

立法會

Legislative Council

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Requests for late membership under paragraph 4B of the Public Works Subcommittee Procedure

At the special meeting of the Public Works Subcommittee (PWSC) held on 2 December 2014, a member sought clarification on the role of the Chairman of the Finance Committee (FC) in relation to a request by a Member whose application for late membership is turned down by PWSC under paragraph 4B of the Public Works Subcommittee Procedure (PWSCP). This note provides our views on that issue.

2. Paragraph 4B of PWSCP relevantly provides that "[a]ny Member whose application for late membership is turned down may put the case to the FC for a decision". In our view, the effect of paragraph 4B is that if a Member's request for late membership is turned down by PWSC, the Member may put the case to FC for a decision. It is for FC as a whole (not the Chairman of FC acting on his own) to make that decision.

3. Under paragraph 45 of the Finance Committee Procedure (FCP), FC makes decisions on all matters by a majority of the members present and voting, and the Chairman of FC shall not vote, unless the votes of the other members are equally divided, in which case the Chairman shall have a casting vote which shall not be exercised in such a way as to produce a majority vote in favour of the question put.

4. Paragraph 22 of FCP provides that a FC agenda item includes a motion from any member of FC. According to the Clerk to FC, matters relating to the membership of a subcommittee such as PWSC (including FC's reconsideration of applications for late membership) are internal administrative matters to which paragraph 22 of FCP does not apply because issues concerning membership of PWSC are not financial proposals or other matters directly pertinent to the functions of FC as stipulated in the Public Finance Ordinance (Cap. 2), Rule 71(4) of the Rules of Procedure and paragraph 1 of FCP. As such, the following provisions of FCP would not be applicable when FC is dealing with a Member's request for late membership under paragraph 4B of PWSCP:

- (a) paragraph 21 on the period of notice required for inclusion of items in the agenda;
- (b) paragraph 37A on motions to express views on an agenda item; and
- (c) paragraph 39 on the adjournment of discussion on an item or further proceedings of the Committee.

5. The Clerk to FC further advises that it has been an established practice of FC to deal with internal administrative matters at special meetings convened outside the schedule of regular meetings of FC in order to avoid affecting the progress of the Committee in dealing with funding proposals from the Administration. Under paragraph 10 of FCP, the Chairman may decide to convene special meetings to consider urgent items. Pursuant to paragraph 11 of FCP, the Clerk shall give members written notice of a meeting at least five clear days before the day of the meeting but shorter notice may be given where the Chairman so directs.

Prepared by

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