

立法會
Legislative Council

LC Paper No. LS24/11-12

**Paper for the House Committee Meeting
on 3 February 2012**

**Legal Service Division Report on
Proposed Resolution under section 7(1) of the
Public Finance Ordinance (Cap. 2)**

The Secretary for Financial Services and the Treasury (SFST) has given notice that he will move this year's Vote on Account (VoA) at the Legislative Council (LegCo) meeting on 15 February 2012.

2. The purpose of the proposed resolution pursuant to the procedure established under section 7(1) of the Public Finance Ordinance (Cap. 2) (the Ordinance) is to seek funds on account to enable the Government to carry on its services between the start of the financial year on 1 April 2012 and the time when the Appropriation Ordinance 2012 comes into operation. According to paragraph 3 of the draft speech by SFST, the Administration does not expect the Appropriation Ordinance 2012 to come into operation on or before 31 March 2012.

3. According to paragraph 1 of the proposed resolution, the aggregate total sum sought under all heads is fixed at a sum not exceeding \$79,594,567,000 for the financial year commencing on 1 April 2012 (the sum sought and approved for the last financial year was \$59,720,429,000¹). The aggregate total sum cannot be exceeded without the approval of LegCo.

4. Paragraph 3 of the proposed resolution stipulates that expenditure in respect of any head must not exceed the aggregate of the amounts authorized by paragraph 4 to be expended in respect of the subheads in that head. Similar to the practice in past years, the funds on account sought under each subhead are calculated in percentage terms by reference to the provisions shown in the Estimates of Expenditure 2012-13 (the Estimates) to be laid before LegCo on 1 February 2012. The percentages are determined in accordance with paragraph

¹ At its meeting on 9 March 2011, LegCo negatived the original VoA seeking an aggregate sum of \$60,220,429,000. The reduced sum of \$59,720,429,000 was approved by LegCo on 16 March 2011.

4 of the proposed resolution. The effect of paragraph 4 is that expenditure in respect of an Operating Account Recurrent subhead must not exceed 20% of the relevant provision (except where a higher percentage is specified in Schedule 1 to the proposed resolution), and that in respect of an Operating Account Non-Recurrent subhead or a Capital Account subhead, not to exceed 100% (except where a different amount is specified in Schedule 2 to the same).

5. Under paragraph 4 of the proposed resolution, the Financial Secretary (FS) is empowered to vary the funds on account in respect of any subhead, provided that the varied amount does not exceed the provision shown in respect of that subhead in the Estimates. According to paragraph 5 of the draft speech by SFST, the Administration has undertaken to submit reports to the Finance Committee in case FS exercises the power to vary the funds on account in respect of any subhead to meet necessary requirements.

6. Upon our enquiry, the Administration has confirmed that in respect of Subhead 689 and Subhead 789 Additional commitments set out in Schedule 2, the Administration will continue the arrangement of seeking funds on account only on a need basis. The Administration anticipates that there will be no funding requirement under Subhead 689 during the VoA period and that the \$1,000,000,000 sought under Subhead 789 is to cater for contingency during that period. In respect of Subhead 988 (Payment to the Loan Fund), the Administration also expects that there will be no funding requirement under that Subhead during the VoA period.

7. Under section 7(3) of the Ordinance, expenditure charged on the general revenue pursuant to such a resolution shall be set off against the amounts respectively provided in the relevant Appropriation Ordinance upon its coming into operation.

8. The Panel on Financial Affairs has not been consulted on the proposed resolution.

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