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PARTY

郭榮鏗立法會議員辦事處
Legislative Council Office of the Hon. Dennis Kwok



Hon Tommy Cheung Yu-yan
Chairman of the Finance Committee
Finance Committee
Legislative Council

4th February 2015
立法會FC98/14-15(03)號文件
LC Paper No. FC98/14-15(03)

Dear Chairman,

Finance Committee Agenda Items

I refer to the letter from the Secretary for Financial Services and the Treasury to you dated 19 January 2015 (LC Paper No. FC83/1415(01)).

I note that the Secretary has decided to withdraw four items from the agenda of the Finance Committee and considers it appropriate to make provision for these items in the 2015-16 draft Estimates to be considered in the context of the 2015 Appropriation Bill. Not only is this highly unusual, but more importantly, this will set a dangerous precedent for the Government to bypass the Finance Committee in respect of any item whose "accounting arrangements...are relatively simple" by making provision in the annual draft Estimates and Appropriation Bills. In relation to this, the following passage in *Erskine May: Parliamentary Practice* (24th Edition) is particularly relevant:-

"It is a general principle of constitutional propriety that new functions which are to be exercised on a continuing basis and which are to be financed out of 'money to be provided by Parliament' through the annual Appropriation Acts should be authorized by specific Act, supported by a financial resolution, and not by the Appropriation Act alone." (p. 715)

Given that this will seriously affect the ability of the Legislative Council to exercise its powers and functions under Article 73 of the Basic Law to examine and approve budgets and public expenditure, I am writing to ask respectfully that members of the Administration be invited to a special meeting of the Finance Committee to explain the rationale and legal basis for the withdrawal of the items.

Yours sincerely,

Dennis Kwok
Member of the Finance Committee

cc : Ms Elizabeth Tse, Permanent Secretary for Financial Services and the Treasury (Treasury)

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