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31 October 2014

Hon Alan Leong Kah-kit, SC  
Room 811  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Alan,

**Chairman's power in setting the order of agenda items  
on the agenda of a meeting of the Public Works Subcommittee**

Thank you for seeking my advice on whether you, as Chairman of the Public Works Subcommittee ("PWSC"), have the power to re-arrange the order of agenda items on the agenda of a PWSC meeting, and if you have that power, how it should be exercised.

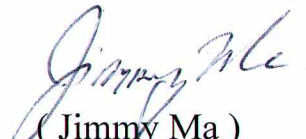
With the assistance of Mr Stephen Lam, Senior Assistant Legal Adviser, and Mr Bonny Loo, Assistant Legal Adviser, and information provided by Mr Andy Lau, Clerk to the Finance Committee ("FC"), Ms Sharon Chung, Clerk to the PWSC, and Ms Pauline Ng, former Secretary General ("SG"), who was Clerk to FC and oversaw the operation of PWSC and the Establishment Subcommittee for about 15 years since 1994, we are pleased to submit to you a note on the matter.

You will see that it is our view that despite the lack of specific provisions in the Rules of Procedure ("RoP") and PWSC Procedure on the PWSC Chairman's power of agenda setting (including the power to re-arrange the order of agenda items), this power should come within those reasonably incidental to the Chairman's power to convene meetings under Paragraph 10 of the PWSC Procedure, his power to direct the Clerk to give notice of meetings under Paragraph 11 of the PWSC Procedure and his power to chair a meeting under Paragraph 12 of the PWSC Procedure.

Nevertheless, it would be advisable for you to follow the established practice to refer the members' requests for re-arrangement of the order of the agenda items on the agenda of PWSC to the Administration for its consideration. Subject to the Administration's response, you may wish to follow the established practice of respecting the Administration's view or seek PWSC's view before you decide on this matter. How you should exercise your power would depend on the particular circumstances of each case subject to the limitations that the exercise of the chairman's power would not be inconsistent with the constitutional principle in public finance that it is for the government to make the demand and for the legislature to grant.

We are happy to answer any queries that you may have over the content of the attached note.

Yours sincerely,

  
( Jimmy Ma )  
Legal Adviser

Encl.

c.c. Mr Andy Lau, Clerk to the FC  
Ms Sharon Chung, Clerk to the PWSC