

財經事務及庫務局
(庫務科)

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本函檔號 Our Ref.: TsyB B 361/775-1/5 pt 7
來函檔號 Your Ref.:

Clerk to the Finance Committee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Mr Derek Lo)

Dear Mr Lo,

**Finance Committee
Old Age Living Allowance**

Thank you for your letter of 14 December 2012 attaching a letter from Dr Hon Fernando CHEUNG Chiu-hung with two questions on the Old Age Living Allowance (OALA) in respect of the Finance Committee (FC)'s approval and financial discipline. Please find our reply as follows –

1. FC's approval

FCR(2012-13)54 sought Members' approval of (a) a supplementary provision in 2012-13 for introducing the OALA and (b) an increase in the ceiling placed on the total notional annual mid-point salary value of all non-directorate posts in the permanent establishment of Social Welfare Department (SWD) in 2012-13 for the implementation of OALA.

FCR(2012-13)54A informed Members that "as the FC deliberations are still on-going, it would no longer be feasible for SWD to launch OALA in March 2013 as scheduled, given the need to complete the preparatory tasks. The supplementary provision of \$2,575.2 million in 2012-13 which we sought under FCR(2012-13)54 is no longer required". Part (b) of the proposal remained valid on 7 December 2012. Therefore, FC's approval is specifically sought for SWD to create additional posts to undertake preparatory work for implementing OALA as early as possible.



LC Paper No. FC80/12-13(01)
**FINANCIAL SERVICES AND
THE TREASURY BUREAU
(The Treasury Branch)**

24/F, Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

8 January 2013

BY FAX
[Fax No. : 2869 6794]

Having sought the FC Chairman's agreement to the submission of a new Agenda item with less than the stipulated six clear days' notice under paragraph 21 of the Finance Committee Procedure, we put forward both FCR(2012-13)54 and FCR(2012-13)54A together as a new FC agenda item (FCai) for consideration at the meeting on 7 December 2012. This item sought FC's approval for the proposal to increase the ceiling placed on the total notional annual mid-point salary value of all non-directorate posts in the permanent establishment of SWD in 2012-13 from \$1,982,675,000 by \$23,264,040 to \$2,005,939,040 to create 90 non-directorate civil service posts for implementing OALA, as set out in FCR(2012-13)54.

In approving the item, Members had not only approved an increase in the number of posts in SWD but an increase specifically in support of the implementation of OALA as set out in FCR(2012-13)54. The financial implications of OALA in 2013-14 and beyond would be reflected in the Estimates of the relevant years.

2. Financial discipline

The Government's established financial discipline is that, in order not to pre-empt LegCo's decision, funding proposals for FC's approval should, in general, have no retrospective effect, i.e. should not take effect before the date of FC's approval. To facilitate elders' understanding and provide them with financial assistance as early as possible, the effective date for OALA was set on the first day of the month of FC's approval. FC has approved an increase in the number of posts in SWD specifically in support of the implementation of OALA as set out in FCR(2012-13)54 and FCR(2012-13)54A. As we have made it clear in the papers that OALA would take effect on the first day of the approval month, there is no question of this payment arrangement violating the established financial discipline.

Yours sincerely,



(Ms Sabrina Law)
for Secretary for Financial Services and the Treasury

c.c.

Secretary for Labour and Welfare (Attn: Mr WH Chow) [Fax : 2523 1973]



張超雄立法會議員辦事處
Cheung Chiu-hung's LegCo Member's Office

立法會FC75/12-13(03)號文件
LC Paper No. FC75/12-13(03)

立法會財務委員會主席

張宇人議員:

就12月7日財務委員會通過討論文件FCR(2012-13)54及54A的問題

上周五(12月7日), 立法會財務委員會在充滿爭議的情況下通過討論文件FCR(2012-13)54及54A所載建議。對此, 我的意見如下:

1. 我在當日投票未完成前提出的規程問題是有效的問題。因為該次投票是決定聘請長者生津貼計劃的工作人員的撥款。但是一旦長者生活津貼的主要撥款不獲通過, 工作人員的撥款便會失去意義, 甚至變成了浪費公帑。因此, 我不同意主席裁決我的問題為「假設性問題」而不予處理。我對主席強行將一個可能失效的撥款議決付諸表決表示遺憾。
2. 當日的該項議決包括兩份文件, 即FCR(2012-13)54及54A, 但第二份文FCR(2012-13)54A只是而簡單一頁的來作出補充。我認為政府應以全新的文件申請撥款, 一如本年11月9日以文件FCR(2012-13)54取代10月所審議的文件FCR(2012-13)53, 以免令議員不清楚撥款內容。我對主席容許政府以此形式申請有關撥款表示遺憾。

此外, 我認為政府當局須向立法會財務委員會交待以下問題:

1. 根據主席的表述, 該項議決的通過, 明顯是只通過撥款予當局聘請工作人員, 而長者生活津貼計劃本身的財政承擔(原來估計2012-13年度25億752萬元)並未獲通過。當局表明會在下一年度的財政預算案中才一併要求撥款。政府絕不能假設預算案或有關計劃的撥款一定獲得通過。可是, 政府已開始廣泛宣傳有關計劃, 財經事務及庫務局常任秘書長謝曼怡表示, 通過撥款申請等同通過長者生活津貼。政府認為此舉是否誤導市民、上述的撥款安排有否不妥及過往有否同樣形式的撥款安排?

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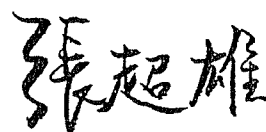
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2. 過去立法會議員曾提出把長者生活津貼的金額追溯至十月，但政府認為此建議有違財政紀律。可是，現在當局卻把長者津貼主要的開支25億7,520萬元金額的撥款包括在下年度的財政預算案，發放的金額將會追溯至今年12月。請問政府在下年度的財預算案把長者生活津貼的撥款追溯至今年12月的做法，是否有違財政紀律？如此的追溯方式有沒有先例？

立法會議員

張超雄



二零一二年十二月十三日