

立法會

Legislative Council

LC Paper No. FC72/14-15
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seen by the Administration)

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Finance Committee of the Legislative Council

Minutes of the 27th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 4 July 2014, at 5:42 pm

Members present:

Hon NG Leung-sing, SBS, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon James TIEN Pei-chun, GBS, JP

Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent:

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan, JP
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, SBS
Hon Paul TSE Wai-chun, JP

Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Alice MAK Mei-kuen, JP
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon TANG Ka-piu, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen, BBS

Public officers attending:

Ms Elizabeth TSE Man-yee, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Eddie NG, SBS, JP	Secretary for Education
Ms Pecvin YONG Pui-wan	Acting Deputy Secretary for Education (1)
Ms Josephine KEA Chi-shun	Senior Assistant Executive Director (Headquarters Division 2), Vocational Training Council
Mrs Deanna TO	Assistant Executive Director (Headquarters Division 2), Vocational Training Council

Clerk in attendance:

Mr Andy LAU	Assistant Secretary General 1
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Staff in attendance:

Mr Jimmy Y T MA, JP	Legal Adviser
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Derek LO	Chief Council Secretary (1)5
Mr Daniel SIN	Senior Council Secretary (1)7

Mr Ken WOO
Miss Queenie LAM
Mr Frankie WOO
Ms Christy YAU

Senior Council Secretary (1)5
Senior Legislative Assistant (1)2
Senior Legislative Assistant (1)3
Legislative Assistant (1)7

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Item No. 1 – FCR(2014-15)4

HEAD 156 – GOVERNMENT SECRETARIAT : EDUCATION BUREAU

Subhead 700 General Non-recurrent

New Item "Grant to the Vocational Training Council for implementing the Pilot Training and Support Scheme"

The Committee continued deliberation on the agenda item.

Female students, students with special educational needs and ethnic minority students

2. Dr KWOK Ka-ki asked if there were measures under the Pilot Training and Support Scheme ("the Pilot Scheme") to support students with special education needs. Dr KWOK expressed concern that some employers might abuse the Pilot Scheme by recruiting employees at very low wages, and the Administration would practically be subsidizing these employers by topping up the remuneration for the trainees using public funds.

3. Secretary for Education ("SED") said that if the students with special education needs could satisfy the eligibility requirements for the Pilot Scheme, they might be admitted to join the Pilot Scheme and the Vocational Training Council ("VTC") could provide necessary assistance to facilitate their training.

4. SED supplemented that under the Pilot Scheme, participating students would receive pecuniary return during their study-cum-work period, and employers would commit to providing an incentive allowance, training opportunities and to paying a minimum level of salary to the trainees when they were recruited following the completion of the Pilot Scheme.

5. The Chairman directed that members' speaking time for the second round of questions should not exceed three minutes, including the Administration's response.

6. Dr Fernando CHEUNG commented that students with special education needs and ethnic minority students might not be selected for the

Pilot Scheme using the same selection criteria and procedure applicable to other students. He suggested that special procedure should be tailored to facilitate admission of these students. Senior Assistant Executive Director ("SAED") said that VTC had set up a board to consider how to support students with special education needs. SED said that if any person could meet the eligibility requirements under the Pilot Scheme, VTC would consider providing support and facilitation as appropriate.

7. Dr Helena WONG commented that the industries to be covered by the Pilot Scheme appeared to be dominated by male employees and the students who would be benefited from the Pilot Scheme were likely to be male. Dr WONG considered that the Pilot Scheme was gender-biased and discriminatory. She queried how the industries to be covered under the Pilot Scheme were selected, and whether the composition of industries and trades under the Pilot Scheme could be changed.

8. SED said that VTC identified the industries to be covered under the Pilot Scheme through consultation with the 21 Training Boards set up under VTC. Factors such as the recruitment situations, ageing workforce of the industries concerned, interest and commitment of employers to participate in the Pilot Scheme and interest of young people to join the specific industries were considered.

9. Ms Emily LAU echoed the concerns of Dr Helena WONG and Dr Fernando CHEUNG and queried that the Pilot Scheme might be implicitly discriminatory. In response to Ms LAU, SED undertook to provide information outlining existing measures being adopted by VTC to help students with special education needs and ethnic minority students.

10. Assistant Executive Director added that VTC would not set a quota for female students, students with special education needs and ethnic minority students. SAED said that in the past, a special board would be set up to interview and select applicants with special education needs. The board included representatives from the Labour Department and VTC's education inspectors who were knowledgeable and experienced in identifying the abilities and potential of students with education needs.

11. Ms Emily LAU commented that it was difficult for students with special education needs or ethnic minority students to compete with other students on equal footing. SED said that applicants, regardless of their background and education needs, must meet the relevant requirements in order to be able to benefit from the Pilot Scheme with trade specific skills.

12. Mr LEUNG Yiu-chung asked the Administration for information about the composition of the boards set up to interview students with special needs who applied for the Pilot Scheme. Mr LEUNG also shared the concern of Ms Emily LAU and asked if the Administration would consider setting aside a quota for students with special needs. Dr Fernando CHEUNG raised a similar comment. SED said that it was difficult to set arbitrary quota for the admission of students with special needs. Mr LEUNG Yiu-chung suggested that staff should be deployed to help students to adjust to the work environment and to provide suitable counselling or assistance.

13. Dr LAM Tai-fai asked if VTC's Youth College had special programmes for ethnic minority students. SAED confirmed that VTC's Youth College had programmes to cater to the needs of ethnic minority students.

14. The Chairman said that the speaking time for the third round of question should not exceed two minutes, including the Administration's reply.

15. Dr Helena WONG commented that the Administration had a duty to comply with the requirements of the Sex Discrimination Ordinance (Cap. 480), the Disability Discrimination Ordinance (Cap. 487) and the Race Discrimination Ordinance (Cap. 602). She expressed disappointment that the proposed Pilot Scheme was contrary to the principles enshrined in these statutes, as female students, ethnic minority students and students with special education needs were disadvantaged vis-à-vis other students in terms of the opportunities for recruitment under the Pilot Scheme.

16. Dr Fernando CHEUNG said that notwithstanding the fact that VTC had a separate board to interview and select students with special education needs, the admission procedure should be suitably modified to facilitate the recruitment of female students, students with special education needs and ethnic minority students, to the Pilot Scheme. Dr CHEUNG argued that these three types of students had more pressing needs for vocational training opportunities offered by the Pilot Scheme.

17. Dr KWOK Ka-ki said that from the Education Bureau's website, it could be noted that there were some 30 000 students with special education needs. Each year, about 10% of students taking diploma examinations had special education needs. The training places offered under the Pilot Scheme could not help all these students. Dr KWOK asked if the Administration had set any targets to help students with special education needs to receive vocational education.

18. SED said that the Administration would take into consideration members' views and would examine measures to strengthen efforts in recruiting students with special education needs, female students as well as ethnic minority students. As the Scheme would be implemented on a pilot basis, the Administration would evaluate the effectiveness in addressing the needs of different categories of students. However, it would be premature to set targets at this stage.

19. Dr LAM Tai-fai noted that the industries to be covered by the Pilot Scheme were male-dominant. He queried whether there was widespread manpower shortage in those industries. SED responded that the industries to be covered were determined after a long and rigorous process, taking into account factors as outlined in paragraph 9 of the paper (FCR(2014-15)4).

20. Dr LAM noted the needs of students with special education needs. He, however, doubted if the electrical and mechanical industry would provide suitable job placement for these students. Dr LAM asked if VTC offered other vocational training programmes for students with special education needs. SED confirmed that VTC was operating a range of vocational training programmes, and the special education needs of students concerned would be catered for.

21. Dr Fernando CHEUNG asked what specific measures VTC would adopt to help students with special education needs and ethnic minority students during their training under the Pilot Scheme. SAED said that VTC would evaluate the facilities and equipment necessary to support students with special education needs. VTC would also offer Chinese language classes for ethnic minority students.

Incentive allowance

22. Dr LAM Tai-fai reiterated his earlier concern that if the Administration would not try to recover the incentive allowance from students who dropped out from the Pilot Scheme without a valid reason, it might encourage abuse of public funds, and would deprive other young people of the opportunity of receiving vocational training. Mr IP Kin-yuen shared Dr LAM Tai-fai's concern. He asked what the drop-out rate was in other similar VTC programmes.

23. SED agreed that the Administration should look into the arrangements in handling drop-out cases under the Pilot Scheme. SAED supplemented that about 70% of students of similar vocational education programmes organized by VTC would remain after the first six months of a

training programme. SED said that the Administration would keep in view the number of students who would eventually complete the study and training process under the Pilot Scheme.

24. Dr KWOK Ka-ki asked about the number of students with special education needs who might be qualified for recruitment under the Pilot Scheme, but not for admission to universities as well as the number of these students who were expected to be recruited under the Pilot Scheme. SED undertook to provide supplementary information after the meeting.

(Post-meeting note: The Administration provided the information on 12 September 2014, which was issued to members vide LC Paper No. CB(1)150/13-14(01) on 15 September 2014 for reference.)

25. Dr Fernando CHEUNG commented that employers participating in the Pilot Scheme should afford a higher rate of monthly salary for students under the Pilot Scheme in their second, third and fourth year.

26. The Chairman directed that the speaking time for the fourth round of questions should not exceed one minute, including the Administration's response.

27. Dr Fernando CHEUNG asked if the Administration would require the employers and industries participating in the Pilot Scheme to bear a higher share of the financial commitment, and whether employers were obliged to give preference in employing the students who had completed training with them under the Pilot Scheme.

28. SED clarified that during the first year of study under the Pilot Scheme, the respective industry/employers participating in the Pilot Scheme would provide incentive allowance to the students. During the second to fourth year of the Pilot Scheme, the employers would have to pay the students \$8,000 per month as wages of their apprenticeship. These industries must also undertake to pay at least \$10,500 for those students who had completed training under the Pilot Scheme and provide clear career progression pathways.

Evaluation of the Pilot Scheme

29. Dr Helena WONG asked by what indicators or outcome the Administration would consider the Pilot Scheme successful. Dr WONG also

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asked if the Administration would continue to provide incentive allowance after the students had completed his study and training under the Pilot Scheme.

30. Mr IP Kin-yuen commented that quantitative indicators with specific performance targets were important in evaluating the effectiveness and success of the Pilot Scheme. AED said that the Administration would review the dropout rate and the progress of the Pilot Scheme. However, no specific performance indicators had been formulated at present to evaluate the effectiveness of the Pilot Scheme. Mr IP Kin-yuen suggested that the Administration should identify and define performance indicators and inform members of the outcome.

31. Dr Fernando CHEUNG asked if the Administration would expand the number of places of the Pilot Scheme and to include more industries if the Scheme was considered successful. He also asked if the Administration would conduct a review after the completion of the Pilot Scheme, and under what circumstances the Administration would decide to continue to launch the Scheme.

32. SED said that the Administration would conduct a review of the Scheme as it would only be implemented on a pilot basis. SED added that students' satisfaction and their rate of completion of the training, as well as the employers' participation in the Pilot Scheme, etc. were key factors in evaluating the success and sustainability of the Pilot Scheme.

Motions to be moved under paragraph 37A of the Finance Committee Procedure

33. The Chairman said that the question time session was essentially completed. The meeting should then proceed to deal with motions proposed by members to be moved under paragraph 37A of the Finance Committee Procedure ("FCP").

34. The Chairman said that he had received some 14 274 proposed motions from Mr WONG Yuk-man. He added that he and the Secretariat had carried out tremendous work and come up with a preliminary analysis of the motions and the details had been tabled (**Appendix**) for members' reference. The Chairman said that if all the proposed motions were assumed to be directly related to the agenda item, it would take the Committee about 476 hours or 238 two-hour meetings to complete the procedure of deciding whether the motions should be proceeded forthwith. The meeting would be prolonged to such an extent that the Committee could no longer be able to discharge its functions properly.

35. The Chairman commented that the proposed motions revolved around certain common issues and they could be consolidated into a manageable number. The Chairman said that if Mr WONG was willing to consider regrouping and consolidating the motions into a number of representative ones for re-submission, he would be prepared to consider putting them to the Committee to determine whether they should be proceeded forthwith. However, if he refused to do so, in order to safeguard the operation of the Committee, he had 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. Given the circumstance, he had to stop dealing with proposed motions presented by Mr WONG Yuk-man to him under paragraph 37 A of the FCP.

36. At the invitation of the Chairman, the Clerk explained that the proposed motions from Mr WONG Yuk-man were received by the Secretariat one day before the meeting. Despite the fact that the Secretariat had put in extra effort to examine the wordings of the motions, it could only manage to conduct a preliminary examination of the motions to facilitate the Chairman's consideration of the matter. He said that the scope of the motions proposed by Mr WONG could be broadly divided into nine major themes. Under each theme, two pre-conditions prior to implementation of the Pilot Scheme with changing variables (i.e. names of different tertiary institutions, trade unions, district councils, other organizations, etc) were included. Samples of the motions (*18 in total*) had been extracted in the summary tabled at the meeting to facilitate members' consideration.

37. Mr WONG Yuk-man argued that each of his motions was an independent opinion that should be considered on its own. He considered the analysis of the Secretariat unreasonable and incomplete. He maintained that the Chairman had not dismissed his proposed motions as not being directly related to the item under deliberation. Mr WONG also reiterated that, by moving a large number of motions on the agenda item under paragraph 37A of FCP, he was to trying to demonstrate the principle that members had the unfettered right to express views on an item in accordance with the procedure under paragraph 37A of FCP. Mr WONG said that if the Chairman considered that he could not move the motions, he must issue a written ruling, so that he might seek a judgment from the Court whether the Chairman's decision contravened paragraph 37A of FCP.

38. The Chairman said that he would be prepared to suspend the meeting to allow time for Mr WONG Yuk-man to review and consolidate his motions if he decided to do so. If Mr WONG refused to consolidate his

motion, the Chairman said that he was not prepared to put all of Mr WONG's motions to the Committee for decision. He would provide a written ruling on his decision.

39. The Chairman asked if members had further questions on the agenda item under deliberation.

40. Dr Fernando CHEUNG registered his concern that the Chairman could not restrict a member to move only one motion under paragraph 37A of FCP to express views on an agenda item. He also said that the Chairman could not "draw a line" beyond which members were debarred from moving further motions to express views on an item.

41. Mr Kenneth LEUNG asked if the Chairman could consolidate Mr WONG Yuk-man's motions if Mr WONG refused to do so. The Chairman replied that it was up to the members concerned to decide whether or not to consolidate their motions. He would then decide on whether the consolidated motions were directly related to the agenda item and could be put to the Committee for consideration, having regard to the need to strike a balance between respecting the rights of individual members to propose motions and express their views and ensuring the orderly and efficient conduct of meetings.

42. Mr Alan LEONG commented that members had not seen Mr WONG Yuk-man's motions and would not be able to determine whether the Chairman's ruling was reasonable, or whether the approach of requiring Mr WONG to consolidate the motions might create a precedent on the interpretation and application of paragraph 37A of FCP in future. Dr KWOK Ka-ki made a similar comment. He said that while members of the pan-democratic camp would support any move to expedite the Committee's deliberation and approval of funding items that benefit people's livelihood, members would still insist that any measure or decision made by the Chairman should not have the effect of limiting members' rights to express views on an item under established procedure.

43. Mr Albert CHAN said that the Chairman should allow sufficient time for Mr WONG Yuk-man to consolidate his motions if he decided to accept the Chairman's suggestion. Mr CHAN asked if the Committee could proceed to discuss other items on the agenda in the meantime. Dr KWOK Ka-ki made a similar comment.

44. Ms Emily LAU said that the Chairman's approach of handling Mr WONG Yuk-man's proposed motions should not be quoted as a precedent

for the Committee to handle members' proposed motions moved under paragraph 37A of FCP in future. Ms LAU said that there was no consensus among members on the way the procedure should be practiced and interpreted, and a separate occasion was necessary for more thorough discussion on the matter.

45. The Chairman responded that he had already directed the Secretariat to conduct a review on the interpretation and application of paragraph 37A of FCP and prepare a paper for members' future discussion. He assured members that he was seeking a practical way to deal with the motions from Mr WONG Yuk-man, and the proposed method was not intended to be a precedent for dealing with members' motions under paragraph 37A of FCP in general.

46. Mr Kenneth LEUNG sought clarification about the voting procedure if the motions were consolidated in the way suggested by the Chairman. At the invitation of the Chairman, the Clerk explained that the analysis tabled for members' reference was meant to facilitate the Chairman and members to understand the logic and pattern of the motions as presented by Mr WONG Yuk-man. It would be up to members to move motions without notice under paragraph 37A of FCP, and the tabled document was not meant to be a scheme on how Mr WONG's motions should be put to vote.

47. Mr WONG Yuk-man requested the Chairman to suspend the meeting so that he would consider whether and how he would consolidate his motions.

48. The Chairman ordered that the meeting would be suspended for ten minutes. The meeting was suspended at 7:16 pm and resumed at 7:28 pm.

49. The Chairman said that if Mr WONG Yuk-man would not consolidate and resubmit his motions, he would then put the item (FCR(2014-15)4) to vote. The Chairman said that he would also issue his written ruling and return all of the 14 247 motions to Mr WONG after the meeting.

50. Mr Kenneth LEUNG sought clarification whether, by returning the motions to Mr WONG Yuk-man, the Chairman was rejecting Mr WONG's motions, or treating Mr WONG's motions as not having been submitted. The Chairman replied that it was up to the member concerned to decide whether to consolidate or withdraw his motions.

51. Mr KWOK Ka-ki criticized the Chairman for denying a member of his right to express views on the agenda item through motions to be moved under paragraph 37A of FCP, and he also criticized that Chairman should explain his decision at the meeting rather than issue his written ruling after the meeting. Mr Alan LEONG asked if the Chairman would still issue his written ruling if Mr WONG decided to withdraw his motions.

52. The Chairman, having conferred with the Legal Adviser, said that paragraph 37A of FCP stipulated that motions were to be moved under the provision without notice. If Mr WONG decided to withdraw his proposed motions, the Chairman would not need to take a decision on those motions, and the question of issuing a ruling on them would not arise.

53. As there was only a few minutes left before the meeting was scheduled to close, Mr WONG Yuk-man said that he would reconsider his position during the break and would give the Chairman a reply at the next meeting.

54. The Chairman declared the meeting be adjourned.

55. The meeting was adjourned at 7:36 pm.

財務委員會

黃毓民議員就 FCR(2014-15)4——「撥款予職業訓練局
以推行職業教育和就業支援先導計劃」項目
根據《財務委員會會議程序》第 37A 段提交的議案

初步分析

提交擬議議案的日期：2014 年 7 月 3 日中午

議案的數目：14 274 項

主要的意見：

	主體內容	變動的內容
(1) 政府應研究擴大合資格對象至在 2012/13 年入讀職訓局指定行業培訓課程的學生.....	(a) 推行計劃前必須於 (區議會不同選區、不同院校、不同工會或組織)舉行投票。 (b) 推行計劃前必須於 (區議會不同選區、不同院校、不同工會或組織)舉行不少於 12 個月的諮詢。
(2) 政府應研究擴大合資格對象至在 2011/12 年及 2012/13 年入讀職訓局指定行業培訓課程的學生.....	
(3) 當局應提供全面的兼讀制課程，令課程更靈活.....	
(4) 當局應為計劃設立學分制的安排，令課程更靈活.....	
(5) 政府必須訂明參與計劃的僱主，在計劃的任何階段給予學生不低於香港法定最低工資的待遇.....	
(6) 政府必須訂明參與職業教育和就業	
(7)	支援先導計劃的僱主，在計劃的任何階	
(8)	段每星期只可安排學生不多於 30/35/40 小時的工作.....	
(9) 政府必須研究如何確保參與職業教育和就業支援先導計劃的學生在首年仍然能得到足夠金額的津貼.....	