

Hon CHAN Chun-ying

Resolution

(Under Rule 71(13) of the Rules of Procedure of the Legislative Council)

**Finance Committee Procedure
Establishment Subcommittee Procedure
Public Works Subcommittee Procedure**

Resolved that –

- (a) the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure be amended as set out in Schedule 1, Schedule 2 and Schedule 3 respectively; and
 - (b) the Schedules are to come into operation on the day on which the seventh term of office of the Legislative Council begins.
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Schedule 1

Amendments to the Finance Committee Procedure

Membership

2. The Committee ~~comprises all the Members of the Council shall consist of not less than 50 members including the Chairman. Members of the Committee shall be those Members (other than the President) having signified membership in accordance with the procedure in Appendix I. The term of office of the members shall be the whole term of the Council, except in the case of resignation from the Committee~~ [Rule 71(1)].

2A. *An application for late membership shall be considered by the Committee after the election of the Chairman and Deputy Chairman of the Committee. The Committee shall accept such applications only when sufficient grounds have been provided. A Member who is admitted as a member of the Committee under this provision may not seek a re-election of the Chairman or Deputy Chairman of the Committee by reason only of his admission.*

2B. *Members who have not elected to join the Committee may attend Committee meetings and take part in the discussion of agenda items on submissions from the Administration but have no right to vote. Only members of the Committee may take part in the discussion and vote on motions.*

Subcommittees

3. The Committee may appoint subcommittees for the purpose of assisting the Committee in the performance of such functions of the Committee as the Committee may determine [Rule 71(5)]. Items endorsed by a subcommittee are not normally discussed again in the Committee, though the Committee is free to accept or overturn any recommendation. The subcommittees appointed under Rule 71(5) of the Rules of Procedure are the Establishment Subcommittee and the Public Works Subcommittee.

3A. *For each item endorsed by a subcommittee, the subcommittee shall recommend to the Committee whether there is to be further discussion of the item by the Committee. The Committee will deal with the item as recommended by the subcommittee, unless a request jointly made by not less than three Committee members to overturn such recommendation of the subcommittee is acceded to by the Committee. Members who wish to*

request that such recommendation of the subcommittee be overturned shall give notice of the request to the Clerk at least two clear days before the meeting concerned but shorter notice may be given if the Chairman so directs. No fresh notice of such request may be given if the agenda item is carried over to another meeting. The Chairman shall put forthwith, without amendment or debate, the question on the request for the Committee's decision.

Chairman and Deputy Chairman

4. The Chairman and Deputy Chairman of the Committee shall be elected by and from among its members ~~at an open meeting~~ and shall hold office until the Chairman and Deputy Chairman of the Committee for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement. In the event of the temporary absence of the Chairman and Deputy Chairman, the Committee may elect a chairman to act during such absence. Notwithstanding the provision in paragraph 45, the Chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections [Rule 71(2)].

5. The procedure for the election of the Chairman and Deputy Chairman of the Committee is set out in Appendix II.

*56. Except as otherwise provided in Appendix II, ~~T~~the election of the Chairman and Deputy Chairman of the Committee for the first session of a term shall ~~be conducted~~ *take place* at the first meeting of the Committee in the session. The ~~m~~Member who has the highest precedence in the Council [Rule 1A] shall be responsible for calling that meeting. For the second or each subsequent session of a term, the election of the Chairman and Deputy Chairman of the ~~Finance~~ Committee may ~~be conducted~~ *take place* at a meeting held before that session commences. The meeting shall be called by the Chairman in office.*

~~6. The procedure for the election of the Chairman is as follows:~~

- ~~(a) Where the election takes place at the first meeting of the Finance Committee in a term, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~

- ~~(b) At any other election of Chairman, the member who was the Chairman of the Finance Committee before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was Deputy Chairman of the Finance Committee before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~

- ~~(c) At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.~~

- ~~(d) If the presiding member is being nominated for the office, he shall be replaced in accordance with (a) or (b) above, as appropriate, unless otherwise decided by the Committee.~~

- ~~(e) If there is only one nomination, the presiding member shall declare the nominee elected as Chairman.~~

- ~~(f) If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the presiding member. After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall declare elected as Chairman the nominee who receives the highest number of valid votes among all the nominees. If two or more nominees receive the same highest number of valid votes, the presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Chairman.~~

~~6A. The Chairman of the Finance Committee shall preside at the election of the Deputy Chairman. If the Chairman is absent, the member~~

~~present who has the highest precedence shall preside at the election.— If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. The election procedure in paragraph 6(c) to (f) above then follows.~~

Clerk to the Finance Committee

7. The Clerk shall attend the meetings of the Committee, keep a record of the proceedings of the Committee, and distribute a copy thereof to each member. The record *of a meeting* is kept in the form of minutes, recording the ~~m~~Members attending, ~~the gist of proceedings follow-up actions required (if any)~~ and the decisions taken, ~~and appended by a verbatim record (floor version) of the meeting.~~ ~~Where the Chairman, with the agreement of the Committee, determines that a verbatim record is necessary for the whole or any part of a meeting, the Clerk shall make arrangements for the production of such a record.~~ The Clerk will not normally clear the records of proceedings with the Administration or other persons except in respect of such part of a record which relates to statements made by the Administration or such other persons.

8. The Clerk is responsible for the publication of the reports of the Committee and its subcommittees.

~~Counsel~~Legal Adviser to the Finance Committee

9. The Legal Adviser ~~of the Legislative Council Secretariat is the Counsel to the Committee and its subcommittees.~~ He advises the Chairman and the Clerk on all legal matters in relation to the business and administration of the Committee.

Meetings

10. The Committee meets at the time (including any time during the period when the Council is in recess between the end of one session and the beginning of the next session) and the place determined by the Chairman [Rule 71(6)]. At the beginning of each session, the Clerk shall seek the Chairman's agreement to a provisional schedule of dates of Committee meetings for the session and inform members and the Administration accordingly. The Chairman may decide to convene

special meetings to consider urgent items *or to deal with other business of the Committee.*

11. The Clerk shall give members written notice of every meeting at least five clear days³ before the day of the meeting but shorter notice may be given in any case where the Chairman so directs [Rule 71(6)]. Meetings shall be held in public unless the Chairman otherwise orders in accordance with any decision of the Committee [Rule 71(7)]. Any items on the agenda scheduled for discussion but not dealt with at the meeting will be carried over to the next meeting or, if the Chairman decides, to a special meeting.

12. In between the First Reading and resumption of the Second Reading of the Appropriation Bill, the Committee holds special meetings to examine the Estimates of Expenditure, tabled with the Appropriation Bill, for the following financial year.

13. The Chairman ~~or, if he shall chair committee meetings and shall have the power to regulate the process of the meetings, including the power to set time limits on the consideration of agenda items or motions.~~ *If the Chairman* is not available, the Deputy Chairman shall chair committee meetings. If neither of them is present within 15 minutes of the time appointed for a meeting or if both of them have notified the Clerk that they will not be present at the meeting, the members present shall elect one from among themselves to chair the meeting. If the Chairman decides that he is unable to act for a particular item, ~~or if so decided by the Committee,~~ the Deputy Chairman shall chair the meeting for that particular item. If both of them decide that they are unable to act, ~~or if so decided by the Committee,~~ the members present shall elect one from among themselves to chair the meeting for that item.

13A. Save as otherwise provided in the Rules of Procedure, the Deputy Chairman or the member presiding shall enjoy all those powers conferred by this Procedure on the Chairman that are exercisable in respect of the meeting, or part of the meeting, of the Committee at which the Deputy Chairman or that member presides, or in respect of which the Chairman has requested that he preside.

Footnote 3

The term "clear days" *as a period of time* excludes the day of the giving of a notice, the day of the meeting and intervening Sundays and public holidays, *and ends at 5:00 pm on the last day of that period.*

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Attendance of Public Officers and Other Persons

17. For an item endorsed by a subcommittee for which no further discussion is to be conducted by the Committee as recommended by the subcommittee, no arrangement will be made by the Administration for relevant public officers or any persons to attend the meeting concerned to answer questions on the item. However, if notice of a request has been given under paragraph 3A by not less than three Committee members that such recommendation of the subcommittee be overturned, the Clerk shall notify the Administration by 5:00 pm on the working day before the meeting concerned to make arrangements to facilitate possible discussion of the item at the meeting.

*17A. For items to be discussed by the Committee, ~~The~~the Chairman or the Committee may invite any public officer, or, in the case of a head of the Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the Committee may require in the performance of its duties; and the Committee may also invite any other person to assist the Committee in relation to any such information, explanation, records or documents [Rule 71(12)]. Should a member wish to request that a public officer or other person be invited to attend a meeting of the Committee, such request should reach the Clerk ~~by 5:00 pm on the working day~~ *not less than two clear days* before the meeting concerned *but shorter notice may be given with the Chairman's consent. Subject to the agreement of the Chairman or the Committee as appropriate, the request will be forwarded to the Administration as soon as practicable for arrangement.* The Clerk will state in the agenda the office of the public officers and other persons invited for discussion of the particular items.*

18. When the Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a Deputy Secretary for Financial Services and the Treasury (Treasury) attends Committee meetings in the absence of the Financial Secretary, he is responsible for advising the Chairman on public finance procedures and coordinating the Administration's presentation at such meetings including withdrawal or modification of a proposal.

19. In accordance with Rule 80(a) of the Rules of Procedure, the Committee may summon, as required when exercising its powers and functions, persons concerned to testify or give evidence, but the Chief Executive may decide, in the light of security and vital public interests, whether Government officials or other personnel in charge of Government affairs should testify or give evidence before the Committee.

19A. In respect of an agenda item to be discussed by the Committee, a member may move a motion for the Committee to exercise the summoning power referred to in paragraph 19 above. The notice of such motion, which is not amendable, shall be signed by the member proposing to move the motion and not less than five other members, and should reach the Clerk at least two clear days before the meeting concerned, but shorter notice may be given if the Chairman so directs. The notice shall be accompanied by the terms of the motion and a statement to explain the necessity for the Committee to summon the person(s) concerned. Each member may give notice or be the signatory of no more than one such motion. No fresh notice of such motion may be given if the agenda item concerned is carried over to another meeting. The Chairman shall have the sole discretion to determine the admissibility of such motions.

19B. If notice of a motion is given under paragraph 19A, the Clerk shall notify the Administration of the motion by 5:00 pm on the working day before the meeting concerned to facilitate the Administration's preparation.

19C. During the discussion of an agenda item in respect of which notice of a motion under paragraph 19A has been given, and if the motion has been ruled admissible by the Chairman, the Chairman shall order a debate on the motion (or a joint debate on all such motions on the same item) at a juncture he considers appropriate, and shall put each such motion to vote separately after debate. If any such motion is passed, the Chairman may adjourn the discussion on the item without putting any question; and if so adjourned, the Committee's discussion on the item shall be resumed at a meeting as decided by the Chairman.

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Order in Committee

31. The Chairman is responsible for the observance of the rules of order in the Committee. His decision on a point of order shall be final [Rule 44].

32. The Chairman, after having called the attention of the Committee to the conduct of a member who persists in irrelevance or tedious repetition of his own or other members' arguments in the discussion, may direct him to discontinue his speech [Rule 45(1)].

33. A member may not interrupt another member except –

- (a) on a point of order, *and if called by the Chairman, when the member speaking shall give way and, subject to paragraph 33A, the member interrupting shall direct attention to the point* which he wishes to bring to notice for the Chairman's decision; or
- (b) to seek elucidation on some matters raised by that member in the course of discussion, if the member speaking is willing to give way and the Chairman agrees ~~[Rule 39]~~.

33A. The Chairman may direct the member who is interrupting another member under paragraph 33(a) to discontinue speaking if the Chairman is of the opinion that the interruption is an abuse of procedure [Rule 39].

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Motions

37. ~~Subject to the decisions of the Committee made from time to time~~ *Save as otherwise provided in this Procedure and in the resolution made and passed by the Committee on 13 January 2018*, Rules 29 to 35 of the Rules of Procedure shall apply, with necessary modifications *as determined by the Chairman*, to the proceedings of the Committee in dealing with motions.

~~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 the motion is considered by the Chairman as directly related to the agenda item and if agreed 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.—Any proposed~~

~~motion has to be in written form and presented by a time specified by the Chairman.~~

Rules of Speaking

38. ~~The rules of speaking set out in~~ Rules 36 to 42 of the Rules of Procedure, *except the attire requirement laid down in Rule 42(a)*, shall apply to the proceedings of the Committee unless the Chairman orders otherwise [Rule 43].

39. *Subject to paragraph 39A, Aa* member ~~when speaking who has been called upon by the Chairman to speak~~ on a proposal in the Committee, *and before he so speaks*, 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]. 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].

39A. Where the Chairman is of the opinion that the moving of the motion that the discussion on an item be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate [Rule 40(1B)].

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Questions

42. After the Chairman calls a meeting to order, he normally deals first with the business left over from a previous meeting, if any. The Chairman then gives a brief summary of each item (except confidential items) for the benefit of members of the public who do not have copies of the papers on the agenda item, and introduces the persons, *if any*, at the meeting responsible for answering questions on the item. *For an item to be discussed by the Committee, the Chairman invites Mmembers then to* discuss the item or put questions to the persons responsible for answering them.

43. Members' questions on a proposal must relate directly to the contents of the agenda item. On wider questions of policy, members should

raise them either in the full Council or at an appropriate Legislative Council Panel. In determining whether questions are in order, the Chairman shall have regard to Rule 25 of the Rules of Procedure on contents of questions where appropriate.

44. Representatives from the relevant bureau and/or department are in attendance to answer questions which members may have. Any member who requires a comprehensive or very technical oral reply to his question at the meeting should notify the Clerk beforehand so that the answer can be prepared. If the Administration cannot give a full or definite answer at the meeting, the representative concerned may supplement his answer in writing by subsequently providing an information note to the Committee or a letter to the member who asked the question with copies to other members as appropriate.

Voting

45. The Committee makes decisions on all matters by a majority of the members present and voting. Neither the Chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote [Rule 71(5B)], but the casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put.

45A. For an item endorsed by a subcommittee for which no further discussion is to be conducted by the Committee as recommended by the subcommittee or as decided by the Committee, the Chairman shall forthwith put the item to vote without discussion. For an item that has been discussed by the Committee, before putting the item to vote, the Chairman shall ask members if they have any further questions.

46. ~~Before putting an item to the vote, the Chairman shall ask members if they have any further questions.~~ When the Chairman puts a question to the Committee for its decisions, he shall first call upon those members who are in favour of the question to raise their hands and shall then call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement, state whether or not he thinks the majority of the members present and voting are in favour of the question. If no member challenges the statement, the Chairman shall declare the

question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the Committee to proceed to a division and the division shall be held forthwith immediately after a division bell has been rung for five minutes. [Rule 47 (1)]

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 ~~propose-put~~ the question on that motion *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 members of the Committee within the precincts of the Chamber to be notified of the division. The division shall be held 10 minutes after the order has been made.

48. If a member fails to declare that he has a direct pecuniary interest in an item in accordance with Rule 84 of the Rules of Procedure, and has voted on it, then his vote stands (and the decision of the Committee is valid) unless his vote is disallowed under Rule 84(4) of the Rules of Procedure.

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Adverse Weather

54. The following arrangements shall apply to the Committee during adverse weather conditions:

- (a) All meetings shall continue to be held when a Tropical Cyclone Warning Signal No. 1 or No. 3, or an Amber or a Red Rainstorm Warning Signal is in force.
- (b) Unless directed otherwise by the Chairman, all meetings shall be cancelled if a Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal *or a territory-wide extreme conditions announcement* is issued or in force within two hours before the appointed time of the meeting.
- (c) If a Tropical Cyclone Warning Signal No. 8 is issued while a meeting is in progress, the Chairman should adjourn the meeting.

- (d) If a Black Rainstorm Warning Signal is issued while a meeting is in progress, the Chairman should decide whether to adjourn or continue with the meeting.

* * * * *

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with **deletion lines**.

***Procedure for signification of membership
of the Finance Committee***

The signification of the membership of the Finance Committee ("the Committee") shall follow the procedure set out below.

2. *Members may join the Committee by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of a new term. The term of office of a member of the Committee shall be the whole term of the Council except in the case of resignation from the Committee. However, a Member shall immediately cease to be a member of the Committee when that Member is elected as the President. For the second or each subsequent session of a term, a Member who wishes to join the Committee may do so by submission of a return to the Secretariat by noon on the penultimate Friday prior to the first Council meeting of that session and the deadline for submission of return shall be taken as the time when the Member's membership takes effect. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday.*

3. *In the event that less than 50 Members have joined the Committee by the deadline for submission of returns, the deadline for submission of returns will automatically be extended to noon on the next day which is not a Saturday or a public holiday. If, upon the expiry of the extended deadline, less than 50 Members have joined the Committee, the deadline will automatically be further extended for one day each time until not less than 50 Members have joined the Committee.*

4. *In the event that a change of membership of the Committee or the Council occurs such that the Committee consists of less than 50 members including the Chairman, the President may direct that Members be invited to join the Committee by submission of returns to the Secretariat by a specified deadline.*

5. *A Member who joins the Council after the start of a session may join the Committee by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the Committee shall take effect from the time his return is received by the Secretariat.*

Legend:

Texts proposed to be added are shown in *italics*.

Appendix II
(FCP 5)

***Procedure for Election of the Chairman and
Deputy Chairman of the Finance Committee***

The election of the Chairman and Deputy Chairman of the Finance Committee ("the Committee") shall follow the procedure set out below.

Nomination procedure

Submission of nominations

- 2. After the membership list of the Committee has been confirmed, the Clerk shall issue the membership list to members and invite them to submit nominations for the offices of Chairman and Deputy Chairman.*
- 3. Nominations for the office of Chairman shall be submitted via electronic means specified by the Secretariat. A valid nomination shall be made by a member, seconded by at least one other member, and accepted by the member being nominated. A member may nominate himself for the office of Chairman ("the member concerned"), provided that such nomination is seconded by at least one other member. In such case, the name of the member concerned will appear on a submission of nomination in the capacities as a member making nomination and a member being nominated.*
- 4. The name of a member shall not appear on more than one submission of nomination for the office of Chairman, whether in the capacity as a member being nominated, or as a member making the nomination, or as a member seconding the nomination. In the event that a member's name appears on more than one submission of nomination (whether in the capacity as a member being nominated or as a member making the nomination, or as a member seconding the nomination), only the first such submission of nomination received by the Secretariat shall be valid. The Secretariat shall notify the member who submitted any invalid nomination(s).*
- 5. Nominations for the office of Chairman shall reach the Secretariat at least one clear day before the meeting at which the election is scheduled to take place ("scheduled meeting"). If the deadline for submission of nomination falls on a Saturday or public holiday, such deadline shall be advanced to the first preceding day that is not a Saturday or public holiday.*
- 6. The same requirements set out in paragraphs 3 to 5 above shall also apply to submission of nominations for the office of Deputy Chairman.*

After the close of nominations

7. *Upon the close of the nomination period, the Clerk shall prepare a list of valid nominations for the offices of Chairman and Deputy Chairman (if any) in the order of receipt by the Secretariat and shall distribute the list to members before the scheduled meeting. If there are two or more valid nominations for the office of Chairman and/or Deputy Chairman, the election shall be arranged in accordance with the relevant arrangements set out in paragraphs 9 to 28.*

8. *In the cases set out in (a) to (c) below, the election of the Chairman and/or Deputy Chairman will not be required to be conducted at the scheduled meeting:*

- (a) if there is only one valid nomination for the office of Chairman, the nominee shall be deemed to be elected as Chairman. However, if there is no valid nomination for the office of Chairman, the member who has the highest precedence in the Committee shall be deemed to be elected as Chairman; or*
- (b) if there is only one valid nomination for the office of Deputy Chairman, the nominee shall be deemed to be elected as Deputy Chairman. However, if the election of Chairman is required to be held at a meeting, the only valid nominee for the office of Deputy Chairman shall be declared elected as Deputy Chairman after the Chairman is elected; or*
- (c) if there is no valid nomination for the office of Deputy Chairman, after the Chairman is elected or deemed elected, the Chairman shall direct that another meeting be scheduled for conducting the election of the Deputy Chairman in accordance with the procedure set out in this Appendix.*

The Clerk shall notify members of the Committee of the election result(s) and updated meeting arrangements where appropriate. In the case where neither the election of Chairman nor the election of Deputy Chairman is required to be conducted at a meeting of the Committee, the meeting which is scheduled for the sole purpose of conducting the election shall be deemed to be cancelled.

Election of Chairman

9. *If there are two or more valid nominations for the office of Chairman, the election shall be conducted at a meeting of the Committee.*

Presiding member

10. *Where the election of Chairman takes place at the first meeting of the Committee in a term of the Legislative Council, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. At any other election of Chairman, the member who was the Chairman of the Committee before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was the Deputy Chairman of the Committee before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.*

11. *The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 12 to 17 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the Committee wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.*

Balloting process

12. *The presiding member shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.*

13. *A member present who wishes to vote shall mark on a ballot paper using a chop with a "√" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "√" in the respective boxes opposite two or more nominee numbers shall be discarded.*

14. *After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.*

15. *The presiding member shall declare elected as Chairman the nominee who receives the highest number of valid votes among all the nominees.*

16. *If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.*

17. *The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Chairman.*

18. *If an election of the Chairman of the Committee cannot be completed within 30 minutes from the starting time appointed for the meeting, the presiding member shall forthwith adjourn the meeting without question put and shall not extend the meeting.*

19. *In the event that a meeting of the Committee is adjourned in accordance with paragraph 18 above, the President shall have the power to appoint a member of the Committee to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the President may specify a time limit for the election having regard to the actual circumstances.*

Election of Deputy Chairman

Presiding member

20. *If the election of the Deputy Chairman is conducted at a meeting of the Committee, the Chairman of the Committee shall preside at the election. If he is absent, the member who was the Deputy Chairman before the election, if any, shall preside. If no Deputy Chairman is present or if the Deputy Chairman is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.*

21. *If there is only one valid nomination for the office of Deputy Chairman and the election of Chairman is held at a meeting, after the Chairman¹ shall declare the nominee elected as Deputy Chairman. If there are two or more valid nominations for the office of Deputy Chairman, the election of the Deputy Chairman shall be conducted at a meeting of the Committee.*

¹ *The term "the Chairman" here and hereafter may mean another member presiding the election as provided under paragraph 20 above.*

22. *If the election of the Deputy Chairman is conducted at a meeting of the Committee, the Chairman shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 23 to 28 below. The Chairman may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the Committee wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.*

Balloting process

23. *The Chairman shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the Chairman. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.*

24. *A member present who wishes to vote shall mark on a ballot paper using a chop with a "√" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "√" in the respective boxes opposite two or more nominee numbers shall be discarded.*

25. *After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the Chairman who shall check the result for confirmation. The Chairman shall invite the members making the nominations or seconding the nominations to witness the counting of votes.*

26. *The Chairman shall declare elected as Deputy Chairman the nominee who receives the highest number of valid votes among all the nominees.*

27. *If two or more nominees receive the same highest number of valid votes, the Chairman shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.*

28. *The Chairman shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Deputy Chairman.*

Legend:

Texts proposed to be added are shown in *italics*.

Schedule 2

Amendments to the Establishment Subcommittee Procedure

Terms of Reference

2. The terms of reference of the ESC are –
 - (a) To consider submission from the Administration and, as appropriate, to recommend to the FC:
 - (i) the creation, redeployment and deletion of permanent and supernumerary posts remunerated at the directorate pay scales;
 - (ii) the retention of supernumerary directorate posts;
 - (iii) the creation of supernumerary posts held against permanent posts in ranks with a lower notion annual mid-point salary value;
 - (iv) the creation of individual consultancy positions at directorate level lasting more than one year;
 - (v) changes to the departmental establishment ceilings shown in the approved Estimates;
 - (vi) changes to the arrangements for the creation, redeployment and deletion of directorate posts;
 - (vii) changes to the structure of civil service ranks and grades (including pay scales, new grades and new ranks) recommended by the Standing Commission on Civil Service Salaries and Conditions of Service, or the Standing Committee on Directorate Salaries and Conditions of Service, or the Standing Committee on Judicial Salaries and Conditions of Service, or the Standing Committee on Disciplined Services Salaries and Conditions of Service, and the consequential creation and deletion of posts in affected ranks; and

- (viii) changes to the organizational structure of the Government and consequential transfers of posts.

The recommendations of the ESC on a submission from the Administration shall include the ESC's recommendation on whether there is to be further discussion of the relevant item by the FC.

- (b) To report to the FC on changes in departmental establishments shown in the Estimates and on the size and cost of the civil service.

Membership

3. ~~The ESC comprises shall consist of not less than 15 members including the Chairman. Members of the ESC shall be those FC members (other than the President) who having signified membership in accordance with the procedure in Appendix I. The term of office of the ESC members shall be the whole term of the Council, except in the case of resignation from the ESC. elect to join the ESC by submission of a return to the Secretariat by noon on the Saturday immediately following the first Council meeting of a new term. For each of the remaining sessions of the term, FC members who elect to join the ESC may do so by submission of a return to the Secretariat by noon on the Saturday immediately prior to the first Council meeting of that session.~~

~~3A. — A Member who joins the Council after the start of a session may join the ESC by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the ESC shall take effect from the time his return is received by the Secretariat.~~

~~3BA. The Chairman may agree to accept late membership on grounds of indisposition or absence from Hong Kong. A request for late membership on grounds other than indisposition or absence from Hong Kong shall be put to the Subcommittee. An application for late membership shall be considered by the ESC after the election of the Chairman and Deputy Chairman of the ESC. The Subcommittee shall accept such applications only when sufficient grounds have been provided. Any Member joining the Subcommittee after the election of the Chairman and Deputy Chairman has taken place cannot seek a re-election of the Chairman and Deputy Chairman. Any Member whose application for late membership is turned down may put the case to the FC for a decision.~~

4. ~~ECM~~Members who have not elected to join the ESC may attend ESC meetings and take part in the discussion *of agenda items on submissions from the Administration* but have no right to vote. *Only members of the ESC may take part in the discussion and vote on motions.*

Chairman and Deputy Chairman

5. The Chairman and Deputy Chairman shall be elected by and from among its members ~~at an open meeting~~ and shall hold office until the Chairman and Deputy Chairman of the ESC for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement. In the event of the temporary absence of the Chairman and Deputy Chairman, the Subcommittee may elect a Chairman to act during such absence. Notwithstanding the provision in paragraph 38, the Chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections [Rule 71(2)].

6. *The procedure for the election of the Chairman and Deputy Chairman of the ESC is set out in Appendix II.*

67. *Except as otherwise provided in Appendix II, T*the election of the Chairman and Deputy Chairman for the first session of a term shall ~~be conducted~~*take place* at the first ESC meeting in the session. The member who has the highest precedence in the Council [Rule 1A] shall be responsible for calling that meeting. For the second and each subsequent session of a term, the election of the Chairman and Deputy Chairman of the ESC may ~~be conducted~~*take place* at a meeting held before that session commences. The meeting shall be called by the Chairman in office.

~~7. The procedure for the election of the Chairman is as follows:~~

~~(a) Where the election takes place at the first ESC meeting in a term, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~

~~(b) At any other election of Chairman, the member who was the Chairman of the ESC before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was Deputy Chairman of the ESC before the election shall preside. If both members who were Chairman and~~

~~Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~

- ~~(c) At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.~~
- ~~(d) If the presiding member is being nominated for the office, he shall be replaced in accordance with (a) or (b) above, as appropriate, unless otherwise decided by the ESC.~~
- ~~(e) If there is only one nomination, the presiding member shall declare the nominee elected as Chairman.~~
- ~~(f) If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the presiding member. After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall declare elected as Chairman the nominee who receives the highest number of valid votes among all the nominees. If two or more nominees receive the same highest number of valid votes, the presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Chairman.~~

~~7A. The Chairman of the ESC shall preside at the election of the Deputy Chairman. If the Chairman is absent, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. The election procedure in paragraph 7(c) to (f) above then follows.~~

Legal Adviser to the Establishment Subcommittee

8A. The Legal Adviser advises the Chairman and the Clerk on all legal matters in relation to the business and administration of the Subcommittee.

Meetings

9. After the Chairman is elected, the Clerk shall seek the Chairman's agreement to a provisional schedule of dates of ESC meetings for the session and inform members and the Administration accordingly. The Chairman may decide to convene special meetings to consider urgent items *or to deal with other business of the Subcommittee.*

10. The Clerk shall give members written notice of every meeting at least five clear days³ before the day of the meeting but shorter notice may be given in any case where the Chairman so directs [Rule 71(6)]. Meetings will be held in public unless the Chairman otherwise orders in accordance with any decision of the ESC [Rule 71(7)]. Any items on the agenda scheduled for discussion but not dealt with at the meeting will be carried over to the next meeting or, if the Chairman decides, to a special meeting.

10A. The Subcommittee may extend a meeting beyond the appointed ending time where (a) the meeting venue is available during a proposed extension of meeting time; and (b) the meeting time so extended does not clash with the meeting time of the Council if that Council's meeting is going to be held on the same day (preconditions). ~~Unless the Subcommittee decides otherwise, the~~ *The* Chairman may ~~announce during the appointed time that the meeting is extended,~~ *before the appointed ending time of a meeting, decide to extend the meeting, or allow the meeting to continue,* for not more than 15 minutes beyond the appointed ending time of the meeting.

10B. The Subcommittee may ~~further~~ extend a meeting for a specified period ~~of time beyond 15 minutes~~ where the ~~same~~ preconditions as set out ~~above in paragraph 10A~~ are satisfied, and where there is no dissenting voice when deciding such ~~a further~~ *an* extension. *The proposal to extend a meeting for a specified period beyond 15 minutes has to be put forward during the original appointed meeting time or the period of extension or continuation of meeting as decided by the Chairman referred to in paragraph 10A.*

10C. No new motion should be proposed during the period of extension ~~decided by the Subcommittee~~ *or continuation of meeting referred to in paragraph 10A, or the period of extension of meeting referred to in*

paragraph 10B unless the motion is in relation to an item on the agenda which is raised for discussion during the extension *or continuation* period.

11. The Chairman ~~or, if he shall chair ESC meetings and shall have the power to regulate the process of the meetings, including the power to set time limits on the consideration of agenda items or motions. If the Chairman~~ is not available, the Deputy Chairman, *shall* chair ~~an~~ ESC meetings. If neither of them is present within 15 minutes of the time appointed for a meeting or if both of them have notified the Clerk that they will not be present at the meeting, the members present shall elect one from among themselves to chair the meeting. If the Chairman decides that he is unable to act for a particular item, ~~or if so decided by the ESC,~~ the Deputy Chairman shall chair the meeting for that particular item. If both of them decide that they are unable to act, ~~or if so decided by the ESC,~~ the members present shall elect one from among themselves to chair the meeting for that item.

11A. Save as otherwise provided in the Rules of Procedure, the Deputy Chairman or the member presiding shall enjoy all those powers conferred by this Procedure on the Chairman that are exercisable in respect of the meeting, or part of the meeting, of the ESC at which the Deputy Chairman or that member presides, or in respect of which the Chairman has requested that he preside.

Footnote 3

The term "clear days" *as a period of time* excludes the day of the giving of a notice, the day of the meeting and intervening Sundays and public holidays, *and ends at 5:00 pm on the last day of that period.*

* * * * *

Attendance of Public Officers and Other Persons

15. The Chairman or the ESC may invite any public officer, or, in the case of a head of Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the ESC may require in the performance of its duties. The ESC may also invite any other person to assist the ESC in relation to any such information, explanation, records or documents [Rule 71(12)]. *Should a member wish to request that a public officer or other person be invited to*

attend a meeting of the ESC, such request should reach the Clerk not less than two clear days before the meeting concerned but shorter notice may be given with the Chairman's consent. Subject to the agreement of the Chairman or the ESC as appropriate, the request will be forwarded to the Administration as soon as practicable for arrangement. The Clerk will state in the agenda the office of the public officers and other persons invited for discussion of the particular items.

16. When the Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a Deputy Secretary for Financial Services and the Treasury (Treasury) attends ESC meetings in the absence of the Financial Secretary, he is responsible for advising the Chairman on public finance procedures and coordinating the Administration's presentation at meetings including withdrawal or modification of a proposal.

* * * * *

Order in the Establishment Subcommittee

26. The Chairman is responsible for the observance of the rules of order in the ESC and his decision on a point of order shall be final [Rule 44].

27. The Chairman, after having called the attention of the ESC to the conduct of a member who persists in irrelevance or tedious repetition of his own or other members' arguments in the discussion, may direct him to discontinue his speech [Rule 45(1)].

28. A member shall not interrupt another member except –

- (a) on a point of order, *and if called by the Chairman, when the member speaking shall give way and, subject to paragraph 28A, the member interrupting shall direct attention to the point* which he wishes to bring to notice for the Chairman's decision; or
- (b) to seek elucidation on some matters raised by that member in the course of discussion, if the member speaking is willing to give way and the Chairman agrees ~~[Rule 39]~~.

28A. The Chairman may direct the member who is interrupting another member under paragraph 28(a) to discontinue speaking if the Chairman is of the opinion that the interruption is an abuse of procedure [Rule 39].

* * * * *

Motions

~~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 the motion is considered by the Chairman as directly related to the agenda item and if agreed 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. Any proposed motion has to be in written form and presented by a time specified by the Chairman.~~

Adjournment of Proceedings

32. *Subject to paragraph 32A, Aa member when speaking who has been called upon by the Chairman to speak on a proposal in the Subcommittee, and before he so speaks,* 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]. 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. Where the Chairman is of the opinion that the moving of the motion that the discussion on an item be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate [Rule 40(1B)].

* * * * *

Voting

38. The ESC makes decisions on all matters by a majority of the members present and voting. Neither the Chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote [Rule 71(5B)], but the casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put.

39. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the ESC for its decision, he shall first call upon those members who are in favour of the question to raise their hands and then shall call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement, state whether or not he thinks the majority of the members present and voting are in favour of the question. If no member challenges his statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the ESC to proceed to a division and the division shall be held forthwith immediately after a division bell has been rung for five minutes. [Rule 47(1)]

39A. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the ESC. 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 ESC do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall ~~propose-put~~ the question on that motion *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 members of the ESC within the precincts of the Chamber to be notified of the division. The division shall be held 10 minutes after the order has been made.

40. If a member fails to declare that he has a direct pecuniary interest in an item in accordance with Rule 84 of the Rules of Procedure, and has voted on it, then his vote stands (and the decision of the ESC is valid) unless his vote is disallowed under Rule 84(4) of the Rules of Procedure.

Recommendations to the Finance Committee

40A. Immediately after an item has been discussed and endorsed by the ESC for submission to the FC, the Chairman shall put forthwith, without amendment or debate, the question on whether the ESC recommends further discussion of the item by the FC. Such recommendation once made may not be withdrawn or overturned by the ESC, and shall be included in the paper for submission to the FC that contains the ESC's recommendations.

Adverse Weather

41. The following arrangements shall apply to the ESC during adverse weather conditions:

- (a) All meetings shall continue to be held when a Tropical Cyclone Warning Signal No. 1 or No. 3, or an Amber or a Red Rainstorm Warning Signal is in force.
- (b) Unless directed otherwise by the Chairman, all meetings shall be cancelled if a Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal *or a territory-wide extreme conditions announcement* is issued or in force within two hours before the appointed time of the meeting.
- (c) If a Tropical Cyclone Warning Signal No. 8 is issued while a meeting is in progress, the Chairman should adjourn the meeting.
- (d) If a Black Rainstorm Warning Signal is issued while a meeting is in progress, the Chairman should decide whether to adjourn or continue with the meeting.

* * * * *

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with **deletion lines**.

***Procedure for signification of membership
of the Establishment Subcommittee***

The signification of the membership of the Establishment Subcommittee ("the Subcommittee") shall follow the procedure set out below.

2. Members may join the Subcommittee by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of a new term. The term of office of a member of the Subcommittee shall be the whole term of the Council except in the case of resignation from the Subcommittee. However, a Member shall immediately cease to be a member of the Subcommittee when that Member is elected as the President. For the second or each subsequent session of a term, a Member who wishes to join the Subcommittee may do so by submission of a return to the Secretariat by noon on the penultimate Friday prior to the first Council meeting of that session and the deadline for submission of return shall be taken as the time when the Member's membership takes effect. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday.

3. In the event that less than 15 Members have joined the Subcommittee by the deadline for submission of returns, the deadline for submission of returns will automatically be extended to noon on the next day which is not a Saturday or a public holiday. If, upon the expiry of the extended deadline, less than 15 Members have joined the Subcommittee, the deadline will automatically be further extended for one day each time until not less than 15 Members have joined the Subcommittee.

4. In the event that a change of membership of the Subcommittee or the Council occurs such that the Subcommittee consists of less than 15 members including the Chairman, the Chairman of the Finance Committee may direct that Members be invited to join the Subcommittee by submission of returns to the Secretariat by a specified deadline.

5. A Member who joins the Council after the start of a session may join the Subcommittee by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the Subcommittee shall take effect from the time his return is received by the Secretariat.

Legend:

Texts proposed to be added are shown in *italics*.

***Procedure for Election of the Chairman and
Deputy Chairman of the Establishment Subcommittee***

The election of the Chairman and Deputy Chairman of the Establishment Subcommittee ("the Subcommittee") shall follow the procedure set out below.

Nomination procedure

Submission of nominations

- 2. After the membership list of the Subcommittee has been confirmed, the Clerk shall issue the membership list to members and invite them to submit nominations for the offices of Chairman and Deputy Chairman.*
- 3. Nominations for the office of Chairman shall be submitted via electronic means specified by the Secretariat. A valid nomination shall be made by a member, seconded by at least one other member, and accepted by the member being nominated. A member may nominate himself for the office of Chairman ("the member concerned"), provided that such nomination is seconded by at least one other member. In such case, the name of the member concerned will appear on a submission of nomination in the capacities as a member making nomination and a member being nominated.*
- 4. The name of a member shall not appear on more than one submission of nomination for the office of Chairman, whether in the capacity as a member being nominated, or as a member making the nomination, or as a member seconding the nomination. In the event that a member's name appears on more than one submission of nomination (whether in the capacity as a member being nominated or as a member making the nomination, or as a member seconding the nomination), only the first such submission of nomination received by the Secretariat shall be valid. The Secretariat shall notify the member who submitted any invalid nomination(s).*
- 5. Nominations for the office of Chairman shall reach the Secretariat at least one clear day before the meeting at which the election is scheduled to take place ("scheduled meeting"). If the deadline for submission of nomination falls on a Saturday or public holiday, such deadline shall be advanced to the first preceding day that is not a Saturday or public holiday.*

6. *The same requirements set out in paragraphs 3 to 5 above shall also apply to submission of nominations for the office of Deputy Chairman.*

After the close of nominations

7. *Upon the close of the nomination period, the Clerk shall prepare a list of valid nominations for the offices of Chairman and Deputy Chairman (if any) in the order of receipt by the Secretariat and shall distribute the list to members before the scheduled meeting. If there are two or more valid nominations for the office of Chairman and/or Deputy Chairman, the election shall be arranged in accordance with the relevant arrangements set out in paragraphs 9 to 28.*

8. *In the cases set out in (a) to (c) below, the election of the Chairman and/or Deputy Chairman will not be required to be conducted at the scheduled meeting:*

- (a) if there is only one valid nomination for the office of Chairman, the nominee shall be deemed to be elected as Chairman. However, if there is no valid nomination for the office of Chairman, the member who has the highest precedence in the Subcommittee shall be deemed to be elected as Chairman; or*
- (b) if there is only one valid nomination for the office of Deputy Chairman, the nominee shall be deemed to be elected as Deputy Chairman. However, if the election of Chairman is required to be held at a meeting, the only valid nominee for the office of Deputy Chairman shall be declared elected as Deputy Chairman after the Chairman is elected; or*
- (c) if there is no valid nomination for the office of Deputy Chairman, after the Chairman is elected or deemed elected, the Chairman shall direct that another meeting be scheduled for conducting the election of the Deputy Chairman in accordance with the procedure set out in this Appendix.*

The Clerk shall notify members of the Subcommittee of the election result(s) and updated meeting arrangements where appropriate. In the case where neither the election of Chairman nor the election of Deputy Chairman is required to be conducted at a meeting of the Subcommittee, the meeting which is scheduled for the sole purpose of conducting the election shall be deemed to be cancelled.

Election of Chairman

9. *If there are two or more valid nominations for the office of Chairman, the election shall be conducted at a meeting of the Subcommittee.*

Presiding member

10. *Where the election of Chairman takes place at the first meeting of the Subcommittee in a term of the Legislative Council, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. At any other election of Chairman, the member who was the Chairman of the Subcommittee before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was the Deputy Chairman of the Subcommittee before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.*

11. *The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 12 to 17 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the Subcommittee wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.*

Balloting process

12. *The presiding member shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.*

13. *A member present who wishes to vote shall mark on a ballot paper using a chop with a "v" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "v" in the respective boxes opposite two or more nominee numbers shall be discarded.*

14. After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

15. The presiding member shall declare elected as Chairman the nominee who receives the highest number of valid votes among all the nominees.

16. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

17. The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Chairman.

18. If an election of the Chairman of the Subcommittee cannot be completed within 30 minutes from the starting time appointed for the meeting, the presiding member shall forthwith adjourn the meeting without question put and shall not extend the meeting.

19. In the event that a meeting of the Subcommittee is adjourned in accordance with paragraph 18 above, the Chairman of the Finance Committee shall have the power to appoint a member of the Subcommittee to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the Chairman of the Finance Committee may specify a time limit for the election having regard to the actual circumstances.

Election of Deputy Chairman

Presiding member

20. If the election of the Deputy Chairman is conducted at a meeting of the Subcommittee, the Chairman of the Subcommittee shall preside at the election. If he is absent, the member who was the Deputy Chairman before the election, if any, shall preside. If no Deputy Chairman is present or if the Deputy Chairman is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

21. *If there is only one valid nomination for the office of Deputy Chairman and the election of Chairman is held at a meeting, after the Chairman is elected, the Chairman shall declare the nominee elected as Deputy Chairman. If there are two or more valid nominations for the office of Deputy Chairman, the election of the Deputy Chairman shall be conducted at a meeting of the Subcommittee.*

22. *If the election of the Deputy Chairman is conducted at a meeting of the Subcommittee, the Chairman shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 23 to 28 below. The Chairman may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the Subcommittee wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.*

Balloting process

23. *The Chairman shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the Chairman. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.*

24. *A member present who wishes to vote shall mark on a ballot paper using a chop with a "√" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "√" in the respective boxes opposite two or more nominee numbers shall be discarded.*

25. *After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the Chairman who shall check the result for confirmation. The Chairman shall invite the members making the nominations or seconding the nominations to witness the counting of votes.*

26. *The Chairman shall declare elected as Deputy Chairman the nominee who receives the highest number of valid votes among all the nominees.*

27. *If two or more nominees receive the same highest number of valid votes, the Chairman shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.*

28. The Chairman shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Deputy Chairman.

Legend:

Texts proposed to be added are shown in *italics*.

Schedule 3

Amendments to the Public Works Subcommittee Procedure

Terms of Reference

3. The terms of reference of the PWSC are to consider submissions from the Administration, and as appropriate, to recommend to the FC -
- (a) the upgrading of projects to or downgrading from Category A of the Public Works Programme;
 - (b) changes to the scope and/or approved project estimates of projects currently in Category A of the Public Works Programme;
 - (c) the approval of new commitments for capital subvention works projects funded under CWRP Head 708; and
 - (d) changes to the scope and/or approved project estimates of works projects approved for funding under CWRP Head 708.

The recommendations of the PWSC on a submission from the Administration shall include the PWSC's recommendation on whether there is to be further discussion of the relevant item by the FC.

* * * * *

Membership

4. The PWSC ~~comprises~~ shall consist of not less than 15 members including the Chairman. Members of the PWSC shall be those ~~FC~~ ~~m~~Members (other than the President) ~~who~~ having signified membership in accordance with the procedure in Appendix I. The term of office of the PWSC members shall be the whole term of the Council, except in the case of resignation from the PWSC. ~~elect to join the PWSC by submission of a return to the Secretariat by noon on the Saturday immediately following the first Council meeting of a new term. For each of the remaining sessions of the term, FC members who elect to join the PWSC may do so by submission of a return to the Secretariat by noon on the Saturday immediately prior to the first Council meeting of that session.~~

4A. ~~A Member who joins the Council after the start of a session may join the PWSC by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the~~

~~Council. His membership of the PWSC shall take effect from the time his return is received by the Secretariat.~~

~~4BA. The Chairman may agree to accept late membership on grounds of indisposition or absence from Hong Kong. A request for late membership on grounds other than indisposition or absence from Hong Kong shall be put to the Subcommittee. An application for late membership shall be considered by the PWSC after the election of the Chairman and Deputy Chairman of the PWSC.~~ The Subcommittee shall accept such applications only when sufficient grounds have been provided. Any Member joining the Subcommittee after the election of the Chairman and Deputy Chairman has taken place cannot seek a re-election of the Chairman and Deputy Chairman. Any Member whose application for late membership is turned down may put the case to the FC for a decision.

5. ~~FC~~~~m~~Members who have not elected to join the PWSC may attend PWSC meetings and take part in the discussion *of agenda items on submissions from the Administration* but have no right to vote. *Only members of the PWSC may take part in the discussion and vote on motions.*

Chairman and Deputy Chairman

6. The Chairman and Deputy Chairman shall be elected by and from among its members ~~at an open meeting~~ and shall hold office until the Chairman and Deputy Chairman of the PWSC for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement. In the event of the temporary absence of the Chairman and Deputy Chairman, the Subcommittee may elect a Chairman to act during such absence. Notwithstanding the provision in paragraph 39, the Chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections [Rule 71(2)].

7. *The procedure for the election of the Chairman and Deputy Chairman of the PWSC is set out in Appendix II.*

78. *Except as otherwise provided in Appendix II, T*he election of the Chairman and Deputy Chairman for the first session of a term shall ~~be conducted~~ *take place* at the first PWSC meeting in the session. The member who has the highest precedence in the Council [Rule 1A] shall be responsible for calling that meeting. For the second and each subsequent session of a term, the election of the Chairman and Deputy Chairman of the PWSC may ~~be conducted~~ *take place* at a meeting held before that

session commences. The meeting shall be called by the Chairman in office.

~~8. The procedure for the election of the Chairman is as follows:~~

- ~~(a) Where the election takes place at the first PWSC meeting of a term, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~
- ~~(b) At any other election of Chairman, the member who was the Chairman of the PWSC before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was Deputy Chairman of the PWSC before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~
- ~~(c) At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.~~
- ~~(d) If the presiding member is being nominated for the office, he shall be replaced in accordance with (a) or (b) above, as appropriate, unless otherwise decided by the PWSC.~~
- ~~(e) If there is only one nomination, the presiding member shall declare the nominee elected as Chairman.~~
- ~~(f) If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the presiding member. After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall declare elected as~~

~~Chairman the nominee who receives the highest number of valid votes among all the nominees. If two or more nominees receive the same highest number of valid votes, the presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Chairman.~~

~~8A. The Chairman of the PWSC shall preside at the election of the Deputy Chairman. If the Chairman is absent, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. The election procedure in paragraph 8(c) to (f) above then follows.~~

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Legal Adviser to the Public Works Subcommittee

9A. The Legal Adviser advises the Chairman and the Clerk on all legal matters in relation to the business and administration of the Subcommittee.

Meetings

10. After the Chairman is elected, the Clerk shall seek the Chairman's agreement to a provisional schedule of dates of PWSC meetings for the session and inform members and the Administration accordingly. The Chairman may decide to convene special meetings to consider urgent items *or to deal with other business of the Subcommittee.*

11. The Clerk shall give members written notice of every meeting at least five clear days³ before the day of the meeting but shorter notice may be given in any case where the Chairman so directs [Rule 71(6)]. Meetings will be held in public unless the Chairman otherwise orders in accordance with any decision of the PWSC [Rule 71(7)]. Any items on the agenda scheduled for discussion but not dealt with at the meeting will be carried over to the next meeting or, if the Chairman decides, to a special meeting.

11A. The Subcommittee may extend a meeting beyond the appointed ending time where (a) the meeting venue is available during a proposed extension of meeting time; and (b) the meeting time so extended does not clash with the meeting time of the Council if that Council's meeting is going to be held on the same day (preconditions). ~~Unless the Subcommittee decides otherwise, the~~ *The* Chairman may ~~announce during the appointed time that the meeting is extended, before the appointed~~

ending time of a meeting, decide to extend the meeting, or allow the meeting to continue, for not more than 15 minutes beyond the appointed ending time of the meeting.

*11B. The Subcommittee may ~~further~~ extend a meeting for a specified period ~~of time beyond 15 minutes~~ where the ~~same~~ preconditions as set out ~~above in paragraph 11A~~ are satisfied, and where there is no dissenting voice when deciding such ~~a further an~~ extension. *The proposal to extend a meeting for a specified period beyond 15 minutes has to be put forward during the original appointed meeting time or the period of extension or continuation of meeting as decided by the Chairman referred to in paragraph 11A.**

*11C. No new motion should be proposed during the period of extension ~~decided by the Subcommittee or continuation of meeting referred to in paragraph 11A, or the period of extension of meeting referred to in paragraph 11B~~ unless the motion is in relation to an item on the agenda which is raised for discussion during the extension *or continuation* period.*

12. The Chairman ~~or, if he shall chair PWSC meetings and shall have the power to regulate the process of the meetings, including the power to set time limits on the consideration of agenda items or motions. If the Chairman~~ is not available, the Deputy Chairman, *shall* chair ~~a~~ PWSC meetings. If neither of them is present within 15 minutes of the time appointed for a meeting or if both of them have notified the Clerk that they will not be present at the meeting, the members present shall elect one from among themselves to chair the meeting. If the Chairman decides that he is unable to act for a particular item, ~~or if so decided by the PWSC,~~ the Deputy Chairman shall chair the meeting for that particular item. If both of them decide that they are unable to act, ~~or if so decided by the PWSC,~~ the members present shall elect one from among themselves to chair the meeting for that item.

12A. Save as otherwise provided in the Rules of Procedure, the Deputy Chairman or the member presiding shall enjoy all those powers conferred by this Procedure on the Chairman that are exercisable in respect of the meeting, or part of the meeting, of the PWSC at which the Deputy Chairman or that member presides, or in respect of which the Chairman has requested that he preside.

Footnote 3

The term "clear days" *as a period of time* excludes the day of the giving of a notice, the day of the meeting and intervening Sundays and public holidays, *and ends at 5:00 pm on the last day of that period.*

* * * * *

Attendance of Public Officers and Other Persons

16. The Chairman or the PWSC may invite any public officer, or, in the case of a head of Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the PWSC may require in the performance of its duties. The PWSC may also invite any other person to assist the PWSC in relation to any such information, explanation, records or documents [Rule 71(12)]. *Should a member wish to request that a public officer or other person be invited to attend a meeting of the PWSC, such request should reach the Clerk not less than two clear days before the meeting concerned but shorter notice may be given with the Chairman's consent. Subject to the agreement of the Chairman or the PWSC as appropriate, the request will be forwarded to the Administration as soon as practicable for arrangement.* The Clerk will state in the agenda the office of the public officers and other persons invited for discussion of the particular items.

17. When the Secretary for Financial Services and the Treasury, the Permanent Secretary for Financial Services and the Treasury (Treasury) or a Deputy Secretary for Financial Services and the Treasury (Treasury) attends PWSC meetings in the absence of the Financial Secretary, he is responsible for advising the Chairman on public finance procedures and coordinating the Administration's presentation at meetings including withdrawal or modification of a proposal.

* * * * *

Order in the Public Works Subcommittee

27. The Chairman is responsible for the observance of the rules of order in the PWSC and his decision on a point of order shall be final [Rule 44].

28. The Chairman, after having called the attention of the PWSC to the conduct of a member who persists in irrelevance or tedious repetition of his own or other members' arguments in the discussion, may direct him to discontinue his speech [Rule 45(1)].

29. A member shall not interrupt another member except –

- (a) on a point of order, *and if called by the Chairman, when the member speaking shall give way and, subject to paragraph 29A, the member interrupting shall direct attention to the point* which he wishes to bring to notice for the Chairman's decision; or
- (b) to seek elucidation on some matters raised by that member in the course of discussion, if the member speaking is willing to give way and the Chairman agrees ~~[Rule 39]~~.

29A. The Chairman may direct the member who is interrupting another member under paragraph 29(a) to discontinue speaking if the Chairman is of the opinion that the interruption is an abuse of procedure [Rule 39].

* * * * *

Motions

~~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 the motion is considered by the Chairman as directly related to the agenda item and if agreed 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.—Any proposed motion has to be in written form and presented by a time specified by the Chairman.~~

Adjournment of Proceedings

33. *Subject to paragraph 33A, Aa member ~~when speaking~~ who has been called upon by the Chairman to speak* on a proposal in the Subcommittee, *and before he so speaks*, 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]. 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].

33A. *Where the Chairman is of the opinion that the moving of the motion that the discussion on an item be now adjourned is an abuse of procedure, he may decide not to propose the question on the motion or to put the question forthwith without debate [Rule 40(1B)].*

* * * * *

Voting

39. The PWSC makes decisions on all matters by a majority of the members present and voting. Neither the Chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote [Rule 71(5B)], but the casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put.

40. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the PWSC for its decision, he shall first call upon those members who are in favour of the question to raise their hands and then shall call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement, state whether or not he thinks the majority of the members present and voting are in favour of the question. If no member challenges his statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the PWSC to proceed to a division and the division shall be held forthwith immediately after a division bell has been rung for five minutes. [Rule 47(1)]

40A. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the PWSC. 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 PWSC do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall ~~propose-put~~ the question on that motion *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 members of the PWSC within the precincts of the Chamber to be notified of the division. The division shall be held 10 minutes after the order has been made.

41. If a member fails to declare that he has a direct pecuniary interest in an item in accordance with Rule 84 of the Rules of Procedure, and has voted on it, then his vote stands (and the decision of the PWSC is valid) unless his vote is disallowed under Rule 84(4) of the Rules of Procedure.

Recommendations to the Finance Committee

41A. Immediately after an item has been discussed and endorsed by the PWSC for submission to the FC, the Chairman shall put forthwith, without amendment or debate, the question on whether the PWSC recommends further discussion of the item by the FC. Such recommendation once made may not be withdrawn or overturned by the PWSC, and shall be included in the paper for submission to the FC that contains the PWSC's recommendations.

Adverse Weather

42. The following arrangements shall apply to the PWSC during adverse weather conditions:

- (a) All meetings shall continue to be held when a Tropical Cyclone Warning Signal No. 1 or No. 3, or an Amber or a Red Rainstorm Warning Signal is in force.
- (b) Unless directed otherwise by the Chairman, all meetings shall be cancelled if a Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal *or a territory-wide extreme conditions announcement* is issued or in force within two hours before the appointed time of the meeting.
- (c) If a Tropical Cyclone Warning Signal No. 8 is issued while a meeting is in progress, the Chairman should adjourn the meeting.
- (d) If a Black Rainstorm Warning Signal is issued while a meeting is in progress, the Chairman should decide whether to adjourn or continue with the meeting.

* * * * *

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with **deletion lines**.

***Procedure for signification of membership
of the Public Works Subcommittee***

The signification of the membership of the Public Works Subcommittee ("the Subcommittee") shall follow the procedure set out below.

2. *Members may join the Subcommittee by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of a new term. The term of office of a member of the Subcommittee shall be the whole term of the Council except in the case of resignation from the Subcommittee. However, a Member shall immediately cease to be a member of the Subcommittee when that Member is elected as the President. For the second or each subsequent session of a term, a Member who wishes to join the Subcommittee may do so by submission of a return to the Secretariat by noon on the penultimate Friday prior to the first Council meeting of that session and the deadline for submission of return shall be taken as the time when the Member's membership takes effect. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday.*

3. *In the event that less than 15 Members have joined the Subcommittee by the deadline for submission of returns, the deadline for submission of returns will automatically be extended to noon on the next day which is not a Saturday or a public holiday. If, upon the expiry of the extended deadline, less than 15 Members have joined the Subcommittee, the deadline will automatically be further extended for one day each time until not less than 15 Members have joined the Subcommittee.*

4. *In the event that a change of membership of the Subcommittee or the Council occurs such that the Subcommittee consists of less than 15 members including the Chairman, the Chairman of the Finance Committee may direct that Members be invited to join the Subcommittee by submission of returns to the Secretariat by a specified deadline.*

5. *A Member who joins the Council after the start of a session may join the Subcommittee by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the Subcommittee shall take effect from the time his return is received by the Secretariat.*

Legend:

Texts proposed to be added are shown in *italics*.

***Procedure for Election of the Chairman and
Deputy Chairman of the Public Works Subcommittee***

The election of the Chairman and Deputy Chairman of the Public Works Subcommittee ("the Subcommittee") shall follow the procedure set out below.

Nomination procedure

Submission of nominations

- 2. After the membership list of the Subcommittee has been confirmed, the Clerk shall issue the membership list to members and invite them to submit nominations for the offices of Chairman and Deputy Chairman.*
- 3. Nominations for the office of Chairman shall be submitted via electronic means specified by the Secretariat. A valid nomination shall be made by a member, seconded by at least one other member, and accepted by the member being nominated. A member may nominate himself for the office of Chairman ("the member concerned"), provided that such nomination is seconded by at least one other member. In such case, the name of the member concerned will appear on a submission of nomination in the capacities as a member making nomination and a member being nominated.*
- 4. The name of a member shall not appear on more than one submission of nomination for the office of Chairman, whether in the capacity as a member being nominated, or as a member making the nomination, or as a member seconding the nomination. In the event that a member's name appears on more than one submission of nomination (whether in the capacity as a member being nominated or as a member making the nomination, or as a member seconding the nomination), only the first such submission of nomination received by the Secretariat shall be valid. The Secretariat shall notify the member who submitted any invalid nomination(s).*
- 5. Nominations for the office of Chairman shall reach the Secretariat at least one clear day before the meeting at which the election is scheduled to take place ("scheduled meeting"). If the deadline for submission of nomination falls on a Saturday or public holiday, such deadline shall be advanced to the first preceding day that is not a Saturday or public holiday.*

6. *The same requirements set out in paragraphs 3 to 5 above shall also apply to submission of nominations for the office of Deputy Chairman.*

After the close of nominations

7. *Upon the close of the nomination period, the Clerk shall prepare a list of valid nominations for the offices of Chairman and Deputy Chairman (if any) in the order of receipt by the Secretariat and shall distribute the list to members before the scheduled meeting. If there are two or more valid nominations for the office of Chairman and/or Deputy Chairman, the election shall be arranged in accordance with the relevant arrangements set out in paragraphs 9 to 28.*

8. *In the cases set out in (a) to (c) below, the election of the Chairman and/or Deputy Chairman will not be required to be conducted at the scheduled meeting:*

- (a) if there is only one valid nomination for the office of Chairman, the nominee shall be deemed to be elected as Chairman. However, if there is no valid nomination for the office of Chairman, the member who has the highest precedence in the Subcommittee shall be deemed to be elected as Chairman; or*
- (b) if there is only one valid nomination for the office of Deputy Chairman, the nominee shall be deemed to be elected as Deputy Chairman. However, if the election of Chairman is required to be held at a meeting, the only valid nominee for the office of Deputy Chairman shall be declared elected as Deputy Chairman after the Chairman is elected; or*
- (c) if there is no valid nomination for the office of Deputy Chairman, after the Chairman is elected or deemed elected, the Chairman shall direct that another meeting be scheduled for conducting the election of the Deputy Chairman in accordance with the procedure set out in this Appendix.*

The Clerk shall notify members of the Subcommittee of the election result(s) and updated meeting arrangements where appropriate. In the case where neither the election of Chairman nor the election of Deputy Chairman is required to be conducted at a meeting of the Subcommittee, the meeting which is scheduled for the sole purpose of conducting the election shall be deemed to be cancelled.

Election of Chairman

9. *If there are two or more valid nominations for the office of Chairman, the election shall be conducted at a meeting of the Subcommittee.*

Presiding member

10. *Where the election of Chairman takes place at the first meeting of the Subcommittee in a term of the Legislative Council, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. At any other election of Chairman, the member who was the Chairman of the Subcommittee before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was the Deputy Chairman of the Subcommittee before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.*

11. *The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 12 to 17 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the Subcommittee wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.*

Balloting process

12. *The presiding member shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.*

13. *A member present who wishes to vote shall mark on a ballot paper using a chop with a "v" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "v" in the respective boxes opposite two or more nominee numbers shall be discarded.*

14. After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

15. The presiding member shall declare elected as Chairman the nominee who receives the highest number of valid votes among all the nominees.

16. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

17. The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Chairman.

18. If an election of the Chairman of the Subcommittee cannot be completed within 30 minutes from the starting time appointed for the meeting, the presiding member shall forthwith adjourn the meeting without question put and shall not extend the meeting.

19. In the event that a meeting of the Subcommittee is adjourned in accordance with paragraph 18 above, the Chairman of the Finance Committee shall have the power to appoint a member of the Subcommittee to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the Chairman of the Finance Committee may specify a time limit for the election having regard to the actual circumstances.

Election of Deputy Chairman

Presiding member

20. If the election of the Deputy Chairman is conducted at a meeting of the Subcommittee, the Chairman of the Subcommittee shall preside at the election. If he is absent, the member who was the Deputy Chairman before the election, if any, shall preside. If no Deputy Chairman is present or if the Deputy Chairman is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

21. *If there is only one valid nomination for the office of Deputy Chairman and the election of Chairman is held at a meeting, after the Chairman is elected, the Chairman¹ shall declare the nominee elected as Deputy Chairman. If there are two or more valid nominations for the office of Deputy Chairman, the election of the Deputy Chairman shall be conducted at a meeting of the Subcommittee.*

22. *If the election of the Deputy Chairman is conducted at a meeting of the Subcommittee, the Chairman shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 23 to 28 below. The Chairman may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the Subcommittee wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.*

Balloting process

23. *The Chairman shall announce a vote by secret ballot and shall order the Clerk to distribute a ballot paper to each of the members present, including the Chairman. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.*

24. *A member present who wishes to vote shall mark on a ballot paper using a chop with a "√" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "√" in the respective boxes opposite two or more nominee numbers shall be discarded.*

25. *After all the members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the members present and report the result to the Chairman who shall check the result for confirmation. The Chairman shall invite the members making the nominations or seconding the nominations to witness the counting of votes.*

26. *The Chairman shall declare elected as Deputy Chairman the nominee who receives the highest number of valid votes among all the nominees.*

27. *If two or more nominees receive the same highest number of valid votes, the Chairman shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.*

¹ *The term "the Chairman" here and hereafter may mean another member presiding the election as provided under paragraph 20 above.*

28. The Chairman shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as Deputy Chairman.

Legend:

Texts proposed to be added are shown in *italics*.