

**立法會**  
***Legislative Council***

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(These minutes have been  
cleared with the Chairman)

Ref : CB1/F/2/1(13)B

**Public Works Subcommittee of the Finance Committee  
of the Legislative Council**

**Minutes of special meeting  
held in Conference Room 1 of the Legislative Council Complex  
on Tuesday, 3 February 2015, at 10:45 am**

**Members present:**

Hon Alan LEONG Kah-kit, SC (Chairman)

Hon WU Chi-wai, MH (Deputy Chairman)

Hon LEE Cheuk-yan

Hon CHAN Kam-lam, SBS, JP

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon Ronny TONG Ka-wah, SC

Hon Cyd HO Sau-lan, JP

Hon CHAN Hak-kan, JP

Hon CHAN Kin-por, BBS, JP

Hon IP Kwok-him, GBS, JP

Hon Paul TSE Wai-chun, JP

Hon Albert CHAN Wai-yip

Hon Claudia MO

Hon Frankie YICK Chi-ming

Hon Gary FAN Kwok-wai

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

Dr Hon KWOK Ka-ki

Hon Dennis KWOK

Hon SIN Chung-kai, SBS, JP

Dr Hon Fernando CHEUNG Chiu-hung  
Hon IP Kin-yuen  
Dr Hon CHIANG Lai-wan, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Member attending:**

Hon Christopher CHEUNG Wah-fung, SBS, JP

**Members absent:**

Hon Albert HO Chun-yan  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon LEUNG Kwok-hung  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, JP  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP  
Hon Tony TSE Wai-chuen, BBS

**Clerk in attendance:**

Ms Sharon CHUNG	Chief Council Secretary (1)2
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**Staff in attendance:**

Ms Anita SIT	Assistant Secretary General 1
Mr Fred PANG	Senior Council Secretary (1)2
Mr Hugo CHIU	Senior Council Secretary (1)6
Ms Christina SHIU	Legislative Assistant (1)2
Ms Christy YAU	Legislative Assistant (1)7
Ms Haley CHEUNG	Legislative Assistant (4)8

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Action

**I. Applications for late membership**

The Chairman advised that the meeting was the fourth meeting to consider applications from 12 Members for late membership. The Subcommittee had accepted the application from Mr Paul TSE at the last special meeting held on 13 January 2015. The Chairman said that upon the request of some members, he had sent letters after the last meeting to the remaining 11 Members ("the 11 Members") to: (i) inform them that the Subcommittee had accepted Mr Paul TSE's application, who had attended a meeting of the Subcommittee to answer members' questions about his application, and that the order for considering the remaining 11 applications had been re-arranged with reference to the time that the application letter had been sent out by fax; and (ii) invite them to attend the meeting to explain in person the reasons for their applications, and to provide supplementary written information on their applications. Among the 11 Members, only Mr Christopher CHEUNG had responded that he would attend the meeting. The other 10 Members ("the 10 Members") had replied that they would not attend any meeting which was held to consider their applications and would not provide any supplementary information on their applications.

2. Noting the negative replies of the 10 Members, Mr IP Kwok-him asked whether the Chairman would continue to invite them to attend the Subcommittee's special meeting(s). Mr IP opined that their applications should be handled without delay.

3. The Chairman advised that the purpose of his letters to the 11 Members were, in addition to inviting them to the present meeting, to inform them about two new developments on the Subcommittee's consideration of applications for late membership, i.e. the Subcommittee's unanimous support of Mr Paul TSE's application and the re-arrangement of the order for considering the 11 remaining applications. If, after the meeting, there was no similar new development which the 11 Members should be informed of, he would not write to them again.

Application of Hon Christopher CHEUNG

4. At the Chairman's invitation, Mr Christopher CHEUNG explained the reasons for his application for late membership. Mr CHEUNG made an apology to the Subcommittee for requesting to join the Subcommittee after the registration deadline. He explained that the delay was due to miscommunication between himself and his personal assistant ("PA"). He was out of town after his office had received the Secretariat's circular on signification of membership for the Subcommittee. When he returned to Hong Kong, his PA was on leave and had not informed him of the

registration deadline. As a result, he had not submitted the application in time. He further said that as a relatively new Member, he wished to gain better understanding of and more experience in the work of the Legislative Council ("LegCo") and its committees. He considered that, through participating in the work of the Subcommittee, he would not only learn more about the business of LegCo, but also better serve the public. Having reviewed his workload, he believed he could handle the work of the Subcommittee. He called on members to support his application.

5. Mr IP Kin-yuen, Dr KWOK Ka-ki, Mr Gary FAN, Ms Claudia MO, Ms Emily LAU and Mr Albert CHAN welcomed Mr Christopher CHEUNG's attendance at the meeting to explain in person the reasons for his application.

6. Mr IP Kin-yuen said that according to the application letter from Mr Christopher CHEUNG, it seemed that his PA's mishandling of the matter was the main reason for missing the registration deadline. He asked Mr CHEUNG to clarify why there was inconsistency between the reasons just given by him and those given in the letter.

7. Mr Christopher CHEUNG responded that in the application letter, he had only given a terse explanation. He had just explained that the delay in submitting his registration was due to the miscommunication between himself and his PA. Mr CHEUNG admitted that he should bear part of the responsibility for missing the registration deadline.

8. Dr KWOK Ka-ki opined that Mr CHEUNG had been unfair to his PA because, in his application letter, he had put the blame on his PA for missing the registration deadline. He enquired whether Mr CHEUNG would consider withdrawing the letter and making an apology to his PA.

9. Mr Christopher CHEUNG replied that he had discussed the matter with his PA and both agreed that there was room for enhancing mutual communication. Mr CHEUNG stressed that he had never intended to put the blame on his PA for missing the registration deadline and his PA understood that he was willing to bear part of the responsibility.

10. Mr Gary FAN enquired whether Mr Christopher CHEUNG had discussed with his political party (i.e. the Business and Professionals Alliance for Hong Kong ("BPA")) his decision to attend the meeting, and if his application was accepted, whether he would assist in inviting those Members belonging to BPA and having made applications for late membership to attend the Subcommittee's special meeting in future. Mr FAN further asked whether Mr CHEUNG had submitted his application to enable the pro-establishment camp to regain a majority of membership in the

Subcommittee so that the Administration's funding proposals on public works projects could be endorsed more easily.

11. Mr Christopher CHEUNG said that earlier on, the Chairman of BPA had asked him whether he could join the Subcommittee. At that time, taking into account that he had already joined a number of committees, he was concerned about the heavy workload and so had not responded positively. Later on, considering that the work of the Subcommittee was closely related to the work of the Finance Committee ("FC"), and that the meetings of the Subcommittee, usually held at 8:30 am, seldom clashed with those of other committees, he changed his mind and decided to join the Subcommittee.

12. Mr LEE Cheuk-yan said it was clear that after the pro-establishment camp had realized that the pro-democratic camp had become the majority in the Subcommittee, the former started to send in applications for late membership, aiming at regaining a majority of membership in the Subcommittee. He asked Mr Christopher CHEUNG when exactly the Chairman of BPA had asked him whether he could join the Subcommittee, and whether Mr CHEUNG had asked his PA to follow up on his registration. Mr LEE further asked Mr CHEUNG when he had changed his mind and decided to join the Subcommittee. The Chairman advised that the registration deadline was 12:00 noon on Saturday, 4 October 2014.

13. Mr Christopher CHEUNG said that the Chairman of BPA asked him whether he could join the Subcommittee at the time when Members had received the Secretariat's circular on signification of membership for the Subcommittee and he made up his mind to join it during his overseas trip. He had only requested his PA to alert him of the registration deadline without indicating whether he would join the Subcommittee or not. Mr CHEUNG added that even if his application was accepted, he would not be able to change the decisions of the Subcommittee, which were based on majority views. He called on members not to speculate the reasons for his application.

14. Ms Claudia MO asked Mr Christopher CHEUNG when exactly he had made up his mind to join the Subcommittee. Pointing out that Mr CHEUNG's application letter, dated 8 October 2014, in which it was alleged that his PA had made a mistake, had been circulated to members, Ms MO enquired whether Mr CHEUNG would withdraw his application letter and send in another one setting out the reasons for his application in detail so as to set the record straight.

15. Mr Christopher CHEUNG replied that, after his office had received the Secretariat's circular about signification of membership, he had been

thinking whether he had the time to participate in the business of the Subcommittee, and finally he had decided to join the Subcommittee. Mr CHEUNG said that he would provide a new application letter.

16. Ms Emily LAU considered that, even if a PA had committed a mistake in his/her work, the Member concerned had to bear the full responsibility for the consequence of the mistake. She asked whether Mr Christopher CHEUNG was willing to take the responsibility for causing the delay in submitting the registration. Referring to Mr CHEUNG's remark that he wished to learn more about the business of LegCo through participation in the work of the Subcommittee, Ms LAU said that Members joined the Subcommittee to examine the Administration's funding proposals rather than to learn.

17. Mr Christopher CHEUNG responded that, earlier in the meeting, he had made an apology to the Subcommittee for missing the registration deadline, meaning that he was willing to bear the responsibility for the delay in the registration. He stressed that he would enhance his communication with his PAs in future. He said that his remark about learning more about the business of LegCo through participation in the work of the Subcommittee was a modest way of expression. He understood that he would have to comment on and examine the Administration's funding proposals.

18. Mr Albert CHAN expressed support for Mr Christopher CHEUNG's application and said that it was a Member's duty to participate in the work of the committees/subcommittees of LegCo. He considered that, as long as a Member had provided the true reasons for an application for late membership and had not put the blame on his PA for missing the registration deadline, members should accept the Member's application.

19. Mr CHAN Kin-por said that Members of LegCo from the pan-democratic camp ("pan-democratic Members") and Members from the pro-establishment camp ("pro-establishment Members") used to have a mutual understanding that the composition of the Subcommittee would reflect the proportion of Members from both camps in FC. However, a large number of pan-democratic Members had sent out completed registration forms to the LegCo Secretariat during the last few minutes before the registration deadline, making pan-democratic Members a majority in the Subcommittee. In his view, the 12 Members' applications had been made in view of pan-democratic Members' disregard for the mutual understanding. He supported Mr Christopher CHEUNG's application, which, he believed, was not made for regaining the pro-establishment camp's majority of membership in the Subcommittee. He called on members to make a decision on Mr CHEUNG's application promptly.

20. Mr CHAN Kam-lam said that Members had the right to participate in the work of LegCo's committees/subcommittees. He considered it inappropriate for members to interrogate Mr Christopher CHEUNG on his application as if he was a criminal suspect. Mr CHAN said that pan-democratic Members should not abuse their majority status in the Subcommittee.

21. The Chairman advised that the Subcommittee should handle applications for late membership in accordance with Paragraph 4B of the Public Works Subcommittee Procedure. In this connection, members should be given adequate opportunities to ask questions to determine whether the applicants had provided sufficient grounds to support their applications. If he observed that a member was not acting in accordance with the relevant procedure when considering an application for late membership, he would stop such behaviour.

22. Ms Emily LAU, Mr Albert CHAN, Mr IP Kin-yuen and Ms Claudia MO expressed disagreement with Mr CHAN Kam-lam's remarks. Ms LAU and Ms MO said that the pro-establishment camp had abused its majority status in FC to give indiscriminate approvals for the Administration's funding proposals. Ms LAU further asked Mr Christopher CHEUNG whether he considered that the pro-establishment camp, being the majority coalition in LegCo, abused its power. Mr Albert CHAN was dissatisfied that Mr CHAN Kam-lam had overlooked the fact that pro-establishment Members had rejected his application for late membership of the Establishment Subcommittee in June 2014. In his view, the pro-establishment camp paid no regard to procedural justice. Mr IP Kin-yuen and Ms MO disagreed that pan-democratic Members had interrogated Mr Christopher CHEUNG as if he was a criminal suspect. They opined that they had only asked questions to ascertain whether sufficient grounds had been provided by Mr CHEUNG to support his application. Mr IP asked Mr CHEUNG whether he felt being interrogated like a criminal suspect.

23. Mr Christopher CHEUNG said that Members should make use of their power in a fair and reasonable manner. He did not consider that the pro-establishment camp abused its power in LegCo. He also said that if members asked him similar questions repeatedly, he would feel being interrogated like a criminal suspect.

24. Ms Claudia MO asked, when Mr Christopher CHEUNG said he did not consider that the pro-establishment camp abused its power, whether he

spoke on behalf of the pro-establishment camp. Mr Christopher CHEUNG replied in the negative.

25. Mr TAM Yiu-chung said that pro-democratic Members made use of every opportunity to smear pro-establishment Members. He commented that it was a waste of time to hold special meetings one after another to discuss the applications for late membership.

26. While agreeing that Members had the right to participate in the work of LegCo's committees/subcommittees, Mr Frederick FUNG said that the submission of a large number of applications for late membership from pro-establishment Members giving similar reasons would inevitably make one speculate that the pro-establishment camp might intend to regain a majority of membership in the Subcommittee. He asked Mr Christopher CHEUNG whether it was reasonable for one to have such a speculation.

27. Mr Christopher CHEUNG said that when Mr Paul TSE attended the Subcommittee's meeting on 11 November 2014 to explain the reasons for his application for late membership, members did not ask him similar questions repeatedly or request him to provide another application letter. Mr CHEUNG continued that he felt being interrogated like a criminal suspect.

28. Mr Frederick FUNG said that that, if the intention of the requests of pro-establishment Members for late membership was aimed at securing a majority of membership in the Subcommittee, that would be detrimental to LegCo's role in monitoring the work of the Administration, given that the pro-establishment camp would support the Administration's proposals indiscriminately. Ms Cyd HO shared Mr FUNG's view. She said that Mr CHEUNG could attend the Subcommittee's meetings and speak on the agenda items, though without a voting right, as a non-member if his application was eventually not accepted. She enquired, given that Mr CHEUNG had expressed interest in the work of the Subcommittee, why he had not attended any meetings of the Subcommittee in the current legislative session.

29. Mr Christopher CHEUNG said that he was sincere in participating in the Subcommittee's work as a member and it was unfair to ask him to attend the Subcommittee's meetings as a non-member. He added that he would no longer stay at the meeting to be interrogated.

*(At this juncture, Mr Christopher CHEUNG left the meeting.)*



30. Mr LEE Cheuk-yan suggested that, since Mr Christopher CHEUNG had yet to provide another application letter to replace the original one, the Subcommittee should not make a decision on his application until the letter was received. In the meantime, the Subcommittee should not handle the applications of the other 10 Members ("Mr LEE Cheuk-yan's suggestion").

31. Pointing out that there would be a written record on Mr Christopher CHEUNG's remarks made at the meeting, Mr Albert CHAN opined that the letter to be provided by Mr CHEUNG was not critical to the decision of the Subcommittee. He suggested that the Subcommittee should proceed to vote on Mr CHEUNG's application ("Mr Albert CHAN's suggestion").

32. The Chairman sought members' views on the suggestions of Mr LEE Cheuk-yan and Mr Albert CHAN.

33. Mr Gary FAN said that he agreed to Mr LEE Cheuk-yan's suggestion. He considered that the letter to be provided by Mr CHEUNG would be useful for the Subcommittee's consideration of his application.

34. Mr IP Kin-yuen indicated support to Mr Albert CHAN's suggestion. He considered that Mr Christopher CHEUNG's remarks made at the meeting, to be put in record, would suffice to serve as clarifications of the reasons for his application, and it would be desirable if Mr CHEUNG would withdraw the original application letter.

35. The Chairman invited members to vote on whether to accept Mr LEE Cheuk-yan's suggestion or Mr Albert CHAN's suggestion. Three members voted for Mr LEE Cheuk-yan's suggestion, while four members voted for Mr Albert CHAN's suggestion. The Chairman said that the Subcommittee would proceed to vote on Mr CHEUNG's application.

36. The Chairman invited members to vote on whether to accept Mr Christopher CHEUNG's application for late membership. Of the 9 members present, 8 members voted. Four voted for, three voted against the application, and one abstained. The Chairman declared that Mr Christopher CHEUNG's application for late membership was accepted by the Subcommittee.

37. Ms Cyd HO said that she was opposed to Mr Christopher CHEUNG's application because he had not answered her enquiry on why he had not attended any regular meeting of the Subcommittee in the current legislative session.

Handling of the 10 remaining applications

38. The Chairman said that the Subcommittee would proceed to handle each of the remaining 10 applications for late membership. The first one was the application from Mr Steven HO.

39. Ms Emily LAU said that it was undesirable for Mr Steven HO to put the blame on his PA for missing the registration deadline, as indicated in his application letter. She considered that Mr HO should attend the Subcommittee's meeting to explain in person the reasons for missing the deadline. The Chairman advised that members might consider whether there were sufficient grounds for Mr HO's application based on the information provided in his letter.

40. The Chairman noted that the Subcommittee did not have a quorum. Mr IP Kin-yuen suggested that the meeting be adjourned. Ms Emily LAU agreed with Mr IP. The Chairman ordered that the meeting be adjourned.

*(Post-meeting note: The Chairman sent letters to the 10 Members on 5 February 2015 to invite them to the next special meeting and provide supplementary information on their applications. A sample of the letters was circulated to members vide PWSC93/14-15 on 6 February 2015. Mr Christopher CHEUNG provided on 9 February 2015 a letter to the Subcommittee about the reasons for missing the registration deadline, which was circulated to members vide PWSC97/14-15 on 10 February 2015.)*

41. There being no other business, the meeting ended at 12:14 pm.