

立法會
Legislative Council

LC Paper No. ESC145/15-16

(These minutes have been
seen by the Administration)

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Establishment Subcommittee of the Finance Committee

**Minutes of the 21st meeting
held in Conference Room 1 of Legislative Council Complex
on Monday, 4 July 2016, at 2:30 pm**

Members present:

Hon Mrs Regina IP LAU Suk-yee, GBS, JP (Chairman)

Hon WONG Kwok-kin, SBS, JP (Deputy Chairman)

Hon Albert HO Chun-yan

Hon James TO Kun-sun

Hon CHAN Kam-lam, GBS, JP

Hon TAM Yiu-chung, GBM, GBS, JP

Hon WONG Kwok-hing, BBS, MH

Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN

Hon WONG Ting-kwong, SBS, JP

Hon Starry LEE Wai-king, SBS, JP

Hon CHAN Hak-kan, BBS, JP

Hon IP Kwok-him, GBS, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip

Hon NG Leung-sing, SBS, JP

Hon WU Chi-wai, MH

Hon MA Fung-kwok, SBS, JP

Hon CHAN Chi-chuen

Hon CHAN Han-pan, JP

Dr Hon Kenneth CHAN Ka-lok

Hon LEUNG Che-cheung, BBS, MH, JP

Hon Kenneth LEUNG

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
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG Ngok-kiu

Members absent:

Hon LEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Public Officers attending:

Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)1
Ms Amy WONG Pui-man	Acting Deputy Secretary for the Civil Service 1
Miss Cheryl CHOW	Principal Assistant Secretary for Development (Planning and Lands)2
Mr Raymond LEE, JP	Deputy Director of Planning (District)
Miss Annie TAM, JP	Permanent Secretary for Labour and Welfare
Mr Donald CHEN, JP	Deputy Secretary for Labour and Welfare (Welfare) 2
Ms Carol YIP, JP	Director of Social Welfare
Mr LAM Ka-tai, JP	Deputy Director of Social Welfare (Services)
Ms PANG Kit-ling	Assistant Director of Social Welfare (Elderly)

Clerk in attendance:

Ms Connie SZETO

Chief Council Secretary (1)4

Staff in attendance:

Mr Jason KONG

Council Secretary (1)4

Ms Alice CHEUNG

Senior Legislative Assistant (1)1

Ms Haley CHEUNG

Legislative Assistant (1)9

Miss Yannes HO

Legislative Assistant (1)6

Action

The Chairman drew members' attention to the information paper ECI(2016-17)5, which set out the latest changes in the directorate establishment approved since 2002 and the changes to the directorate establishment in relation to the four items on the agenda. She then reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP"), they should disclose the nature of any direct or indirect pecuniary interest relating to the funding proposals under discussion at the meeting before they spoke on the items. She also drew members' attention to RoP 84 on voting in case of direct pecuniary interest.

EC(2016-17)15 Proposed creation of one supernumerary post of Chief Town Planner (D1) in the Planning Department with effect from the date of approval by the Finance Committee up to 31 March 2019 to lead an additional team under its Board Division for strengthening secretariat support to the Town Planning Board (TPB) and handling statutory planning matters, including judicial reviews associated with TPB

2. The Chairman remarked that the Administration's proposal was to create a supernumerary post of Chief Town Planner in the Planning Department up to 31 March 2019 to lead an additional team under its Board Division for strengthening secretariat support to the Town Planning Board ("TPB") and handling statutory planning matters, including judicial reviews associated with TPB. She pointed out that discussion on this item was carried over from the meeting on 27 June 2016.

Reasons for increased number of judicial reviews associated with the Town Planning Board

3. Mr Albert CHAN and Dr Fernando CHEUNG noted that the proposed post would be responsible for, among other things, handling judicial reviews associated with TPB. In view of the conclusion of the public consultation exercises for various major development projects, they considered that the number of judicial reviews had peaked, and expressed concern that the proposed post might become redundant. Mr CHAN asked whether the Administration expected a continued increase in the number of judicial reviews.

4. Deputy Director of Planning (District) explained that apart from the duties in relation to judicial reviews, the proposed post would also be responsible for other statutory planning matters, such as the review on the procedures and administrative arrangements of TPB. He pointed out that there were still 29 ongoing judicial reviews, some of which were being considered by the Court of First Instance, Court of Appeal or Court of Final Appeal, while the granting of leave by the court was pending in some other cases. The Government could not predict the number of application cases for judicial review in the future; neither could it comment on whether the number of judicial reviews had peaked.

5. Mr CHAN Chi-chuen and Dr Fernando CHEUNG asked whether the Administration had conducted any analysis on the substantial increase in the numbers of judicial reviews and representations and comments on statutory plans received by TPB, which could possibly be attributed to the loopholes in the existing statutory planning system and the procedures of TPB. Mr CHAN further asked how streamlining TPB's procedures and practices could address the above issues.

6. Deputy Director of Planning (District) responded that since the Town Planning (Amendment) Ordinance 2004 came into effect in 2005, the number of planning applications and amendments to Outline Zoning Plans ("OZPs") had kept increasing, resulting in continuous increase in workload. In response to the growth in the number of judicial reviews as well as representations and submissions, the Planning Department had strengthened its manpower to cope with the additional workload. The judicial reviews concerning TPB in recent years were mainly lodged on account of (a) queries from the applicants on TPB's authority in formulating development parameters in OZPs (such as restrictions on building height); (b) views of the applicants on procedural impropriety of TPB in handling representations and comments; and (c) dissatisfaction of the applicants on TPB's decisions on planning applications. Regarding the judicial reviews in relation to (a) above, the court had confirmed the authority of TPB to formulate development

parameters for OZPs under the existing law.

7. Principal Assistant Secretary for Development (Planning and Lands)² ("PAS(PL)2") added that a judgment handed down by the court in respect of a judicial review case had included comments on the procedures of TPB in handling representations and comments on OZPs. Therefore, the Government proposed creating the supernumerary post of Chief Town Planner to strengthen support to the TPB Secretariat and review the overall procedures and administrative arrangements of TPB with a view to ensuring the propriety and reasonableness of its procedures.

8. Dr Fernando CHEUNG requested the Administration to provide the breakdown of the 29 judicial reviews associated with TPB by the nature of the applicants (e.g. developers).

[Post-meeting note: The supplementary information provided by the Administration was circulated to members on 11 July 2016, vide LC Paper No. ESC144/15-16(01).]

9. Dr Kenneth CHAN enquired about the direction and details of the review on the procedures of TPB. He was concerned that streamlining TPB's procedure would make it even harder for members of the public to present their views thoroughly to TPB and would result in even more conflicts during the meetings of TPB. Deputy Director of Planning (District) responded that a judgment handed down by the court in respect of a judicial review case had pointed out that TPB's procedures and administrative arrangements were by and large reasonable, although there were inadequacies in the procedures for handling and considering individual plans and related representations. He reiterated that the Government would conduct a review on the procedures of TPB with a view to maintaining the smooth running of TPB's meetings under the principles of openness, propriety and reasonableness, thus enabling TPB to discharge its statutory functions more efficiently.

10. Ir Dr LO Wai-kwok said that he had been a member of TPB. He recognized that the continued growth of TPB's workload made it necessary for the Administration to strengthen support to the TPB Secretariat. Therefore, he supported the establishment proposal.

Reforming the planning system and enhancing the independence of the Town Planning Board

11. Dr Kenneth CHAN pointed out that the Administration had conducted a comprehensive review on the Town Planning Ordinance (Cap. 131) and planned to introduce amendments to the Ordinance in three phases. However, subsequent to completion of the first phase, no progress

had been made regarding further review of the Ordinance. He said that both the public and Members looked forward to a comprehensive reform of the system of town planning and the establishment of an independent TPB Secretariat. The Administration only proposed creating an additional team and a directorate post in the Planning Department, but remained silent on the review of the Town Planning Ordinance. He considered that the present proposal had failed to meet the expectation of the public and Members, and was not conducive to resolving the existing problems (including the problem that the decisions of TPB were frequently subject to judicial reviews). Mr CHAN Chi-chuen and Dr Fernando CHEUNG shared similar concerns. Dr CHEUNG then pointed out that the Administration was culpable for the substantial increase in judicial reviews. This was because there were huge public controversies surrounding a number of public works projects implemented in recent years; and the existing planning system was flawed (for example, TPB lacked independence as its members were appointed by the Government) resulting in the absence of other channels for the public to express their opposing views, so that they could only challenge the decisions of TPB by means of judicial reviews. He asked if the Administration would conduct a comprehensive review on the Town Planning Ordinance again.

12. Given that the Permanent Secretary for Development (Planning and Lands) was also the Chairman of TPB, Mr LEUNG Kwok-hung also cast doubt on the impartiality of TPB. Furthermore, he opined that government officials should better acquaint themselves with the procedures on judicial review in order to ensure procedural propriety and reasonableness.

13. PAS(PL)2 said that a comprehensive review of the Town Planning Ordinance involved broad and complex issues. The Government remained open in discussions on such a review, but had no plans to conduct the review for the time being due to the absence of a general public consensus regarding a comprehensive review of the Ordinance. She stressed that irrespective of the identity of the TPB Chairman, TPB must discharge its statutory duties in accordance with the Town Planning Ordinance.

Duties and manpower of the Planning Department

14. Dr Kenneth CHAN asked whether the Administration had thoroughly examined the workload and manpower needs of the Planning Department. He called on the Planning Department to strength its manpower to handle advance planning work (including work relating to public participation) with a view to resolving issues of public controversy as soon as possible. PAS(PL)2 remarked that the present establishment proposal were prepared after examination of the existing workload and manpower needs of the Planning Department.

15. Mr LEUNG Kwok-hung noted that the minutes of TPB meetings were prepared by the TPB Secretariat, and one of the duties of the proposed post was to supervise the preparation of such minutes. He queried whether it was appropriate to prepare the minutes of TPB meetings in summary form instead of verbatim transcripts, and asked whether minutes of special meetings of TPB were prepared in the same way, and the arrangement for the publication of those minutes.

16. Deputy Director of Planning (District) responded that TPB held regular meetings twice a month. Special meetings would be held if TPB received a large number of representations and submissions on individual OZPs. Both regular meetings and special meetings of TPB were open to the public. The TPB Secretariat would prepare minutes of meetings in summary form for TPB's open meetings but not verbatim transcripts. He added that minutes in summary form would facilitate the Administration in taking follow-up actions arising from the meetings. Confirmed minutes of meetings and floor version of audio records of TPB's open meetings would be uploaded to the website of TPB for public access.

Voting on the item

17. The Chairman put item EC(2016-17)15 to vote. At the request of Mr WONG Ting-kwong, the Chairman ordered a division and the division bell rang for five minutes. Twenty-five members voted for and three voted against the item. The Chairman declared that the Subcommittee agreed to recommend the item to the Finance Committee ("FC") for approval. The votes of individual members were as follows:

For

Mr James TO
Mr TAM Yiu-chung
Mr WONG Ting-kwong
Mr CHAN Hak-kan
Mr IP Kwok-him
Mr Albert CHAN
Mr WU Chi-wai
Mr CHAN Chi-chuen
Mr Kenneth LEUNG
Mr SIN Chung-kai
Mr IP Kin-yuen
Mr POON Siu-ping
Mr Dr LO Wai-kwok
(25 members)

Mr CHAN Kam-lam
Prof Joseph LEE
Ms Starry LEE
Mr WONG Kwok-kin
Mr LEUNG Kwok-hung
Mr NG Leung-sing
Mr MA Fung-kwok
Mr CHAN Han-pan
Mr Christopher CHEUNG
Dr Helena WONG
Dr Elizabeth QUAT
Mr TANG Ka-piu

Against

Dr Kenneth CHAN
Mr Alvin YEUNG
(3 members)

Dr Fernando CHEUNG

18. Dr Kenneth CHAN requested separate voting for the item at the relevant FC meeting.

EC(2016-17)16 Proposed creation of one supernumerary post of Assistant Director of Social Welfare (D2) in the Social Welfare Department to head a new Licensing and Regulation Branch with effect from 1 October 2016 or upon approval of the Finance Committee (whichever the later) to 31 March 2021

19. The Chairman remarked that the establishment proposal was to create one supernumerary post of Assistant Director of Social Welfare (D2) in the Social Welfare Department ("SWD") to head a new Licensing and Regulation ("L&R") Branch.

20. The Chairman remarked that the Panel on Welfare Services had discussed this proposal on 9 May 2016. Panel members supported submission of the proposal to the Subcommittee for consideration. They requested the Administration to provide information on the inspection arrangements currently in place and those to be put in place after the establishment of L&R Branch. They also requested SWD to meet with the "Alliance for Subvented Residential Care Service" and respond to its preliminary proposals. Members opined that in addition to strengthening inspections and monitoring, the Administration should also resolve the problems of inadequate manpower and insufficient resources of private residential care homes for the elderly ("RCHEs") and residential care homes for persons with disabilities ("RCHDs")(collectively referred to as "RCHs"). Members also suggested that the Administration should disclose the names of RCHs with poor track records, require RCHs to sign the "Quality Service Charter", and appoint representatives from interest groups as members of the Service Quality Group. Members also requested the Administration to set out the direction of the reviews of the Code of Practice for RCHEs and the Code of Practice for RCHDs, and advise on the timetable for conducting these reviews.

Review of the Residential Care Homes (Elderly Persons) Ordinance and the Residential Care Homes (Persons with Disabilities) Ordinance

21. Dr Fernando CHEUNG expressed concern about the discrepancy in the service quality among RCHs (particularly private RCHs). He opined that the crux of the problem was that the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) ("the RCHE Ordinance") and the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) (the "RCHD Ordinance") and the related regulatory standards were out-dated. He had no objection to strengthening the monitoring of RCHs by SWD, but considered that the Administration should review the relevant legislation as soon as possible so as to address the problems thoroughly. Dr CHEUNG requested the Administration to give a specific undertaking for a timetable for reviewing the two pieces of legislation so as to demonstrate its resolution in reforming the existing monitoring system. Mr TANG Ka-piu, Mr Alvin YEUNG and Mr Albert HO agreed that the efficacy of merely strengthening inspections of RCHs was limited, and they opined that the Administration should give a specific timetable regarding the review of the relevant legislation. Mr HO remarked that while he did not object to the establishment proposal, some stakeholders (including the Hong Kong Council of Social Services) had requested him to oppose to it in order to force the Administration to speed up the review of the related legislation.

22. Dr Fernando CHEUNG further pointed out that in 2012, the Ombudsman had suggested reviewing the RCHE Ordinance and the RCHD Ordinance in a timely manner and on a regular basis to enhance the minimum legal protection for the service users concerned. He reiterated that the Administration should review the relevant legislation as soon as possible and undertake to give a timetable for the review (say, completion in three years' time). He was also dissatisfied that the Administration had insisted on implementing the Pilot Scheme on Residential Care Service Voucher for the Elderly ("Pilot RCSV Scheme") despite the industry's opposition, and had kept procrastinating the review of the relevant legislation.

23. Permanent Secretary for Labour and Welfare ("PSLW") responded that the Government endeavoured to improve the service quality of RCHs. Apart from stepping up inspections, the mechanism on inspections and complaint handling would be enhanced. On the review of legislation, she remarked that the Elderly Commission ("EC") was expected to submit a report on the Elderly Services Programme Plan ("ESPP report") to the Government in mid 2017. At the meeting of the Panel of Welfare Services on 25 June 2016, the Secretary for Labour and Welfare ("SLW") had undertaken that the review on the RCHE Ordinance and RCHD Ordinance would be taken forward upon EC's submission of the report. She stressed that the relevant stakeholders had to be fully consulted on ESPP report and the legislative review. Regarding

the timetable for implementing RCSV Scheme, she pointed out that the Government had all along indicated that the Scheme would be taken forward before the submission of ESPP report by EC.

24. Mr Alvin YEUNG was concerned that the undertaking given by SLW was not concrete enough. He asked whether the Government could undertake to implement concrete measures for improving RCHs within the current term of Government, or to take forward the review of the relevant legislation ahead of schedule. Given that the current term of Government would come to an end in mid 2017, Mr TANG Ka-piu and Dr Fernando CHEUNG were concerned that the review of the relevant legislation might not be taken forward if the review was to be commenced after EC's submission of ESPP report.

25. PSLW reiterated that the Government had to reach a consensus among the stakeholders for the review of the legislation through understanding the views of various stakeholders. The undertaking made by SLW had given due regard to a number of factors (such as the staffing arrangement and consensus of stakeholders).

Measures to improve the service quality of residential care homes for the elderly and residential care homes for persons with disabilities

26. The Chairman remarked that she received comments from some members of the public that, instead of creating the proposed post, resources should be used for improving the service quality of subvented RCHs. The Chairman also enquired if the Administration had rescinded the relevant planning standards for RCHEs and RCHDs, thus causing insufficient number of RCHs in some districts. The Chairman remarked that the industry had reflected the problem of manpower shortage. She asked whether the Administration would consider encouraging the use of technology in RCHs (e.g. machine-aided equipment) to take up some of the manual work.

27. PSLW replied that the Government had taken a number of measures to enhance the service quality of RCHs and increase service places. One of such measures was to liaise with non-government organizations on ways to optimize the use of land in their possession for the provision of more subvented and self-financing elderly facilities (care and rehabilitation facilities for the elderly in particular) through redevelopment (including expansion). It was expected that the measure would provide some 7 000 additional RCHEs places. The Government would report the progress to the Panel on Welfare Services. PSLW remarked that the Government did not draw up any rigid indicator for RCHEs and RCHDs. If the Government identified a site, SWD would seek to provide welfare service facilities including RCHs on the site to meet the local needs for such services. EC was consulting the stakeholders

on the recommendations made in ESPP report (including whether the planning standards of RCHEs and RCHDs should be reinstated). EC would also engage stakeholders to finalize the recommendations with a view to reaching a consensus when ESPP entered the "Consensus Building Stage" in August 2016.

28. Regarding the use of technology in RCHs, PSLW remarked that the Government was examining the issue and would make reference to the practices of other places. The Government would maintain communication with the industry, and would consider introducing pilot schemes in individual RCHs if feasible proposals had been identified.

29. Dr CHIANG Lai-wan opined that improving the complaint handling and follow-up mechanism on RCH services was more important than stepping up inspection. She was concerned that some RCHs might experience difficulty in recruiting staff, and suggested that the Administration should consider relaxing the restriction on importation of labour for related job types. Dr CHIANG also suggested that measures should be taken to strengthen the professionalism of practitioners, such as specifying minimum starting salary points and accrediting the professional qualification of relevant training programmes. Furthermore, measures should be devised to ensure that family members of RCH users could lodge complaints in a worry-free way, and to introduce a reward and penalty mechanism for RCHs. Dr CHIANG and Mr LEUNG Che-cheung also opined that apart from stepping up monitoring, consideration should be given to the suggestion made by the Democratic Alliance for the Betterment and Progress of Hong Kong regarding the setting up of funds to assist RCHs to enhance their service quality.

30. PSLW agreed that it was necessary to assist RCHs in staff recruitment. She remarked that the Government had implemented relevant initiatives to encourage new blood to join the industry, and to provide on-the-job training for practitioners. Apart from stepping up inspections, measures on enhancing the service quality of RCHs would also be explored (including allowing families of RCH users to express their views in a worry-free manner).

31. Mr LEUNG Kwok-hung was concerned that the Administration might not adopt the recommendations put forth in EC's ESPP report. He asked about the measures to be taken by the Administration for enhancing the service quality of RCHs upon submission of EC's ESPP report (including whether to provide subvention for staffing and rental expenses, and sites for building RCHs).

32. PSLW responded that the preparation work for ESPP had lasted for two years, and EC would come up with concrete proposals for public

consultation with a view to reaching a consensus. Upon the submission of EC's ESPP report, the Government would come up with a timetable and a detailed plan for the implementation of short-term, medium-term and long-term measures.

Duties of the proposed post

33. Mr Alvin YEUNG was concerned that despite SWD's inspections, non-compliances continued in some RCHs. He asked how the candidate taking up the proposed post would improve the service quality of RCHs.

34. PSLW concurred that the service quality of RCHs could not be merely enhanced by inspections. She advised that SWD was planning to implement measures to strengthen the monitoring of RCHs in six main areas as specified in paragraph 5 of EC(2016-17)16, and that strengthening inspection was only one of the measures to be taken. PSLW also highlighted the proposed measures in those six areas.

Impact of failure to create the proposed post

35. Mr LEUNG Che-cheung supported the establishment proposal. He enquired about the impact on the relevant work if FC's approval was not given to the proposal before the prorogation of the current term of Legislative Council ("LegCo") (including whether the review of the RCHE Ordinance and RCHD Ordinance would be affected), and the contingency measures to be taken by SWD. Mr CHAN Chi-chuen and Mr LEUNG Kwok-hung raised similar questions.

36. PSLW replied that if FC's approval had not been given to the proposal before the prorogation of the current LegCo term, the proposed post would be doubled up by an incumbent Assistant Director of SWD, while the 39 time-limited non-directorate posts set out in paragraph 7 of EC(2016-17)16 would still be created on 1 October 2016. As the incumbent Assistant Directors of SWD were already laden with heavy workload, the aforesaid arrangement would have negative impact on the operation of SWD. The lack of a dedicated directorate head to provide strategic leadership for the new L&R Branch might adversely affect the implementation of the proposed improvement measures. She added that the review of the RCHE Ordinance and the RCHD Ordinance might not necessarily be under the purview of the candidate taking up the proposed post, and relevant arrangements would be considered upon the submission of EC's ESPP report.

Inspections of Social Welfare Department

37. Referring to paragraph 7 of the supplementary information paper submitted to the Panel on Welfare Services (LC Paper No. CB(2)1654/15-16 (01)), Mr CHAN Chi-chuen asked about the matters covered in the advisory letters and warning letters issued by SWD, and why the number of surprise inspections carried out in 2015-2016 was lower than that in 2014-2015. Mr CHAN also enquired about the anticipated effect of increasing audit inspections, the number of inspections to be increased upon creation of the proposed post, and whether it would be more beneficial to allocate the resources concerned to increase the number of surprise inspections instead.

38. Director of Social Welfare ("DSW") responded that the warning letters issued by SWD were mainly about inadequate staffing and improper management of drugs, whereas the prosecutions were mainly about inadequate staffing of RCHs. Regarding the number of surprise inspections at RCHs, DSW remarked that the number of surprise inspections to be carried out each year would depend on the number of issues regarding the RCHs that had to be followed up by SWD. In general, SWD would carry out some 5 300 surprise inspections annually. The effectiveness of increasing the number of audit inspections had to be observed, and SWD would adjust the manpower distribution between general inspections and audit inspections having regard to the prevailing circumstances. PSLW added that item (1)(b) under paragraph 5 of EC(2106-17)16 had set out the estimated number of inspections upon creation of the proposed post, i.e. the number of audit inspections at RCHes would be increased from an annual average of 72 to 240; while the number of audit inspections at RCHDs would be increased from 12 in 2015 to an annual average of 24.

39. Mr LEUNG Kwok-hung expressed concern about the potential loopholes in the existing inspection mechanism of SWD that might allow RCHs to make preparations ahead. PSLW stressed that SWD had an established mechanism for inspections, and divulgence of information was strictly prohibited.

(At 4:18 pm, the Chairman suggested that the meeting be extended for 15 minutes to 4:45pm. Members voted on and agreed to the suggestion.)

Motion proposed by Dr Fernando CHEUNG in accordance with paragraph 31A of the Establishment Subcommittee Procedure

40. At 4:41 pm, Dr Fernando CHEUNG moved a motion in accordance with paragraph 31A of the Establishment Subcommittee Procedure. The Chairman considered the motion directly related to the agenda item and referred it to the Subcommittee for deciding whether it should be proceeded

forthwith. At the request of Dr CHEUNG, the Chairman ordered a division and the division bell rang for five minutes. Dr CHEUNG read out the motion he proposed to move during the five-minute period. 11 members voted for and eight voted against the motion. One member abstained. The Chairman declared that the Subcommittee agreed that the motion proposed by Dr CHEUNG should be proceeded forthwith. The votes of individual members were as follows:

For

Prof Joseph LEE	Mr Alan LEONG
Mr LEUNG Kwok-hung	Mr Albert CHAN
Mr WU Chi-wai	Dr Kenneth CHAN
Mr Kenneth LEUNG	Dr Fernando CHEUNG
Mr SIN Chung-kai	Dr Helena WONG
Mr Alvin YEUNG	
(11 members)	

Against

Mr CHAN Kam-lam	Mr TAM Yiu-chung
Mr WONG Ting-kwong	Mr IP Kwok-him
Mr LEUNG Che-cheung	Mr Christopher CHEUNG
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
(8 members)	

Abstain

Mr POON Siu-ping
(1 member)

(At 4:43 pm, the Chairman further suggested that the meeting be extended for 15 minutes to 5:00 pm. Members agreed to the suggestion.)

41. As the time left for the meeting was limited, Dr Fernando CHEUNG remarked that he would not speak on his proposed motion and suggested putting it to vote right away. The Chairman put the motion of Dr CHEUNG to vote. After counting the number of members voting for and against the motion by show of hands, the Chairman declared that eight members voted for and eight voted against the motion. The Chairman therefore exercised her casting vote in accordance with paragraph 38 of the Establishment Subcommittee Procedure. According to the provision of paragraph 38, the Chairman's casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put, so the Chairman voted against the motion and declared that the motion was negated.

Voting on the item

42. The Chairman put item EC(2016-17)16 to vote. At the request of members, the Chairman ordered a division and the division bell rang for five minutes. 17 members voted for and four voted against the item. The Chairman declared that the Subcommittee agreed to recommend the item to FC for approval. The votes of individual members were as follows:

For

Mr CHAN Kam-lam	Mr TAM Yiu-chung
Mr WONG Kwok-hing	Mr WONG Ting-kwong
Mr IP Kwok-him	Mr LEUNG Kwok-hung
Mr Albert CHAN	Mr NG Leung-sing
Mr WU Chi-wai	Mr LEUNG Che-cheung
Mr Kenneth LEUNG	Mr Christopher CHEUNG
Mr SIN Chung-kai	Dr Helena WONG
Mr POON Siu-ping	Dr CHIANG Lai-wan
Ir Dr LO Wai-kwok	
(17 members)	

Against

Mr Alan LEONG	Dr Kenneth CHAN
Dr Fernando CHEUNG	Mr Alvin YEUNG
(4 members)	

43. Dr Fernando CHEUNG requested separate voting for the item at the relevant FC meeting.

44. The Chairman remarked that as the meeting would end soon, and that this was the last meeting of the Subcommittee for the current LegCo term, the Subcommittee was unable to deal with the two outstanding items on the agenda, i.e. EC(2016-17)17 and EC(2016-17)18.

45. The meeting ended at 5:00 pm.