questions at that Council meeting will be reduced to five (total time for questions: 140 minutes) - Frequency of CE's Question Time is to be confirmed (i.e. once or twice a month) - The acting CE may attend the Question Time in the absence of CE, for example due to overseas duty visits or vacation leave - Similar to the current CE's Question and Answer Session, Members are not required to provide questions in advance for CE's Question Time - Two minutes should be allowed for the asking and answering of each question at CE's Question Time - The current CE's Question and Answer Session will not be affected

Questionnaire
(to be returned by 12 July 2017)

Fax No. : 2543 9197

To : Mr Daniel SIN
Clerk to Committee on Rules of Procedure
Legislative Council

Committee on Rules of Procedure

**Consultation on the arrangements for asking and answering
oral questions at Council meetings**

My views on the proposed arrangements for asking and answering oral questions at Council meetings set out in paragraphs 8 to 14 and **Appendix I** of LC Paper No. CROP 45/16-17 are as follows:

(Please tick as appropriate. If the space for comments is insufficient, please provide your comments in separate sheets.)

1. Proposal to simplify notice requirements for oral questions
(paragraphs 8 to 10 in the paper and items 1 to 3 in Appendix I).

Support in principle

Not support

No comment

Other views:

2. **Proposal to facilitate more focused questions and answers with increased opportunities for Members to ask supplementary questions** (paragraphs 11 and 12 in the paper and items 4 to 6 in Appendix I).

Support in principle

Not support

No comment

Other views:

3. **Proposed consequential arrangements** (paragraph 13 in the paper and items 7 to 10 in Appendix I).

Support in principle

Not support

No comment

Other views:

4. **Proposal to facilitate the attendance of the Chief Executive at regular Council meetings to answer questions put to him/her on the work of the Government by Members** (paragraph 14 in the paper and item 11 in Appendix I).

Support in principle

Not support

No comment

Other views:

5. Additional comments

Signature : _____

Name of Member : _____

Date : _____