

立法會
Legislative Council

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Finance Committee of the Legislative Council

Minutes of the 6th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 30 October 2015, at 5:12 pm

Members present:

Hon CHAN Kin-por, BBS, JP (Chairman)
Hon CHAN Kam-lam, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon CHAN Hak-kan, JP
Hon WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip

Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
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 Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon James TO Kun-sun
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Paul TSE Wai-chun, JP

Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon Dennis KWOK
Dr Hon Helena WONG Pik-wan
Hon Martin LIAO Cheung-kong, SBS, JP

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 Gregory SO Kam-leung, GBS, JP	Secretary for Commerce and Economic Development
Miss Susie HO Shuk-yee, JP	Permanent Secretary for Commerce and Economic Development (Communications and Technology)
Mr Joe WONG, JP	Deputy Secretary for Commerce and Economic Development (Communications and Technology)
Ms Annie CHOI Suk-han, JP	Commissioner for Innovation and Technology
Mr Johann WONG, JP	Deputy Commissioner for Innovation and Technology
Ir Allen YEUNG	Government Chief Information Officer
Mr Victor LAM Wai-kiu, JP	Deputy Government Chief Information Officer (Consulting and Operations)

Clerk in attendance:

Ms Anita SIT	Assistant Secretary General 1
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Staff in attendance:

Ms Connie FUNG	Legal Adviser
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Mr Derek LO	Chief Council Secretary (1) ⁵

Mr Raymond SZETO
Miss Queenie LAM
Mr Frankie WOO
Miss Yannes HO

Senior Council Secretary (1)7
Senior Legislative Assistant (1)2
Senior Legislative Assistant (1)3
Legislative Assistant (1)6

Action

Item No. 1 – FCR(2014-15)36B

**NEW HEAD "GOVERNMENT SECRETARIAT : INNOVATION
AND TECHNOLOGY BUREAU"**

Subhead 000 Operational Expenses

Item No. 2 – FCR(2014-15)37B

**NEW HEAD "GOVERNMENT SECRETARIAT :
INNOVATION AND TECHNOLOGY BUREAU"**

**HEAD 47 – GOVERNMENT SECRETARIAT :
OFFICE OF THE GOVERNMENT CHIEF INFORMATION
OFFICER**

**HEAD 55 – GOVERNMENT SECRETARIAT :
COMMERCE AND ECONOMIC DEVELOPMENT BUREAU
(COMMUNICATIONS AND TECHNOLOGY BRANCH)**

**HEAD 155 – GOVERNMENT SECRETARIAT :
INNOVATION AND TECHNOLOGY COMMISSION**

The meeting continued with the deliberation on the items for the establishment of the Innovation and Technology Bureau ("ITB").

2. Legal Adviser ("LA"), in response to queries by Mr Albert CHAN at the last meeting, explained that the Chairman's decision to set a limit on the number of 37A motions was within his powers as the Finance Committee ("FC") Chairman. The question about the merits of the Chairman's decision was one related to political considerations rather than one involving legal issues.

3. Mr WONG Yuk-man expressed dissatisfaction towards the Chairman's decisions. He said that the Chairman had not resolved the political issues related to the Chairman's decision to limit the number of 37A motions to be presented by members. He implored the Chairman to accept more 37A motions presented by members.

Motion that further proceedings of the Committee be now adjourned

4. Mr LEUNG Kwok-hung moved, without notice, that further proceedings of the Committee be now adjourned pursuant to paragraph 39 of the Finance Committee Procedure ("FC Procedure").

5. The Chairman thereupon proposed the question that the meeting be now adjourned. He also directed that a member, when speaking on the question, might speak once for not more than three minutes.

6. Mr LEUNG Kwok-hung introduced his motion. He said that as he considered that the Chairman's decisions to end the discussion on the items for the establishment of ITB and limit the number of 37A motions to be proposed by members were unjustified and unruly, further proceedings of the Committee should now be adjourned.

7. Mr CHAN Chi-chuen, Mr Albert CHAN and Mr Alan LEONG spoke in support of the motion. The members criticized the Chairman's decisions as unreasonable and unruly, and queried the impartiality of the Legislative Council Secretariat ("the Secretariat") in assisting the Chairman to carry out his decisions.

8. Ms Starry LEE and Ms Elizabeth QUAT spoke against the motion. Members expressed support for the Chairman's decisions and called on members of the pan-democrat camp to stop their filibustering tactics.

9. Mr Tommy CHEUNG said that he had no doubt that LA and the Clerk had been providing independent advice to FC Chairman and the Committee.

10. The Administration did not respond to the motion.

11. Mr LEUNG Kwok-hung gave concluding remarks. The Chairman thereupon put the motion to vote. As members claimed a division, the Chairman ordered a division and the division bell was rung for five minutes. The Chairman announced that four members voted in favour of the motion and 36 members voted against the motion. The votes of individual members were as follows –

For:

Mr LEUNG Kwok-hung
Ms Claudia MO
(4 members)

Mr Albert CHAN Wai-yip
Mr CHAN Chi-chuen

Against:

Mr CHAN Kam-lam	Ms Emily LAU Wai-hing
Mr TAM Yiu-chung	Mr Tommy CHEUNG Yu-yan
Mr Frederick FUNG Kin-kee	Mr WONG Kwok-hing
Prof Joseph LEE Kok-long	Mr Jeffrey LAM Kin-fung
Mr Andrew LEUNG Kwan-yuen	Mr WONG Ting-kwong
Ms Starry LEE Wai-king	Mr CHAN Hak-kan
Mr WONG Kwok-kin	Mr IP Kwok-him
Mr Michael TIEN Puk-sun	Mr NG Leung-sing
Mr Steven HO Chun-yin	Mr Frankie YICK Chi-ming
Mr WU Chi-wai	Mr YIU Si-wing
Mr Charles Peter MOK	Mr CHAN Han-pan
Miss CHAN Yuen-han	Mr LEUNG Che-cheung
Miss Alice MAK Mei-kuen	Mr KWOK Wai-keung
Mr Christopher CHEUNG Wah-fung	Mr SIN Chung-kai
Mr IP Kin-yuen	Dr Elizabeth QUAT
Mr POON Siu-ping	Mr TANG Ka-piu
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
Mr Christopher CHUNG Shu-kun	Mr Tony TSE Wai-chuen
(36 members)	

12. The Chairman declared that the motion was negatived.

Establishment of an ITB

13. The Chairman directed that members might speak for the last round for not more than two minutes. The meeting would then proceed to deal with 37A motions.

14. Mr IP Kwok-him expressed praises for the independent advice given by LA and the Clerk.

15. Ms Starry LEE expressed support for the establishment of ITB. She said that ITB was an important economic driver which would bring about high value-added employment opportunities. She urged the Administration to promote a change in social culture in favour of innovation.

16. Mr Michael TIEN and Mr CHAN Han-pan expressed support for the establishment of ITB. Both members called on the Administration to revise Government procurement procedures in support of startups without experience as Government contractors. Secretary for Commerce and Economic Development ("SCED") noted members' opinion and said that the Administration had implemented policies in support of startups.

17. Mr WONG Kwok-hing and Ir Dr LO Wai-kwok expressed support for the establishment of ITB. The Members criticized members of the pan-democratic camp for filibustering which had severely delayed the establishment of ITB.

18. When Mr WONG Kwok-hing was speaking, Mr LEUNG Kwok-hung spoke loudly without permission. The Chairman told Mr LEUNG to stop speaking.

19. Mr LEUNG Kwok-hung raised a point of order. He said that Mr WONG Kwok-hing had imputed improper motives upon other members of this Committee.

20. The Chairman reminded members to focus their speeches on the agenda items and not to conjecture other members' motives.

21. Mr SIN Chung-kai said that Members of the Democratic Party had abstained from voting when the relevant resolution relating to the establishment of ITB was voted on because of doubts on the organizational structure and policy vision and objectives of the ITB. Members of the Democratic Party would continue to abstain from voting on the current items.

22. Mr Charles MOK expressed regrets that the establishment of ITB, which had long been pursued by the innovation and technology sector, had been embroiled in political disputes. He called on the future bureau secretary of ITB to continue liaising with stakeholders of the innovation and technology sector, as well as improving internal information technology systems within the Government. He remarked that the Administration should revamp its procurement and human resource management practices to provide more opportunities for local talents in innovation and technology.

23. Mr LEUNG Yiu-chung remarked that the establishment of ITB was unnecessary and would only create further bureaucracies. As such, the proposal could be a waste of public money.

24. Mr Alan LEONG called on the Administration to commit to the policy directives set out in the supplementary document (LC Paper No. 9/15-16(01)) ("the Supplementary Document").

25. On invitation by Mr TAM Yiu-chung, SCED explained the particulars of the Supplementary Document, including the policy vision and directions for innovation and technology, as well as re-industrialization through commercialization of research and development results. Mr TAM invited the Administration to further explain these policies at the relevant Panels of the Legislative Council at appropriate junctures.

26. Ms Cyd HO said that the Labour Party opposed to the establishment of ITB. She called on the Administration to promote re-industrialization in both the innovation and technology sector and traditional industries. She also said that the Administration should improve engagement with members and constituents of the innovation and technology sector.

Key performance indicators

27. Dr Fernando CHEUNG called on the Administration to address the social and cultural impacts of policies on driving innovation and technology, especially for handicapped persons, with appropriate key performance indicators. Ms Cyd HO shared a similar view.

Other issues

28. Ms Claudia MO enquired about the nomenclature of Smart City, which had adopted two different Chinese translations ("聰明城市" and "智慧城市") in different Government publications. Government Chief Information Officer said that both were referring to the same policy initiative.

Motion that discussion on item FCR(2014-15)36B be now adjourned

29. Mr CHAN Chi-chuen moved, without notice, that discussion on item FCR(2014-15)36B be now adjourned pursuant to paragraph 39 of the FC Procedure.

30. The Chairman thereupon proposed the question that discussion on item FCR(2014-15)36B be now adjourned. He also directed that a member, when speaking on the question, might speak once for not more than three minutes.

31. Mr CHAN Chi-chuen introduced his motion. He expressed doubts on the advice given by LA and the Clerk to the Chairman on ending the discussion and imposing unreasonable restrictions on members' right to move

motions under paragraph 37A of the FC Procedure. He urged the Chairman to further explain his decisions.

32. Mr LEUNG Kwok-hung and Mr Albert CHAN spoke in support of the motion. The Members criticized the Chairman's decisions to return the 37A motions to members for consolidation and set limits to the number of 37A motions that members might propose after consolidation as unreasonable and unruly. Mr CHAN expressed regrets that notwithstanding his right to move motions without notice under paragraph 37A of the FC Procedure, the Secretariat had returned his 37A motions to him under the direction of the Chairman.

33. Dr CHIANG Lai-wan spoke against the motion. She supported the establishment of ITB and called on members of the pan-democratic camp who supported the establishment of a dedicated policy bureau for innovation and technology to help to end the ongoing filibuster.

34. The Administration did not respond to the motion.

35. Mr LEUNG Kwok-hung raised a point of order. He said that he had just presented to the Chairman some more 37A motions but they were returned to him. He enquired whether he could present more 37A motions without notice, in accordance with paragraph 37A of the FC Procedure.

36. At the invitation of the Chairman, LA responded that members had the right to move motions without notice in accordance with paragraph 37A of the FC Procedure. The FC Chairman, on the other hand, was vested with the power to chair meetings under which he had the power to regulate the process of the FC meetings, which included the handling of 37A motions presented by members.

37. Mr CHAN Chi-chuen made his concluding remarks. The Chairman thereupon put the motion to vote. As members claimed a division, the Chairman directed that the division bell be rung for five minutes. Five members voted in favour and 32 members voted against the question. The votes of individual members were as follows –

For:

Mr LEUNG Yiu-chung
Mr Albert CHAN Wai-yip
Mr CHAN Chi-chuen
(5 members)

Mr LEUNG Kwok-hung
Ms Claudia MO

Against:

Mr CHAN Kam-lam	Ms Emily LAU Wai-hing
Mr TAM Yiu-chung	Mr Abraham SHEK Lai-him
Mr Tommy CHEUNG Yu-yan	Mr Frederick FUNG Kin-kee
Mr WONG Kwok-hing	Mr Jeffrey LAM Kin-fung
Mr Andrew LEUNG Kwan-yuen	Mr WONG Ting-kwong
Ms Starry LEE Wai-king	Mr CHAN Hak-kan
Mr WONG Kwok-kin	Mr IP Kwok-him
Mrs Regina IP LAU Suk-yee	Mr NG Leung-sing
Mr Steven HO Chun-yin	Mr YIU Si-wing
Mr MA Fung-kwok	Mr Charles Peter MOK
Mr CHAN Han-pan	Mr LEUNG Che-cheung
Miss Alice MAK Mei-kuen	Mr KWOK Wai-keung
Mr Christopher CHEUNG Wah-fung	Dr Elizabeth QUAT
Mr POON Siu-ping	Mr TANG Ka-piu
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
Mr Christopher CHUNG Shu-kun	Mr Tony TSE Wai-chuen
(32 members)	

38. The Chairman declared that the motion was negatived.

Motions proposed by members pursuant to paragraph 37A of the Finance Committee Procedure to express views on FCR(2014-15)36B

39. There being no further member wishing to speak, the Chairman directed that the meeting would now proceed to deal with 37A motions on FCR(2014-15)36B.

40. Mr Albert CHAN and Mr LEUNG Kwok-hung expressed grave dissatisfaction towards the Chairman's decision to return 37A motions to members for consolidation or selection. Mr CHAN insisted that the 94 motions returned to him could not be consolidated and he refused to accept the Chairman's ruling. The Chairman said that Mr CHAN should consolidate or select representative ones from the motions and resubmit no more than 24 motions in accordance with the limit set out in his ruling.

41. On enquiry by Mr LEUNG Kwok-hung, LA reiterated that the Chairman, in the exercise of his power to chair meetings, had the power to make decisions regarding the Committee's proceedings to ensure the orderly, efficient and fair disposition of the Committee's business. How the Chairman exercised this power was a matter of his judgment having regard to the circumstances of the case. The duty of the legal adviser to the Committee was to provide

advice to the Chairman on the relevant legal issues according to his or her professional judgment. As such, it was not the responsibility of the legal adviser, nor was it appropriate for the legal adviser in the performance of his or her duty, to indicate support or otherwise for the decisions of the Chairman which were made by him independently.

42. Mr Abraham SHEK expressed support for the Chairman's decisions, and asked members not to cast doubt on the impartiality and independence of LA and the Clerk with unsubstantiated queries.

43. When Mr Abraham SHEK was speaking, Mr LEUNG Kwok-hung repeatedly spoke loudly without permission. The Chairman warned Mr LEUNG not to interrupt other members.

Motion proposed by Dr Fernando CHEUNG

44. The Chairman put to vote the question that the motion proposed by Dr Fernando CHEUNG numbered 301 be proceeded forthwith. As requested by members, the Chairman ordered a division, and the division bell was rung for five minutes. With the agreement of the Chairman, Dr CHEUNG read out his proposed motion during the ringing of the division bell. The question was negatived.

Motion to shorten the division bell from five to one minute

45. Mr IP Kwok-him moved, without notice under paragraph 47 of FC Procedure, that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the Committee should proceed to each of such divisions immediately after the division bell had been rung for one minute.

46. The Chairman thereupon proposed the question on Mr IP Kwok-him's motion. He also directed that a member, when speaking on the question, might speak once for not more than three minutes.

47. In response to a question raised by Mr Albert CHAN, the Clerk said that Mr IP Kwok-him's motion was not amendable in accordance with paragraph 47 of FC Procedure.

48. Mr IP Kwok-him spoke on his motion.

49. Mr Albert CHAN, Mr LEUNG Kwok-hung and Mr CHAN Chi-chuen spoke against the motion. The Members said that one minute was not enough

for members to consider individual 37A motions before deciding whether the motions should be proceeded forthwith.

50. At 7:15 pm, the Chairman declared that the meeting be now adjourned and discussion on the motion be continued at the next meeting.

51. The meeting was adjourned at 7:15 pm.

Legislative Council Secretariat

10 March 2016