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Legislative Council

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Tel : 3919 3129

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From : Clerk to the Finance Committee

To : Members of the Finance Committee

Finance Committee

**Proposed options for dealing with motions proposed by members
under paragraph 19 of the Finance Committee Procedure**

At the meeting on 13 December 2019, a member raised a proposal under paragraph 19 of the Finance Committee Procedure ("FCP 19") seeking the Finance Committee ("FC") to summon a public officer to attend the relevant meeting(s) to testify or give evidence in relation to agenda item FCR(2019-20)33 on 2019-2020 civil service pay adjustment. In view of the absence of specific practice and procedure to handle such proposal(s), the Chairman put forth three options, i.e. Options A, B and C, for handling members' motions proposed under FCP 19 in relation to FCR(2019-20)33.

2. At the meeting on 20 December 2019, having regard to members' views and suggestions, the Chairman invited members to put forth further options and subsequently ruled that the three options proposed respectively by Mr Paul TSE Wai-chun, Mr CHU Hoi-dick and Dr Fernando CHEUNG Chiu-hung were in order.¹

3. The details of Options A to C and D to F are set out in (01) and (02) respectively.²

¹ A note of the Chairman's ruling in respect of the various options proposed by members at the meeting on 20 December 2019 is set out in LC Paper No. FC71/19-20.

² A table setting out the details of the options proposed by the Chairman (i.e. Options A to C) was circulated on 23 December 2019 vide LC Paper No. FC65/19-20. To facilitate comparison with Options D to F, this table has been updated as attached at (01).

4. As directed by the Chairman, members will be invited to discuss the six options and decide on which option should be adopted **at the meeting of the Finance Committee on 10 January 2020**. This circular sets out the relevant debate and voting arrangements.

5. As all the six options relate to the way of handling FCP 19 motions, the Chairman considers it appropriate that a joint debate should be held. The six options will be debated and voted upon in accordance with the following procedure under which the Chairman will:

- (a) call upon Mr Paul TSE Wai-chun, Mr CHU Hoi-dick and Dr Fernando CHEUNG Chiu-hung to introduce their options (each may speak for not more than two minutes);³
- (b) invite members including the above three members to speak on the six options (each may speak for not more than five minutes);
- (c) call upon Mr Paul TSE Wai-chun, Mr CHU Hoi-dick and Dr Fernando CHEUNG Chiu-hung to reply (each may speak for not more than two minutes), and then close the debate; and
- (d) put to vote the question "That Option ___ be adopted by this Committee" on each of the six options according to the timing of their submission, i.e. in the sequence of Option A, Option B, Option C, Option D, Option E and Option F.

6. Members are invited to note that since the six options are independent alternative proposals, if in the course of voting, the question put on any of the options is passed, it implies that FC has made a decision to adopt the option. Thereafter, the Chairman will not put to vote questions on the remaining options, as such questions will be inconsistent with the decision that FC has just made.

7. Members who have any questions on the circular are requested to contact Ms Angel SHEK, Chief Council Secretary (1)1 (telephone no. 3919 3105) or Miss Bowie LAM, Council Secretary (1)1 (telephone no. 3919 3115).



(Anita SIT)

Clerk to the Finance Committee

Encl.

³ As the Chairman has explained Options A to C to members at previous meetings, he will not introduce those options at the meeting on 10 January 2020.

Finance Committee

Proposed options for dealing with motions proposed by members under paragraph 19 of the Finance Committee Procedure ("FCP")

	Option A (proposed by the Chairman)	Option B (proposed by the Chairman)	Option C (proposed by the Chairman)
A summary of the contents of the option	The Finance Committee ("FC") will apply this set of procedure, which is drawn up with reference to paragraph 37A of the Finance Committee Procedure ("FCP"), to deal with the FCP 19 motions proposed under item FCR(2019-20)33.	FC will apply this set of procedure, which is drawn up with reference to the procedure for dealing with motions proposed by members under FCP 21 in respect of matters which are dependent on a certain agenda item and are within the powers of FC to decide under the Public Finance Ordinance, to deal with the FCP 19 motions proposed under item FCR(2019-20)33.	FC will identify timeslots for holding special meeting(s) at which FC will formulate a set of procedure for dealing with FCP 19 motions, and FC will apply this procedure to deal with the FCP 19 motions proposed under item FCR(2019-20)33 and other items to be presented in future.
Scope of application	Applicable to item FCR(2019-20)33 only. The Chairman has instructed the Secretariat to examine the issue with a view to enabling FC to expeditiously formulate a specific procedure to deal with FCP 19 motions.		Applicable to item FCR(2019-20)33 and the financial proposals to be presented in future.
The Committee shall first determine whether exercising the summoning power as provided for under FCP 19 is required	No	No	To be formulated

	Option A (proposed by the Chairman)	Option B (proposed by the Chairman)	Option C (proposed by the Chairman)
Notice requirement	<p>The Chairman will specify a deadline for presenting proposed motions so that members intending to propose FCP 19 motions will have reasonable time to propose his/her motions.</p> <p>(According to the procedure under FCP 37A, while a member may propose a motion without notice, the Chairman may specify a deadline for presenting the motion. The aforesaid arrangement is an enhanced arrangement put forth by the Chairman.)</p>	Not less than two clear days*	To be formulated
To be presented in written form	Must be presented in written form (Please refer to the format as set out in the Annex)	Must be presented in written form (Please refer to the format as set out in the Annex)	To be formulated
Limitation on the number of motions	With reference to the practice adopted for dealing with FCP 37A motions, each member may move one motion under each agenda item.	No limitation, which is consistent with the practice adopted for dealing with FCP 21 motions.	To be formulated

	Option A (proposed by the Chairman)	Option B (proposed by the Chairman)	Option C (proposed by the Chairman)
Chairman's ruling	The motion must be directly related to the agenda item. With reference to the practice adopted for dealing with FCP 37A motions, the Chairman will not seek the Government's views before making his rulings on FCP 19 motions.	After a member has proposed an FCP 19 motion, the Chairman will, with reference to the practice adopted for dealing with FCP 21 motions, rule whether the motion is in order. Prior to the making of his rulings, the Chairman will seek the Government's views in this regard and allow the member proposing the motion to respond to the Government's views.	To be formulated
To be proceeded with only with the Committee's agreement	A motion will be proceeded with only with the Committee's agreement. The Chairman will allow the Committee to have a debate on whether such motions should be proceeded with before votes are taken. The debate arrangements and time limits will be determined by the Chairman. (According to the procedure under FCP 37A, no debate shall take place to ascertain if the Committee agrees to proceed with such a motion. The aforesaid arrangement is an enhanced arrangement put forth by the Chairman)	A motion can be proceeded with without having to obtain the Committee's agreement.	To be formulated

	Option A (proposed by the Chairman)	Option B (proposed by the Chairman)	Option C (proposed by the Chairman)
Amendable or not	With reference to the practice adopted for dealing with FCP 37A motions, no amendment shall be proposed to an FCP 19 motion.	No amendment shall be proposed. (The existing FCP is silent on whether amendments can be proposed to an FCP 21 motion. Given that the notice requirement for proposing motions is set at not less than two clear days, it follows that the notice requirement for proposing amendments will definitely be shorter than two clear days. The Chairman therefore considers it impracticable to allow amendments to be proposed to such motions.)	To be formulated
Debate and voting arrangements	To be decided by the Chairman. With reference to the practice adopted for dealing with FCP 37A motions, once the Committee agrees to proceed with an FCP 19 motion, a debate on that motion will be held forthwith. Only after that motion has been voted on will the Committee continue to vote on whether other motions should be proceeded with.	To be decided by the Chairman. The Chairman will make arrangements for a joint debate to be held on all FCP 19 motions that are proposed under the same agenda item and are ruled to be in order, to be followed by voting on such motions one by one.	To be formulated

	Option A (proposed by the Chairman)	Option B (proposed by the Chairman)	Option C (proposed by the Chairman)
Speaking time limit during debate	To be decided by the Chairman. With reference to the practice adopted for dealing with FCP 37A motions, each member may speak on each FCP 19 motion for three minutes, and the mover of the motion may speak again in reply for one minute.	To be decided by the Chairman. When FC dealt with an FCP 21 motion [@] at the meeting held on 23 June 2017, each member might speak for three minutes, and the mover of the motion might speak again in reply for three minutes. With reference to the practice adopted by FC at the aforesaid meeting, the Chairman will, having regard to the number of FCP 19 motions, determine the speaking time limit.	To be formulated
How the adoption of the option will affect the scrutiny of item FCR(2019-20)33	Depending on other circumstances, such as the number of FCP 19 motions, FC may be able to vote on item FCR(2019-20)33 at the meeting on the same day.	In view of the notice requirement under this option, the earliest meeting at which FC may deal with FCP 19 motions is the next meeting. It follows that the earliest meeting at which FC may complete its scrutiny of and voting on item FCR(2019-20)33 is the next meeting.	Given that FC has to convene special meeting(s) to discuss the procedure for handling FCP 19 motions, FC will resume its scrutiny of item FCR(2019-20)33 only after it has formulated the relevant procedure. In order not to delay FC's scrutiny of other items, it may be necessary for FC to adjourn the discussion on this item. If the discussion on item FCR(2019-20)33 has to be adjourned, it is then necessary for a member to move a motion to adjourn the discussion on this item under FCP 39 (" adjournment motion "). If the adjournment motion is agreed to , the discussion on item FCR(2019-20)33

	Option A (proposed by the Chairman)	Option B (proposed by the Chairman)	Option C (proposed by the Chairman)
			<p>shall then be adjourned, and FC may continue to scrutinize other agenda items.</p> <p>If the adjournment motion is negatived, it implies that FC does not agree to adjourn the discussion on item FCR(2019-20)33. The Chairman may, as the case may require, adjourn the meeting and convene special meeting(s) to discuss the procedure for handling FCP 19 motions. FC will resume its scrutiny of item FCR(2019-20)33 only after it has formulated the relevant procedure. Under this scenario, unless the Administration withdraws the aforesaid item, FC cannot proceed to scrutinize the next agenda item.</p>

* The Chairman will not consider fresh notice of such motions if the relevant agenda item is carried over to other meeting day(s). [Paragraph 14(c) of LC Paper No. FC129/16-17(01) refers]

@ The motion was proposed by the Honourable CHU Hoi-dick in relation to agenda item FCR(2017-18)14 (Kai Tak Sports Park). So far, the said motion was the only FCP 21 motion ruled to be in order by the Chairman.

Finance Committee

Proposed options for dealing with motions proposed by members under paragraph 19 of the Finance Committee Procedure

	Option D (Proposed by Mr Paul TSE)	Option E (Proposed by Mr CHU Hoi-dick)	Option F (Proposed by Dr Fernando CHEUNG)
A summary of the contents of the option	The following question should be voted on forthwith by the Finance Committee ("FC"): whether FC considers that, during its proceedings on scrutinizing agenda item FCR(2019-20)33, exercising or invoking the summoning power as provided for under paragraph 19 of the Finance Committee Procedure ("FCP") is required.	On the premise that agenda item FCR(2019-20)33 is shelved, FC shall, on a one-off basis, not deal with the FCP 19 motions proposed under this item until separate discussion has been conducted and conclusion has been reached on the relevant procedures.	This option stipulates the requirements for the following issues relating to FCP 19 motions: notice requirement, the way of proposing such motions, the number of such motions, the way in which the Chairman makes rulings on such motions, whether such motions can only be proceeded with after obtaining the Committee's agreement, whether amendments can be proposed to such motions, as well as the debate and voting arrangements on such motions.
Scope of application	Applicable to item FCR(2019-20)33 only.	Applicable to item FCR(2019-20)33 and the financial proposals to be presented in future.	Applicable to item FCR(2019-20)33 and the financial proposals to be presented in future.

	Option D (Proposed by Mr Paul TSE)	Option E (Proposed by Mr CHU Hoi-dick)	Option F (Proposed by Dr Fernando CHEUNG)
<p>The Committee shall first determine whether exercising the summoning power as provided for under FCP 19 is required</p>	<p>If FC adopts this option, FC must first determine whether exercising the summoning power is required. The Chairman shall forthwith put the question "That this Committee agrees that in respect of item FCR(2019-20)33, exercising the summoning power as provided for under paragraph 19 of the Finance Committee Procedure is required", and FC shall immediately vote on the question put. FC will not hold a debate on the aforesaid question put.</p> <p>If FC determines that exercising the summoning power is required, FC shall separately make a decision on the option to be adopted for dealing with FCP 19 motions.</p> <p>If FC determines that exercising the summoning power is not required, FC may then continue with its discussion on item FCR(2019-20)33, and no FCP 19 motions will be dealt with during the discussion.</p>	<p>To be formulated</p>	<p>No</p>

	Option D (Proposed by Mr Paul TSE)	Option E (Proposed by Mr CHU Hoi-dick)	Option F (Proposed by Dr Fernando CHEUNG)
Notice requirement	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	Not less than two clear days
To be presented in written form	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	Must be presented in written form (Please refer to the format as set out in the Annex)
Limitation on the number of motions	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	No limitation
Chairman's ruling	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	The motion must be directly related to the agenda item. The Chairman will not seek the Government's views before making his rulings on FCP 19 motions.
To be proceeded with only with the Committee's agreement	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	A motion can be proceeded with without having to obtain the Committee's agreement.
Amendable or not	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	No amendment shall be proposed.

	Option D (Proposed by Mr Paul TSE)	Option E (Proposed by Mr CHU Hoi-dick)	Option F (Proposed by Dr Fernando CHEUNG)
Debate and voting arrangements	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	To be decided by the Chairman. The Chairman will make arrangements for a joint debate to be held on all FCP 19 motions that are proposed under the same agenda item and are ruled to be in order, to be followed by voting on such motions one by one.
Speaking time limit during debate	To be formulated (If it is determined that exercising the summoning power is required)	To be formulated	Each member may speak for 15 minutes.
How the adoption of the option will affect the scrutiny of item FCR(2019-20)33	Given that this option has not provided further steps on the handling of FCP 19 motions, if FC determines that exercising the summoning power is required , FC shall separately make a decision on the option to be adopted for dealing with FCP 19 motions, and shall handle such motions according to the adopted option. After that, FC may continue to discuss item FCR(2019-20)33. If FC determines that exercising the summoning power is not required , FC may continue to discuss item FCR(2019-20)33, and may be able to	Given that the premise of this option is to shelve item FCR(2019-20)33 and, on a one-off basis, the FCP 19 motions proposed under this item shall not be dealt with until separate discussion has been conducted and conclusion has been reached on the relevant procedures, if FC adopts this option, FC shall first adjourn the discussion on item FCR(2019-20)33 to achieve the effect of shelving the item concerned. In this connection, it is necessary for a member to move a motion to adjourn the discussion on this item under FCP 39 (" adjournment motion ").	In view of the notice requirement under this option, the earliest meeting at which FC may deal with FCP 19 motions is the next meeting. It follows that the earliest meeting at which FC may complete its scrutiny of and voting on item FCR(2019-20)33 is the next meeting.

	Option D (Proposed by Mr Paul TSE)	Option E (Proposed by Mr CHU Hoi-dick)	Option F (Proposed by Dr Fernando CHEUNG)
	vote on item FCR(2019-20)33 at the meeting on the same day.	<p>If the adjournment motion is agreed to, the discussion on item FCR(2019-20)33 shall then be adjourned. FC may discuss the procedure for handling FCP 19 motions at its regular or special meeting(s). FC will resume its scrutiny of item FCR(2019-20)33 only after it has formulated the relevant procedure. Subject to relevant meeting arrangements, FC may proceed to scrutinize the next agenda item.</p> <p>If the adjournment motion is negatived, it implies that FC does not agree to adjourn the discussion on item FCR(2019-20)33. In this connection, this option's premise of "shelving this agenda item" cannot be realized through the adjournment procedure. Under such a scenario, FC has to separately explore how this option can be put into practice.</p>	

Template of "FCP 19" motions for members' reference

Finance Committee

**Motion under Rule 80(a) of the Rules of Procedure of the Legislative Council
and paragraph 19 of the Finance Committee Procedure
to be moved by Hon (Name of Member)**

Wording of the Motion

That, in relation to this Committee's examination of the financial proposal in the agenda item FCR (2019-20)33, this Committee, under the powers conferred upon this Committee by section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), summons (post title(s) of Government official(s)/name(s) of person(s)) to attend before this Committee to testify or give evidence in respect of the following matters relating to the financial proposal in the aforesaid agenda item, and to produce all relevant papers, books, records or documents:

(Please set out in detail the matters in respect of which the Government official(s)/person(s) is/are summoned to testify and give evidence)