

Clerk to Finance Committee

Notice of Motions


I hereby give notice to move the following motions at the earliest possible meeting of the Finance Committee:

- (a) Resolved that Paragraph 39 of the Finance Committee Procedure (“FCP”), Paragraph 32 of the Establishment Subcommittee Procedure (“ESCP”), and Paragraph 33 of the Public Works Subcommittee Procedure (“PWSCP”) be amended as set out in Appendix B to Annex I.

- (b) Resolved that Paragraph 37A of the FCP, Paragraph 31A of ESCP and Paragraph 32A of PWSCP be amended as set out in Appendix to Annex II.

- (c) Resolved that A new Paragraph 40A be added to ESCP and a new Paragraph 41A be added to PWSCP as set out in Appendix to Annex III.

- (d) Resolved that Paragraph 47 of FCP, Paragraph 39A of ESCP and Paragraph 40A of PWSCP be amended as in set out in Appendix to Annex IV.



Martin Liao

Member, Finance Committee

Member, Establishment Committee

Member, Public Works Subcommittee

20 October 2017

For discussion on

FCR(2017-2018)XX

ITEM FOR FINANCE COMMITTEE

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

Purpose

This paper invites members to approve proposed amendment to Paragraph 39 of the Finance Committee Procedure (“FCP”), Paragraph 32 of the Establishment Subcommittee Procedure (“ESCP”), and Paragraph 33 of the Public Works Subcommittee Procedure (“PWSCP”) to rationalize the procedure adopted from Rule 40 of the Rules of Procedure (“RoP”) for the adjournment of the discussion on an agenda item.

Background

2. Paragraph 39 of the FCP provides that a member may move without notice to adjourn the discussion on an item or further proceedings of FC. Similar provision is also provided in ESCP and PWSCP. This procedure is an adaptation of Rule 40 of the RoP (**Appendix A**). When this procedure was discussed in detail by FC at its meeting on 29 November 1996, it was agreed that motions to adjourn discussion should be rare and should only be moved in very justifiable circumstances. To allow flexibility, it was agreed that the chairman should have the discretion to allow either a motion to be moved to adjourn the discussion of an item or a motion to adjourn the entire proceedings. No discussion however has ever taken place on whether both motions can be moved during the discussion of an agenda item. As a result, there had been occasions where the chairman had allowed both motions to be moved separately in the course of the committee’s discussion of the same agenda item.

3. It is proposed that the procedure should be rationalized to reflect the original purpose of Rule 40(4) of RoP which, when referring to adjournment of further proceedings, is to adjourn the proceedings of the committee of the whole Council. When a motion under Rule 40(4) is agreed to, the Council will resume and move to the next item on the agenda of the Council. In other words, procedures under Rule 40 of RoP are not intended to adjourn the entire meeting.

Proposed amendments

4. As the same provision appears in FCP, ESCP and PWSCP, it is proposed that all relevant paragraphs in the respective Procedures, namely, Paragraph 39 of FCP, Paragraph 32 of ESCP and Paragraph 33 of PWSCP be amended. The marked-up version of the proposed amendments is in **Appendix B**.

Advice sought

5. Members are invited to approve the proposed amendments to FCP, ESCP and PWSCP in **Appendix B**.

40. Adjournment of Debate or of Proceedings of a Committee of the Whole Council

- (1) A Member who has risen to speak on a question in the Council may move without notice that the debate be now adjourned. Thereupon the President shall propose the question on that motion.
- (2) When a motion that the debate be now adjourned has been agreed to, the debate on the question then before the Council shall stand adjourned and the Council shall proceed to the next item of business.
- (3) When a motion that the debate be now adjourned has been negated, the debate on the question then before the Council shall be continued and no further motion that the debate be now adjourned shall be moved during that debate except by a designated public officer.
- (4) When the Council is in committee a Member may move without notice that further proceedings of the committee be now adjourned. Thereupon the Chairman shall propose the question on that motion. If the motion is agreed to, the Council shall resume; but if the motion is negated, the committee shall continue its proceedings.
- (5) It shall not be in order to move an amendment to a motion under the provisions of this Rule.
- (6) Except as otherwise provided in subrule (6A), a debate adjourned under the provisions of subrule (2) may be resumed at a subsequent meeting of the Council provided that the Member or public officer who moved the motion for that debate, or in the case of a debate on a bill, the Member or public officer in charge of the bill, shall give notice in writing to the Clerk of his intention to resume the debate not less than 5 clear days before the day on which the debate is to be resumed: *(L.N. 107 of 1999)*

Provided that the President may in his discretion dispense with such notice.

- (6A) A debate adjourned under the provisions of Rule 49B(2A) (Disqualification

of Member from Office) shall be resumed at the earliest meeting of the Council at which normal business is transacted after the report of the investigation committee has been laid on the Table of the Council.

(L.N. 107 of 1999)

- (7) Proceedings of a committee of the whole Council adjourned under the provisions of subrule (4) may be resumed at a subsequent meeting of the committee provided that the Member or public officer in charge of the bill to which the adjourned proceedings relate shall give notice in writing to the Clerk of his intention to resume the proceedings not less than 5 clear days before the day on which the proceedings are to be resumed:

Provided that the Chairman may in his discretion dispense with such notice.

- (8) The provisions of subrules (1), (2), (3), (4) and (5) shall apply to any debate or proceedings resumed under the provisions of subrules (6) and (7).

Proposed amendments

Finance Committee Procedure

39. A member when speaking on a proposal in the Committee may move without notice that discussion on an item ~~or further proceedings of the Committee~~ be now adjourned. Thereupon the Chairman shall propose the question on the motion to adjourn [Rule 40]. A member, when speaking on the question, may not speak more than once [Rule 38] and shall not make a speech for ~~more than three minutes or longer than~~ any time period as decided by the ~~Chairman Committee, or where no such decision has been made, for more than three minutes~~. When no or no more member indicates his intention to speak on the question, the Chairman shall forthwith put the question on the motion to the Committee for its decision. No member may speak on the question after it has been put [Rule 33].

Establishment Subcommittee Procedure

32. A member when speaking on a proposal in the Subcommittee may move without notice that discussion on an item ~~or further proceedings of the Subcommittee~~ be now adjourned. Thereupon the Chairman shall propose the question on the motion to adjourn [Rule 40]. A member, when speaking on the question, may not speak more than once [Rule 38] and shall not make a speech for ~~more than three minutes or longer than~~ any time period as decided by the ~~Chairman Subcommittee, or where no such decision has been made, for more than three minutes~~. When no or no more member indicates his intention to speak on the question, the Chairman shall forthwith put the question on the motion to the Subcommittee for its decision. No member may speak on the question after it has been put [Rule 33].

Public Works Subcommittee Procedure

33. A member when speaking on a proposal in the Subcommittee may move without notice that discussion on an item ~~or further proceedings of the Subcommittee~~ be now adjourned. Thereupon the Chairman shall propose the question on the motion to adjourn [Rule 40]. A member, when speaking on the question, may not speak more than once [Rule 38] and shall not

make a speech for ~~more than three minutes or longer than~~ any time period as decided by the ~~Chairman Subcommittee, or where no such decision has been made, for more than three minutes~~. When no or no more member indicates his intention to speak on the question, the Chairman shall forthwith put the question on the motion to the Subcommittee for its decision. No member may speak on the question after it has been put [Rule 33].

For discussion on

FCR(2017-2018)XX

ITEM FOR FINANCE COMMITTEE

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

Purpose

This paper invites members to approve proposed amendments to Paragraph 37A of the Finance Committee Procedure (“FCP”), Paragraph 31A of the Establishment Subcommittee Procedure (“ESCP”), and Paragraph 32A of the Public Works Subcommittee Procedure (“PWSCP”) to provide that a member may move without notice no more than one motion to express a view or views on an agenda item, and that no amendment may be proposed to the motion.

Background

2. Paragraph 37A of FCP (“the 37A Procedure”) provides that a member may move without notice to express a view on the agenda item provided that it is considered directly related to the agenda item by the chairman and agreed to be proceeded forthwith by the committee. Amendments may be moved to the motion and both the motion and amendments to it are to be discussed in a joint debate. The intention of putting in place this procedure in the 2007/2008 session was to meet the need of the committee to express a view, which is a consolidated view, in respect of a financial proposal for the Administration to take note formally because members could only vote for or against the financial proposal but could not propose any amendment to it.

3. The 37A Procedure has in recent years been frequently used to prolong the proceedings of FC through the moving of a voluminous number of motions in the order of hundreds and sometimes up to tens of thousands. This has clearly departed from the original intention of facilitating the expressing of a committee's view to the Administration on an agenda item.

Proposed amendments

4. In order to deter abuse of the procedure and to properly identify the motion as representing the committee's view, it is proposed that Paragraph 37A of FCP, Paragraph 31A of ESCP and Paragraph 32A of PWSCP be amended to provide that during the deliberation of an agenda item and before the chairman puts the item to vote, a member may move without notice a motion to express a view or views on the item, but each member may not move more than one such motion. The motion should be presented to the chairman in writing by a time specified by the chairman for his consideration as to whether it is directly related to the agenda item. No amendment may be proposed to the motion.

5. The marked-up version of the proposed amendments is in the **Appendix**.

Advice sought

6. Members are invited to approve the proposed amendments to FCP, ESCP and PWSCP in the **Appendix**.

Proposed amendments

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 the motion is considered by the Chairman as directly related to the agenda item and **if** agreed by a majority of members that it should be proceeded forthwith. **No debate shall take place to ascertain if members will so agree. Each member may propose no more than one such motion, which is not amendable. Any proposed motion ~~or amendment to the motion should be presented~~ has to be in written form and presented by a time specified by the Chairman. ~~Members may speak on the motion and amendment to the motion, if any, in a joint debate.~~**

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 the motion is considered by the Chairman as directly related to the agenda item and **if** agreed by a majority of members that it should be proceeded forthwith. **No debate shall take place to ascertain if members will so agree. Each member may propose no more than one such motion, which is not amendable. Any proposed motion ~~or amendment to the motion should be presented~~ has to be in written form and presented by a time specified by the Chairman. ~~Members may speak on the motion and amendment to the motion, if any, in a joint debate.~~**

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 the motion is considered by the Chairman as directly related to the agenda item and **if** agreed by a majority of members that it should be proceeded forthwith. **No debate shall take place to ascertain if members will so agree. Each member may**

propose no more than one such motion, which is not amendable. Any proposed motion ~~or amendment to the motion should be presented~~ has to be in written form and presented by a time specified by the Chairman. ~~Members may speak on the motion and amendment to the motion, if any, in a joint debate.~~

For discussion on

FCR(2017-2018)XX

ITEM FOR FINANCE COMMITTEE

Amendment to Establishment Subcommittee Procedure and Public Works Subcommittee Procedure

Purpose

This paper invites members to approve proposed amendments to the Establishment Subcommittee Procedure (“ESCP”) and the Public Works Subcommittee Procedure (“PWSCP”) by adding a new provision to require that a request for an agenda item recommended by the respective Subcommittee to be discussed at FC could only be made if the relevant Subcommittee had agreed to making that request.

Background

2. The functions of Establishment Subcommittee and the Public Works Subcommittee are to assist the Finance Committee (“FC”) in examining financial proposals within their scope of work and to put forward their recommendations to FC. The proposals supported by the Subcommittees are submitted to FC as a single agenda item for its decision. It has been a practice that where further discussion is required at FC, any member may make such a request in advance so that the relevant public officers can make themselves available at the meeting.

Proposed amendments

3. It is proposed that a new Paragraph 40A be added to ESCP and a new Paragraph 41A be added to PWSCP to formalize the making of a request for an agenda item agreed to be recommended to FC to be further discussed by FC, and to require that such request should be subject to the agreement of the

relevant Subcommittee. As Subcommittee papers are issued to all Members, any Member who is interested in a particular item may attend the Subcommittee meeting and, if needed, may put a request to the Subcommittee through its chairman that the item be further discussed at the FC meeting. This formal procedure should also include the arrangement for seeking separate voting on particular items, which should not be subject to further discussion unless agreed by the Subcommittee at the meeting when the item was discussed.

4. The marked-up version of the proposed amendments is in the **Appendix**.

Advice sought

5. Members are invited to approve the proposed amendments to ESCP and PWSCP in the **Appendix**.

Appendix to Annex III

Proposed amendments

Establishment Subcommittee Procedure

Recommendations to the Finance Committee

- 40A. All financial proposals examined by the Subcommittee and agreed to be submitted to the Finance Committee for its consideration are included in the paper that contains the Subcommittee's recommendations including any motions passed under paragraph 31A on any of the proposals. Where the Subcommittee has decided that a proposal contained in the Subcommittee's recommendations should be recommended for separate discussion and voting or separate voting only, that decision shall be so recorded in the paper. Where separate voting on any proposal is requested by a Member after the Subcommittee's meeting, the request should be made to the Clerk to the Finance Committee one clear day before the Finance Committee is due to consider the proposal, and no discussion shall be allowed for these cases in the Finance Committee.

Public Works Subcommittee Procedure

Recommendations to the Finance Committee

- 41A. All financial proposals examined by the Subcommittee and agreed to be submitted to the Finance Committee for its consideration are included in the paper that contains the Subcommittee's recommendations including any motions passed under paragraph 32A on any of the proposals. Where the Subcommittee has decided that a proposal contained in the Subcommittee's recommendations should be recommended for separate discussion and voting or separate voting only, that decision shall be so recorded in the paper. Where separate voting on any proposal is requested by a Member after the Subcommittee's meeting, the request should be made to the Clerk to the Finance Committee one clear day before the Finance Committee is due to consider the proposal, and no discussion shall be allowed for these cases in the Finance Committee.

ITEM FOR FINANCE COMMITTEE

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

Purpose

This paper invites members to approve proposed amendments to Paragraph 47 of the Finance Committee Procedure (“FCP”), Paragraph 39A of the Establishment Subcommittee Procedure (“ESCP”), and Paragraph 40A of the Public Works Subcommittee Procedure (“PWSCP”) to enable the question on a motion to shorten the duration of the ringing of division bell to one minute be put forthwith without debate.

Background

2. A motion to shorten the duration of the ringing of division bell to one minute is a procedural motion which is not normally debated. In the light of the amendments being proposed to amend Rule 49(4) and (6) of the Rules of Procedure to enable the question on the motion be put upon its being moved without any debate, it is proposed that corresponding amendments be made to Paragraph 47 of FCP, Paragraph 39A of ESCP and Paragraph 40A of PWSCP.

Proposed amendments

3. The marked-up version of the proposed amendments is in the **Appendix**.

Advice sought

4. Members are invited to approve the proposed amendments to FCP, ESCP and PWSCP in the **Appendix**.

Proposed amendments

Finance Committee Procedure

47. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the Committee. Immediately after the Chairman has declared the result of a division under an agenda item, a member may move without notice that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the Committee do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall ~~propose-put~~ the question on that motion **forthwith with no debate**. In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for **the** members of the Committee within the precincts of the Chamber to be notified of the division. The division shall be held 10 minutes after the order has been made.

Establishment Subcommittee Procedure

- 39A. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the ESC. Immediately after the Chairman has declared the result of a division under an agenda item, a member may move without notice that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the ESC do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall ~~propose-put~~ the question on that motion **forthwith with no debate**. In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for **the** members of the ESC within the precincts of the Chamber to be notified of the division. The division shall be held 10 minutes after the order has been made.

Public Works Subcommittee Procedure

- 40A. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the PWSC. Immediately

after the Chairman has declared the result of a division under an agenda item, a member may move without notice that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the PWSC do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall ~~propose-put~~ the question on that motion **forthwith with no debate**. In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for **the** members of the PWSC within the precincts of the Chamber to be notified of the division. The division shall be held 10 minutes after the order has been made.