

[Translation]

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29 May 2014

Hon Gary FAN
Room 1018
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr FAN,

**Motions proposed under paragraph 37A of
the Finance Committee Procedure**

In respect of the item "Advance site formation and engineering infrastructure works at Kwu Tung North new development area and Fanling North new development area", you presented eight motions to me under paragraph 37A of the Finance Committee Procedure ("FCP") on 2 May.

Although at present neither the Rules of Procedure ("RoP") nor the FCP contains any express provision setting out the responsibilities of the Chairman of the Finance Committee (FC Chairman"), I note that in a paper forwarded by the Clerk to the Finance Committee ("FC") to members on 14 January 2010 (LC Paper No. FC50/09-10 and FC51/09-10), such responsibilities are stated as "ensuring the business on the agenda is transacted in a proper and efficient manner, and that members have adequate opportunities to take part in the deliberations of the committee". I consider that this statement sets out accurately the responsibilities of the FC Chairman.

I consider that the responsibilities of the FC Chairman in chairing meetings are in substance the same as those of the President of the Legislative Council and the chairmen of other committees, which include ensuring the orderly, fair and proper conduct of meetings. Therefore, in examining these motions, apart from considering whether they are directly related to the agenda item, I have also made reference to the President's ruling on Committee stage amendments proposed by 14 Members to the Appropriation Bill 2014 (**Annex I**), especially the principles taken into account by the President in exercising and discharging the powers and functions of presiding over meetings mentioned in paragraphs 11, 12, 14 and 17 of the ruling.

In examining the eight motions that you propose to move, I find the wording and content of some of them (Nos. 0103, 0104, 0107, 0108 and 0109) (**Annex II**) unclear or too vague. As such, I am not satisfied that these motions are directly related to the agenda item. Accordingly, they cannot be referred to the Committee for consideration and I return the said motions to you.

Regarding motions numbered 0105, 0106 and 0110, I consider that they are directly related to the agenda item, and can be referred to the Committee for consideration.

I strongly believe that in reaching the above decisions, I have already struck a proper balance between respecting the right of individual members to propose motions and ensuring that FC meetings are properly conducted in an orderly and efficient manner.

Yours sincerely,

(NG Leung-sing)
Chairman of the Finance Committee

Encl.