

ITEM FOR FINANCE COMMITTEE

Finance Committee Procedure

Purpose

This paper invites members to endorse a number of amendments to the Finance Committee (FC) Procedure. These proposed amendments aim to set out more clearly the procedural arrangements for the election of the Chairman and Deputy Chairman, and to reflect the relevant amendments to the Rules of Procedure passed by the Council on 3 July 2002.

Background

2. In 2001, the Committee on Rules of Procedure (CRoP) conducted a review of the provisions in the House Rules and the FC Procedure relating to the election of Chairman and Deputy Chairman. Following the review and upon the recommendation of the CRoP, the Council passed a resolution at its meeting on 3 July 2002 to amend Rules 71(2) and 75(2) of the Rules of Procedure to provide, inter alia, that the election of the chairmen and deputy chairmen of the House Committee and FC for the second or each subsequent session in a Legislative Council term may take place at a meeting held before the relevant session commences.

3. The CRoP also recommends that amendments be introduced to the House Rules and the FC Procedure to set out more clearly the procedural arrangements for such elections.

Proposed amendments

4. The procedural arrangements for the election of Chairman and Deputy Chairman of FC are set out in Paragraph 6 of the FC Procedure. To set out clearly the procedural arrangement recommended by CRoP, amendments to Paragraph 6 and the addition of a new Paragraph 6A are proposed.

5. Consequential amendments are also proposed to refine the text of Paragraphs 4 and 5 of the FC Procedure as a result of the amendments to Rule 71(2) of the Rules of Procedure.

6. The proposed amendments to Paragraphs 4, 5 and 6 and the proposed new Paragraph 6A are contained in the **Appendix**.

Advice sought

7. Members are invited to endorse the proposed amendments to the FC Procedure contained in the **Appendix**.

Legislative Council Secretariat
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2002

Proposed amendments to the Finance Committee Procedure

Chairman and Deputy Chairman

4. The Chairman and Deputy Chairman of the Committee shall be elected by and from among its members² at an open meeting and shall hold office until ~~the election of the Chairman and Deputy Chairman of the Committee in for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement. next following that for which they are elected.~~ In the event of the temporary absence of the Chairman and Deputy Chairman, the Committee may elect a chairman to act during such absence. Notwithstanding the provision in paragraph 45, the Chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections [Rule 71(2)].

5. The election of the Chairman and Deputy Chairman of the Committee for the first session ~~in of~~ a term shall be conducted at the first meeting of the Committee in the session. The member who has the highest precedence in the Council [Rule 1A] shall be responsible for calling ~~the first that~~ meeting. ~~of a term of the Committee, and shall preside at the election of the Chairman of the Committee. If the member who has the highest precedence is being nominated for the office of Chairman, the member who is next in the order of precedence of Members and who is not being nominated for the office shall be the presiding member.~~ For the second or ~~each~~ subsequent sessions ~~in of~~ a term, the election ~~of the Chairman and Deputy Chairman of the Finance Committee~~ may be conducted at a meeting held before ~~the that~~ session commences. ~~The meeting shall be called by the Chairman in office.~~

6. The procedure for the election of the Chairman is as follows:

- (a) Where the election takes place at the first meeting of the Finance Committee in a term, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.
- (b) At any other election of chairman, the member who was the Chairman of the Finance Committee before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was Deputy Chairman of the Finance Committee before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest

² The term “members” or “member” as used in the text refers to members or a member of the Finance Committee unless specified otherwise.

- precedence among the members not nominated for the office shall preside.
- (c) At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.
 - (d) If the presiding member is being nominated for the office, he shall be replaced in accordance with (a) or (b) above, as appropriate, unless otherwise decided by the Committee.
 - (e) If there is only one nomination, the presiding member shall declare the nominee elected as Chairman.
 - (f) If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the presiding member. After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall declare elected as Chairman the nominee who receives the highest number of valid votes among all the nominees. If two or more nominees receive the same highest number of valid votes, the presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Chairman.

6A. The Chairman of the Finance Committee shall preside at the election of the Deputy Chairman. If the Chairman is absent, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. The election procedure in paragraph 6(c) to (f) above then follows.

~~6. At the meeting held for the purpose of the election, the member presiding at the meeting shall call for nominations for these two offices. All members of the Committee may stand for election. Each nomination shall be made orally by a member, seconded by at least one other member present, and accepted by the member being nominated. A member who nominates an absent member for an office shall state that the absent member's acceptance of the nomination has been secured. If there is only one nomination, the member presiding shall declare the nominee elected. If more than one nomination is received for an office, the election shall be decided by secret ballot by the members present, including the presiding member, on the basis of a simple majority~~

~~of the votes. In case of a tie, the presiding member shall draw lots to give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected to an office.~~