

**Ruling of the Chairman of the Finance Committee
on the decision to stop dealing with proposed motions
presented by members to the Chairman under paragraph 37A
of the Finance Committee Procedure**

At the meeting of 13 June, I mentioned to members that in order to safeguard the operation of the Finance Committee ("FC"), it is necessary for me to properly control the progress of meetings by reasonable means so as to ensure the efficient use of meeting time, thereby enabling the Committee to exercise and discharge its functions properly. Hence, I decided to stop dealing with proposed motions on "Advance site formation and engineering infrastructure works at Kwu Tung North new development area and Fanling North new development area" ("advance works") presented to me by members under paragraph 37A of the Finance Committee Procedure ("FCP").

2. Some members expressed their concerns when I announced the decision on 13 June. Before implementing the decision, I agreed to allow each member to speak for three minutes in this regard. Nine members requested to speak on the day, and four of them had spoken before the meeting ended. At the meeting of 20 June, 19 more members made their speeches. I had given careful consideration to the matter concerned after listening to the views of all these members, and decided to implement my decision made earlier to stop dealing with proposed motions presented to me by members under paragraph 37A of the FCP. I hereby present in writing my considerations in reaching the decision.

Functions of the FC

3. According to Rule 71(4) of the Rules of Procedure ("RoP") and paragraph 1 of the FCP, the functions of the FC are those conferred upon the Committee by the Public Finance Ordinance ("PFO") (Chapter 2), any other law and the Rules of Procedure ("RoP") of the Legislative Council, and such as may from time to time be referred to the Committee by the Council. These functions include: (a) examination of the Estimates of Expenditure presented in accordance with Rule 67 of the RoP and referred by the President of the Council in accordance with Rule 71(11) of the RoP; and (b) approving proposals to change the approved Estimates of Expenditure presented by the Financial Secretary in accordance with section 8(1) of the PFO.

The function of the Chairman of the FC to chair meetings

4. The Chairman and Deputy Chairman of FC are elected by and from among its members under Rule 71(2) of the RoP and paragraph 4 of the FCP. The Chairman of the FC ("FC Chairman") shall have the power to determine the date, time and place of meetings, and shall chair FC meetings in accordance with paragraph 13 of the FCP. Although the RoP or the FCP does not expressly provide for the ancillary powers that the FC Chairman may exercise in chairing meetings, as FC Chairman, while ensuring that members have adequate opportunities to take part in the deliberations of the Committee, I also have the responsibility to safeguard the interests of the FC. In order to safeguard the operation of the FC, I have the responsibility to ensure that the business on the agenda is transacted in a proper and efficient manner. This responsibility is in substance the same as that of the President of the Council and chairmen of other committees in presiding over or chairing meetings, in that both need to ensure the orderly, fair and proper conduct of meetings.

Interpretation and application of paragraph 37A of the FCP

5. Paragraph 37A of the FCP provides that, "During the deliberation of an agenda item, prior to the question on it being put to vote, a member may move a motion without notice to express a view on the agenda item if the motion is considered by the Chairman as directly related to the agenda item and agreed by a majority of members that it should be proceeded forthwith. Any proposed motion or amendment to the motion should be presented in written form. Members may speak on the motion and amendment to the motion, if any, in a joint debate."

6. The purpose of the procedure prescribed in paragraph 37A of the FCP is to allow a member to turn his personal view into the view of the FC by way of a motion passed by the FC. I understand that members have different views regarding the number of motions a member may propose in respect of an agenda item under that paragraph during a meeting. In this connection, I have directed the Secretariat to conduct a review and prepare papers for members' discussion before reaching a final decision on the matter. Prior to this, I would make reference to past practices and would for the time being allow each member to propose more than one motion in respect of an agenda item to express their views. In fact, at the previous meetings, I allowed members to each propose more than one motion that was directly related to the agenda item in respect of the aforesaid "advance works" and referred such motions to the Committee for deciding whether they should

be proceeded forthwith. In considering whether the proposed motions are directly related to the agenda item, I have also made reference to the practice of former FC Chairmen.

Motions presented by members

7. The Committee has spent some twenty-two hours on this agenda item since the deliberation of this agenda item started on 2 May. With regard to the agenda item on the "advance works", 13 members presented a total of 5 557 proposed motions to me under paragraph 37A of the FCP, of which 1 633 were received before I announced at the meeting of 13 June the decision to stop dealing with motions presented by members under paragraph 37A, while 3 924 of them were received after I had made this decision (please refer to the **Annex** for details).

8. Among the 1 633 proposed motions mentioned above, 939 of them were received before the meeting of 13 June, whereas the remaining 694 were received before the conclusion of the second meeting that day. At the meeting of 13 June, I firstly dealt with the 939 proposed motions presented by members to me before the meeting. I ruled that 40 of them were in order, whereas the remaining 899 motions were out of order. Of the 40 motions that were ruled in order, I referred all but 20 motions (for the reason of the absence of Mr LEUNG Kwok-hung) to the Committee for deciding whether they should be dealt with, and the Committee's decision was that none of them should be proceeded forthwith.

9. Before dealing with the new batch of 694 proposed motions presented by members to me at the meeting, I asked members whether they would propose other new motions. If they would, such motions should be presented and dealt with together. But no members made such indication to me.

10. As I had to scrutinize the 694 newly presented proposed motions, I adjourned the second meeting earlier than scheduled and invited the members who indicated their intention to move motions to go to Conference Room 4 during the break to discuss with me how those proposed motions should be dealt with. At the end, only Dr Fernando CHEUNG turned up. Ms Emily LAU, Deputy Chairman of FC, also attended that working meeting. At the meeting, I suggested that Dr CHEUNG should consolidate the 645 motions into 20 motions to enable the Committee to efficiently and properly deal with his proposed motions. However, Dr CHEUNG indicated that he would not accept this suggestion.

11. During the break that lasted about an hour, I reviewed the remaining 49 motions which were presented by the other five members. I considered that 28 of them were in order, whereas the remaining 21 were not. During the third meeting of that day, I referred the 28 motions which were in order one by one to the Committee for voting to decide whether they should be dealt with, and the Committee's decision was that none of them should be proceeded forthwith. After the third meeting had started, four members presented to me another batch of 169 proposed motions. In the course of the third meeting, Dr Fernando CHEUNG said that he was still in the process of drafting motions. Mr WONG Yuk-man also indicated at the meeting his intention to propose several hundred motions. On 16 and 17 June, a member presented another 203 proposed motions to me. At the meeting of 20 June, four members presented another batch of 3 349 proposed motions to me. On 26 June, another member presented 203 proposed motions to me.

12. I respect members' right to exert political pressure on the Administration in pursuit of their demands by means of procedural tactics. However, when such behaviour has obviously affected the proper operation of the FC, I, as FC Chairman, have the responsibility to safeguard the interests of the FC. I pointed out at the meeting of 13 June that if members continued to present motions without notice under paragraph 37A of the FCP while a meeting was in progress, it would not be possible for such motions to be dealt with immediately. In the past, when dealing with paragraph 37A of the FCP, the number of motions that may be proposed had not been considered or discussed. However, if allowing members to propose motions incessantly would have the effect of obstructing the FC from exercising and discharging its functions under the RoP and the Public Finance Ordinance (Cap. 2), this, I consider, could not have been the purpose for which paragraph 37A of the FCP was made. In order to safeguard the operation of the FC, it is necessary for me to properly control the progress of meetings by reasonable means, so as to ensure the efficient use of meeting time, thereby enabling the Committee to exercise and discharge its functions properly. Therefore, I decided to stop dealing with proposed motions presented to me by members under paragraph 37A of the FCP.

13. The motions I referred to the Committee at the meeting of 13 June for determining whether they should be dealt with involved a wide range of issues, and the views stated in such motions covered various subjects, such as matters related to the livelihood, rehousing, relocation and compensation to villagers, farming households, traders and commercial operators; demands of the elderly of Dills Corner Garden; the ratio between public and private housing; proposals on agricultural

rehabilitation schemes; preservation of old trees and antiquities and planting of new trees; protection of employment and health of local workers; ways to ensure that the works would not adversely affect the local environment, transport, noise and residents' health; design of district cooling system, drainage channel and sewage treatment; town planning procedure; consultation with affected parties, maintaining regular contacts and submitting working reports; tender evaluation, requirements on commissioning consultants and project monitoring; as well as declaration of interests by officials, etc. In my view, I had given members ample opportunities to seek to turn the views of individual members into the views of the FC by way of a motion passed by the FC under paragraph 37A of FCP.

14. As I have mentioned in the preceding paragraphs, some members expressed their concern after I had announced my decision. Therefore, I decided that I would listen to the views of members before implementing my decision.

15. I listened to views expressed by members on my decision to stop dealing with proposed motions presented to me by members under paragraph 37A of the FCP. However, judging from the development of events that had taken place in the past two weeks, I was satisfied that if I continued dealing with proposed motions presented by members, FC's procedure for dealing with the agenda item of "advance works" would be prolonged to the extent that the FC would not be able to properly exercise and discharge its duties. Therefore, I decided to implement my aforesaid decision, and returned to the members concerned those proposed motions which had not been dealt with and those which were presented to me after I had made this decision.

16. I am satisfied that there are sufficient justifications for my decision. I also firmly believe that, in making the decision, I have struck a proper balance between respecting the rights of individual members to propose motions and express their views and ensuring the orderly and efficient conduct of FC meetings.

(NG Leung-sing)

Chairman of the Finance Committee

27 June 2014

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Advance site formation and engineering infrastructure works
at Kwu Tung North new development area and Fanling North new development area

**Statistics on proposed motions presented by members under
paragraph 37A of Finance Committee Procedure**

Proposing members	Number of motions	
Before the Chairman's ruling to stop dealing with proposed motions presented under paragraph 37A:		
<u>Presented at meetings of 2 and 30 May</u>		
Hon LEUNG Kwok-hung	704	
Hon Gary FAN Kwok-wai	8	
Hon CHAN Chi-chuen	10	
		722
<u>Presented at meeting of 6 June</u>		
Hon LEUNG Kwok-hung	194	
Hon Gary FAN Kwok-wai	10	
Hon LEUNG Yiu-chung	1	
Hon Claudia MO	2	
Hon Albert CHAN Wai-yip	10	
		217
<u>Presented at meeting of 13 June (before conclusion of the second meeting)</u>		
Dr Hon Fernando CHEUNG Chiu-hung	645	
Hon Gary FAN Kwok-wai	6	
Hon Albert CHAN Wai-yip	22	
Hon Cyd HO Sau-lan	4	
Hon LEUNG Yiu-chung	12	
Hon CHAN Chi-chuen	5	
		694
Total		<u><u>1,633</u></u>
After the Chairman's ruling to stop dealing with proposed motions presented under paragraph 37A:		
<u>Presented at meeting of 13 June (during the third meeting)</u>		
Hon Gary FAN Kwok-wai	5	
Hon Albert CHAN Wai-yip	158	
Hon LEUNG Yiu-chung	5	
Hon CHEUNG Kwok-che	1	
		169
<u>Presented after meeting (twice through emails on 16 and 17 June)</u>		
Hon Claudia MO		203
<u>Presented at meeting of 20 June</u>		
Hon WONG Yuk-man (in 6 batches)	3,296	
Hon Emily LAU Wai-hing, JP	30	
Dr Hon KWOK Ka-ki	10	
Hon WU Chi-wai, MH	13	
		3,349
<u>Presented after meeting (26 June)</u>		
Hon Gary FAN Kwok-wai		203
Total		<u><u>3,924</u></u>
Total		5,557