

立法會
Legislative Council

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Finance Committee of the Legislative Council

Minutes of the 12th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 27 November 2015, at 3:00 pm

Members present:

Hon CHAN Kin-por, BBS, JP (Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
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
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
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 WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
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
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 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-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 CHAN Kam-lam, SBS, JP (Deputy Chairman)
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon LEUNG Ka-lau
Hon Frankie YICK Chi-ming, JP

Hon YIU Si-wing, BBS
Hon CHAN Han-pan, JP
Hon Kenneth LEUNG

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 Joseph LAI Yee-tak, JP	Permanent Secretary for Transport and Housing (Transport)
Miss Joyce CHAN Lok-nga	Assistant Secretary for Transport and Housing (Transport) 11A
Miss Emma LAU, JP	Judiciary Administrator
Ms Wendy CHEUNG	Assistant Judiciary Administrator (Development)
Mr Andy CHAN Shui-fu, JP	Deputy Secretary for Transport and Housing (Transport) 2
Mr Philip HAR Mung-fei	Principal Assistant Secretary for Transport and Housing (Transport) 4
Mr Alfred SIT Wing-hang, JP	Deputy Director of Electrical and Mechanical Services (Regulatory Services)
Dr LEUNG Kin-man, JP	Assistant Director of Electrical and Mechanical Services (Railways)

Clerk in attendance:

Ms Anita SIT	Assistant Secretary General 1
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Staff in attendance:

Mr Derek LO	Chief Council Secretary (1)5
Mr Raymond SZETO	Senior Council Secretary (1)7
Mr Frankie WOO	Senior Legislative Assistant (1)3
Miss Yannes HO	Legislative Assistant (1)6

**Item No. 1 – FCR(2015-16)31
RECOMMENDATIONS OF THE ESTABLISHMENT SUBCOMMITTEE
MADE ON 29 JUNE 2015**

EC(2015-16)5

**HEAD 158 – GOVERNMENT SECRETARIAT: TRANSPORT AND
HOUSING BUREAU (TRANSPORT BRANCH)**

The Chairman advised that the Committee would continue with the deliberation of item EC(2015-16)5.

2. There being no further question from members, the Chairman put the item EC(2015-16)5 to vote. At the request of Mr CHAN Chi-chuen, the Chairman ordered a division and the division bell was rung for five minutes.

3. The Chairman announced that 39 members voted in favour of and three members voted against the item, and two members abstained from voting. The votes of individual members were as follows –

For:

Mr Albert HO Chun-yan
Mr CHEUNG Yu-yan
Mr WONG Kwok-hing
Mr Jeffrey LAM Kin-fung
Ms Cyd HO Sau-lan
Mr CHAN Hak-kan
Mr CHEUNG Kwok-che
Mrs Regina IP LAU Suk-yee
Mr Alan LEONG Kah-kit
Mr James TIEN Pei-chun
Mr HO Chun-yin
Mr Gary FAN Kwok-wai
Mr Charles Peter MOK
Mr LEUNG Che-cheung
Mr Christopher CHEUNG Wah-fung
Mr SIN Chung-kai
Mr Martin LIAO Cheung-kong
Dr CHIANG Lai-wan
Mr CHUNG Kwok-pan
Mr Tony TSE Wai-chuen
(39 members)

Mr LEE Cheuk-yan
Mr Vincent FANG Kang
Prof Joseph LEE Kok-long
Mr WONG Ting-kwong
Ms Starry LEE Wai-king
Dr Priscilla LEUNG Mei-fun
Mr IP Kwok-him
Mr Paul TSE Wai-chun
Ms Claudia MO
Mr NG Leung-sing
Mr WU Chi-wai
Mr MA Fung-kwok
Dr Kenneth CHAN Ka-lok
Dr KWOK Ka-ki
Dr Fernando CHEUNG Chiu-hung
Dr Elizabeth QUAT
Mr POON Siu-ping
Ir Dr LO Wai-kwok
Mr Christopher CHUNG Shu-kun

Against:

Mr LEUNG Kwok-hung
Mr CHAN Chi-chuen
(3 members)

Mr Albert CHAN Wai-yip

Abstain

Mr LEUNG Yiu-chung
(2 members)

Mr WONG Yuk-man

4. The Chairman declared that the Committee approved the item.

EC(2015-16)6

HEAD 80 – JUDICIARY

5. The Chairman advised that the item sought the Committee's approval for the creation of one post of Administrative Officer Staff Grade C (D2) in the Development Office of the Judiciary Administration for three years to steer and supervise the works of legislative amendments.

Creation of proposed post

6. Mr Albert HO was concerned that as the proposed post was intended to assist in the implementation of the Information Technology Strategy Plan ("ITSP") and to conduct the review of Family Procedure Rules ("the Review"), its workload would be heavy. He suggested that the relevant duties should be taken up by two officers instead. Mr WONG Yuk-man also expressed concern as to whether the proposed post could handle such a heavy workload.

7. Judiciary Administrator ("JA") pointed out that the Development Office of the Judiciary Administration currently had an Assistant Judiciary Administrator (Development) ("AJA(D)") to coordinate all the work related to legislative amendments. The new post holder would lead a team of officers. The two AJA(D)s would be responsible for the implementing ITSP and conducting the Review respectively. Furthermore, the Development Office had upgraded an AO post in the Office to SAO level to provide stronger support for the relevant work.

8. Mr Albert CHAN queried whether an Administrative Officer at Staff Grade C level was experienced and capable enough to perform the duties involved. He considered that the Administration should conduct an open recruitment exercise to look for a lawyer with substantial experience to fill the proposed post. Mr LEUNG Kwok-hung expressed a similar view.

9. JA said in response that the Chief Justice of the Court of Final Appeal had appointed in respect of the Review a Working Party consisted of Judges, and the Department of Justice had also set up a relevant team to provide legal support for the Review. The appointment of an Administrative Officer Staff Grade C to oversee similar reviews had all along been proven effective. Mr Albert CHAN requested the Administration to proactively consider conducting an open recruitment exercise to appoint experienced legal professionals to perform the work concerned when carrying out legal reviews in future.

Review of Family Procedure Rules

10. Mr Albert CHAN enquired whether substantial manpower would be required to cope with the ensuing changes of the Review. He was also concerned about the impact of the Review on litigants, such as litigation expenses. JA explained that as the Family Procedure Rules were currently scattered in many different pieces of legislation, the Review sought to consolidate the procedural rules into a single set of procedural code that comprehensively dealt with the processes and procedures for all family and matrimonial matters. Once the procedural rules were consolidated, it would become possible for parties concerned to spend less in terms of the time and costs required for family proceedings. As the work involved would be extremely complicated and massive, and the AJA(D) concerned was already fully occupied, the proposed post was particularly important for the implementation of the Review.

11. Mr CHAN Chi-chuen expressed support for the funding proposal. He noted that the Review would bring about changes to about ten pieces of principal legislation and many pieces of subsidiary legislation, and asked whether the Judiciary had set a timetable for the entire exercise. JA remarked that as it took time to complete the specific arrangements for enacting legislative amendments, there was no concrete timetable at the moment; and upon making reference to the experience of the United Kingdom ("UK"), it was estimated that it would take about six years to complete the legislative amendment exercise. Mr CHAN considered that six years was really too long for completing the relevant work, and he requested the Judiciary to review its staffing requirements, and draw up a timetable for the work concerned as soon as possible.

Implementation of the "Information Technology Strategy Plan"

12. Mr Albert HO expressed concern about the huge consumption of paper involved in court hearings currently. He enquired whether the Administration had a timetable for the gradual introduction of electronization in court operations, and for training Judges and their assistants in electronic data collection. JA replied that the Finance Committee approved funding in 2013 for the implementation of a whole range of projects under the first phase of the Judiciary's ITSP, i.e. the Six-year Action Plan. The Six-year Action Plan comprised two stages. The first stage focused on implementing the integrated court case management system in the District Court and the Summons Courts of the Magistrates' Courts, and in the second stage, the system would be extended to the Court of Final Appeal and the High Court, etc. During the gradual process of electronization, some of the work which did not require legislative amendments had already been implemented as pilot schemes in different trial points. With regard to the professional support provided for Judges, the Judiciary had increased the number of judicial assistants at the High Court to support the High Court Judges in conducting research and performing judicial duties.

13. Mr LEUNG Kwok-hung asked whether the Judiciary had sought advice from the Innovation and Technology Bureau in relation to ITSP. JA responded that ITSP was steered by the Information Technology Committee in the Judiciary. In line with the implementation of the Six-year Action Plan under ITSP, the Judiciary had also set up a Steering Committee with the Government Chief Information Officer as one of its members.

14. Mr WONG Yuk-man requested the Administration to report the progress of ITSP to the Panel on Administration of Justice and Legal Services of the Legislative Council annually in future. JA undertook to report the work to the Legislative Council in a timely manner.

15. There being no further question from members, the Chairman put the item to vote. At the request of members, the Chairman ordered a division and the division bell was rung for five minutes.

16. The Chairman announced that 34 members voted in favour of and two members voted against the item. The votes of individual members were as follows –

For:

Mr Albert HO Chun-yan
Mr James TO Kun-sun

Mr LEE Cheuk-yan
Mr Abraham SHEK Lai-him

Mr WONG Kwok-hing	Prof Joseph LEE Kok-long
Mr WONG Ting-kwong	Ms Starry LEE Wai-king
Mr LAM Tai-fai	Mr CHEUNG Kwok-che
Mr WONG Kwok-kin	Mr IP Kwok-him
Mrs Regina IP LAU Suk-yee	Mr Paul TSE Wai-chun
Mr WONG Yuk-man	Ms Claudia MO
Mr NG Leung-sing	Mr HO Chun-yin
Mr MA Fung-kwok	Mr Charles Peter MOK
Dr Kenneth CHAN Ka-lok	Miss CHAN Yuen-han
Mr LEUNG Che-cheung	Miss Alice MAK Mei-kuen
Dr KWOK Ka-ki	Mr SIN Chung-kai
Mr IP Kin-yuen	Dr Elizabeth QUAT
Martin LIAO Cheung-kong	Dr CHIANG Lai-wan
Ir Dr LO Wai-kwok	Mr CHUNG Kwok-pan
Mr Christopher CHUNG Shu-kun	Mr Tony TSE Wai-chuen
<i>(34 members)</i>	

Against:

Mr LEUNG Kwok-hung	Mr Albert CHAN Wai-yip
<i>(2 members)</i>	

17. The Chairman declared that the Committee approved the item.

EC(2015-16)7

HEAD 42 – ELECTRICAL AND MECHANICAL SERVICES DEPARTMENT

18. The Chairman advised that the item sought the Committee's approval for the creation of one Chief Electrical and Mechanical Engineer post and one Chief Electronics Engineer post in the Railways Branch of the Electrical and Mechanical Services Department ("EMSD") to enhance the safety inspection and monitoring of existing railway service and new railway projects.

Justification for creation of the proposed posts

19. Ir Dr LO Wai-kwok supported the funding proposal. Dr KWOK Ka-ki enquired how the posts proposed to be created could enhance the safety of railway service. He was also concerned whether there would be further need to create related posts in future with the new railway projects commencing operation successively in the coming few years, and whether the existing number of frontline engineers was sufficient to cope with the increased workload.

20. Mr Albert CHAN considered that in light of the commissioning of new railway projects, the Administration should recruit more frontline staff to strengthen its monitoring and inspection work, rather than create additional directorate posts. He was also concerned that the MTR Corporation Limited ("MTRCL") was outsourcing more and more services to reduce its expenditures, so as to boost the emoluments and bonuses for its management. As this might give rise to procurement and regulatory issues, the Administration would have to step up its monitoring work.

21. Deputy Secretary for Transport and Housing (Transport) 2 ("DSTH(T)2") said in response that due to the rising patronage of railways and successive commissioning of new railway projects in the next few years, the workload of the Railways Branch of EMSD would become increasingly heavy. The increase in manpower would help the Administration to maintain effective supervision and risk management, thereby making its inspection work more comprehensive and focused. Deputy Director of Electrical and Mechanical Services (Regulatory Services) ("DDEMS(RS)") pointed out that among the 15 officers in the Railways Branch, there was only one directorate officer. Upon recruiting manpower to fill the two proposed Chief Engineer posts and seven non-directorate posts, the establishment of the Railways Branch would be expanded to 24 officers, among which only three belong to the directorate grade. In light of the increased train frequency and the expanded railway network, there was a need for the Railways Branch to boost its establishment to step up the safety inspection and monitoring of both the existing railway service and the new railway projects.

Handling railway incidents

22. Mr LEUNG Yiu-chung opined that the Administration should look into the causes of MTRCL's railway incidents in the past and urged the Corporation to make improvements proactively, rather than creating new posts blindly. Mr LEUNG Kwok-hung queried that when compared with the most complicated and busiest metro systems around the world, the local railway service might not be regarded as excellent.

23. DSTH(T)2 pointed out in response that the train service of MTRCL had consistently been heading the list of major metro systems around the world in the "Community of Metros". With additional manpower, the Railways Branch of EMSD could help to strengthen the risk management of railway operation and maintain effective supervision, with a view to further preventing the occurrences of railway incidents. DDEMS(RS) added that railway safety incidents were mainly caused by passengers' behavior or external factors, while incidents caused by equipment problems or staff behaviour were extremely rare.

24. Citing views from individual MTRCL staff members, Mr CHAN Chi-chuen remarked that emergency drills of MTRCL were currently carried out by its administrative staff. He asked whether the Administration would request MTRCL to review the procedures concerned. DDEMS(RS) responded that EMSD had taken part in MTRCL's emergency drills, and noted that the drills could effectively achieve the purpose of safe evacuation.

25. In response to a query raised by Mr CHAN Chi-chuen, DSTH(T)2 said that following the passage of Peak Tramway (Amendment) Bill 2015, the policy responsibility in relation to Peak Tramway fell within the purview of the Commerce and Economic Development Bureau, whereas EMSD was still responsible for overseeing its operational safety.

Safety standards for new purchased train cars

26. Mr LEUNG Kwok-hung expressed concern as to how the Administration could ensure train cars purchased from the Mainland by MTRCL complied with international safety standards. Mr Albert CHAN enquired how the Administration could ensure that there was no human negligence in MTRCL's acceptance procedures of train cars.

27. In response, DDEMS(RS) said that EMSD adopted the mode of risk management in specifying safety critical components for railway equipments, so that it could focus its resources on conducting inspections. In procuring train cars, MTRCL adopted very precise specifications, and had to hire independent safety audit consultants to conduct assessments. The Railways Branch would also carry out sample testing on safety critical components to ensure that such components comply with safety standards. Assistant Director of Electrical and Mechanical Services (Railway) responded that the 22 trains imported from Changchun by MTRCL were put into service in 2011, and all these trains complied with international safety standards.

28. At 5:01 pm, the Chairman declared that the meeting be adjourned, and the Committee would continue discussion on the item after a 10 minute break.