

**立法會**  
**Legislative Council**

**傳真急件**

立法會FC50/09-10號文件

檔 號：CB1/F/1/1

電 話：2525 4354

日 期：2010年1月14日

發文者：財務委員會秘書

受文者：財務委員會各位委員

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**財務委員會**

**主席致政府當局的信件**

謹附上財務委員會主席劉慧卿議員於2010年1月14日致政府當局的信件，當中夾附秘書長擬備的摘要，供委員參閱。秘書處會盡快提供該份摘要的中文本。

財務委員會秘書

(李蔡若蓮女士)

連附件

**立法會**  
*Legislative Council*

**Urgent by fax**

LC Paper No. FC50/09-10

Ref : CB1/F/1/1

Tel : 2525 4354

Date : 14 January 2010

From : Clerk to the Finance Committee

To : Members of the Finance Committee

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**Finance Committee**

**Chairman's letter to the Administration**

I forward for members' reference a letter from Hon Emily LAU, Chairman of the Finance Committee, to the Administration dated 14 January 2010 enclosing a note from the Secretary General (SG). Please note that the Chinese version of SG's note will be provided as soon as possible.

(Mrs Constance LI)  
Clerk to the Finance Committee

Encl.

(譯文)

2509 0393  
2332 1893

傳真文件  
(傳真號碼：2596 0729)

香港下亞厘畢道  
中區政府合署中座4樓  
財經事務及庫務局(庫務科)  
財經事務及庫務局局長  
[經辦人：甯漢豪女士, JP]

甯女士：

**2010年1月15日及16日舉行的財務委員會會議**

經昨日與閣下商議後，本人明白政府官員關注1月15日及16日舉行的財務委員會會議的會議安排。財務委員會部分委員亦曾提出相同的關注。為使所有參與上述會議的人士瞭解本人在主持會議時依循的有關做法及程序，現附上立法會秘書長給予本人的摘要，該摘要綜述立法會秘書處在過去數天給予本人的口頭指引。相信摘要內的資料對閣下會有幫助。

本函及秘書長的摘要副本亦會送交財務委員會全體委員參閱。

財務委員會主席

(劉慧卿)

2010年1月14日

連附件

副本致： 財務委員會所有委員



立法會  
LEGISLATIVE COUNCIL

By fax: 2596 0729

來函檔號 YOUR REF  
本函檔號 OUR REF  
電 話 TELEPHONE 2509 0393  
圖文傳真 FACSIMILE 2332 1893

14 January 2010

Secretary for Financial Services and the Treasury  
(Attn: Ms Bernadette LINN, JP)  
Financial Services and the Treasury Bureau  
(The Treasury Branch)  
4/F, Main Wing, Central Government Offices  
Lower Albert Road  
Hong Kong

Dear *Bernadette*,

**Finance Committee meetings on 15 and 16 January 2010**

I understand from our discussion yesterday that there were concerns among Government Officials regarding the meeting arrangements for the Finance Committee meetings on 15 and 16 January. The same concerns have also been expressed by some members of the Finance Committee (FC). To enable all those who take part in these meetings to understand the relevant practice and procedures which I shall follow when conducting the meetings, I provide herewith a note given to me by the Secretary General who has summarized in it the oral advice rendered to me by the Legislative Council Secretariat over the past few days. I believe you will find the information in the note useful.

I shall also copy this letter together with the note from the Secretary General to all FC members.

With best regards,

Yours sincerely,

(Emily LAU)  
Chairman, Finance Committee

Encl.

cc All members of the Finance Committee

## **Note for Hon Emily Lau, Chairman of the Finance Committee**

*Dear Ms Lau,*

### **Advice on some procedural arrangements for FC meetings**

This note contains a summary of the advice rendered to you orally by the Legislative Council Secretariat over the last few days on the following procedural issues:

- (a) the determination of meeting time by the Chairman;
- (b) the moving of motions to express a view on an agenda item under Paragraph 37A of the FC Procedure;
- (c) the moving of a motion to adjourn the discussion of an item or adjourn the proceedings under Paragraph 39 of the FC Procedure; and
- (d) the curtailment of discussion on an item

### **Determination of meeting time**

2. Under Rule 71(6) of the Rules of Procedure (“RoP”), FC shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

3. Pursuant to a decision made by FC at its meeting on 24 March 2006<sup>1</sup> the duration of a FC meeting has been limited to two hours. The meeting arrangement was reviewed again in late 2008 and members were consulted in the course of the review. FC subsequently decided on 16 January 2009<sup>2</sup> that the duration of FC meetings should be maintained at two hours, but the Chairman may extend a FC meeting for up to 15 minutes where necessary. In the case of the subcommittees of FC, the subcommittee may further extend a meeting for a specified period of time, subject to availability of venue and the extended time not clashing with meetings of the Council, and there being no dissenting voice when deciding on the further

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<sup>1</sup> The decision was made after considering the paper FCR(2007-08)33 on Review of the Procedures of the Finance Committee and its subcommittees.

<sup>2</sup> The decision was made after considering the paper FCR(2008-09)59. The arrangements as decided by the FC were set out in LC Paper No. FC56/08-09 which was issued to members on 19 January 2009.

extension. This arrangement however does not apply to FC. The above decisions were made in order to ensure that decisions of FC on a substantive item, such as a financial proposal or a proposal to change FC procedures, would be taken during a period of time which is known to members well beforehand.

4. It has been the practice of the chairman of the Finance Committee to follow the above decisions strictly when making a determination of the time and place of a Finance Committee meeting pursuant to Rule 71(6) of RoP, and where she considers that it is necessary to extend the meeting time of a meeting. However, where there is a need to consider logistical issues such as sounding out to members on the fixing of a date for the next meeting at a time when the chairman's 15-minutes extension is about to expire, it is the Secretariat's advice that the chairman should only consider extending the meeting further if she finds that the members present are representative enough of members of the committee, and that if there is no dissenting voice to such an extension.

5. As regards special meetings convened to consider urgent items or items, they are subject to the same requirement of a five-clear-day notice under Rule 71(6) of RoP. However, the Chairman may direct that shorter notice is to be given pursuant to the same rule. These procedural requirements are reflected in Paragraphs 10 and 11 of the FC Procedure.

6. Paragraph 11 of the FC Procedure also makes it clear that "[a]ny items on the agenda scheduled for discussion but not dealt with at the meeting will be carried over to the next meeting or, if the chairman so decides, to a special meeting". The notice requirement for holding such special meeting is the same as that for other meetings, i.e. at least five clear days or shorter notice if directed by the Chairman. It is for the Chairman to judge how short the notice she would give on a case-by-case basis. Nevertheless, it has been the practice of the Chairman to give regard to the urgency of the matter as explained by the Administration, and how well members had been briefed and, hence, how ready members would be to discuss the subject matter before attending the meeting. An example was the Chairman's decision to hold an urgent meeting on 14 November 2008 to consider further support measures to assist the small and medium enterprises following the financial tsunami, with one clear day's notice.

7. In the event that it is considered that a special meeting should be held urgently with notice as short as, say, less than half an hour, for dealing with items outstanding from a previous meeting, the Chairman should, before she directs that such a short notice be given, have regard to all the factors that are relevant for determining the urgency of the matter, and consistent with making a decision to extend a meeting beyond the 15-minute extension as advised above, ascertain if there is any objection from all members of the committee. Such an approach was adopted by the FC Chairman on 18 July 2008 for a special meeting to be held immediately following a scheduled meeting to consider the unfinished agenda items on the agenda of the scheduled meeting, including the financial proposal for setting a trust fund in support of reconstruction in the Sichuan earthquake stricken areas. The special meeting was held with less than one hour's notice as directed by the Chairman with the agreement of all members present at the preceding meeting.

#### **Moving of motions under Paragraph 37A of Finance Committee Procedure**

8. Members may move a motion without notice to express a view on an agenda item, such as a financial proposal, under Paragraph 37A of the FC Procedure during the deliberation of the agenda item. However, the motion will only be proceeded with if it is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith.

9. For moving a motion under Paragraph 37A, the member should present the proposed motion in written form when he is called upon by the Chairman to speak on the agenda item. If the motion is found related to the agenda item by the Chairman, the member may be invited to explain the reason for moving the motion within the time given to any member at that time for asking questions. The Chairman may direct that the motion be dealt with at a later stage if she needs time to consider if the motion may be considered under Paragraph 37A and for the proposed motion to be photocopied and distributed to members. Amendments to the motion should also be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

10. The inclusion of Paragraph 37A in the FC Procedure was decided by the FC at its meeting on 2 November 2007<sup>3</sup>. Motions moved under Paragraph 37A are not intended to have any substantive effect on the financial proposal in an agenda item. If the Chairman considers that the motion is related to the agenda item, she will ask members to indicate whether it should be proceeded with at the meeting. Following an indication of support by a majority of members present for the motion to be dealt with immediately, the Chairman will allow the motion to be moved. Thereupon the motion will be proposed, debated and put to a vote at the meeting. In other words, unless the majority of members present agree to deal with the motion immediately at the meeting, the motion will not be moved or debated.

### **Moving of a motion to adjourn discussion of an item or adjourn proceedings**

11. Under Paragraph 39 of the FC Procedure, a member, when speaking on a proposal in the Committee, may move without notice that discussion of an item or further proceedings be adjourned. The Chairman shall then propose the question on the motion to adjourn. A member, when speaking on the question, may not speak for more than once and shall not make a speech for longer than any time period as decided by the Committee, or where no such decision has been made, for more than three minutes. When no more member indicates his/her intention to speak on the motion, the Chairman shall put the motion to the Committee for a decision. When a motion to adjourn the discussion of an item is passed, the Committee will not take a vote on that item and will proceed to the next item on the agenda. If a motion to adjourn the proceedings of the Committee is passed, the Chairman will declare the meeting closed without putting further questions.

### **The Chairman's role in curtailing discussion of an item and in ensuring effective use of committee time**

12. It is the responsibility of the FC Chairman to chair meetings of FC in accordance with the RoP and FC Procedure. Although not explicitly provided, in line with the principles set out in the Handbooks for chairmen of committees, this responsibility should include ensuring that the business on the agenda is transacted in a proper and efficient manner, and that members have adequate opportunities to take

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<sup>3</sup> Paper FCR(2007-08)33



part in the deliberations of the committee (e.g. paragraphs 1.9(b) and 1.16 of the Handbook for Chairmen of Panels and paragraphs 1.8(b) and 1.14 of the Handbook for Chairmen of Bills Committees). Unlike the practice and procedure in some overseas legislatures such as the United Kingdom, there is no provision in the RoP which allows discussion or debate on a motion to be curtailed through the moving of a motion “That the question be now proposed”. Even in the case of UK, the Chair may decide not to put the question if it appears to him that the motion is an abuse of the rules of the House or an infringement of the rights of the minority. Passage of such a closure motion requires support of no fewer than 100 Members of Parliament on a division being taken.

13. In the case of the Hong Kong Legislature, it is not uncommon that the Chairman of FC would advise members that the time allowed for each question in the third or fourth rounds is to be reduced and to indicate that he/she would want the discussion to come to a close after this last round of questions to be raised on an agenda item if it is considered by the Chairman that there has been adequate discussion on the item after taking into account the amount of time that has been spent on the item. The Chairman may also direct that certain information which is not available at the meeting be provided after the meeting, or the matter be referred to the relevant Panel(s) for follow up.

14. As regards the specific question of whether the Chairman has the power to “draw a line” in that no member will be allowed to speak or ask questions after members who have indicated the intention to speak or ask questions have done so, the answer is that there is no provision in the RoP nor the FC Procedure which gives the Chairman such power. However, as a matter of practice, the expression “draw a line” is a jargon used to describe the Chairman’s indication that he/she would want the discussion to come to a close after having considered that there has been adequate discussion on the item after taking into account the amount of time that has been spent on the item.

**Relevant rules**

15. The relevant provisions in the Rules of Procedure, FC Procedure and Handbooks for chairmen of committees are reproduced in the **Appendix** for your easy reference.



(Ms Pauline Ng)  
Secretary General  
14 January 2010

**Extract from the Rules of Procedure, Finance Committee Procedure and Handbooks for Chairmen of Panels and Chairmen of Bills Committees of the Legislative Council**

**Rules of Procedure**

**71. Finance Committee**

(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs

**Finance Committee Procedure**

**Meetings**

10. The Committee meets at the time (including any time during the period when the Council is in recess between the end of one session and the beginning of the next session) and the place determined by the Chairman [Rule 71(6)]. At the beginning of each session, the Clerk shall seek the Chairman's agreement to a provisional schedule of dates of Committee meetings for the session and inform members and the Administration accordingly. The Chairman may decide to convene special meetings to consider urgent items.

11. The Clerk shall give members written notice of every meeting at least five clear days before the day of the meeting but shorter notice may be given in any case where the Chairman so directs [Rule 71(6)]. Meetings shall be held in public unless the Chairman otherwise orders in accordance with any decision of the Committee [Rule 71(7)]. Any items on the agenda scheduled for discussion but not dealt with at the meeting will be carried over to the next meeting or, if the Chairman decides, to a special meeting.

**Motions**

37A. During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view on the agenda item if the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be

proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

### **Rules of Speaking**

39. A member when speaking on a proposal in the Committee may move without notice that discussion on an item or further proceedings of the Committee be now adjourned. Thereupon the Chairman shall propose the question on the motion to adjourn [Rule 40]. A member, when speaking on the question, may not speak more than once [Rule 38] and shall not make a speech for longer than any time period as decided by the Committee, or where no such decision has been made, for more than three minutes. When no or no more member indicates his intention to speak on the question, the Chairman shall forthwith put the question on the motion to the Committee for its decision. No member may speak on the question after it has been put [Rule 33].

### **Handbook for Chairmen of Panels**

#### **Chairman**

##### Responsibilities

1.9 The responsibilities of the Chairman of a Panel are not explicitly stipulated in the Rules of Procedure or House Rules. However, it is generally accepted by Members that the Chairman has the following responsibilities -

- (a) steering the work of the Panel in consultation with its members;
- (b) chairing meetings and ensuring that the business on the agenda is transacted in a proper and efficient manner;
- (c) maintaining order at meetings;
- (d) presenting papers of the Panel to the House Committee;
- (e) tabling and speaking on reports of the Panel in Council; and
- (f) moving motions for debate in Council on behalf of the Panel.

##### Guiding principles

1.16 The Chairman should conduct himself/herself with impartiality in discharging his/her responsibilities. He/she should ensure that members have adequate opportunities to take part in the deliberations of the Panel. Where there are differences of opinion, the Chairman should give each side an equal chance to express its views.

## **Handbook for Chairmen of Bills Committees**

### **Chairman**

#### Responsibilities

1.8 The responsibilities of the Chairman of a Bills Committee are not explicitly stipulated in the Rules of Procedure or House Rules. However, it is generally accepted by Members that the Chairman has the following responsibilities -

- (a) steering the work of the Bills Committee in consultation with its members;
- (b) chairing meetings and ensuring that the business on the agenda is transacted in a proper and efficient manner;
- (c) maintaining order at meetings;
- (d) presenting the report of the Bills Committee to the House Committee;
- (e) tabling and speaking on the report of the Bills Committee in Council; and
- (f) moving Committee Stage amendments agreed to by the Bills Committee on its behalf.

#### Guiding principles

1.14 The Chairman should conduct himself/herself with impartiality in discharging his/her responsibilities. He/she should ensure that members have adequate opportunities to take part in the deliberations of the Bills Committee. Where there are differences of opinion, the Chairman should give each side an equal chance to express its views.