

立法會
Legislative Council

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Finance Committee of the Legislative Council

Minutes of the 7th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 6 November 2015, at 3:45 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 James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, BBS, MH
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
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP

Hon Paul TSE Wai-chun, 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 Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
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-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon TAM Yiu-chung, GBS, JP

Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon LEUNG Ka-lau
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon Tony TSE Wai-chuen, BBS

Public officers attending:

Ms Elizabeth TSE Man-ye, 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-ye, 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 Ken WOO	Senior Council Secretary (1)5
Mr Raymond SZETO	Senior Council Secretary (1)7
Mr Jason KONG	Council Secretary (1)4
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Michelle NIEN	Legislative Assistant (1)5

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 Chairman said that two Finance Committee ("FC") meetings were scheduled for today to continue with the unfinished joint deliberation of the items FCR(2014-15)36B and FCR(2014-15)37B carried over from the last meeting.

2. The Chairman further advised that the item FCR(2014-15)36B invited the Committee's approval, in conjunction with FCR(2014-15)36 and 36A, for the creation of three non-civil service positions and four permanent civil service posts necessary for the establishment of Innovation and Technology Bureau ("ITB"). The item FCR(2014-15)37B invited the Committee's approval, in conjunction with FCR(2014-15)37 and 37A, for the changes to the 2015-16 Estimates of Expenditure to give effect to the establishment of ITB.

Motion to shorten the duration of division bell from five to one minute

3. The Committee continued to deliberate on the motion moved by Mr IP Kwok-him at the second meeting on 30 October 2015, 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.

4. There being no comment from members, the Chairman 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 33 members voted in favour of the motion and six members voted against the motion. One member abstained from voting. The votes of individual members were as follows –

For:

Mr Albert HO Chun-yan
Ms Emily LAU Wai-hing
Mr WONG Kwok-hing
Mr WONG Ting-kwong
Dr LAM Tai-fai
Mr WONG Kwok-kin
Mrs Regina IP LAU Suk-yee
Mr James TIEN Pei-chun
Mr Steven HO Chun-yin
Mr YIU Si-wing
Mr Charles Peter MOK
Miss CHAN Yuen-han
Miss Alice MAK Mei-kuen
Dr Elizabeth QUAT
Mr POON Siu-ping
Dr CHIANG Lai-wan
Mr Christopher CHUNG Shu-kun
(33 members)

Mr CHAN Kam-lam
Mr Vincent FANG Kang
Mr Andrew LEUNG Kwan-yuen
Ms Starry LEE Wai-king
Dr Priscilla LEUNG Mei-fun
Mr IP Kwok-him
Mr Paul TSE Wai-chun
Mr NG Leung-sing
Mr Frankie YICK Chi-ming
Mr MA Fung-kwok
Mr CHAN Han-pan
Mr LEUNG Che-cheung
Mr Christopher CHEUNG Wah-fung
Mr Martin LIAO Cheung-kong
Mr TANG Ka-piu
Mr CHUNG Kwok-pan

Against:

Mr LEUNG Kwok-hung
Mr WONG Yuk-man
Mr CHAN Chi-chuen
(6 members)

Mr Albert CHAN Wai-yip
Mr Gary FAN Kwok-wai
Dr KWOK Ka-ki

Abstained:

Mr James TO Kun-sun
(1 member)

5. The Chairman declared that the Committee approved Mr IP's motion.

Motions moved under paragraph 37A of the Finance Committee Procedure

6. The Chairman said that the Committee would continue to deal with motions proposed by members under paragraph 37A of the Finance Committee Procedure ("FC Procedure") ("37A motions") to express views on the item FCR(2014-15)36B. The Chairman said that the Committee had dealt with one such motion at the second meeting on 30 October 2015 and that he would put the remaining 58 "37A motions" that he had ruled to be directly related to FCR(2014-15)36B to the Committee to decide whether they should be proceeded forthwith. After the Committee had dealt with these motions, he would put the item FCR(2014-15)36B to vote. He would then deal with the proposed motions with respect to FCR(2014-15)37B and then put the item to vote in the same manner.

7. The Chairman reminded members that if they wished to move 37A motions at the meeting, they should present the proposed motions to him through stewards in the conference room and should not cross the floor of the room.

8. The Chairman said that in addition to the 37A motions already scheduled to be dealt with by the Committee today, he had received from three members the following 37A motions shortly after the meeting started, namely, 10 motions on FCR(2014-15)36B from Mr Albert CHAN, 9 motions on FCR(2014-15)36B from Mr CHAN Chi-chuen and 17 motions on FCR(2014-15)37B from Mr LEUNG Kwok-hung. The Chairman said that while paragraph 37A of the FC Procedure allowed members to propose 37A motions without notice, he as Chairman had the duty to ensure the orderly and efficient disposition of the business of FC when considering whether and, if so, how many 37A motions presented by members at the meeting should be dealt with by the Committee.

9. Mr LEUNG Kwok-hung, Mr CHAN Chi-chuen and Dr KWOK Ka-ki expressed opposition against the Chairman's decision to return 37A motions to members for them to consolidate into a fewer number of motions before presenting the motions to him again. In their view, this amounted to imposing limits on the number of 37A motions that members might move under paragraph 37A of the FC Procedure. The members criticized the Chairman for

undermining members' right to move motions under paragraph 37A of the FC Procedure.

10. Mr James TO expressed grave concern about the Chairman's decision to set limits on the number of 37A motions that members could propose in that it would set a dangerous precedent for the moving of 37A motions by the members of FC, undermining statutory function of FC to examine financial proposals from the Administration.

11. Mr Albert CHAN queried the Chairman's rationale behind the proposed consolidation of his 37A motions. He also expressed grave concern that the Legislative Council Secretariat did not receive his 94 37A motions and forward them to the Chairman. He criticized the Secretariat for not being fully impartial when carrying out the Chairman's directions. Mr LEUNG Kwok-hung expressed a similar view.

12. The Chairman said that he had requested members to consolidate a large number of 37A motions into fewer motions, or select from them the representative ones, and present the consolidated or selected motions to him for consideration. This was because he considered that doing so could give members sufficient opportunities to express their views on the one hand while facilitating the efficient conduct of the Committee's business on the other. It had also been an established practice of previous Chairmen to return 37A motions to members for consolidation.

13. The Chairman said that his decision on how to deal with 37A motions was final. Members disagreeing with his decision should seek redress through other channels. Mr Martin LIAO expressed support for the Chairman's decision.

14. Mr LEUNG Yiu-chung sought clarification on whether the member proposing a 37A motion had to be present at the meeting to read out the proposed motion. The Clerk and Legal Adviser explained that at the current stage of the proceedings of the Committee, the Chairman was putting the question to the Committee for decision in respect of each 37A motion that the motion should be proceeded forthwith; the time had not come for the member concerned to move the motion yet. However, it was an established practice of FC that the Chairman would allow the member concerned to read out his 37A motion during the ringing of the division bell. Only when the Committee had agreed to proceed with a 37A motion would the member be allowed to move the motion at the meeting.

Motions proposed by Mr Albert CHAN

15. The Chairman put to vote the questions, one by one, that the motions proposed by Mr Albert CHAN numbered 339, 341 to 344 and 369 be proceeded forthwith. As members claimed a division, the Chairman ordered a division for each of the question put, and the division bell was rung for one minute for each division. With the agreement of the Chairman, Mr CHAN read out each of his proposed motions during the ringing of the division bell. All the questions were negatived.

Motions proposed by Mr LEUNG Kwok-hung

16. The Chairman put to vote the questions, one by one, that the motions proposed by Mr LEUNG Kwok-hung numbered 975 to 979, 1023, 1066, 1084, 1089, 1100, 1104, 1137 to 1143, 1148 to 1150, 1157, and 1168 to 1176 be proceeded forthwith. As members claimed a division, the Chairman ordered a division for each of the questions put, and the division bell was rung for one minute. With the agreement of the Chairman, Mr LEUNG read out each of his proposed motions during the ringing of the division bell. All the questions were negatived.

Motions proposed by Mr CHAN Chi-chuen

17. The Chairman put to vote the questions, one by one, that the motions proposed by Mr CHAN Chi-chuen numbered 1193 to 1207 be proceeded forthwith. As members claimed a division, the Chairman ordered a division for each of the questions put, and the division bell was rung for one minute. With the agreement of the Chairman, Mr CHAN read out each of his proposed motions during the ringing of the division bell. All the questions were negatived.

(At 5:23 pm, Mr LEUNG Kwok-hung submitted 16 37A motions on FCR(2014-15)36B.)

18. At 5:45 pm, the Chairman announced that the meeting be now adjourned and the proceedings on 37A motions on FCR(2014-15)36B would continue at the next meeting.

19. The meeting was adjourned at 5:45 pm.

Legislative Council Secretariat

22 February 2016