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13 June 2014

Hon LEUNG Kwok-hung
Room 1019
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr LEUNG,

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

At the Finance Committee ("FC") meeting on 6 June, you presented to me 194 motions that you proposed to move under paragraph 37A of the Finance Committee Procedure ("FCP") (motions numbered 0733 to 0926, see **Annex**).

In considering whether the motions are directly related to the agenda item, I have reviewed in detail the contents of 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 respect of 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 0733, 0736, 0755, 0756, 0759, 0764 and 0769 to 0782 (20 motions in total) are directly related to the agenda item, and they can be referred to the Committee for consideration.

In addition, among your proposed motions, 24 of them relate to the following areas –

- (a) 2 (Nos 0754 and 0757) relate to arsenic;
- (b) 4 (Nos 0760, 0761, 0859 and 0860) relate to antiquities;
- (c) 6 (Nos 0783 to 0788) relate to over-spending;
- (d) 3 (Nos 0901, 0903 and 0904) relate to the Home of Loving Faithfulness;
- (e) 2 (Nos 0910 and 0911) relate to landscaping works; and
- (f) 7 (Nos 0918 to 0924) relate to noise;

In examining the above 6 groups of motions (24 motions in total), while I am satisfied that those 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 in relation to the above 24 motions, the motions under each of the respective groups can be combined into one. Therefore, I return the 24 motions to you. Should you combine the motions under each of the respective groups into one according to the above groupings and present them afresh, I would then decide whether they are in order, and whether they can be referred to the Committee for consideration.

As for the remaining 150 motions, the contents of some of them are unintelligible, and some of them contain matters that are not

referred to in the agenda item FCR(2014-15)2 – PWSC(2013-14)38 or are not directly related to the detailed design and site investigation of advance site formation and engineering infrastructure works as specified in the proposal. Although some motions are related to the implementation of the North East New Territories development plan, as the above agenda item only relates to the advance works of the North East New Territories development plan, I am not satisfied that these motions are directly related to the agenda item. I rule that these motions are 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 150 motions to you.

Yours sincerely,

(NG Leung-sing)
Chairman of the Finance Committee

Encl.