

立法會
Legislative Council

LC Paper No. LS8/20-21

**Paper for the House Committee Meeting
on 6 November 2020**

**Legal Service Division Report on
Supplementary Appropriation (2019-2020) Bill**

I. SUMMARY

1. The Bill

The Bill seeks to provide for a supplementary appropriation of \$62,596,672,879.91 for the services of the Government in the financial year that ended on 31 March 2020 in addition to the sum appropriated by the Appropriation Ordinance 2019 (Ord. No. 8 of 2019).

The Bill is introduced in accordance with the Public Finance Ordinance (Cap. 2) to provide for supplementary appropriation for the specified heads of expenditure approved by the Finance Committee or under the powers delegated by it in the financial year that ended on 31 March 2020. The 28 heads in which there was excess of expenditure over the original appropriation and the amount of excess under each head are specified in the Schedule to the Bill.

**2. Public
Consultation**

According to the Legislative Council Brief, public consultation is considered not necessary.

**3. Consultation with
LegCo Panel**

The Panel on Financial Affairs has not been consulted on the Bill.

4. Conclusion

No difficulties relating to the legal and drafting aspects of the Bill have been identified.

II. REPORT

The date of First Reading of the Bill is 4 November 2020. Members may refer to the Legislative Council ("LegCo") Brief (File Reference: TsyB H 00/710/1/0 (C) Pt.13) issued by the Financial Services and the Treasury Bureau on 28 October 2020 for further details.

Object of the Bill

2. The Bill seeks to provide for a supplementary appropriation of \$62,596,672,879.91 for the services of the Government in the financial year that ended on 31 March 2020 in addition to the sum appropriated by the Appropriation Ordinance 2019 (Ord. No. 8 of 2019).

Background

3. Ord. No. 8 of 2019 was enacted in May 2019 to provide for the appropriation of a sum not exceeding \$515,794,785,000 from the general revenue for the services of the Government in the financial year from 1 April 2019 to 31 March 2020 under section 6 of the Public Finance Ordinance (Cap. 2). Upon the enactment of Ord. No. 8 of 2019, the estimates of expenditure for the 2019-2020 financial year are deemed to be approved to the extent that they are provided for in Ord. No. 8 of 2019 and shall have effect from the first day of the financial year.

4. In the course of the 2019-2020 financial year, the Government made changes to the approved estimates of expenditure with the approval of the Finance Committee or under the powers delegated by it in accordance with section 8 of Cap. 2. Under section 9 of Cap. 2, if at the close of account for a financial year it is found that expenditure charged to any head is in excess of the sum appropriated for that head by the Appropriation Ordinance for that financial year, the excess shall be included in a Supplementary Appropriation Bill which shall be introduced into LegCo as soon as practicable after the close of that financial year.

Provisions of the Bill

5. The Bill is introduced in accordance with section 9 of Cap. 2 to seek final legislative authority for the supplementary appropriation under the specified heads of expenditure in the 2019-2020 financial year. The 28 heads in which there was excess of expenditure over the original appropriation and the amount of excess under each head are specified in the Schedule to the Bill. Clause 2 seeks to provide for the approval of the appropriation of \$62,596,672,879.91 in the manner expressed in the Schedule.

6. According to paragraph 3 of the LegCo Brief, the supplementary provisions that had been approved in accordance with section 8 of Cap. 2 for the specified heads of expenditure were mainly appropriated for meeting additional expenses arising from the injections into the Anti-epidemic Fund and the Research Endowment Fund, the 2019-2020 civil service pay adjustment and the disciplined services overtime allowance, as well as the requirements for one month's rent payments for tenants/licencees living in the rental units of the Hong Kong Housing Authority and the Hong Kong Housing Society. Members may refer to Annex B to the LegCo Brief for the major reasons for the supplementary appropriation under each of the specified heads.

Commencement

7. The Bill contains no commencement provision. By virtue of section 20(2)(a) of the Interpretation and General Clauses Ordinance (Cap. 1), the Bill, if passed, would come into operation on the day the enacted Ordinance is published in the Gazette.

Public Consultation

8. No public consultation has been conducted. According to paragraph 9 of the LegCo Brief, the Bill is largely technical and as such, the Administration considers that public consultation is not necessary.

Consultation with LegCo Panel

9. As advised by the Clerk to the Panel on Financial Affairs, the Panel has not been consulted on the Bill.

Conclusion

10. No difficulties relating to the legal and drafting aspects of the Bill have been identified.

Prepared by

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