

立法會
Legislative Council

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Finance Committee of the Legislative Council

Minutes of the 28th meeting
held at Conference Room 1 of the Legislative Council Complex
on Saturday, 30 January 2016, at 11:10 am

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 TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
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
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 MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
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 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:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP

Hon Vincent FANG Kang, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Gary FAN Kwok-wai
Dr Hon Kenneth CHAN Ka-lok
Hon Kenneth LEUNG
Hon Dennis KWOK

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 YAU Shing-mu, JP	Under Secretary for Transport and Housing
Ms Rebecca PUN Ting-ting, JP	Deputy Secretary for Transport and Housing (Transport) 1
Ms Judy CHUNG Sui-kei	Principal Assistant Secretary for Transport and Housing (Transport) 5
Mr Peter LAU Ka-keung, JP	Director of Highways
Mr Albert LEE Wai-bun	Project Manager (Hong Kong-Zhuhai-Macao Bridge Hong Kong Project Management Office), Highways Department
Mr MA Kuen	Chief Engineer (Hong Kong Boundary Crossing Facilities), Hong Kong-Zhuhai-Macao Bridge Hong Kong Project Management Office, Highways Department

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 Ken WOO	Senior Council Secretary (1)5
Mr Raymond SZETO	Senior Council Secretary (1)7
Mr Keith WONG	Council Secretary (1)5
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Michelle NIEN	Legislative Assistant (1)5

Action

Item No. 1 – FCR(2015-16)45

**RECOMMENDATION OF THE PUBLIC WORKS SUBCOMMITTEE
MADE ON 19 DECEMBER 2015**

PWSC(2015-16)14

HEAD 706 – HIGHWAYS

Transport – Roads

**845TH – Hong Kong–Zhuhai–Macao Bridge Hong Kong Boundary
Crossing Facilities – Reclamation and Superstructures**

The Committee continued with the discussion on the motion that further proceedings of the Committee be then adjourned moved by Mr Albert CHAN under paragraph 39 of the Finance Committee Procedure ("FCP").

2. Mr LEE Cheuk-yan, Mr WU Chi-wai, Mr Charles MOK, Mr SIN Chung-kai, Mr Albert HO, Mr CHAN Chi-chuen and Ms Cyd HO spoke in support of Mr Albert CHAN's motion. Regarding the item, questions had been raised over issues relating to the expenditure, benefits, construction safety and importation of labour of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") project, but the Administration had failed to provide a thorough response and even refused frequently to respond to members' questions on the grounds that those questions were not directly related to the Hong Kong Boundary Crossing Facilities ("HKBCFs") project; as such, the Committee should not vote on the item concerned. These members also criticized the Chairman's decisions to limit members' speaking time and end the discussion session.

3. In response to the members' criticism, the Chairman explained that according to the information provided by the Administration, if the voting on the item was not completed within this month, the public coffer might suffer losses due to expiry of contracts, and it was therefore necessary to put the item to vote in a timely manner.

4. Mr TAM Yiu-chung spoke against Mr Albert CHAN's motion. Mr TAM criticized the members of the pan-democratic camp for asking repetitive questions to delay the approval of the item.
5. Mr Albert CHAN spoke in reply in respect of his motion. The Chairman put Mr CHAN's motion to vote. At the request of members, the Chairman ordered a division and the division bell was rung for five minutes.
6. In responding to Mr KWOK Wai-keung's enquiry, the Chairman advised that after voting on the motion to adjourn further proceedings, the Committee would proceed with the remaining discussion session which would finish at 12:35 pm, and then start dealing with the motions proposed by members under paragraph 37A of the FCP ("37A motions").
7. The Chairman announced that 17 members voted in favour of and 28 members voted against the question. The votes of individual members were as follows –

For:

Mr Albert HO Chun-yan	Mr LEE Cheuk-yan
Mr James TO Kun-sun	Mr LEUNG Yiu-chung
Ms Emily LAU Wai-hing	Ms Cyd HO Sau-lan
Mr Alan LEONG Kah-kit	Mr Albert CHAN Wai-yip
Mr WONG Yuk-man	Ms Claudia MO
Mr WU Chi-wai	Mr Charles Peter MOK
Mr CHAN Chi-chuen	Dr KWOK Ka-ki
Dr Fernando CHEUNG Chiu-hung	Mr SIN Chung-kai
Mr IP Kin-yuen	
(17 members)	

Against:

Mr CHAN Kam-lam	Mr TAM Yiu-chung
Mr WONG Kwok-hing	Mr Andrew LEUNG Kwan-yuen
Mr WONG Ting-kwong	Ms Starry LEE Wai-king
Mr CHAN Hak-kan	Dr Priscilla LEUNG Mei-fun
Mr WONG Kwok-kin	Mr IP Kwok-him
Mrs Regina IP LAU Suk-yee	Mr Steven HO Chun-yin
Mr Frankie YICK Chi-ming	Mr YIU Si-wing
Mr MA Fung-kwok	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	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

(28 members)

8. The Chairman declared that the motion was negated.

Continuation of discussion on the item FCR(2015-16)45

Industrial accidents and follow-ups

9. Referring to an online media report, Dr Fernando CHEUNG pointed out that the principal contractor of the project, China Harbour Engineering Company Limited, was involved in a number of industrial incidents in many local and overseas projects, thereby casting doubts on construction safety. He queried why the aforesaid company was still able to take up the works of this project and urged the Administration to review afresh the relevant tendering system. Mr Albert HO expressed similar views.

10. In response, Director of Highways ("DHy") said that the Administration had put in place a stringent mechanism to ensure that the tendering contractors were qualified ones, and that their previous safety records would also be taken into account. According to the records maintained by the Administration, the principal contractor of the project was not involved in the safety issues mentioned in the relevant media report. The report might be related to a firm associated with the company in question.

11. Mr Tony TSE expressed concern about some reports that the project had to be suspended for 439 days as a result of industrial accidents. DHy advised in response that as pointed out in his previous response, suspension of an individual works process did not mean that the entire project had to be suspended, and the contractor could use other types of works process to continue with the construction work. Therefore, the statement that the project had to be suspended for 439 days as a result of industrial accidents did not reflect the actual situation. The Administration would closely monitor the construction safety condition of the contractor and the contractor had to bear the responsibility for all industrial accidents relating to the project.

12. Expressing grave concern about the contractor's insufficient construction safety measures and the resulting deaths and injuries, Mr LEUNG Yiu-chung, Dr KWOK Ka-ki and Ms Cyd HO referred to an accident happened in December 2014 in which an excavator fell into the sea when operating in a dangerous environment, and thereby causing the death of the operator.

13. DHy advised that to ensure construction safety, the Administration would follow the established practice to require contractors to conduct risk assessment with a view to proposing safe construction plans for approval by resident engineering site staff before commencing the construction work. As regards the accident concerned, the Administration had noted after investigation that the construction safety measures of the contractor were not in compliance with the requirements and immediately instructed the contractor to improve upon them. Since 2012, the accident figures of the HKBCFs project had shown improvement.

14. Referring to a media report, Ms Cyd HO said that safety indices of the subcontractors of the HZMB HKBCFs project had long been at a low level. In this connection, Ms HO requested the Administration to provide the contents of the safety indices concerned.

15. DHy advised that the information would be sorted out in due course and presented to the Legislative Council ("LegCo") in an appropriate way.

Precast units

16. Regarding a media report earlier on which stated that precast units used in the HZMB HKBCFs project were damaged, Dr KWOK Ka-ki requested the Administration to provide the testing results of the precast units. DHy advised that the information would be submitted to LegCo in due course.

Importation of foreign labour

17. Expressing concern about the importation of foreign labour for the HZMB HKBCFs project, Mr LEE Cheuk-yan was worried that the Administration might, for fear of the claims made by contractors, support the latter's application for importation of foreign labour.

18. DHy advised that according to the contract, the contractor had a responsibility to provide sufficient workers. In handling claims made by the contractor, the Administration would review the justifications for the claims in detail, and the claims was unrelated to the application for importation of foreign labour. The Administration would process the contractor's application for importation of foreign labour according to the established mechanism.

19. In response to Mr LEE Cheuk-yan's enquiry about the proportion of foreign labour in the number of project workers, DHy advised that the number of workers for the project was about 5 000 at its peak, and foreign labour only made up a very small number.

Financial situation of HZMB

20. Dr KWOK Ka-ki and Mr SIN Chung-kai requested the Administration to give an account of the cost overrun situation of HZMB. Under Secretary for Transport and Housing ("USTH") advised that the Administration had reiterated many times that the expenditure of the HZMB construction project was not related to this project, i.e. the HZMB HKBCFs project.

Notice made by the Chairman regarding the meeting progress

21. At 12:03 pm, the Chairman appealed to members who were not present to return to the Conference Room to raise questions in respect of the item. The Committee would end the discussion session at about 12:35 pm and proceed to deal with the 37A motions.

Continuation of discussion on the item FCR(2015-16)45

Industrial accidents and follow-ups

22. Mr CHEUNG Kwok-che queried that it was the Administration's failure to effectively control the irregularities of the subcontractors that caused a series of accidents to happen. He enquired whether the Administration would directly monitor the site safety measures of the subcontractors and how it would deal with those subcontractors with safety indices that were below par. Expressing similar concern, Mr LEUNG Kwok-hung criticized that the Administration was indifferent to the occurrence of fatal accidents.

23. DHy advised that it was the responsibility of the principal contractor to monitor the safety measures of the subcontractors, but the resident engineering site staff would conduct regular checks on the site safety performance of the principal contractor and its subcontractors. If any problem was identified, it would instruct the principal contractor to rectify the problem immediately.

24. Mr CHEUNG Kwok-che requested the Administration to disclose to the public the information about those subcontractors with below-par site safety indices, including the names of their major shareholders, so as to facilitate public scrutiny.

25. DHy advised that the related arrangement involved legal issues, and the Administration had to first examine if this was feasible.

26. Regarding Mr CHEUNG Kwok-che's further enquiry, DHy pointed out that subcontractors were not required to display their company names at the construction site.

27. Mr Albert CHAN and Ms Emily LAU queried why China Harbour Engineering Company Limited, the contractor involved in the industrial accidents of the project and was fined consequently, could still be awarded other government works contracts after being prosecuted.

28. DHy advised that, according to the existing mechanism, if a contractor was found liable for an industrial accident, the Administration could suspend its eligibility to submit tender for similar types of works. Due to its involvement in an industrial accident in 2012, the eligibility of the contractor concerned to tender for harbour works contracts had also been suspended for one year upon conclusion of hearings. Nevertheless, there were many types of government works, and suspension of eligibility to tender for an individual type of works would not affect the contractor's eligibility to tender other types of works.

29. Mr CHAN Chi-chuen requested the Administration to state clearly the impact of the project suspension arising from accidents on the construction progress.

30. USTH advised that the Administration had reiterated repeatedly that suspension of an individual work procedure did not mean that the entire project had to be suspended, and the contractor could use other types of work procedures to continue with the construction work.

Environmental impact of the project works

31. Mr Alan LEONG and Dr Helena WONG were concerned that the significant decrease in the number of the Chinese White Dolphins in recent years might be related to water pollution caused by the works of the project. They opined that the Administration's proposal to construct marine parks as a mitigation measure might not be sufficient, and urged the Administration to consider other measures.

32. DHy advised that according to data of the water quality tests, no obvious change in water quality caused by the works of the project had been identified.

33. Referring to a media report, Dr Helena WONG pointed out that while the results of water quality tests had been found exceeding the limit levels for many times, the related works had not been suspended accordingly. She queried whether the water quality tests and follow-ups were independent from the contractor.

34. DHy advised that the Administration had separately conducted tests on water quality and the relevant data had been uploaded online for public access.

Importation of foreign labour

35. In response to Mr KWOK Wai-keung and Ms Alice MAK's enquiries about the procedures for importing foreign labour, USTH remarked that the Administration would process the application for importation of foreign labour for the works of the project according to the established mechanism, and that it would definitely consult the Labour Advisory Board.

Income and expenditure assessments of HZMB

36. Mr Alan LEONG enquired whether HZMB's income could cover the interest expense arising from its financing arrangements.

37. USTH advised that the Administration had repeatedly reiterated that the financing position of the HZMB construction project was not related to this item, i.e. the HZMB HKBCFs project. HZMB's income would not be used to cover the operational and maintenance expenses of the project either.

Meeting arrangement

38. At 12:35 pm, the Chairman declared that the discussion be ended and the Committee would start dealing with the 37A motions. He also appealed to members intending to propose 37A motions to submit their motions as soon as possible. Expressing opposition against the Chairman's decision, Mr CHAN Chi-chuen, Mr LEUNG Kwok-hung and Mr WONG Yuk-man approached the Chairman's desk to submit their motions and spoke aloud. The Chairman requested the members concerned to stop speaking and return to their seats.

39. At 12:38 pm, after the warning was unheeded, the Chairman ruled that Mr LEUNG Kwok-hung's behaviour was grossly disorderly and ordered Mr LEUNG Kwok-hung to leave the Conference Room, and announced that the meeting be suspended for 5 minutes.

40. The meeting resumed at 12:44 pm.

41. The Chairman advised that upon taking into account the views expressed by members, he would allow members who had indicated their intention to speak to speak again and raise questions once, and he once again appealed to members intending to propose 37A motions to submit their motions as soon as possible.

Continuation of discussion on the item FCR(2015-16)45

Cost overruns of HZMB

42.. Mr SIN Chung-kai asked the Administration whether, according to its understanding, the HZMB had any cost overruns. USTH advised that the Administration had reiterated for many times that the expenditure position of the HZMB construction project was not related to this item, i.e. the HZMB HKBCFs project.

Importation of foreign labour

43. Mr LEE Cheuk-yan questioned that members of the Hong Kong Federation of Trade Unions requiring the Administration to consult the Labour Advisory Board in approving importation of foreign labour was only a kind of political propaganda. Ms Alice MAK raised a point of order that Mr LEE had conjectured her motive, and she requested the Chairman to follow up. The Chairman urged members not to conjecture other members' motive when they were speaking.

44. Mr LEE Cheuk-yan enquired whether the Administration had allowed the imported foreign labour to work in several works projects.

45. USTH said that the foreign labour imported for works under this project would only be engaged in the works of this project, but they might be flexibly deployed to various construction sites within the scope of the project based on the needs of the works.

Monitoring of the contractor

46. Dr Fernando CHEUNG and Mr Albert CHAN criticized that the principal contractor of the project had time and again involved in works-related corruption and quality issues, yet the Administration was at a loss as to what it should do. DHy reiterated that the Administration had put in place a stringent mechanism to ensure the quality of works.

Environmental impact of the works

47. Ms Claudia MO and Dr Helena WONG queried that the Administration's monitoring on environmental pollution problems derived from the works was inadequate, and requested the Administration to provide the environment monitoring report relating to the works. DHy advised that the environmental monitoring report on the monitoring of the works had been uploaded to the internet for direct scrutiny by the public.

Industrial accidents and the number of days of suspension

48. Mr CHAN Chi-chuen requested the Administration to give a precise account of the actual number of days of suspension of project works due to industrial accidents. DHy reiterated that suspension of an individual work procedure did not mean that the entire project had to be suspended. Mr CHAN Chi-chuen was dissatisfied that the Administration did not directly respond to his question. The Chairman asked Mr CHAN to follow up the issue through other channels.

Motions proposed by members under paragraph 37A of FCP

49. At 12:57 pm, the Chairman declared that the Committee would start dealing with the 37A motions.

50. Ms Claudia MO remarked that she did not accept the Chairman's proposal to consolidate her motions into two motions and said that she would consolidate those motions into three motions. The Chairman requested Ms MO to submit the consolidated motions for his review.

Motion proposed by Ms Cyd HO

51. The Chairman put to vote the question that the motion proposed by Ms Cyd HO numbered 0001 be proceeded forthwith. At the request of members, the Chairman order a division for the proposed motion, and the division bell was rung for five minute.

52. With the agreement of the Chairman, Ms Cyd HO read out her proposed motion during the ringing of the division bell. The question was negatived.

Motion moved by Mr IP Kwok-him under paragraph 47 of FCP

53. Mr IP Kwok-him moved without notice under paragraph 47 of FCP 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. The Chairman proposed the question on Mr IP Kwok-him's motion.

54. When speaking on the motion, Mr LEE Cheuk-yan criticized that the Administration had not responded to members' request for the Administration to turn down the request for importation of foreign labour for the project. For this reason, the Committee should deal with and approve the 37A motions concerned, so as to declare its stance and exert pressure on the Administration.

55. Mr James TIEN indicated support for Mr IP Kwok-him's motion.

56. Mr WONG Kwok-kin indicated support for Mr IP Kwok-him's motion and criticized the members of the pan-democratic camp for their continuous filibustering activities. When Mr WONG Kwok-kin was speaking, Mr LEE Cheuk-yan spoke aloud without permission in his seat. The Chairman reminded members not to have dialogues with other members.

57. At 1:10 pm, the Chairman declared that the meeting be adjourned and directed that as Mr WONG Kwok-kin's speech was being interrupted, he could continue to speak on the motion at the next meeting.

58. The meeting was adjourned at 1:10 pm.

Legislative Council Secretariat

21 June 2016