



郭榮鏗立法會議員辦事處  
Legislative Council Office of the Hon. Dennis Kwok



LC Paper No. FC111/13-14(01)

17 June 2014

Hon Ng Leung-sing  
Chairman of the Finance Committee  
Legislative Council  
1 Legislative Council Road, Central  
Hong Kong

Dear Chairman,

Re: Interpretation of Rule 37A

During the Finance Committee meeting on 13 June 2014, you made a ruling not to handle new motions filed by certain members based on your interpretation of the wording of Rule 37A of the Finance Committee Procedure (the "Committee Procedure"), specifically concerning the use of the phrase "a motion" in the Rule, that each member may only move one motion in relation to a specified agenda item.

It is a well-established legal principle of statutory interpretation that words and expressions in the singular include the plural.<sup>1</sup> Rather than suggesting or otherwise implying a prohibition on the moving of more than one motion by a member, the wording of Rule 37A clearly denotes its nature as an empowering provision to provide members with the power to move motions. Indeed, where the Committee Procedure, the Rules of Procedure of the Legislative Council (the "Rules of Procedure") and other similar rules of procedures impose a restriction on the number of motions moved or speeches made,<sup>2</sup> the restriction is always expressly stated and a matter of consensus among members after discussion.

Pursuant to this legal reasoning, it has long been an established practice of the Finance Committee (as well as that of the Establishment Subcommittee and the Public Works Subcommittee, both of which have rules similar to the Finance Committee's Rule 37A<sup>3</sup>) to allow members to invoke Rule 37A to move more than one motion in relation to an agenda

<sup>1</sup> Section 7(2) of the Interpretation and General Clauses Ordinance (Cap. 1).

<sup>2</sup> E.g. Rule 39 of the Committee Procedure; Rule 38 of the Rules of Procedure.

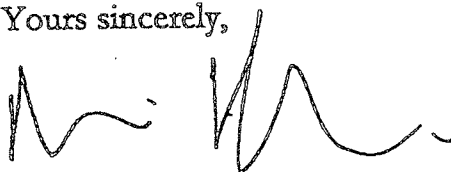
<sup>3</sup> Rule 31A of the Establishment Subcommittee Procedure and Rule 32A of the Public Works Subcommittee Procedure.

item. Rule 30 of the Committee Procedure, as derived from Rule 71(13) of the Rules of Procedure, provides that the practice and procedure of the committee are to be determined by the committee (as opposed to its Chairman). For the Chairman of the Finance Committee to alter the established practice of allowing members to move more than one motion without obtaining the prior approval of the whole committee is a violation of both the Committee Procedure and the Rules of Procedure.

Although as Chairman, you “chair” Finance Committee meetings,<sup>4</sup> and may make final rulings on a point of order,<sup>5</sup> these powers are not to be equated with those of the President of the Legislative Council, whose powers are provided in Article 72 of the Basic Law “to preside” over meetings. The Chairman of the Finance Committee—or that of any other committees for that matter—unequivocally, and unmistakably, do not enjoy the same powers as the President, particularly in acting against the plain provisions of the relevant rules and procedures.

It is to be hoped, and I strongly urge you, that any power you are empowered to exercise as the Chairman of the Finance Committee is to be exercised with extreme caution based on the correct interpretation of the relevant laws and rules of procedure. This is especially so when the rights of members to carry out their duties and participate in the deliberative process are involved. The Finance Committee as a whole exercises an important constitutional duty. It is not up to one person to decide when and how that duty should come to an end on any given matter put before the Committee. The notion that the Chairman of the Finance Committee may somehow determine when the Committee should complete its deliberations on any given matter within a “reasonable time” is entirely without proper basis. I strongly urge you to desist from any such further practice.

Yours sincerely,



Dennis Kwok  
Member of the Legislative Council

cc: Mr. Jimmy Ma, JP, Legal Adviser of Legislative Council Secretariat  
All members of the Finance Committee

<sup>4</sup> Rule 13 of the Committee Procedure.

<sup>5</sup> Rule 31 of the Committee Procedure.