

ITEM FOR FINANCE COMMITTEE

Amendments to Finance Committee Procedure, Establishment Subcommittee Procedure and Public Works Subcommittee Procedure

Purpose

This paper invites members to approve a number of amendments to the Finance Committee (FC) Procedure, Establishment Subcommittee (ESC) Procedure and Public Works Subcommittee (PWSC) Procedure for the purpose of updating certain meeting arrangements and titles of officers within the Administration following the implementation of the accountability system for principal officials.

Background

2. The implementation of the accountability system for principal officials since July 2002 has led to a series of re-structuring and re-titling of posts within the Administration. The former Finance Bureau headed by the Secretary for the Treasury has been re-structured as the Treasury Branch of the Financial Services and the Treasury Bureau; and the Branch is headed by the Permanent Secretary for Financial Services and the Treasury (Treasury). The relevant Director of Bureau is the Secretary for Financial Services and the Treasury, who oversees the Treasury Branch and the Financial Services Branch. The former Deputy Secretary for the Treasury has also been renamed as Deputy Secretary for Financial Services and the Treasury (Treasury).

Proposed amendments

3. At present, reference is made to "the Secretary for the Treasury" and "a Deputy Secretary for the Treasury" in certain provisions of the FC Procedure, ESC Procedure and PWSC Procedure relating to the attendance of public officers, giving notice of agenda items and withdrawal of agenda items at meetings. The views of the Administration have been sought on the necessary amendments to the Procedures to update the post titles and to provide for changes, if any, in the

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relevant meeting arrangements. Having regard to the Administration's comments, the following amendments to the relevant Procedures are proposed :

<u>Procedure</u>	<u>Paragraphs to be amended</u>
FC Procedure	18, 21, 26
ESC Procedure	16, 18, 23
PWSC Procedure	17, 19, 24

4. In addition, the opportunity is also taken to replace the post title of "Policy Secretaries" with "Directors of Bureau" under paragraphs 50 to 52 of the FC Procedure relating to the procedure of the special meetings to examine the Estimates of Expenditure.

5. The marked-up amendments to the FC Procedure, ESC Procedure and PWSC Procedure are in **Appendix I, II and III** respectively.

Advice sought

6. Members are invited to approve the proposed amendments to the FC Procedure, ESC Procedure and PWSC Procedure in **Appendix I, II and III**.

Extract from the Finance Committee Procedure

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Attendance of Public Officers and Other Persons

17. The Chairman or the Committee may invite any public officer, or, in the case of a head of the Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the Committee may require in the performance of its duties; and the Committee may also invite any other person to assist the Committee in relation to any such information, explanation, records or documents [Rule 71(12)]. The Clerk will state in the agenda the office of the public officers and other persons invited for discussion of the particular items.

18. When ~~the Secretary for the Treasury~~the Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury) attends Committee meetings in the absence of the Financial Secretary, he is responsible for advising the Chairman on public finance procedures and coordinating the Administration's presentation at such meetings including withdrawal or modification of a proposal.

19. In accordance with Rule 80(a) of the Rules of Procedure, the Committee may summon, as required when exercising its powers and functions, persons concerned to testify or give evidence, but the Chief Executive may decide, in the light of security and vital public interests, whether Government officials or other personnel in charge of Government affairs should testify or give evidence before the Committee.

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Agenda Item

21. The Financial Secretary, the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the ~~Permanent Secretary for Financial Services and the Treasury~~ (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury), each being a public officer~~s~~ designated by the Government of the Hong Kong Special Administrative Region under Article 62(6) of the Basic Law, or any member may give notice to the Clerk of the items of business to be included in the agenda of the Finance Committee [Rule 9(2)]. The notice of agenda items should reach the Clerk at least six clear days before the meeting concerned, but shorter notice may be given if the Chairman so directs.

22. A Finance Committee agenda item is a discussion paper seeking approval for changes to the approved Estimates of Expenditure, financial implications of new proposals where no immediate change to the approved Estimates of Expenditure is necessary, delegation of powers to the Financial Secretary, or other proposals from the Administration, as well as a motion from any member of the Finance Committee. The Clerk shall despatch agenda items to members at least five clear days before the meeting at which the items are to be discussed unless, on grounds of urgency, the Chairman directs otherwise.

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Withdrawal of Agenda Items

26. At a committee meeting, the Financial Secretary or, in his absence, the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the ~~Permanent Secretary for Financial Services and the Treasury~~ (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury) may withdraw an item -

- (a) at any time before it is put to the vote; or
- (b) by unanimous consent of the Committee after it has been put to the vote but the result is not yet declared by the Chairman.

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Procedure of Special Meetings to Examine the Estimates of Expenditure

50. Prior to the special meetings, members may raise questions on the Estimates of Expenditure for written replies from Controlling Officers, through their respective ~~Policy Secretaries~~ Directors of Bureau as appropriate. ~~Policy Secretaries~~ Directors of Bureau and Controlling Officers will deal with any supplementary questions arising from these written replies either orally at the special meetings or in writing afterwards.

51. The Committee normally holds the special meetings in public over three full days after the First Reading of the Appropriation Bill. ~~Policy Secretaries~~ Directors of Bureau and Controlling Officers without a ~~Policy Secretary~~ Director of Bureau appear in different sessions of these meetings. ~~Policy Secretaries~~ Directors of Bureau will attend with their key Controlling Officers. ~~Policy Secretaries~~ Directors of Bureau and Controlling Officers without a ~~Policy Secretary~~ Director of Bureau may make a short introduction to highlight their policy areas, the priorities for the year ahead and the requested resources.

52. Members then ask questions on points made during the introduction, the written replies to members' initial questions and the Estimates of Expenditure. The ~~Policy Secretaries~~ Directors of Bureau and Controlling Officers in attendance answer members' questions and provide supplementary information in writing after the meetings, if necessary.

53. After the special meetings, the Chairman shall present a report on the proceedings of the meetings to the Council.

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Extract from the Establishment Subcommittee Procedure

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Attendance of Public Officers and Other Persons

15. The Chairman or the ESC may invite any public officer, or, in the case of a head of Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the ESC may require in the performance of its duties. The ESC may also invite any other person to assist the ESC in relation to any such information, explanation, records or documents [Rule 71(12)]. The Clerk will state in the agenda the office of the public officers and other persons invited for discussion of the particular items.

16. When the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury) attends ESC meetings in the absence of the Financial Secretary, he is responsible for advising the Chairman on public finance procedures and coordinating the Administration's presentation at meetings including withdrawal or modification of a proposal.

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Agenda Item

18. The Financial Secretary, the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury), each being a public officers designated by the Government of the Hong Kong Special Administrative Region, or any member may give notice to the Clerk of the items of business to be included in the agenda of the ESC [Rule 9(2)]. The notice of agenda items should reach the Clerk at least six clear days before the meeting concerned, but shorter notice may be given if the Chairman so directs.

19. An ESC agenda item is normally a discussion paper proposing for ESC's recommendation to the FC the establishment proposals submitted by the Administration as well as a motion from any member of the Establishment Subcommittee. The Clerk shall despatch papers for discussion to members at least five clear days before the meeting at which the papers are to be considered, unless on grounds of urgency the Chairman directs otherwise.

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Withdrawal of Agenda Items

23. At an ESC meeting, the Financial Secretary or, in his absence, the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the ~~Permanent Secretary for Financial Services and the Treasury~~ (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury) may withdraw an item -

- (a) at any time before it is put to the vote; or
- (b) by unanimous consent of the ESC after it has been put to the vote but the result is not yet declared by the Chairman.

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Extract from the Public Works Subcommittee Procedure

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Attendance of Public Officers and Other Persons

16. The Chairman or the PWSC may invite any public officer, or, in the case of a head of Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the PWSC may require in the performance of its duties. The PWSC may also invite any other person to assist the PWSC in relation to any such information, explanation, records or documents [Rule 71(12)]. The Clerk will state in the agenda the office of the public officers and other persons invited for discussion of the particular items.

17. When the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury) attends PWSC meetings in the absence of the Financial Secretary, he is responsible for advising the Chairman on public finance procedures and coordinating the Administration's presentation at meetings including withdrawal or modification of a proposal.

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Agenda Item

19. The Financial Secretary, the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury), each being a public officer designated by the Government of the Hong Kong Special Administrative Region, or any member may give notice to the Clerk of the items of business to be included in the agenda of the PWSC [Rule 9(2)]. The notice of agenda items should reach the Clerk at least six clear days before the meeting concerned, but shorter notice may be given if the Chairman so directs.

20. A PWSC agenda item is normally a discussion paper proposing for PWSC's recommendation to the FC public works proposals submitted by the Administration as well as a motion from any member of the Public Works Subcommittee. The Clerk shall despatch papers for discussion to members at least five clear days before the meeting at which the papers are to be considered, unless on grounds of urgency, the Chairman directs otherwise.

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Withdrawal of Agenda Items

24. At a PWSC meeting, the Financial Secretary or, in his absence, the ~~Secretary for the Treasury~~Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a ~~Deputy Secretary for the Treasury~~Deputy Secretary for Financial Services and the Treasury (Treasury) may withdraw an item -

- (a) at any time before it is put to the vote; or
- (b) by unanimous consent of the PWSC after it has been put to the vote but the result is not yet declared by the Chairman.

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