

立法會
Legislative Council

LC Paper No. FC72/17-18

Finance Committee

**Ruling of the Chairman of the Finance Committee
on the motions proposed by members on the procedure for
the Finance Committee to deal with members' motions
to amend the Finance Committee Procedure,
the Establishment Subcommittee Procedure and
the Public Works Subcommittee Procedure**

As of 1 December 2017 (i.e. deadline for submission of proposed motions), five members have proposed 23 motions on the procedure for the Finance Committee to deal with members' motions to amend the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure ("Handling Procedure") as follows:

| Member | Number of proposed motions on the Handling Procedure |
|--------------------------|---|
| Hon Michael TIEN Puk-sun | 1 |
| Hon CHAN Chi-chuen | 5 |
| Hon Claudia MO | 5 |
| Hon Alvin YEUNG | 3 |
| Hon CHU Hoi-dick | 9 |
| Total: | 23 |

The above proposed motions are in **Appendix I**.

Background

2. Before I set out my ruling on the proposed motions, I consider it appropriate to recapitulate the background to members' submission of proposed motions to seek the Finance Committee ("FC")'s approval of the Handling Procedure proposed under the motions.

3. Currently, there is no specific provision in the Rules of Procedure of the Legislative Council ("RoP") and the Finance Committee Procedure ("FCP") governing how FC should deal with proposed amendments to FCP, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure ("the Procedures"). RoP 71(13) provides that subject to RoP, the practice and procedure of FC and its subcommittees shall be determined by FC. FCP 37 provides that subject to the decisions of FC made from time to time, RoP 29 to RoP 35 shall apply, with necessary modifications, to the proceedings of FC in dealing with motions.

4. Some members have given notices to move motions to amend the Procedures. In view of the absence of specific procedure in RoP and FCP for handling such motions, I directed the Legislative Council Secretariat to propose for FC's consideration a Handling Procedure. The Secretariat issued a consultation paper¹ on 2 November 2017 to gauge members' views on a proposed Handling Procedure. In the light of the outcome of the consultation, I directed that a special meeting be held on 25 November 2017 to discuss the proposed Handling Procedure, and a discussion paper (i.e. FCR(2017-18)40) which recommends the adoption of the proposed Handling Procedure was issued for discussion at the special meeting.

5. In response to some members' request, I conducted a briefing session on 20 November 2017² for me and the Secretariat to explain the proposed Handling Procedure to members. Having considered the views of some members on the approach to the presentation of the proposed Handling Procedure and related matters expressed at the briefing session and in writing subsequently, I decided that any proposal(s) on the Handling Procedure should be presented to FC in the form of a motion, and that individual member(s) may propose motion(s) on the Handling Procedure and/or amendment(s) to such motion(s). I also informed members that Hon Michael TIEN Puk-sun, the Deputy Chairman, had agreed to give notice to move a motion to seek FC's approval of the proposed Handling Procedure set out in FCR(2017-18)40. Further, I directed that a special meeting be held on 16 December 2017 for FC to

¹ The consultation paper was issued vide LC Paper No. FC39/17-18(01).

² The briefing session was held at the request of 13 members in their responses to the consultation.

deal with the motion(s) and amendment(s) to the motion(s) on the Handling Procedure.³

My opinion

Factors for consideration

6. It is incumbent upon me as Chairman of FC to decide on the admissibility of those 23 proposed motions on the Handling Procedure under RoP 30(3). I will take into account all the relevant factors when considering the admissibility of those proposed motions. These relevant factors include whether the proposed motions are directly relevant to the agenda item of the special meeting at which they are to be considered, whether the proposed motions would in effect be inconsistent with existing provisions of RoP and/or FCP, or would otherwise be out of order.

7. As mentioned in paragraph 5 above, the purpose of the special meeting is for FC to decide the procedure to deal with members' motions to amend the Procedures. This purpose is reflected in the agenda for the special meeting. Against the above background and given the purpose of the special meeting, I consider that for a motion to be regarded as directly relevant to the agenda item,⁴ the motion should seek to provide a procedure for FC to follow in dealing with members' motions to amend the Procedures. Further, given the provision in FCP 37⁵ pursuant to which members have proposed their motions, I consider that in deciding whether they are in order under RoP 30(3), it is necessary to see whether it is clear from the terms of individual motions whether RoP 29 to RoP 35 (which are referred to in FCP 37) would apply to FC's proceedings on dealing with members' motions to amend the Procedures, and if so, whether and what necessary modifications are to be made.

³ Notice of meeting was issued vide LC Paper No. FC64/17-18 on 28 November 2017.

⁴ The agenda item reads "Procedure for the Finance Committee to deal with members' motions to amend the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure".

⁵ FCP 37 provides that subject to the decisions of FC made from time to time, RoP 29 to RoP 35 shall apply, with necessary modifications, to the proceedings of FC in dealing with motions.

Inadmissible proposed motions on the Handling Procedure

8. Taking into account the factors mentioned in the preceding paragraphs, I consider that of the 23 proposed motions, 16 (proposed by four members) are inadmissible as set out below.

9. I notice that each of the 13 motions proposed by Hon CHAN Chi-chuen, Hon Claudia MO and Hon Alvin YEUNG respectively only concerns a certain aspect of the Handling Procedure or seeks to impose certain condition(s) with respect to a particular aspect of the Handling Procedure; none of them seeks to provide for a procedure which on its own would enable FC to deal with members' motions to amend the Procedures. As they do not serve to provide the basis on which FC can arrive at a decision on the Handling Procedure, they cannot be regarded as directly relevant to the agenda item. I therefore cannot admit these proposed motions.

10. Furthermore, I note that while the members concerned are seeking FC's decision pursuant to FCP 37 on the rules that would apply to FC's proceedings on dealing with members' motions to amend the Procedures, none of the aforesaid 13 proposed motions touches upon the applicability or otherwise of RoP 29 to RoP 35 to such proceedings. The effect is that if any of these motions is passed, it is unclear whether and how RoP 29 to RoP 35 would apply to the proceedings concerned. I consider that insofar as FCP 37 provides for the application of RoP 29 to RoP 35 to the FC proceedings in dealing with motions unless FC decides otherwise, the fact that none of the above 13 motions seeks to provide whether and how the above rules would apply renders these motions inconsistent with the provisions in FCP 37. As such, I rule that these motions are out of order and may not be moved.

11. Apart from the above considerations, some of the aforesaid 13 motions are in effect inconsistent with existing provisions of RoP and/or FCP. A summary of these 13 inadmissible motions and my ruling is in **Appendix II**.

12. As regards the nine proposed motions submitted by Hon CHU Hoi-dick, I note that each of these motions proposes a Handling Procedure containing modifications to RoP 29 to 35. In six of these motions, Mr CHU also seeks to specify certain additional condition(s) in the Handling Procedure. Of these six proposed motions, I consider that three of them are inadmissible as they contain proposals which are unintelligible or

inconsistent with existing provisions of RoP. A summary of these three inadmissible motions and my ruling is in **Appendix III**.

13. In accordance with RoP 30(3)(c), I direct that the 16 inadmissible motions mentioned in the preceding paragraphs be returned to the members concerned.

Admissible proposed motions on the Handling Procedure

14. As regards the remaining seven proposed motions, i.e. motion no. 001 submitted by Hon Michael TIEN Puk-sun and motions nos. 018, 019, 020, 021, 022 and 023 submitted by Hon CHU Hoi-dick, I consider that they are directly relevant to the agenda item of the special meeting and are not inconsistent with any existing provisions of RoP and/or FCP or otherwise out of order and are therefore admissible.

My ruling

15. I rule that of the 23 proposed motions, 16 are inadmissible and seven are admissible as detailed below:

| Member | Number of inadmissible motions | Number of admissible motions |
|--------------------------|---------------------------------------|-------------------------------------|
| Hon Michael TIEN Puk-sun | 0 | 1 |
| Hon CHAN Chi-chuen | 5 | 0 |
| Hon Claudia MO | 5 | 0 |
| Hon Alvin YEUNG | 3 | 0 |
| Hon CHU Hoi-dick | 3 | 6 |
| Total: | 16 | 7 |



(CHAN Kin-por)
Chairman
Finance Committee
6 December 2017

決議

(根據立法會《議事規則》第71(13)條及
《財務委員會會議程序》第37段)

議決就財務委員會處理委員就修訂《財務委員會會議程序》、《人事編制小組委員會會議程序》及《工務小組委員會會議程序》("《會議程序》")提出的議案的會議程序而言，《議事規則》第 29 至 35 條，以及在立法會會議上處理具立法效力議案的做法，在作出所需的適應化修改後，須應用於有關會議程序；具體而言：

- (a) 修訂《會議程序》的議案的預告須在舉行會議審議該議案當天不少於 12 整天前作出，而就該議案提出修正案的預告須在不少於 5 整天前作出，惟主席可酌情免卻該預告；
 - (b) 在議案之下擬就《會議程序》提出的擬議修正案，須以標明修訂事項的形式在《會議程序》相關條文的文本上列明(而非在立法會會議上一貫採用的格式)；
 - (c) 就上文(a)項議案提出的修正案須以《議事規則》第 34(2)條所指明的其中一種形式提出。該修正案須在該議案的文本上標明擬作出的修正；
 - (d) 如議案以中文撰寫，就該議案提出的修正案須以中文撰寫；如議案以英文撰寫，則有關修正案須以英文撰寫；
 - (e) 如議案以中英雙語撰寫，有關修正案須以中英雙語撰寫；
 - (f) 不得就議案的修正案提出修正案；及
 - (g) 修訂《會議程序》的議案及該議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。
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Hon Michael TIEN

Resolution

(Under Rule 71(13) of the Rules of Procedure of the Legislative Council
and paragraph 37 of the Finance Committee Procedure)

RESOLVED that insofar as the Finance Committee's proceedings on dealing with members' motions to amend the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure ("the Procedures") are concerned, Rule 29 to Rule 35 of the Rules of Procedure ("RoP") and the practices governing the dealing of motions with legislative effect at Council meetings shall apply, with necessary modifications; specifically –

- (a) notice of a motion to amend the Procedures shall be given not less than 12 clear days whereas notice of an amendment to the motion shall be given not less than 5 clear days before the day of the meeting at which the motion is to be considered; provided that the Chairman may in his discretion dispense with such notice;
- (b) the proposed amendments to the Procedures under a motion shall 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);
- (c) an amendment to a motion in (a) above shall take one of the forms specified in RoP 34(2), and the amendment shall be marked-up on the texts of the motion;
- (d) an amendment to a motion shall be in Chinese if the motion is in Chinese and in English if the motion is in English;
- (e) an amendment shall be in both languages if a motion is in both languages;

- (f) no amendment may be moved to an amendment to a motion; and
 - (g) the debate and voting arrangements for a motion to amend the Procedures and the amendments to the motion shall follow the procedures as provided under RoP 33 and RoP 34.
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按照財務委員會會議程序第 37 條，本人動議：「鑒於修訂財務委員會會議程序事宜一般不屬於緊急事宜，財務委員會主席不得透過財務委員會特別會議處理修訂財務委員會會議程序的動議，修訂財務委員會會議程序的動議只可在財務委員會的例行會議上提出，除非全體財務委員會委員的三份之二委員同意該等修訂財務委員會會議程序的動議屬於緊急事宜，財務委員會主席方可透過財務委員會特別會議處理相關事宜。」。

按照財務委員會會議程序第 37 條，本人動議：「修訂財務委員會會議程序的議案的預告，應在財務委員會會議(不包括財務委員會特別會議)審議該議案當天不少於 12 整天前作出，而就該議案提出修正案的預告應在不少於 5 整天前作出。主席可酌情免卻上述預告規定。」。

按照財務委員會會議程序第 37 條，本人動議：「審議修訂財務委員會會議程序的議案只可在財務委員會會議(不包括財務委員會特別會議)中處理，而修訂財務委員會會議程序的議案須列於政府按照財務委員會會議程序第 21 條提交的議程項目之後。」。

按照財務委員會會議程序第 37 條，本人動議：「由於修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案涉及大量法律問題，處理該等議案的財務委員會會議或財務委員會特別會議上須至少有兩名法律顧問在場以即時回應委員的詢問。」

按照財務委員會會議程序第 37 條，本人動議：「由於修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案可能涉及複雜的法律問題，亦涉及議會操作的問題，立法會研究部必須在處理該等議案的財務委員會會議或財務委員會特別會議之前不少於十個工作天前，就各財務委員會委員的修訂建議發表研究報告，列出各修訂建議可能存在的問題，以供財務委員會委員考慮。」。

按照財務委員會會議程序第 37 條，本人動議：「由於修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案涉及重大公眾利益，但財務委員會的任何會議只須包括主席及八名委員參與便可召開，有見及此，處理修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案的特別會議必須在不少於 50 名財務委員會委員表示會參加處理該等議案的財務委員會會議或財務委員會特別會議的情況下方可召開。」。

按照財務委員會會議程序第 37 條，本人動議：「財務委員會主席就是否批准委員在財務委員會會議提出修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案的裁決必須在審議該等修訂議案的財務委員會會議或財務委員會特別會議前不少於十整天前提出。」。

按照財務委員會會議程序第 37 條，本人動議：「財務委員會主席就是否批准財務委員會委員在財務委員會會議或財務委員會特別會議提出修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案的修正案裁決必須在審議該等修訂議案及修正案的財務委員會會議或財務委員會特別會議前不少於 48 小時前提出。」。

按照財務委員會會議程序第 37 條，本人動議：「由於修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案可能涉及法律爭議，委員可邀請法律界人士到處理相關議案的會議就相關議案的法律問題提供專業意見，如有財務委員會委員計劃邀請法律界人士出席會議提供意見，須在審議修訂財務委員會會議程序、人事編制小組委員會會議程序及工務小組委員會會議程序的議案的財務委員會會議或財務委員會特別會議的 3 整天前作出預告，財務委員會主席可決定是否批准相關人士出席會議。」。

按照財務委員會會議程序第 37 條，本人動議：「在不少於 20 名財務委員會委員要求的情況下，財務委員會須委任小組委員會，協助處理修訂財務委員會會議程序、人事編制小組委員會會議程序或工務小組委員會會議程序的議案，在該小組委員會完成審議工作後，須就修訂議案向財務委員作出報告，並建議財務委員會接納獲該小組委員會委員一致同意的修訂財務委員會會議程序、人事編制小組委員會會議程序或工務小組委員會會議程序的議案(如有的話)。在該小組委員會作出報告後，財務委員會可藉由該小組委員會主席動議的議案，審議獲小組委員會一致同意的修訂財務委員會會議程序、人事編制小組委員會會議程序或工務小組委員會會議程序的議案。」。

楊岳橋議員於財務委員會 12 月 16 日的特別會議提出的動議

012

- (1) 根據財務委員會會議程序第 37 條，本人動議：「如有財務委員會委員提出修訂《財務委員會會議程序》、《人事編制小組委員會會議程序》或《工務小組委員會會議程序》，財務委員會須成立成員不少於 10 人的臨時工作小組審議該項修訂議案。完成審議後，臨時工作小組須就修訂議案向委員會作出報告，並由小組主席動議修訂議案。修訂議案在財務委員會上經審議及表決後，臨時工作小組亦告解散。」

013

- (2) 根據財務委員會會議程序第 37 條，本人動議：「如有財務委員會委員提出修訂《財務委員會會議程序》、《人事編制小組委員會會議程序》或《工務小組委員會會議程序》，可附上法律界人士的專業意見，在會議不少於十整天前供委員傳閱。」

014

- (3) 根據財務委員會會議程序第 37 條，本人動議：「財務委員會及其下小組委員會在審議修訂《財務委員會會議程序》、《人事編制小組委員會會議程序》或《工務小組委員會會議程序》的議案時，須就修訂議案中的每項修訂案逐項審議及逐項表決。」

敬啟者

關於：就《會議程序》提出修訂之程序

本人謹預告議案如下：

015 議案二

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

目前財委會的「簡單多數」表決通過門檻，並不適合應用於爭議性的《財委會會議程序》，《工務小組委員會會議程序》及《人事編制小組委員會會議程序》修訂議案。本委員會建議，主席責成秘書就任何《會議程序》修訂的議案進行書面的意向諮詢。不足三分之二委員表達支持意向的《財委會會議程序》，《工務小組委員會會議程序》或《人事編制小組委員會會議程序》修訂議案，應考慮交立法會會議表決。然而由於此建議與本委員會過去行事方式並不一致，故本委員會須尋求至少一份獨立法律意見，研究立法會會議有否修訂《財務委員會會議程序》之權力，然後再交本委員會考慮，審議及表決上述建議。多於三分之二委員表達支持意向的《財委會會議程序》，《工務小組委員會會議程序》或《人事編制小組委員會會議程序》修訂議案，則續由財務委員會審議，並依如下程序：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 24 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

016 議案三

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 24 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

(f) 因《財委會會議程序》、《工務小組委員會會議程序》及《人事編制小組委員會會議程序》具法律效力，影響深遠，本委員會須審慎考慮，爭議性的《財委會會議程序》修訂議案，是否合法合憲及合乎規程。本委員會要求，主席責成秘書就任何《會議程序》修訂的議案進行書面的意向諮詢。不足三分之二委員表達支持意向的《財委會會議程序》，《工務小組委員會會議程序》或《人事編制小組委員會會議程序》修訂議案，主席裁決該等議案是否合法合憲及合乎規程前，本委員會須尋求至少一份獨立法律意見後，再供委員會討論及主席裁決是否處理。

017 議案三

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 24 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

(f) 因《財委會會議程序》、《工務小組委員會會議程序》及《人事編制小組委員會會議程序》具法律效力，影響深遠，本委員會須審慎考慮，爭議性的《財委會會議程序》修訂議案，是否合法合憲及合乎規程。本委員會要求，主席責成秘書就任何《會議程序》修訂的議案進行書面的意向諮詢。不足三分之二委員表達支持意向的《財委會會議程序》，《工務小組委員會會議程序》或《人事編制小組委員會會議程序》修訂議案，主席裁決是否合法合憲及合乎規程前，本委員會須舉行特別財務委員會，讓委員深入討論及向主席充分反映意見，以供主席裁決時考慮。

018 議案四

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 24 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

(f) 因《財委會會議程序》、《工務小組委員會會議程序》及《人事編制小組委員會會議程序》具法律效力，影響深遠，委員於表決時應有充分權利，就不同條文的修訂提出意見。故此，《財委會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》修訂議案，每一議案只應涵蓋一段條文，除非不同條文的修訂之間，有實質約束性。

019 議案五

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 24 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

(f) 因《財委會會議程序》、《工務小組委員會會議程序》及《人事編制小組委員會會議程序》具法律效力，影響深遠，委員於表決時應有充分討論權利，深入辯論。故此，《財委會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》修訂議案，若主席認為須合併辯論，應先尋求委員會共識，並作討論及作意向性表決，主席再作最終安排。

020 議案六

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 24 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

(f) 若任何《財委會會議程序》，《工務小組委員會會議程序》或《人事編制小組委員會會議程序》修訂議案，與《議事規則》的擬議修訂議案或修正案有關；則須待《議事規則》修訂的討論完成後，委員方可預告該等議案。

021 議案七

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 18 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

022 議案八

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 24 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 18 整天前作出，就該議案提出修正案的預告應在不少於 5 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

023 議案九

按照財務委員會會議程序第 37 條，本人動議：

議決就《財務委員會會議程序》、《工務小組委員會會議程序》或《人事編制小組委員會會議程序》提出修訂建議的程序，內容如下：

(a) 修訂《會議程序》的會議預告應在財委會舉行相關之特別會議日期前，不少於 18 整天作出，議案預告應在財委會舉行特別會議審議該議案當天不少於 12 整天前作出，就該議案提出修正案的預告應在不少於 2 整天前作出。

(b) 在議案之下擬就《會議程序》提出的修訂建議樣式，可以標明修訂事項的形式在《會議程序》相關條文的文本上列明；相關修正案以《議事規則》第 34(2)條所指明的其中一種形式提出。

(c) 如議案以中文撰寫，有關修正案應以中文撰寫；如議案以英文撰寫，則有關修正案應以英文撰寫。如議案以中英雙語撰寫，有關修正案應以中英雙語撰寫。

(d) 就修正案提出的修正案將不獲批准。

(e) 修訂《會議程序》的議案及該等議案的修正案的辯論及表決安排，須依循《議事規則》第 33 及 34 條所訂定的程序。

此致

財委會主席陳健波議員

立法會議員朱凱迪

2017 年 12 月 1 日

**Summary of 13 inadmissible motions proposed by
Hon CHAN Chi-chuen, Hon Claudia MO and Hon Alvin YEUNG
and Chairman's ruling**

Chairman's ruling

As each of these 13 proposed motions does not provide for a complete procedure for the Finance Committee ("FC") to deal 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"), all of them are not directly relevant to the agenda item of the FC special meeting. Furthermore, none of these motions touches upon the applicability or otherwise of Rules 29 to 35 of the Rules of Procedure ("RoP") to FC's proceedings on dealing with members' motions to amend the Procedures, with the effect that if any of these motions is passed, it is unclear whether and how RoP 29 to RoP 35 would apply to the proceedings concerned. Hence, these motions are inconsistent with the provisions in FCP 37 and may not be moved.

The table below provides the gist of the 13 proposed motions and sets out other observations on individual motions where applicable.

| Member giving notices | Serial No. | Main points in proposed motions | Other observations |
|-----------------------|------------|---|---|
| Hon CHAN Chi-chuen | 002 | The Chairman is not allowed to convene a special FC meeting to deal with members' motions to amend the Procedures, unless two-thirds of all FC members agree that the matter is of an urgent character. | These three proposed motions are inconsistent with RoP 71(6) and FCP 10, under which the power to decide whether a meeting, which includes a special meeting, should be convened is vested in the Chairman of the Finance Committee ("the Chairman"). |
| | 003 | The notice period required for motions to amend the Procedures is 12 clear days, while that for amendments is five clear days. Meetings to | |

| Member giving notices | Serial No. | Main points in proposed motions | Other observations |
|-----------------------|------------|---|---|
| | | consider the relevant motions do not include special FC meetings. | |
| | 004 | Motions to amend the Procedures must be placed after the agenda items proposed by the Government under FCP 21. Meetings to consider the relevant motions do not include special FC meetings. | |
| | 005 | To answer questions raised by members at the meetings/special meetings held to deal with motions to amend the Procedures, at least two legal advisers (法律顧問) must attend such meetings/special meetings. | It is not clear whether the term "法律顧問" in the proposed motions refers to legal advisers of the members proposing the amendments or of the Secretariat. As such, the proposed motion is unintelligible. |
| | 006 | The Research Division of the Legislative Council must issue research reports on motions to amend the Procedures not less than 10 working days before the meeting. | (No other observation) |
| Hon Claudia MO | 007 | Meetings/special meetings held to deal with motions to amend the Procedures may only be convened when not less than 50 members have indicated that they will be present at the meetings/special meetings. | This proposed motion is inconsistent with RoP 71(6) and FCP 10, under which the power to decide whether a meeting including a special meeting should be convened is vested in the Chairman. |
| | 008 | The Chairman's rulings on motions to amend the Procedures must be issued not less than 10 clear days before the meetings/special meetings. | (No other observation) |

| Member giving notices | Serial No. | Main points in proposed motions | Other observations |
|-----------------------|------------|--|---|
| | | | |
| | 009 | The Chairman's rulings on amendments to motions to amend the Procedures must be issued not less than 48 hours before the meetings/special meetings. | (No other observation) |
| | 010 | FC members may invite persons in the legal sector ("法律界人士") to provide professional advice on motions to amend the Procedures. In case members intend to invite such persons to attend the relevant meetings, notices of such intention must be given three clear days before the meetings/special meetings. The Chairman may decide whether or not such approval should be granted. | This proposed motion is inconsistent with RoP 71(12) and FCP 17, under which the power to decide whether to invite persons other than persons specified in RoP 71(12) and FCP 17 (i.e. "法律界人士" in the proposed motion) to attend an FC meeting is vested in FC rather than the Chairman. |
| | 011 | FC must, upon the request made by not less than 20 members, appoint a subcommittee to deal with motions to amend the Procedures. After the subcommittee has completed scrutiny of the matter and reported to FC, the chairman of the subcommittee should move a motion at an FC meeting to amend the Procedures, which is unanimously agreed by the subcommittee. | Insofar as the proposed motion provides for the subcommittee chairman to move at an FC meeting an amending motion which is unanimously agreed by the subcommittee, this motion is inconsistent with RoP 71(5B), under which all matters before FC and its subcommittees shall be decided by a majority of the members voting. |

| Member giving notices | Serial No. | Main points in proposed motions | Other observations |
|------------------------------|-------------------|---|---------------------------|
| Hon Alvin YEUNG | 012 | FC must establish an ad hoc working group comprising not less than 10 members to scrutinize motions to amend the Procedures. After the ad hoc working group has completed scrutiny of the matter and reported to FC, the chairman of the ad hoc working group should move an amending motion accordingly. | (No other observation) |
| | 013 | FC members, in moving motions to amend the Procedures, may attach the professional advice offered by persons in the legal sector to the proposed motions, and such advice should be circulated to members for information not less than 10 clear days before the meeting. | (No other observation) |
| | 014 | FC must deliberate and vote on each and every amendment to motions to amend the Procedures. | (No other observation) |

Summary of three inadmissible motions proposed by Hon CHU Hoi-dick and Chairman's ruling

Chairman's ruling

Each of the nine motions proposed by Hon CHU Hoi-dick proposes a procedure for the Finance Committee ("FC") to deal with members' motions to amend the Finance Committee Procedure ("FCP"), the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure ("Handling Procedure") containing modifications to Rules 29 to 35 of the Rules of Procedure ("RoP"). In six of these motions, Mr CHU also seeks to specify certain additional condition(s) in the Handling Procedure. Of these six proposed motions, three are inadmissible as they contain proposals which are unintelligible or inconsistent with existing provisions of RoP. Details are set out below:

| Member giving notices | Serial No. | Additional condition(s) specified in proposed motion | Chairman's ruling |
|-----------------------|------------|---|---|
| Hon CHU Hoi-dick | 015 | <p>(Translation)</p> <p>This Committee proposes that for any motions that seek to amend the Finance Committee Procedure, the Public Works Subcommittee Procedure or the Establishment Subcommittee Procedure ("the Procedures"), the Chairman should instruct the Clerk to invite members to express indication of support or otherwise for the motions in writing. Regarding amending motions for which less than two-thirds of all members have expressed indication of support, consideration should be given to submitting the motions to the Legislative Council ("LegCo") for voting at LegCo meetings. However, as this proposal is not consistent with the Committee's previous practices, the Committee must obtain at least one piece of independent legal advice on whether LegCo meetings are given the power to amend the Procedures. After that, it should be submitted to the Committee for consideration, followed by deliberation of and voting on the aforesaid proposal. Regarding amending motions for which more than two-thirds of all members have expressed indication of support, they should continue to be deliberated by the Finance Committee.</p> | <p>This additional condition is inconsistent with RoP 71(13), which provides that subject to RoP, the practice and procedure of FC and its subcommittees shall be determined by FC.</p> |

| Member giving notices | Serial No. | Additional condition(s) specified in proposed motion | Chairman's ruling |
|-----------------------|------------|---|---|
| | 016 | <p>(Translation)</p> <p>Given that the Procedures have legal effect and far-reaching implications, this Committee must carefully consider whether controversial motions that seek to amend the Procedures are legal, constitutional and in order. This Committee requests that for any motions that seek to amend the Procedures, the Chairman should instruct the Clerk to invite members to express indication of support or otherwise for the motions in writing. Regarding motions to amend the Finance Committee Procedure, the Public Works Subcommittee Procedure or the Establishment Subcommittee Procedure for which less than two-thirds of all members have expressed indication of support, the Committee must, prior to the Chairman making a ruling on whether such motions are legal, constitutional and in order, obtain at least one piece of independent legal advice. After that, the Committee may have discussion and the Chairman may make a ruling on whether to deal with it (them).</p> | <p>This additional condition is unintelligible as it is not clear (a) whether FC is to discuss the legal opinion(s) or the motions to amend the Procedures; and (b) whether the Chairman is to decide whether to deal with the legal opinion(s) or the motions to amend the Procedures.</p> |
| | 017 | <p>(Translation)</p> <p>Given that the Procedures have legal effect and far-reaching implications, this Committee must carefully consider whether controversial motions that seek to amend the Finance Committee Procedure are legal, constitutional and in order. This Committee requests that for any motions that seek to amend the Procedures, the Chairman should instruct the Clerk to invite members to express indication of support or otherwise for the motions in writing. Regarding motions to amend the Procedures for which less than two-thirds of all members have expressed indication of support, the Committee must, prior to the Chairman making a ruling on whether such motions are legal, constitutional and in order, hold a special Finance Committee (特別財務委員會) to facilitate in-depth discussion by members. After members have fully reflected their views to the Chairman, the Chairman may take such views into account when making a ruling.</p> | <p>This additional condition is unintelligible given its reference to "特別財務委員會", which is non-existent.</p> |