

[Translation]

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13 June 2014

Hon Albert CHAN Wai-yip  
Room 1002  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Mr CHAN,

**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 that you proposed to move under paragraph 37A of the Finance Committee Procedure ("FCP") (motions numbered 0930 to 0939, 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 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 proposed 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 motion numbered 0936 is directly related to the agenda item and it can be referred to the Committee for consideration.

Your proposed motions numbered 0932 to 0935 (4 motions in total) relate to setting criteria for the appointment of consultant for the advance works of the North East New Territories development plan. 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 the four motions can be combined into one. Therefore, I return the four motions to you. Should you combine the four 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.

In relation to the remaining five motions that contain matters not referred to in the agenda item FCR(2014-15)2 – PWSC(2013-14)38, 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 five motions to you.

Yours sincerely,

(NG Leung-sing)  
Chairman of the Finance Committee

Encl.