

**Proposed procedures for dealing with  
motions to amend Finance Committee Procedure**

**Purpose**

This paper reports the outcome of discussion among the Chairmen and the Deputy Chairmen of the Finance Committee, Public Works Subcommittee and Establishment Subcommittee on procedures for dealing with motions intended to be moved by members to amend Finance Committee Procedure ("FCP"), Public Works Subcommittee Procedure ("PWSCP") and Establishment Subcommittee Procedure ("ESCP")

**Background**

2. The procedures of the Finance Committee are governed by the relevant provisions in the Legislative Council Rules of Procedure and FCP, and its own usages and practices.
3. Rule 71(13) of the Rules of Procedure provides that subject to the Rules of Procedure, the practice and procedure of the Finance Committee and its subcommittees shall be determined by the Finance Committee.
4. Currently, there is no specific provision in the Rules of Procedure and FCP on proposed amendments to FCP, PWSCP and ESCP. Nevertheless, paragraph 37 of the FCP provides that "subject to the decisions of the Committee made from time to time, Rules 29 to 35 of the Rules of Procedure shall apply, with necessary modifications, to the proceedings of the Committee in dealing with motions".
5. Proposed amendments to FCP, PWSCP and ESCP had been presented to the Finance Committee for consideration as part of a Secretariat's paper which were put to the Finance Committee for a vote by the Chairman when the Finance Committee was ready to do so.
6. On 10 October 2012, Hon IP Kwok-him gave notice to include an agenda item in the Finance Committee meeting on 19 October 2012 to amend FCP, PWSCP and ESCP. The Chairman agreed to include that onto the agenda for the Finance Committee's meeting on 19 October

2012<sup>1</sup> and members were informed of the Chairman's decision on 12 October 2012.

7. On 17 October 2012, Hon Albert CHAN notified the Chairman by letter that depending on the justifications for the proposed amendment given by Hon IP Kwok-him at the meeting on 19 October 2012, Hon WONG Yuk-man, Hon CHAN Chi-chuen and he might consider moving amendments to Hon IP's motion in accordance with the Rules of Procedure, related rules and past practices.

### **Meeting among the Chairmen and Deputy Chairmen**

8. The Chairmen and the Deputy Chairmen of the Finance Committee, Public Works Subcommittee and Establishment Subcommittee held a meeting on 17 October 2012 to discuss the issues relating to the procedures for handling amendments to FCP, PWSCP and ESCP.

9. Pursuant to paragraph 37 of FCP which incorporates Rules 29 to 35 of the Rules of Procedure with necessary modifications as may be determined by the Chairman but subject to the Finance Committee, and in light of Hon IP Kwok-him's indication of seeking a vote on the proposed amendments to the three sets of procedure, and Hon Albert CHAN's indication of proposing amendments to the intended motion to be moved by Hon IP Kwok-him, the Chairmen and Deputy Chairmen of the Finance Committee, Public Works Subcommittee and Establishment Subcommittee agreed that a set of procedures for dealing with the original proposed amendments to FCP, PWSCP and ESCP, and any relevant amendments to them should be adopted.

10. Given the importance of FCP, PWSCP and ESCP, the Chairmen and Deputy Chairmen were of the view that in considering any amendment to the three sets of procedures, Rules 29 to 35 of the Rules of Procedure, and practices governing the dealing of motions and amendments to motions with legislative effect in Council should be adopted. However, there is a need to make suitable modifications to the notice requirement.

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<sup>1</sup> The item on the agenda is: "FC4/12-13(01)".

### Notice of motions and amendments

11. A proposal to amend FCP, PWSCP and ESCP should be put forward in the form of a motion moved in Finance Committee. It is proposed that the notice requirement for that motion should not be less than five clear days before the day on which the motion is to be considered by the Finance Committee. It is further proposed that the notice requirement of motions should not apply to Hon IP Kwok-him's proposal to amend the three sets of procedures retrospectively as his letter of 10 October 2012 was served before the proposed notice requirement is adopted, and even if there was a five clear days' requirement, the time gap between 10 and 19 October 2012 is more than five clear days.

12. It is proposed that a motion to amend FCP, PWSCP and ESCP should be amendable by motions to amend which are subject to a notice requirement of not less than two clear days before the day on which the motion proposed to be amended is to be considered by the Finance Committee, and are ruled by the Chairman to be in order. Amendment(s) to amendment(s) should not be allowed.

13. The Chairman may in his discretion dispense with the above notice requirements.

### **Advice sought**

14. Members are invited to note the outcome of discussion among the Chairmen and the Deputy Chairmen of the Committees. Subject to the agreement of the Finance Committee on the above, Hon IP Kwok-him may move his motion at the meeting on 26 October 2012 at the earliest. Should there be any proposed amendments to that motion, they are to be subject to a notice requirement of two clear days, that is, notice to move amendments to Hon IP Kwok-him's motion should be given on or before 22 October 2012.