

**立法會**  
***Legislative Council***

LC Paper No. FC87/13-14

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Tel : 3919 3129  
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From : Clerk to the Finance Committee  
To : Members of the Finance Committee

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**Finance Committee**

**Administration's letter on handling of motions moved  
under paragraph 37A of the Finance Committee Procedure  
and reply from the Secretariat**

In connection with the Finance Committee's ("FC") deliberation on FCR(2014-15)2 – PWSC(2013-14)38, "Advance site formation and engineering infrastructure works at Kwu Tung North new development area and Fanling North new development area", the Administration has written to the FC Chairman expressing concerns on how FC's handling of members' motion under paragraph 37A of the FC Procedure to express a view on the funding proposal.

2. The FC Chairman has instructed that the Administration's letter (LC Paper No. FC87/13-14(01)) and the reply from the Secretariat (LC Paper No. FC87/13-14(02)) (Chinese version only), as attached, be circulated to members for reference.

(Andy LAU)  
Clerk to the Finance Committee

Encl.

財經事務及庫務局  
(庫務科)



FINANCIAL SERVICES AND  
THE TREASURY BUREAU  
(The Treasury Branch)

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來函檔號 Your Ref.:

22 May 2014

Hon NG Leung-sing, SBS, JP  
Chairman, Finance Committee  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Hong Kong

Dear *Chairman*,

**Handling of motions moved under para 37A  
of the Finance Committee Procedure**

As requested at the Finance Committee (FC) pre-meeting held on 14 May 2014, I write to relay the Government's views on the handling of motions moved without notice under paragraph 37A of the Finance Committee Procedure of the Legislative Council to express a view on an FC agenda item (to be referred to hereafter as "37A motions"). In context, we understand that some 720 37A motions have been submitted in relation to the FC agenda item "Advance site formation and engineering infrastructure works at Kwu Tung North new development area and Fanling North new development area – detailed design and site investigation" (PWSC (2013-14)38) ("NENT item"); the item has already been discussed for three two-hour sessions in FC since 2 May 2014.

## The case for setting a reasonable cap on the number of motions to be moved by each Member

As we understand it, no explicit provision exists in the LegCo Rules of Procedures or the FC Procedure on how motions without notice to express a view on the agenda item are to be handled, including whether there should be a limit on the number of permissible motions from each Member on each agenda item and how Members should procedurally agree on whether each should be proceeded forthwith.

Paragraph 37A of the FC Procedure refers specifically to the right of a Member of the FC to move "a motion" without notice (emphasis added). The corresponding Chinese version, which reads 【無須經預告動議一項議案】, also suggests that the provision was originally intended to cover a single motion, rather than multiple motions, to be moved by each Member.

Despite this, we appreciate that in 2007, FC decided that more than one motion could be moved by each Member on each agenda item without any ceiling. This decision was made on the basis of paragraph 30 of the FC Procedure which provides that "subject to the LegCo Rules of Procedure (Rule 71(13)), the Committee shall determine its own practice and procedure".

From the Government's perspective, we note that there were at least two occasions in recent years where Members had submitted a very large number of motions on targeted FC agenda items under paragraph 37A of the FC Procedure. As the attached records demonstrate (**Annex A**), the **normal operation** of the FC was **seriously jeopardized on both occasions**. For the NENT item, we estimate that at least around 24 hours (i.e. 12 two-hour FC meeting sessions) will be required for the FC to merely consider and agree on whether all of the 720 motions should be proceeded forthwith under paragraph 37A, assuming that each motion takes up a turnaround time of around two minutes and no more motions will be moved. In the light of experience, we are naturally concerned that the need to process numerous 37A motions would prolong and protract deliberations on a single agenda item.

Looking ahead, we foresee serious bunching in the FC agenda before the summer recess. Given filibustering on the Appropriation Bill 2014, many FC agenda items which can only be considered subject to the passage of the Appropriation Bill have been delayed considerably. Advice from departments indicates that there are 47 non-works items plus another 40 works items that are scheduled to be processed in FC *before* summer recess (**Annex B**). With only six scheduled meeting dates before the summer break this year, and with quite a number of FC agenda items likely to be equally controversial if not more controversial than the NENT item, the efficient and effective handling of each FC agenda item is ever more critical lest FC would be failing to perform its statutory duties in a timely manner.

Thus, given past experience and foreseeable workload pressure, we believe a case can be made for FC to consider reviewing the procedure regarding the handling of 37A motions, like whether or not a reasonable cap should be imposed on the total number of motions which can be moved by each Member on each agenda item.

### **Relevance of a 37A motion to a funding proposal**

Under paragraph 37A of the FC Procedure, the FC Chairman has to consider if any motion to be moved by a Member is **directly related** to the agenda item and if so, whether it is agreed by a majority of Members that it should be proceeded forthwith. While the decision of whether a motion meets with this threshold rests with your goodself as the FC Chairman, we are concerned that many of the 37A motions tend to touch on **policy matters**, rather than funding issues. According to established practice, the policy objectives and implementation arrangements of each and every proposal seeking specific approval by FC should have been deliberated and generally endorsed by the relevant Panel(s) of LegCo before the relevant funding proposal is submitted to FC for approval. Thus, in line with past FC practice if not discipline, it would appear that policy matters should be dealt with more effectively at the Panel level.

Besides, many 37A motions tend to deal with project implementation details which have **no** direct bearing on the funding proposal which FC is asked to vote on. Using the NENT item as an example, the funding sought relates to detailed design and site investigation work

estimated to cost \$340.8 million; views expressed on how frequent local consultation meetings are to be held do **not** have a direct bearing on whether the funding sought should be \$340.8 million or any other amount, or whether the scope of detailed design and site investigation is justifiable or agreeable to FC from the funding perspective.

A third concern is the tendency for Members to propose a voluminous number of motions in the form of **sequential series**. Each series typically consists of a standard narration with multiple (normally hundreds) permutations of a minor textual component. For instance, the 720 37A motions on the NENT item include sequential motions requesting the Government to comply with certain conditions in implementing the capital works project, such as proceeding with the works one to 100 days after conducting public or stakeholders' consultation, conducting not less than one to 100 consultation meetings, consulting the villagers once every one to 100 days, and forming a committee comprising at least seven to 106 persons, etc. Taken together, each of these sequential series of similar motions is effectively presenting one and the same view (rather than multiple views) on the agenda item. In our view, these sequential motions should collectively be **regarded as one single motion** with different permutations, instead of individual motions.

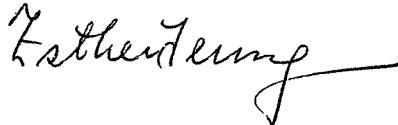
We believe that the approach adopted by the LegCo President in handling the 909 sequential Committee Stage Amendments (CSAs) submitted by a Member to the 2014 Appropriation Bill may serve as a useful reference for FC. Specifically, the President has disallowed these sequential CSAs to be moved on the grounds that they do not serve any purpose reasonably connected with the function of the committee of the whole Council; they are frivolous or meaningless when each of them is considered in the context of the other amendments also being proposed by the same Member; and they would have the demonstrable effect of prolonging the legislative process to the extent of preventing LegCo from properly exercising and discharging its powers. The President has allowed the proposing Member to select not more than two out of each of the 116 sequences of his proposed CSAs to be moved.

## Proposed Way Forward

All said, having regard to the tendency of FC Members to filibuster, the exceptionally heavy workload of FC before summer recess, and the overriding need to keep the FC functioning in an effective and efficient manner, the Government considers that a case can be made for the FC to consider revisiting the approach to the handling of 37A motions. In the light of past practice and the President's recent ruling on CSAs of a sequential nature, we also believe that room exists for the treatment of many 37A motions to be streamlined.

We appreciate that changes to FC procedures or practice require thorough deliberation amongst Members. The above proposals have been made in a constructive spirit with a view to avoiding an impending impasse and managing the FC workload. We would most appreciate it if you can consider the Government's observations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Esther Leung', with a long horizontal flourish extending to the right.

( Ms Esther Leung )

for Secretary for Financial Services and the Treasury

Encl.

### FC Agenda Items with voluminous number of motions under para 37 A of FC Procedure

Proposal	Meeting period	No. of meeting days	No. of Motions	No. of meeting sessions handling motions	Outcome of motions	Result of proposal
To approve the establishment changes and changes to 2012-13 Estimates to implement the re-organisation of the Government Secretariat [FCR(2012-13)43 & 44]	15 June – 13 July 2012	8  (22 sessions)	982	5  (5 sessions x 2 hours = 10 hours)	237 – Agreed not to be proceeded with 745 - not dealt with due to insufficient time	Not yet put to vote, and lapsed before LegCo provocation
To approve an increase in the ceiling placed on the total notional annual mid-point salary value of all non-directorate posts in the permanent establishment of SWD for implementing the Old Age Living Allowance [FCR(2012-13) 53, 54 & 54A]	26 Oct – 7 Dec 2012	7  (15 sessions)	504	8  (8 sessions x 2 hours = 16 hours)	485 – Agreed not to be proceeded with	Approved as a new and different agenda item (113 outstanding motions were hence not applicable) but implementation of the proposal was deferred by one month (March 2013 to April 2013) while payment was deferred for two months <sup>1</sup>

<sup>1</sup> According to FCR(2012-13)53 which was the first FCai submitted on OALA for FC's discussion on 26 October 2012, the original proposal was to set the effective date for OALA payment on the first day of the month of FC's approval, which should have been October 2012 if FC had approved it. The original plan was to launch in March 2013 with the payment dated back from October 2012. As the proposal was finally approved by FC on 7 December 2012, the effective date was deferred for two months to December 2012. OALA was formally launched on April 2013 with payment dated back from December 2012.

## List of Items pending FC approval before the summer recess (as at 19 May 2014)

## (A) FC/ESC Items

No.	Item	ESC date	Target FC date
1	Proposed creation of one supernumerary post of Assistant Director of Environmental Protection (D2) in the Environmental Protection Department for a period of three years to take forward various programmes and initiatives in support of the promotion of recycling and sustainable development of the recycling industry	19/2/2014	30/5/2014
2	Proposed retention of two supernumerary posts of one Administrative Officer Staff Grade B (D3) and one Administrative Officer Staff Grade C (D2) in Financial Services Branch of the Financial Services and the Treasury Bureau up to 31 December 2016 to take forward legislative exercises on corporate insolvency, auditor regulatory reform, abscondee regime under the Bankruptcy Ordinance (Cap. 6) and other matters	19/2/2014	30/5/2014
3	Proposed retention of a supernumerary directorate post in the Office of the Commissioner of Insurance up to 31 October 2015 for enforcing the anti-money laundering regime and regulating relevant mandatory provident fund intermediaries	5/3/2014	30/5/2014
4	Creation of directorate posts in the Housing Department for coping with the additional workload from the new public housing production targets	5/3/2014	30/5/2014
5	Proposed creation of one supernumerary post of Administrative Officer Staff Grade C (D2) in the Home Affairs Bureau for a period of two years to provide support for the detailed planning of the Kai Tak Multi-purpose Sports Complex and the comprehensive policy review on Private Recreational Leases	5/3/2014	30/5/2014
6	Pilot training and support scheme under VTC for industries in keen demand of labour to benefit 2000 students in total for two cohorts of intake, targeting Secondary 3 to Secondary 6 school leavers and eligible adult learners, with the Government offering each student an average monthly allowance of \$2000 during the second to fourth years of the studies		30/5/2014
7	Proposal to write-off a judgment debt		30/5/2014
8	New hotel development at HK Disneyland		30/5/2014
9	Procurement of Ground Receiving Station of the Medium Earth Orbit Search and Rescue Satellite System for the HK Maritime Rescue Coordination Centre by Marine Department		30/5/2014
10	Extension of a supernumerary post of AOSGB in the Radio Television Hong Kong (RTHK) for five years in order to provide continued senior directorate support to ensure effective planning and implementation of RTHK's new services and projects	30/4/2014	30/5/2014
11	To strengthen the directorate manpower of the Rehabilitation Team, LWB from May 2014 to take forward initiatives pertaining to the well-being of persons with disabilities and implementation of the United Nations Convention on the Rights of Persons with Disabilities	30/4/2014	30/5/2014
12	Creation of a supernumerary Administrative Officer Staff Grade C (D2) post for two years [tentatively from May 2014] for supporting the Elderly Commission's work on a voucher scheme on residential care services for the elderly and the Elderly Services Programme Plan	30/4/2014	30/5/2014
13	Creation of four directorate posts (including one D3 post, one D2 post and two D1 posts) in the Development Bureau and Civil Engineering and Development Department to take forward the multi-pronged strategy to increase land supply through land production and site tracking	30/4/2014	30/5/2014
14	Retention of a supernumerary directorate post in the Tourism Commission of the CEDB to continue promoting the development of cruise tourism in Hong Kong and overseeing the development and operation of the Hong Kong Disneyland	30/4/2014	30/5/2014
15	Redevelopment of Heep Hong Society's Catherine Lo Centre for the provision of pre-school rehabilitation and other support services under the Special Scheme on Privately Owned Sites for Welfare Uses		30/5/2014
16	Setting up a new contract Residential Care Home for the Elderly (RCHE) cum Day Care Unit (DCU) in a public rental housing development at ex-Kwai Chung Police Married Quarters site, Kwai Chung		30/5/2014
17	Computer equipment and services for the 2016 Population By-Census		30/5/2014
18	Installation of electric locks security system at Tai Lam Centre for Women		30/5/2014
19	Take forward the recommendations of the Task Force on Manpower Development of the Retail Industry (including an "earn-and-learn" scheme administered by the Vocational Training Council, a productivity enhancement scheme administered by the Hong Kong Productivity Council and publicity campaigns) to mitigate the manpower problem of the retail industry		30/5/2014



20	Scholarship Scheme for Studying outside Hong Kong		30/5/2014
21	Study Subsidy Scheme for Designated Professions/Sectors		30/5/2014
22	Mainland University Study Subsidy Scheme		30/5/2014
23	Qualifications Framework Fund to provide long-term support for the sustainable development of the Qualifications Framework		30/5/2014
24	Youth Development – to promote the culture of "multi-faceted excellence" by introducing a scholarship scheme to subsidise additional undergraduate places for Hong Kong Diploma of Secondary Education graduates who excel in sports, arts and music as well as community services		30/5/2014
25	HAD proposes to create a commitment to undertake Enhancement of Community Healthcare Service as the Signature Project of Kwai Tsing District. The project aims at providing community healthcare services and community fitness equipment and information kiosks to Kwai Tsing residents.		30/5/2014
26	Proposed establishment of 22 digital terrestrial television (DTT) fill-in stations to extend the network coverage of Radio Television Hong Kong (RTHK)'s DTT services		30/5/2014
27	Development of Dutiable Commodities System of the C&ED		6/6/2014
28	Redevelopment of the Electronic Processing Systems, E-filing and Online Search Systems of IPD		6/6/2014
29	Setting up a Day Activity Centre cum Hostel for Persons with Severely Mentally Handicapped and Supported Hostel for Mentally Handicapped Persons in Cheung Sha Wan Estate, Sham Shui Po		6/6/2014
30	Replacement of Radio Communications System of the Operations Department of the ICAC		6/6/2014
31	Replacement and enhancement of the Close-circuit Television Systems for the Stanley Prison		6/6/2014
32	One-off relief measures (additional payment for CSSA, OAA, DA and OALA, and rental payment for public housing tenants)		6/6/2014
33	Establishment of a new Innovation and Technology Bureau (Note 4)	28/5/2014	13/6/2014
34	Permanent redeployment of a Principal Social Work Officer (D1) to head the Information System and Technology Branch of SWD	28/5/2014	13/6/2014
35	Renewal of obsolete area traffic control system in Tai Po and North Districts		13/6/2014
36	Replacement of 18 police launches by the Hong Kong Police Force		27/6/2014
37	Replacement of a Crash Fire Tender, a fire-fighting vehicle, for the Airport Fire Contingent by the Fire Services Department		27/6/2014
38	Establishment of the Next Generation Information Technology Infrastructure for SWD		27/6/2014
39	To strengthen directorate support of Leisure and Cultural Services Department in human resources management and departmental administration (by upgrading one Principal Executive Officer post to Senior Principal Executive Officer post)	11/6/2014	4/7/2014
40	Proposed creation of a time-limited Chief Engineer post for about five years up to 31 March 2019 to head a Division in the Kowloon Development Office of Civil Engineering and Development Department administering the implementation of planning, design, construction and interfacing issues relating to the proposed government infrastructure works and integrated basement in West Kowloon Cultural District	11/6/2014	4/7/2014
41	Implementation of Low-income Working Family Allowance (ESC + FC)	11/6/2014	4/7/2014
42	Implementation of the Fourth IT in Education Strategy, one of the key measures is the phased provision of WiFi facilities for 900 public sector schools		4/7/2014
43	Enriched IT School Programme		4/7/2014
44	Injection into Partnership Fund for the Disadvantaged - The Government plans to inject \$400 million to encourage further cross-sectoral collaboration to launch projects that can cater for the needs of the disadvantaged. Of this sum, \$200 million will be dedicated to provide more after-school learning and support initiatives for primary and secondary school students from grassroot families.		4/7/2014
45	2014-15 Civil Service Pay Adjustment		4/7/2014
46	Development of computer system in FSD for providing advanced post-dispatch advice		11/7/2014
47	Time-limited projects to engage NGOs in providing career guidance support for students with special educational needs and non-Chinese speaking students (non-recurrent commitment of \$16.563M)		tbc

(B) PWSC Items

No.	Item	PWSC date	Target FC date
1	Advance site formation and engineering infrastructure works at Kwu Tung North new development area and Fanling north new development area	19/3/2014	30/5/2014
2	Organic waste treatment facilities phase 1	8/4/2014	30/5/2014
3	Relocation of Sha Tin sewage treatment works to caverns	8/4/2014	30/5/2014
4	Feasibility study on relocation of Sham Tseng sewage treatment works to caverns	8/4/2014	30/5/2014
5	Feasibility study on relocation of Sai Kung sewage treatment works to caverns	8/4/2014	30/5/2014
6	Feasibility study on relocation of Diamond Hill fresh water and salt water service reservoirs to caverns	8/4/2014	30/5/2014
7	Signature Project Scheme (Kwai Tsing District)—enhancement of community healthcare—installation of information kiosks and fitness equipment	19/3/2014	30/5/2014
8	Northeast New Territories landfill extension	26/6/2013	13/6/2014
9	West New Territories landfill extension [Part upgrade for consultants' fees and investigations]	26/6/2013	13/6/2014
10	Southeast New Territories landfill extension	21/5/2014	13/6/2014
11	Development of integrated waste management facilities, phase 1	21/5/2014	13/6/2014
12	Redevelopment of Queen Mary Hospital, phase 1	21/5/2014	13/6/2014
13	Greening master plans for the New Territories	21/5/2014	13/6/2014
14	Strategic studies for artificial islands in the Central Waters	21/5/2014	13/6/2014
15	Planning, engineering and architectural study for topside development at Hong Kong boundary crossing facilities island of Hong Kong–Zhuhai–Macao Bridge	21/5/2014	13/6/2014
16	Construction of Rank and File Quarters for Customs and Excise Department at Yau Yue Wan Village Road, Tseung Kwan O	21/5/2014	13/6/2014
17	Liantang/Heung Yuen Wai Boundary Control Point and associated works—site formation and infrastructure works	21/5/2014	13/6/2014
18	Planning and engineering study on Sunny Bay reclamation	21/5/2014	13/6/2014
19	Ma On Shan development—roads, drainage and sewerage works at Whitehead and Lok Wo Sha, phase 2	21/5/2014	13/6/2014
20	Reprovisioning of Pak Tin community hall and special child care centre-cum-early education and training centre in Pak Tin Estate redevelopment site, and construction of footbridge link at Nam Cheong Street, Sham Shui Po	21/5/2014	13/6/2014
21	Government Complex in Area 14 (Siu Lun), Tuen Mun	27/5/2014	27/6/2014
22	Kowloon East Regional Headquarters and Operational Base-cum-Ngau Tau Kok Divisional Police Station at 105 Concorde Road, Kai Tak, Kowloon	27/5/2014	27/6/2014
23	Sports centre in Area 24D, Sha Tin	27/5/2014	27/6/2014
24	Tuen Mun sewerage, stage 1	27/5/2014	27/6/2014
25	Upgrading of Tuen Mun sewerage, phase 1	27/5/2014	27/6/2014
26	Shek Wu Hui sewage treatment works—further expansion phase 1A	27/5/2014	27/6/2014
27	Development of the Waste Electrical and Electronic Equipment Treatment and Recycling Facility	27/5/2014	27/6/2014
28	Road improvement works for West Kowloon Reclamation Development (Phase 1)	27/5/2014	27/6/2014
29	Expansion and Renovation of Hong Kong Museum of Art	4/6/2014	27/6/2014
30	A school for social development for girls at Choi Hing Road, Kwun Tong, Kowloon	4/6/2014	27/6/2014
31	Two special schools at site 5C-5, Kai Tak development, Kowloon	4/6/2014	27/6/2014
32	Multi-purpose Sports Complex at Kai Tak	4/6/2014	27/6/2014

33	A 36-classroom primary school in Area 36, Fanling	4/6/2014	27/6/2014
34	Construction of an annex to Baptist Lui Ming Choi Secondary School, Shatin	4/6/2014	27/6/2014
35	Retrofitting of noise barriers on Tuen Mun Road (Town Centre section)	18/6/2014	11/7/14
36	Construction of additional floors at Central Piers Nos. 4, 5 and 6	18/6/2014	11/7/15
37	Integrated Basement for West Kowloon Cultural District	18/6/2014	11/7/16
38	Pilot Study on Underground Space Development in Selected Strategic Urban Areas	18/6/2014	11/7/17
39	Refurbishment of Hong Kong Buddhist Hospital	18/6/2014	11/7/18
40	Reprovisioning of Harcourt Road fresh water pumping station	18/6/2014	11/7/19



中華人民共和國香港特別行政區  
Hong Kong Special Administrative Region of the People's Republic of China

立法會FC87/13-14(02)號文件  
LC Paper No. FC87/13-14(02)

立

立法會  
LEGISLATIVE COUNCIL

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圖文傳真 FACSIMILE : 2869 6794

傳真文件  
(傳真號碼 : 2596 0729)

香港添馬添美道 2 號  
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財經事務及庫務局局長  
[經辦人：梁悅賢女士]

梁女士：

謝謝妳 5 月 22 日的來函，本人已獲授權作出回覆。

主席指出他一向以來都嚴格執行《議事規則》及《財務委員會會議程序》，亦參照原有行事方式處事。在審閱委員按《財務委員會會議程序》第 37A 段提出的議案時，他除了考慮議案是否與議程項目直接相關外，並會參考立法會主席就 14 位議員擬對《2014 年撥款條例草案》提出的全體委員會審議階段修正案所作的裁決，特別是裁決第 11、12、14 及 17 段中所提及有關立法會主席在行使及履行其主持會議的職權所考慮的原則，以確保會議有秩序、公平及正當地進行。

在決定相關事宜時，主席表示他會尊重個別委員按程序提出議案的權利，但亦會確保議程上各項事務以有效率的方式妥善處理。

就檢討財務委員會引用《財務委員會會議程序》第 37A 段的行事方式一事，主席已指示秘書處進行研究，及早提供委員會考慮。

財務委員會秘書

(劉國昌)

2014 年 5 月 29 日

副本送：財務委員會主席吳亮星議員，SBS, JP

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