

ITEM FOR FINANCE COMMITTEE

FINANCE COMMITTEE PROCEDURE, ESTABLISHMENT SUBCOMMITTEE PROCEDURE AND PUBLIC WORKS SUBCOMMITTEE PROCEDURE

Members are invited to approve the proposed procedure for dealing with members' motions to amend the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure.

PURPOSE

This paper invites members to approve the proposed procedure for dealing with members' motions to amend the Finance Committee Procedure ("FCP"), the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure (collectively referred to as "the Procedures").

BACKGROUND

2. The procedures of the Finance Committee ("FC") are governed by the relevant provisions in the Rules of Procedure of the Legislative Council ("RoP") and FCP. Currently, there is no specific provision in RoP and FCP governing how FC should deal with proposed amendments to the Procedures. In the past and before the instance of a proposal from Mr IP Kwok-him in 2012-2013 (see paragraph 4 below), proposed amendments to the Procedures had been presented to FC in the form of papers prepared by the Legislative Council Secretariat on the direction of FC Chairman and/or in consultation with the Chairmen and Deputy Chairmen of FC, Establishment Subcommittee ("ESC") and Public Works Subcommittee ("PWSC"), and were put to FC for a vote by the FC Chairman when FC was ready to do so.

3. According to FCP 22, an FC agenda item includes a motion from any FC member, and an FC member may propose to amend the Procedures by way of a motion. Regarding motions in general, FCP 37 provides that "[s]ubject to the decisions of the Committee made from time to time, Rules 29 to 35 of the Rules of Procedure shall apply, with necessary modifications, to the proceedings of the Committee in dealing with motions". Notwithstanding these provisions on motions in FCP, there are no specific procedures in FCP for dealing with members' motions to amend the Procedures. Notably, there is no provision governing the notice requirement for amendments to a motion of a member to amend the Procedures.¹

FC's previous experience in dealing with members' motions to amend the Procedures

4. Regarding FC's experience in dealing with members' motions to amend the Procedures, there has been only one case, being the motion proposed to be moved by Mr IP Kwok-him to amend the Procedures to the effect that each member may only move one motion without notice to express a view or a number of views on an agenda item. In that case, despite having held four meetings during the period from October 2012 to January 2013 to discuss the arrangements for handling Mr IP's motion and the proposed notice requirements for other motions to amend the Procedures and the amendments to such motions, FC had not reached a decision on the procedure for dealing with members' motions to amend the Procedures. In the absence of an agreed procedure and owing to subsequent developments, Mr IP's motion and other members' proposed amendments to the motion as well as another member's motion to amend the same provisions were not pursued eventually.²

¹ FCP 21 provides that the notice of an agenda item should reach the Clerk to FC at least six clear days before the meeting concerned, but shorter notice may be given if the Chairman so directs, provided that it shall not be shorter than two clear days for motions moved by members for deciding on matters under the Public Finance Ordinance (Cap. 2). The notice requirement for amendments to a motion of a member to amend the Procedures is not provided for under FCP 21 or any other provisions in FCP.

² For a more detailed account of the case, please see paragraphs 4 to 7 of LC Paper No. FC39/17-18 (01).

Recent members' motions to amend the Procedures

5. Hon Martin LIAO Cheung-kong gave notice on 20 October 2017 of his intention to move four motions to amend the Procedures. Notices of motions to amend the Procedures were also received from Hon Charles Peter MOK, Hon CHAN Chi-chuen and Hon Andrew WAN Siu-kin on 24 and 25 October 2017.

CONSULTATION WITH FINANCE COMMITTEE MEMBERS

6. Having regard to the above background, and with a view to ensuring the fair, orderly and efficient conduct of business by FC, the Chairman has directed the Legislative Council Secretariat to propose for FC's consideration a procedure for dealing with members' motions to amend the Procedures. The proposed procedure was set out in paragraph 9 of the consultation paper (LC Paper No. FC39/17-18 (01)) issued on 2 November 2017 for gauging members' views. Of the 44 FC members who responded, 30 indicated support for the proposed procedure and 14 other members submitted other views. Members' views are tabulated in **Appendix I**.³

PROPOSED PROCEDURE

7. In the light of the outcome of the consultation (i.e. a majority of the members responding to the consultation paper have indicated support for the proposed procedure), it is recommended that the proposed procedure as set out in paragraph 9 of LC Paper No. FC39/17-18 (01) be adopted for dealing with members' motions to amend the Procedures. The proposed procedure is recapitulated below –

RoP 29 to RoP 35 should apply to FC's proceedings on dealing with members' motions to amend the Procedures and the practices governing the dealing of motions with legislative effect at Council meetings should be adopted, with necessary modifications. The key features of the proposed procedure are as follows –

³ In view that 13 members in their responses requested that a briefing session be arranged for the Chairman and the Legislative Council Secretariat to explain the proposed procedure to members, the Chairman has directed to hold such a briefing session on 20 November 2017.

Proposed procedure	Relevant Rule in RoP/ practice for Council proceedings
(a) Notice of a motion to amend the Procedures should be given not less than 12 clear days whereas notice of an amendment to the motion should be given not less than 5 clear days before the day of the special meeting at which the motion is to be considered, where the Chairman has decided that a special meeting is to be held for the purpose. The Chairman may in his discretion dispense with the above notice requirements.	RoP 29(1) RoP 29(6)
(b) The proposed amendments to the Procedures under a motion should be shown as texts marked up on the texts of the relevant provisions in the Procedures (instead of the conventional format adopted for Council proceedings). A sample is given in Appendix II .	
(c) An amendment to a motion in (a) above shall take one of the forms specified in RoP 34(2). The amendment should be marked-up in revision mode on the motion (instead of the conventional format adopted for Council proceedings). A sample is in Appendix III .	RoP 34(2)
(d) An amendment to a motion should be in Chinese if the motion is in Chinese and in English if the motion is in English.	RoP 30(2)
(e) An amendment should be in both languages if the motion is in both languages.	Practice for Council proceedings
(f) In line with the practice governing the dealing of motions with legislative effect in the Council, amendment(s) to amendment(s) will not be allowed.	Practice for Council proceedings

Proposed procedure	Relevant Rule in RoP/ practice for Council proceedings
(g) The debate and voting arrangements for a motion to amend the Procedures and the amendments to such a motion shall follow the procedures as provided under RoP 33 and RoP 34.	RoP 33 and RoP 34

APPROVAL SOUGHT

8. Members are invited to approve the proposed procedure for dealing with members' motions to amend the Procedures as set out in paragraph 7 above.

Council Business Division 1
Legislative Council Secretariat
16 November 2017

Finance Committee

LC Paper No. FC39/17-18 (01) — Consultation paper on proposed procedure for dealing with members' motions to amend the Finance Committee Procedure, Establishment Subcommittee Procedure and Public Works Subcommittee Procedure
Members' views

Views of members	Names of members	No. of members
SUPPORT the proposal as set out in paragraph 9 of the paper	Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU	30
DO NOT SUPPORT the proposal as set out in paragraph 9 of the paper	Not applicable	0
<p>Other views:</p> <p><u>View (1):</u> Given that there is currently no specific provision to deal with proposed amendments to the Finance Committee Procedure, and the seven items in the proposed procedure have been drawn up with reference to the Rules of Procedure or past practices, we consider it more reasonable to schedule a briefing session for the Chairman of or Clerk to the Finance Committee to explain to members the differences between the proposed procedure and past practices, before members indicate their acceptance or otherwise of the relevant arrangements.</p>	Mr James TO, Mr WU Chi-wai, Dr Helena WONG, Mr Andrew WAN, Mr LAM Cheuk-ting, Mr HUI Chi-fung, Mr KWONG Chun-yu	7

Views of members	Names of members	No. of members
<p><u>View (2):</u> There is currently no specific provision to deal with proposed amendments to the Finance Committee Procedure, and the seven items in the proposed procedure have been drawn up with reference to the Rules of Procedure or past practices. The proposed procedure, once implemented, will have to be followed when dealing with the amendments proposed by members in future. As such, it is considered more reasonable to schedule a briefing session for the Chairman or Clerk to the Finance Committee to explain to members the differences between the proposed procedure and past practices, before members indicate their acceptance or otherwise of the relevant arrangements.</p>	<p>Prof Joseph LEE, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Mr IP Kin-yuen, Mr CHU Hoi-dick, Mr SHIU Ka-chun</p>	<p>6</p>
<p><u>View (3):</u> I generally support the proposal as set out in paragraph 9 of the paper. However, I consider that the procedure for dealing with members' motions can be expedited, such as shortening the notice period requirement for moving motions and amendments, shortening the time allowed for debating on such motions and amendments.</p>	<p>Mr MA Fung-kwok</p>	<p>1</p>
<p>Total</p>		<p>44</p>

**Motion from Hon IP Kwok-him to amend
paragraph 37A of the Finance Committee Procedure,
paragraph 31A of the Establishment Subcommittee Procedure and
paragraph 32A of the Public Works Subcommittee Procedure**

**Amendment to paragraph 37A of the
Finance Committee Procedure**

37A. During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view *or views* on the agenda item *if provided that each member may only move one motion in respect of an agenda item, and that* the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

Note: The proposed amendment is marked in *bold and italic type*.

**Amendment to paragraph 31A of the
Establishment Subcommittee Procedure**

31A. During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view *or views* on the agenda item *if provided that each member may only move one motion in respect of an agenda item, and that* the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

Note: The proposed amendment is marked in *bold and italic type*.

**Amendment to paragraph 32A of the
Public Works Subcommittee Procedure**

32A. During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view *or views* on the agenda item *if provided that each member may only move one motion in respect of an agenda item, and that* the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

Note: The proposed amendment is marked in *bold and italic type*.

Source: LC Paper No. FC102/12-13

葉國謙議員建議修訂《財務委員會會議程序》第 37A 段、
《人事編制小組委員會會議程序》第 31A 段及
《工務小組委員會會議程序》第 32A 段

就《財務委員會會議程序》第 37A 段的修訂

37A. 在審議某議程項日期間，委員可在有關該議程項目的待決議題付諸表決前，無須經預告而動議一項議案，就該議程項目表達**一項或多項**意見；惟**每位委員只可就某議程項目動議一項議案**，而該議案須獲主席認為與該議程項目直接相關，並獲過半數委員同意應立即予以處理。任何擬提出的議案或該議案的修正案，應以書面形式提交。委員可在合併辯論中就該議案及該議案的修正案(如有的話)發言。

註：**粗體斜字**是修訂建議的內容

就《人事編制小組委員會會議程序》第 31A 段的修訂

31A. 在審議某議程項日期間，委員可在有關該議程項目的待決議題付諸表決前，無須經預告而動議一項議案，就該議程項目表達**一項或多項**意見；惟**每位委員只可就某議程項目動議一項議案**，而該議案須獲主席認為與該議程項目直接相關，並獲過半數委員同意應立即予以處理。任何擬提出的議案或該議案的修正案，應以書面形式提交。委員可在合併辯論中就該議案及該議案的修正案(如有的話)發言。

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就《工務小組委員會會議程序》第 32A 段的修訂

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註：**粗體斜字**是修訂建議的內容

Finance Committee

**Motion from Hon IP Kwok-him to amend
paragraph 37A of the Finance Committee Procedure,
paragraph 31A of the Establishment Subcommittee Procedure and
paragraph 32A of the Public Works Subcommittee Procedure**

Hon _____ to move the following amendment:

Amendment to paragraph 37A of the Finance Committee Procedure

37A. During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view *or views* on the agenda item ***if provided that each member may not move more than 10 motions ~~only move one motion~~ in respect of an agenda item, and that*** the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

Amendment to paragraph 31A of the Establishment Subcommittee Procedure

31A. During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view *or views* on the agenda item ***if provided that each member may not move more than 10 motions ~~only move one motion~~ in respect of an agenda item, and that*** the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

Amendment to paragraph 32A of the Public Works Subcommittee Procedure

32A. During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view *or views* on the agenda item ***if provided that each member may not move more than 10 motions ~~only move one motion~~ in respect of an agenda item, and that*** the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate.

Note: The amendment to be moved by Hon IP Kwok-him is marked in ***bold and italic type*** or with deletion line.

Hon _____'s amendment is marked in single underline.

葉國謙議員動議修訂《財務委員會會議程序》第 37A 段、
《人事編制小組委員會會議程序》第 31A 段及
《工務小組委員會會議程序》第 32A 段

_____ 議員動議下列修正案：

就《財務委員會會議程序》第 37A 段的修訂

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就《人事編制小組委員會會議程序》第 31A 段的修訂

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就《工務小組委員會會議程序》第 32A 段的修訂

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註：葉國謙議員動議的修訂以**粗斜字體**標示。
_____ 議員的修正案以下加單橫線標示。