

**立法會**  
*Legislative Council*

LC Paper No. FC39/17-18 (01)

**Finance Committee**

**Consultation paper on proposed procedure for dealing with  
members' motions to amend the Finance Committee Procedure,  
Establishment Subcommittee Procedure and Public Works  
Subcommittee Procedure**

**Purpose**

Members are invited to give views on the proposed procedure for dealing with motions intended to be moved by members to amend the Finance Committee Procedure ("FCP"), the Establishment Subcommittee Procedure ("ESCP") and the Public Works Subcommittee Procedure ("PWSCP") (collectively referred to as "the Procedures" in this paper).

**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 paragraphs 4 to 7 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.<sup>1</sup>

#### 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 only been one case back in 2012-2013. On 10 October 2012, Mr IP Kwok-him gave notice to include an agenda item in the agenda of an FC meeting 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.<sup>2</sup>

5 Noting the absence of specific provisions in RoP and FCP on proposed amendments to the Procedures, the then Chairmen and the Deputy Chairmen of FC, ESC and PWSC discussed and agreed the following –

- (a) given the importance of the Procedures, in considering any proposed amendments to the Procedures, RoP 29 to RoP 35, and practices governing the dealing of motions and amendments to motions with legislative effect in Council should be adopted. However, there is a need to make suitable modifications to the notice requirements under RoP 29; and
- (b) a member's proposal to amend the Procedures should be put forward in the form of a motion moved in FC, and that FC should first agree on the notice periods for submission of motions to amend the Procedures and members' proposed

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<sup>1</sup> 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.

<sup>2</sup> The provisions that Mr IP Kwok-him sought to amend were FCP 37A, ESCP 31A and PWSCP 32A.

amendments to these motions. Specifically, the notice requirement for the motion should be not less than five clear days before the day on which the motion is to be considered by FC; and proposed amendments to amend the motion should be subject to a notice requirement of not less than two clear days before the day on which the motion proposed to be amended is to be considered by FC.

6 FC held four meetings on 19 October 2012, 2 November 2012 and 4 January 2013 to discuss the arrangements for handling Mr IP Kwok-him's motion and the proposed notice requirements. The discussion was adjourned upon passage of a motion moved by Mr IP under FCP 39 at the meeting on 4 January 2013 without any decision made. Subsequently, the then FC Chairman directed that Mr IP's motion to amend the Procedures be dealt with at the meeting on 22 February 2013. As FC could not come up with a decision on the proposed notice requirements, the FC Chairman, having regard to the need for FC to properly deal with motions from members to amend the Procedures, directed that notice of a motion to amend the Procedures should be given not less than five clear days before the meeting, and notice of an amendment to the motion should be given not less than two clear days.

7 Before the meeting on 22 February 2013, notice of a motion from Mr Ronny TONG Ka-wah to amend the same provisions in FCP as Mr IP's motion and over 1.9 million proposed amendments to Mr IP's motion were received. In view of the enormous number of proposed amendments to Mr IP's motion received,<sup>3</sup> the Chairman then changed the purpose of the meeting on 22 February 2013 to a discussion among members on how to handle Mr IP's motion and the relevant proposed amendments. At the meeting, while some members expressed goodwill to start a dialogue between the pan-democrat and the pro-establishment camps outside FC meetings with a view to identifying a solution and to mapping out the way forward, a consensus could not be reached at the meeting on whether and how the matter should be proceeded with. The two motions to amend the Procedures and other members' proposed amendments to the motions were thus not dealt with eventually.

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<sup>3</sup> According to the paper provided by the FC Clerk (FC104/12-13(01)), it would require 408 man-months to complete the preliminary vetting of the facts and accuracy of the amendments in both Chinese and English languages. If all the amendments were admitted by the Chairman, the voting time required to dispose of the amendments alone would take more than 1 989 days or 23 868 two-hour meetings.

## Recent members' motions to amend the Procedures

8 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. 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.

### **Proposed procedure for dealing with members' motions to amend the Procedures**

9 In the light of the above background (in particular FC's previous experience in dealing with members' motions to amend the Procedures), and with a view to ensuring fair, orderly and efficient conduct of business by FC, it is **recommended that RoP 29 to RoP 35 should apply to FC's proceedings on dealing with members' motions to amend the Procedures and that 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 set out below –

<b>Proposed procedure</b>	<b>Relevant Rule in RoP/ practice for Council proceedings</b>
(a) Notice of a motion to amend the Procedures should be given <b>not less than 12 clear days</b> whereas notice of an amendment to the motion should be given <b>not less than 5 clear days</b> 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)

Proposed procedure	Relevant Rule in RoP/ practice for Council proceedings
(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 <b>Appendix I</b> .	
(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 <b>Appendix II</b> .	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
(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

### **Advice sought**

10 Members are requested to give their views on the proposed procedure as set out in paragraph 9 above for dealing with members' motions to amend the Procedures by completing and returning the reply slip to the Secretariat **by 12:00 noon on 9 November 2017**.

Council Business Division 1  
Legislative Council Secretariat  
2 November 2017

**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。

註：**粗體斜字**是修訂建議的內容

就《工務小組委員會會議程序》第 32A 段的修訂

32A. 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



## 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

37A. 在審議某議程項目期間，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**~~不多於 10 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。

就《人事編制小組委員會會議程序》第 31A 段的修訂

31A. 在審議某議程項目期間，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**~~不多於 10 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。

就《工務小組委員會會議程序》第 32A 段的修訂

32A. 在審議某議程項目期間，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**~~不多於 10 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：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。