

立法會

Legislative Council

LC Paper No. FC24/17-18

Finance Committee

Note on Chairman's direction regarding the scheduling of Finance Committee meetings

Purpose

This note provides background information on the current arrangement adopted by the Finance Committee ("FC") of scheduling multiple two-hour meetings to be held on the same day for the same agenda, the issues taken into account by the FC Chairman in his review of this "multiple two-hour meetings" arrangement, and the new arrangement that the Chairman will adopt in future in scheduling FC meetings.

Background

2. Under Rule 71(6) of the Rules of Procedure ("RoP"), which is reflected in paragraph 10 of the Finance Committee Procedure ("FCP"), the time and the place of FC meetings are determined by the Chairman. Notwithstanding the power conferred on the FC Chairman to determine the meeting time of FC meetings, FC has reviewed its meeting arrangements vis-à-vis those of the House Committee ("HC") from time to time and agreed on certain meeting arrangements.¹ A summary of the previous reviews is in the **Appendix**.

3. In April 1995, FC agreed that its meetings held on Friday afternoons should start at 2:30 pm and end at 4:30 pm sharp in order to enable the meetings of HC that were held on the same Friday afternoons to start immediately after 4:30 pm.² At the review conducted in 2006, FC agreed that the starting time of

¹ It has been a long-standing practice that FC and HC hold their respective meetings on Friday afternoons. The reviews mainly dealt with the issue of whether the meeting time of FC and HC should be swapped and the mechanism for determining the starting/ending time of the respective meetings.

² At that time, meetings of HC were usually scheduled to start immediately after the FC meetings held at 2:30 pm on the same Friday afternoons.

FC meeting and HC meeting should be swapped and the duration of each FC meeting should be two hours. At the subsequent reviews conducted in 2008 and 2009, FC decided that the duration of each FC meeting should be maintained at two hours, while at the 2009 review, FC further agreed that the Chairman might extend an FC meeting for up to 15 minutes where necessary.

4. Since the 2006-2007 legislative session, when it was anticipated that more time was needed for FC to deal with time-critical financial proposals as per the Administration's requests, the FC Chairman would direct that two or three two-hour FC meetings be held on Friday afternoons and, if needed, on other weekdays or Saturdays.³ The holding of multiple two-hour FC meetings on the same day for the same agenda has become frequent since the 2007-2008 legislative session.

Issues arising from the "multiple two-hour meetings" arrangement

5. The practice of FC to schedule multiple two-hour meetings to be held on the same day for the same agenda differs from the practice of other committees of the Legislative Council ("LegCo"). For other committees, where it is necessary to hold a meeting beyond the normal time slot of two hours to deal with the business on an agenda, the practice is for the Chairman of the committee concerned to schedule one single meeting of a fixed duration which may be divided into sessions with breaks in between, if necessary.

6. Past operational experience of FC reveals that the "multiple two-hour meetings" arrangement of FC has given rise to difficulty and uncertainty when certain procedures are applied to FC proceedings. Notably, in dealing with a motion to adjourn further proceedings of the Committee moved under FCP 39, the FC Chairman could not simply regard the multiple two-hour meetings as separate meetings, as adopting such a literal approach in applying the procedure might lead to an absurd situation not originally intended when the procedure was established by FC.⁴ In practice, since June 2014, the former and incumbent FC Chairmen have regarded the multiple two-hour meetings held on the same day

³ It has been the practice of the FC Chairman to consult members on their availability for additional meetings scheduled for late evening on Fridays and those for Saturdays and other weekdays, before deciding to hold such additional meetings.

⁴ As explained by the then Legal Adviser to FC ("Legal Adviser") at the second FC meeting on 27 June 2014, applying FCP 39 literally could result in an extreme situation where a motion to adjourn further proceedings of the Committee had been moved and negatived towards the end of the first meeting, but a few minutes afterwards when the second meeting started, another motion of the same nature was moved and debated again.

for the same agenda as one single meeting for the purpose of handling motions to adjourn further proceedings of the Committee moved under FCP 39.

7. There is however uncertainty as to whether the aforesaid approach could be applied alike to an order made by the FC Chairman under RoP 45(2).⁵ The application of the same approach would mean that a member ordered by the FC Chairman to withdraw from the Committee because of grossly disorderly conduct cannot attend the subsequent FC meetings held on the same day for the same agenda, although each of those subsequent meetings is strictly speaking a separate meeting under the "multiple two-hour meetings" arrangement. Given this uncertainty and in view of the advice of the then Legal Adviser given at the second FC meeting on 27 June 2014,⁶ the former and incumbent FC Chairmen have since allowed the member concerned to attend the subsequent FC meetings held on the same day. Such an approach has demonstrably weakened the deterrence of the sanction provision in RoP 45(2) in maintaining order in the Committee and has thereby affected the orderly and efficient conduct of FC meetings.

New arrangement as directed by the Chairman

8. To address the above issues with a view to ensuring the orderly and efficient conduct of FC meetings and aligning the arrangement for scheduling meetings of FC with that of other committees of LegCo, the FC Chairman has, pursuant to RoP 71(6), directed that in future, the scheduling of FC meetings should be as follows –

For proceedings to be conducted on the same day for the same agenda, one single meeting with appointed starting time and fixed duration will be scheduled for the day and, if necessary, the meeting will be divided into sessions.

⁵ RoP 45(2) reads: "The President, the Chairman of a committee of the whole Council or the chairman of any committee shall order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting; and the Clerk or clerk of any committee shall act on orders received by him from the Chair to ensure compliance with this order."

⁶ The then Legal Adviser advised that it was within the Chairman's authority to order the withdrawal of a member from the Committee, and that it should be within the Chairman's discretion to adopt a liberal approach in favour of the member when applying the sanction provisions.

The current arrangement that the FC Chairman may extend an FC meeting for up to 15 minutes⁷ will not be affected under the aforesaid new arrangement for scheduling of FC meetings and hence will remain unchanged.

Effect of the new arrangement on the meeting time of House Committee

9. According to rule 20(e) of the House Rules ("HR 20(e)"), when both an HC meeting and an FC meeting are scheduled to be held on the same Friday afternoon, the HC meeting will, if necessary, be suspended at such time when the FC meeting is scheduled to begin and resumed to deal with the unfinished business on the agenda after the FC meeting. Currently, if multiple two-hour FC meetings are scheduled for the same afternoon, an HC meeting suspended under HR 20(e) will be resumed after the first two-hour FC meeting and the second two-hour FC meeting will be held after HC has finished its business.

10. With the implementation of the new arrangement set out in paragraph 8 above, if the FC meeting held on the same Friday lasts for four hours, an HC meeting suspended under HR 20(e) will be resumed after the four-hour FC meeting.

Communication with members prior to promulgation of the new arrangement

11. The Chairman invited all members to attend an informal meeting on 17 October 2017 for exchanging views on the new arrangement described in paragraph 8 above as well as the new arrangement for the speaking time limit for the debates on motions to shorten the division bell duration (separately promulgated vide LC Paper No. FC23/17-18). To facilitate discussion at the informal meeting, the Chairman directed the Clerk to FC to issue two draft notes on the new arrangements and a paper prepared by the Legal Service Division of the Legislative Council Secretariat regarding relevant legal and procedural issues to members on 12 October 2017 and 16 October 2017 respectively.⁸ A total of 24 members attended the meeting. Another 22 members expressed objection to the new arrangements and refused to attend the informal meeting vide their letters, but they have submitted written views to the Chairman.⁹ The Chairman responded to their written views on 19 October 2017.¹⁰

⁷ The arrangement was agreed by FC in 2009 as mentioned in paragraph 3 of this paper.

⁸ LC Papers Nos. FC12/17-18 and LS7/17-18

⁹ LC Papers Nos. FC20/17-18(01) and (02), and FC21/17-18 (01) and (02)

¹⁰ LC Papers Nos. FC20/17-18(03) and FC21/17-18(03)

12. In finalizing his directions set out in this note and the other note LC Paper No. FC23/17-18 issued in parallel, the Chairman has taken into account the views expressed by members at the informal meeting and the written views received from members.

Council Business Division 1
Legislative Council Secretariat
19 October 2017

Appendix

Summary of previous reviews of the meeting time of the Finance Committee

Meeting date / Paper No.	Proposal	Decision
28 April 1995 FCR(95-96)6	It was proposed to adjourn Finance Committee ("FC") meetings held on Friday afternoons at 4:30 pm sharp and to advance the starting time to 2:15 pm, so as to enable House Committee ("HC") meetings to start immediately after 4:30 pm and to end at around 5:45 pm.	Members agreed that future meetings of FC held on Friday afternoons should start at 2:30 pm and be adjourned at 4:30 pm sharp.
24 March 2006 FCR(2005-06)50	To consider whether the meeting time of FC and HC should be swapped.	The Committee agreed that: (a) the meeting time of FC and HC should be swapped such that HC meetings would be held at 2:30 pm while FC meetings would be held at 3:00 pm; (b) where there was no preceding HC meetings, FC meetings would be held at 2:30 pm; (c) the above arrangements would take place in the following legislative session starting October 2006; and (d) the duration of FC meetings should be two hours and any items not dealt with at the meeting should be carried over to the next meeting in accordance with paragraph 11 of the Finance Committee Procedure.

Meeting date / Paper No.	Proposal	Decision
23 May 2008 FCR(2008-09)6	It was proposed to reschedule the starting time of FC meeting to a fixed time after 3:00 pm or immediately after HC meetings, whichever was later, if it was anticipated that the preceding HC meeting would go beyond 3:00 pm.	The Committee agreed to the proposed arrangement. ^{Note}
16 Jan 2009 FCR(2008-09)59	<p>It was proposed to maintain the existing arrangements, as follows:</p> <ul style="list-style-type: none"> (a) if there was no HC meeting scheduled for the same afternoon, the FC meeting would start at 2:30 pm; (b) if an HC meeting was scheduled for the same afternoon, the FC meeting would be scheduled to start at 3:00 pm; and (c) if it was anticipated that the preceding HC meeting would go beyond 3:00 pm, the starting time of the FC meeting would be rescheduled to a fixed time after 3:00 pm, and the rescheduling notice should reach the Financial Services and the Treasury Bureau by Wednesday noon. <p>Members were also invited to decide allowing the Chairman to extend an FC meeting for up to 15 minutes where necessary.</p>	The Committee agreed to maintain the existing arrangements regarding the starting time of FC meetings and that the Chairman may extend an FC meeting for up to 15 minutes where necessary.

^{Note} The matter was further considered by HC on 6 June 2008, and to effect the agreed changes, HC agreed to amend rule 20(e) of the House Rules, which then became the current version.