

**A proposal to the Finance Committee
to amend the Procedural Rules
of Finance Committee and its two Subcommittees**

1. This proposal is jointly presented by 37 members of the Finance Committee (**Annex A**). Proceedings of the Finance Committee (“FC”) are becoming more complex in recent years. The immense backlog of financial proposals waiting to be considered by FC is having a direct impact on the day-to-day living of the people in Hong Kong and the trade and industry involved in the implementation of public works projects. We are of the view that the current Finance Committee Procedure (“FCP”) is no longer able to cater for the need of the FC.
2. In order to consider how best the FCP could be streamlined, we have undertaken research, including consulting those who were involved in its formulation, to ascertain the rationale behind the current procedures. Our conclusion is that some amendments are required in the FCP, the Establishment Subcommittee Procedure (“ESCP”) and the Public Works Subcommittee Procedure (“PWSCP”) so as to rationalize and streamline the operation of FC and its Subcommittees. The proposed amendments are set out in **Annex B**. There are also proposals, implementation of which would not entail changes to be made to the current rules. These proposed arrangements are explained below.

Adjournment of proceedings

3. 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 Legislative Council Rules of Procedure (“RoP”). When this provision 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 to an agenda item during the discussion of it. 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.
4. We consider that it is time to rationalize the purpose of the procedure. We concur that there is a need to retain this procedure to enable the committee

to have a chance to consider whether an agenda item is ready for decision. In this respect, we consider that a motion to adjourn the discussion of the item should suffice. The original intention of Rule 40(4) of RoP, which refers to adjournment of further proceedings, is to adjourn the proceedings of the committee of the whole Council. If and when this motion is agreed to, the Council will resume and move to the next item on the agenda of the Council. In other words, there is never any procedure in Rule 40 of RoP to adjourn the entire meeting. We propose to revise Paragraph 39 of FCP, Paragraph 32 of ESCP and Paragraph 33 of PWSCP to remove reference to “further proceedings of the Committee” so that any motion to adjourn is for the adjournment of discussion on an agenda item.

Duration of FC meetings

5. The duration of FC’s meeting is not laid down in any rules, nor is it subject to the duration of the regular time slots for other committees’ meetings as provided in the House Rules. Rule 71 of RoP provides that the Finance Committee meets at the time and place determined by its chairman. In determining meeting logistics, it has been a practice that the chairman may take into account views of members on matters relating to the starting time and length of meetings as discussed at meetings.
6. The limiting of FC meetings to two hours each was decided on 28 April 1995 after the chairmanship of the committee was taken over by a non-official Member from the then Chief Secretary in the 1994/1995 session. The 2-hour time slot for FC meetings was to provide certainty to the starting time of the House Committee meeting which was held immediately after the FC meeting. It was also to facilitate the Administration to decide on the number of items to be proposed for inclusion on the agenda of each 2-hour meeting. There was an understanding with the Administration that no more than 7 items would be included on the agenda so that there would at least be 15 minutes allowed for the discussion of each item.
7. Today, Members require much more time to consider each agenda item and limiting a meeting to 2 hours is no longer realistic. It has now become more frequent for FC to meet consecutively for 4 hours (2 meetings) or 6 hours (3 meetings) on Friday afternoons in order to allow sufficient time for discussion and at the same time to deal with more financial proposals that are pending FC’s deliberation. We consider that the chairman under the current Rule 71(6) of RoP should have the discretion to decide the length of each meeting. However, the ending time of each meeting should be specified in the notice of meeting and any extension of a meeting should be subject to the same requirement under House Rule 24A

(Extension of Meetings).

Motion without notice under Paragraph 37A of FCP

8. 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 the 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 notice because members could only vote for or against it but could not propose any amendment to the proposal.
9. 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 the committee’s view to the Administration on an agenda item. In order to deter abuse of the procedure and to properly identify the motion as representing the committee’s view, we propose to amend Paragraph 37A of FCP, Paragraph 31A of ESCP and Paragraph 32A of PWSCP to provide that:
 - (a) During the deliberation of an agenda item, before the chairman puts the item to vote, a member may move without notice a motion to express a view 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.
 - (b) The motion, if considered by the chairman to be directly related to the agenda item, is put to the committee/subcommittee for a decision as to whether it should be proceeded forthwith. There shall be no debate for making the decision. If there is more than one such motion decided by the committee/subcommittee to be proceeded forthwith, a joint debate of these motions will be held. Each member may only speak once for not more than three minutes in the debate on the motion or in the joint debate of the motion and other motion(s) moved under this paragraph.

Motion to shorten the duration of the ringing of division bell

10. A motion to shorten the duration of the ringing of division bell to one minute is a procedural motion which is not normally debated. We are separately proposing to amend Rule 49(4) and (6) of the RoP to enable the question on the motion be put and be voted on upon its being moved without any debate. We propose that corresponding amendments should be made to Paragraph 47 of FCP, Paragraph 39A of ESCP and Paragraph 40A of PWSCP.

Reopening of discussion of an item already supported by a subcommittee of FC

11. The functions of Establishment Subcommittee and the Public Works Subcommittee are to assist 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. The current practice is that that where 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. We propose to add Paragraph 40A to ESCP and Paragraph 41A to PWSCP to formalize the making of such a request which 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 necessary, may put a request to the Subcommittee through its chairman for the item to 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 to by the Subcommittee at the meeting when the item was discussed.

Discussion by FC

12. We are aware that changes to the FCP, ESCP and PWSCP are made by FC. We request that our proposal can be discussed at the special meeting(s) of FC held at the beginning of the 2017/2018 session to consider procedural matters.

Annex A

**List of Finance Committee members in support of the proposed amendments to
the procedural rules of the Finance Committee and its Subcommittees
(In alphabetical order)**

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|---------------------------|--------|
| 1. Hon CHAN Chun Ying | 陳振英議員 |
| 2. Hon CHAN Hak Kan | 陳克勤議員 |
| 3. Hon CHAN Han Pan | 陳恆鑛議員 |
| 4. Hon Christopher CHEUNG | 張華峰議員 |
| 5. Hon CHEUNG Kwok Kwan | 張國鈞議員 |
| 6. Hon Tommy CHEUNG | 張宇人議員 |
| 7. Hon Ann CHIANG | 蔣麗芸議員 |
| 8. Hon Holden CHOW | 周浩鼎議員 |
| 9. Hon Felix CHUNG | 鍾國斌議員 |
| 10. Hon Junius HO | 何君堯議員 |
| 11. Hon HO Kai Ming | 何啟明議員 |
| 12. Hon Stephen HO | 何俊賢議員 |
| 13. Hon Regina IP | 葉劉淑儀議員 |
| 14. Hon KWOK Wai Keung | 郭偉強議員 |
| 15. Hon Jeffrey LAM | 林健峰議員 |
| 16. Hon Edward LAU | 劉國勳議員 |
| 17. Hon Kenneth LAU | 劉業強議員 |
| 18. Hon Starry LEE | 李慧琼議員 |
| 19. Hon LEUNG Chi Cheung | 梁志祥議員 |
| 20. Hon Priscilla LEUNG | 梁美芬議員 |
| 21. Hon Martin LIAO | 廖長江議員 |
| 22. Hon LO Wai Kwok | 盧偉國議員 |
| 23. Hon LUK Chung Hung | 陸頌雄議員 |
| 24. Hon MA Fung Kwok | 馬逢國議員 |
| 25. Hon Alice MAK | 麥美娟議員 |
| 26. Hon NG Wing Ka | 吳永嘉議員 |
| 27. Hon OR Chong Shing | 柯創盛議員 |
| 28. Hon POON Siu Ping | 潘兆平議員 |
| 29. Hon Elizabeth QUAT | 葛珮帆議員 |
| 30. Hon Abraham SHEK | 石禮謙議員 |
| 31. Hon SHIU Ka Fai | 邵家輝議員 |
| 32. Hon Paul TSE | 謝偉俊議員 |
| 33. Hon WONG Kwok Kin | 黃國健議員 |
| 34. Hon WONG Ting Kwong | 黃定光議員 |
| 35. Hon Frankie YICK | 易志明議員 |

36. Hon YIU Si Wing
37. Hon YUNG Hoi Yan

姚思榮議員
容海恩議員

**List of proposed amendments to the procedural rules
of the Finance Committee and its Subcommittees**

39. A member when speaking on a proposal in the Committee may move without notice that discussion on an item be now adjourned. Thereupon the Chairman shall propose the question on the motion to adjourn [Rule 40(2)]. 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 any time period as decided by the Chairman. 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].
- 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 on the agenda item if the motion is considered by the Chairman as directly related to the agenda item and if agreed to 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, and has to be in written form and presented by a time specified by the Chairman. Each member may only speak once for not more than three minutes at a debate on the motion or at a joint debate on the motion and other motion(s) moved under this paragraph.
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 put the question on that motion forthwith without 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 for 10 minutes after the order has been made.

Establishment Subcommittee Procedure

32. A member when speaking on a proposal in the Subcommittee may move without notice that discussion on an item be now adjourned. Thereupon the Chairman shall propose the question on the motion to adjourn [Rule 40(2)]. 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 any time

period as decided by the Chairman. 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].

- 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 on the agenda item if the motion is considered by the Chairman as directly related to the agenda item and if agreed to 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, and has to be in written form and presented by a time specified by the Chairman. Each member may only speak once for not more than three minutes at a debate on the motion or at a joint debate on the motion and other motion(s) moved under this paragraph.
- 39A. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the Subcommittee. 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 Subcommittee do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall put the question on that motion forthwith without 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 Subcommittee within the precincts of the Chamber to be notified of the division. The division shall be held for 10 minutes after the order has been made.

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, that decision shall be so recorded in the paper. Where separate voting on any proposal is sought 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

33. A member when speaking on a proposal in the Subcommittee may move without notice that discussion on an item be now adjourned. Thereupon the

Chairman shall propose the question on the motion to adjourn [Rule 40(2)]. 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 any time period as decided by the Chairman. 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].

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 on the agenda item if the motion is considered by the Chairman as directly related to the agenda item and if agreed to 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, and has to be in written form and presented by a time specified by the Chairman. Each member may only speak once for not more than three minutes at a debate on the motion or at a joint debate on the motion and other motion(s) moved under this paragraph.

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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 in the Finance Committee, that decision shall be so recorded in the paper. Where separate voting on any proposal is sought 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.
