

立法會
Legislative Council

LC Paper No. LS40/06-07

**Paper for the House Committee Meeting
on 23 February 2007**

**Legal Service Division Report on
Proposed Resolution under section 7(1) of the
Public Finance Ordinance (Cap. 2)**

The Secretary for Financial Services and the Treasury has given notice that he will move this year's Vote on Account at the Legislative Council meeting on 7 March 2007.

2. The purpose of the proposed resolution is to seek funds on account to enable the Government to carry on existing services between the start of the financial year on 1 April 2007 and the enactment of the Appropriation Ordinance 2007. This procedure has been established under section 7(1) of the Public Finance Ordinance (Cap. 2).

3. According to paragraph 1 of the proposed resolution, the aggregate total sum sought under all heads is fixed at \$55,269,264,000 this year (the sum sought last year was \$55,884,844,000) and cannot be exceeded without the approval of the Legislative Council.

4. Similar to the practice in past years, the funds on account sought under each subhead are calculated in percentage terms by reference to the provision shown in the Estimates of Expenditure 2007-08 to be laid before the Council on 28 February 2007. The percentages are determined in accordance with paragraph 4 of the proposed resolution. The effect of paragraph 4 is that except where there is a different percentage stipulated in the Schedule to the proposed resolution, the maximum percentage in respect of an Operating Account Recurrent subhead is 20% and in respect of an Operating Account Non-Recurrent subhead or Capital Account subhead, 100%.

5. Paragraph 3 of the proposed resolution stipulates that, in respect of any head, the expenditure shall not exceed the aggregate of the amounts authorized by paragraph 4 to be expended in respect of the subheads in that head. Under paragraph 4 of the proposed resolution, the Financial Secretary is empowered to vary the fund on account in respect of any subhead, provided that the varied amount does not exceed the provision shown in respect of that subhead in the Estimates.

6. Under section 7(3) of the Public Finance Ordinance (Cap. 2), upon the Appropriation Ordinance 2007 coming into operation, expenditure charged on the general revenue pursuant to this resolution shall be set off against the amounts respectively provided in the Appropriation Ordinance 2007.

7. The Panel on Financial Affairs has not been consulted on the proposed resolution.

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16 February 2007

LS/R/7/06-07