

[Translation]

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13 June 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**

At the Finance Committee ("FC") meeting on 6 June, you presented to me 10 motions you proposed to move under paragraph 37A of the Finance Committee Procedure ("FCP") (motions numbered 0723 to 0732, see **Annex**).

In considering whether the motions are directly related to the agenda item, I have reviewed in detail the contents of the related documents under the agenda. Item no. FCR(2014-15)2 – PWSC(2013-14)38 is to seek the approval of the FC for "the upgrading of part of 747CL, as 772CL, entitled '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', to Category A at an estimated cost of \$340.8 million in money-of-the-day prices".

As Chairman of the FC, I have the responsibilities to ensure that 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. Such responsibilities are in substance the same as those of the President of the Legislative Council and the chairmen of other Committees in presiding over or chairing meetings, in that both need to ensure the orderly, fair and proper conduct of meetings and control the progress of meetings in a reasonable and proper manner to ensure the effective use of meeting time, so as to avoid prolonging the proceedings to the extent of preventing the committees from properly exercising and discharging their functions. Hence, in considering whether your above-mentioned motions 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, especially the principles taken into account by the President in exercising and discharging his power and function of presiding over meetings as mentioned in the ruling, to further consider whether motions which are directly related are nevertheless out of order under such principles.

I consider that the motions numbered 0724 to 0727 and 0729 to 0731 (seven in total) are directly related to the agenda item, and can be referred to the Committee for consideration.

Your proposed motions numbered 0723 and 0732 involve the consultation and communication efforts under the project. While I am satisfied that the motions are directly related to the agenda item, I consider that moving a number of motions on the same subject is not intended to serve any purpose reasonably connected with the function of the FC, but only to take up the meeting time of the FC. To ensure that meetings are properly conducted in an orderly and efficient manner, I consider that the two motions can be combined into one. Therefore, I return the two motions to you. Should you combine the two motions into one and present it afresh, I would then decide whether it is in order, and whether it can be referred to the Committee for consideration.

Although the motion numbered 0728 involves the implementation of the North East New Territories development plan, as the above-mentioned Item no. FCR(2014-15)2 – PWSC(2013-14)38 involves only the advance works for the North East New Territories development plan, I am not satisfied that the content of the motion is directly related to the agenda item. I rule that the motion is not in compliance with the provisions of paragraph 37A of the FCP, and should not be referred to the Committee for consideration. I therefore return the motion to you.

Yours sincerely,

(NG Leung-sing)
Chairman of the Finance Committee

Encl.