

# **立法會**

## ***Legislative Council***

LC Paper No. FC251/15-16

(These minutes have been  
seen by the Administration)

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### **Finance Committee of the Legislative Council**

#### **Minutes of the 29<sup>th</sup> meeting held at Conference Room 1 of the Legislative Council Complex on Saturday, 30 January 2016, at 2:10 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 TAM Yiu-chung, GBS, 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  
Hon CHAN Hak-kan, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
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 LEUNG Kwok-hung  
Hon Albert CHAN Wai-yip  
Hon WONG Yuk-man  
Hon Claudia MO

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 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  
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 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 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  
Dr Hon LAM Tai-fai, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon Alan LEONG Kah-kit, SC

Hon Michael TIEN Puk-sun, BBS, JP  
Hon WU Chi-wai, MH  
Dr Hon Kenneth CHAN Ka-lok  
Hon Kenneth LEUNG  
Hon Dennis KWOK  
Hon CHUNG Kwok-pan

**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:**

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 Keith WONG	Council Secretary (1)5
Mr Frankie WOO	Senior Legislative Assistant (1)3
Miss Yannes HO	Legislative Assistant (1)6

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Action

**Item No. 1 – FCR(2015-16)45**

**RECOMMENDATIONS 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**

Motion to shorten the ringing duration of division bell

The Committee continued to deal with the motion moved without notice by Mr IP Kwok-him under paragraph 47 of the Finance Committee Procedures ("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.

2. Mr WONG Kwok-kin, Dr Priscilla LEUNG, Dr CHIANG Lai-wan, Mr CHAN Kam-lam, Mr WONG Ting-kwong and Mr KWOK Wai-keung expressed support for Mr IP's motion. They criticized members of the pan-democratic camp for moving a large number of motions under paragraph 37A of FCP ("37A motions") with the sole purpose of filibustering. They also considered that shortening the ringing duration of the division bell would neither affect the voting results nor render members "voting machines". Mr IP Kwok-him expressed a similar view on his motion.

3. Ms Claudia MO, Ms Cyd HO, Mr SIN Chung-kai, Mr LEUNG Yiu-chung, Mr LEUNG Kwok-hung, Dr Fernando CHEUNG, Mr WONG Yuk-man, Mr CHAN Chi-chuen and Mr Albert CHAN spoke against Mr IP's motion. They criticized the Administration for not comprehensively answering the questions raised by members at the meeting, thus prompting them to move motions to pressure the Administration to face the issues. Mr CHAN Chi-chuen and Mr LEUNG Kwok-hung pointed out that since the motions were moved without notice, it would be reasonable to allow members sufficient time to comprehend them. Mr LEUNG Yiu-chung worried that members would vote blindly like "voting machines" if the division bell should ring for one minute only.

4. After members had spoken, the Chairman put the motion to vote. At the request of members, the Chairman ordered a division and the division bell was rung for five minutes. The Chairman announced that 33 members voted for and 14 members voted against the question. The votes of individual members were as follows –

*For:*

Mr CHAN Kam-lam  
Mr Vincent FANG Kang  
Mr Jeffrey LAM Kin-fung  
Mr WONG Ting-kwong  
Mr CHAN Hak-kan  
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 CHAN Han-pan  
Mr LEUNG Che-cheung  
Mr KWOK Wai-keung  
Dr Elizabeth QUAT  
Mr POON Siu-ping  
Dr CHIANG Lai-wan  
Mr Tony TSE Wai-chuen  
(33 members)

Mr TAM Yiu-chung  
Mr WONG Kwok-hing  
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  
Miss CHAN Yuen-han  
Miss Alice MAK Mei-kuen  
Mr Christopher CHEUNG Wah-fung  
Mr Martin LIAO Cheung-kong  
Mr TANG Ka-piu  
Mr Christopher CHUNG Shu-kun

*Against:*

Mr Albert HO Chun-yan  
Mr LEUNG Yiu-chung  
Ms Cyd HO Sau-lan  
Mr Albert CHAN Wai-yip  
Ms Claudia MO  
Mr CHAN Chi-chuen  
Mr SIN Chung-kai  
(14 members)

Mr LEE Cheuk-yan  
Prof Joseph LEE Kok-long  
Mr LEUNG Kwok-hung  
Mr WONG Yuk-man  
Mr Charles Peter MOK  
Dr Fernando CHEUNG Chiu-hung  
Dr Helena WONG Pik-wan

5. The Chairman declared that Mr IP Kwok-him's motion was passed.
6. The Chairman advised that he had ruled before the meeting that 39 of the 37A motions proposed by members were in order. Since received 602 more proposed motions from members so far, he had to adjourn the meeting for 15 minutes to process them.
7. The Chairman declared that the meeting be suspended for 15 minutes at 2:55 pm.
8. The meeting was resumed by the Chairman at 3:16 pm. The Chairman remarked that among the 602 proposed motions, he ruled that some motions were directly related to the agenda item and would be proceeded with, including three motions moved by Ms Claudia MO, nine motions by Mr CHAN Chi-chuen, two motions by Mr LEE Cheuk-yan, and six motions by Mr WONG Yuk-man. He also suggested Dr Fernando CHEUNG to consolidate his proposed motions into five motions, so that there would be 64 proposed motions in total. The Chairman once again invited members who intending to move any motions to submit them to him as soon as possible.
9. Dr Fernando CHEUNG asked the Chairman whether the 35 motions moved by him were all directly related to the item. If they were, on what basis or according to which provision in the Rules of Procedure that he ruled that only five motions were to be considered. He also pointed out that the Chairman should only consider whether the content of a motion was related to the agenda item when making a ruling.

10. The Chairman explained that dealing with all the motions moved by Dr Fernando CHEUNG would only delay proceedings of the meeting. In examining the proposed motions submitted by members, he would take into account the number of motions from individual members and the total number of motions submitted by all members, and allow members the same chances to propose their motions as far as possible in a fair manner, so as to avoid giving preference to a member or two, especially when members submitted proposed motions again at a later stage of the meeting, in which case he would rule that a fewer number of motions would be dealt with. Dr Fernando CHEUNG requested and the Chairman agreed to give a written explanation on his handling approach.

11. Mr LEUNG Kwok-hung opined that it was not expressly stated out in FCP that the Chairman could limit the number of motions moved under paragraph 37A of FCP to be dealt with on the grounds of fairness. He requested the Legal Adviser to attend the meeting to give an explanation.

12. The Chairman responded that direct relevance to the agenda item was the basic requirement of a proposed motion to be dealt with. He implored members to accept the Legal Adviser's opinions should the opinions be different from theirs.

13. Mr LEE Cheuk-yan asked the Chairman whether the motions moved by Dr Fernando CHEUNG were all related to the agenda item. If so, would other members be allowed to submit those motions ruled by the Chairman as not to be dealt with, so as to avoid the unfair situation referred to by the Chairman where he would not have to deal with too many motions moved by the same member. The Chairman responded that he would make his ruling after members had submitted their motions. He added that he would have had enough time to process the motions if members had submitted their motions according to the schedule proposed by him. Since he had already ruled that 64 motions would be dealt with, he would not handle a large number of motions submitted during the meeting.

14. At the Chairman's invitation, Legal Adviser explained that paragraph 37A of FCP stipulated that members could submit a proposed motion without notice. As the Chairman had a responsibility to preside over the meeting under paragraph 13 of FCP, after members had submitted their proposed motions, the Chairman had to consider how the meeting could be conducted smoothly, efficiently and orderly in deciding ways to deal with such motions. According to a recent court judgment on a relevant case, in order to ensure the proper and orderly conduct of meetings, the Chairman of the Finance Committee had the power to regulate meeting proceedings and put an end to

debates. Moreover, the Chairman could not act arbitrarily in exercising the power concerned. After taking these factors into consideration, the Chairman could make his judgement on how members' 37A motions should be dealt with.

15. Mr LEUNG Kwok-hung opined that under paragraph 37A of FCP, members could propose a motion at any time during a meeting. The Chairman should decide how to deal with it after the motion had been proposed, rather than exercising his power to forbid members from moving a motion in advance. Legal Adviser explained that the Chairman needed to consider how to deal with a proposed motion after it had been submitted, including whether or not the motion was related to the agenda item, and that the Chairman's decision would be final. She added that according to her understanding, the Chairman had not forbidden members from further submitting 37A motions at the previous meetings. The Chairman supplemented that he was just encouraging members to submit their proposed motions as early as possible.

16. Dr Fernando CHEUNG considered that paragraph 37A of FCP clearly stipulated that when a member proposed a motion without notice to express a view on the agenda item, the Chairman should decide whether the motion was directly related to the item, and if so, the question on the motion should be put to vote by the Committee to determine whether it should be dealt with. Hence, the power of the Chairman was to rule whether the proposed motion was directly related to the agenda item, and the Chairman had no power to override this procedure.

17. The Chairman advised that he would put an end to the discussion on the matter after the Legal Adviser had responded to Dr Fernando CHEUNG's question.

18. Legal Adviser explained that regarding the procedure for dealing with 37A motions, apart from paragraph 37A of FCP, paragraph 13 of FCP also provided the Chairman with the power to chair committee meetings. The Court of First Instance and the Court of Appeal had made their judgement in relation to the power of the Finance Committee Chairman to chair meetings. Hence, in addition to paragraph 37A of FCP, members should also take into account the provisions set out in paragraph 13 of FCP.



Proposed motions on the item FCR(2015-16)45 to be moved by members under paragraph 37A of FCP

*Motion proposed by Ms Claudia MO*

19. The Chairman put to vote the question that motion proposed by Ms Claudia MO numbered 0008 be proceeded forthwith. At the request of members, the Chairman ordered a division for the proposed motion, and the division bell was rung for one minute. With the agreement of the Chairman, Ms MO read out her proposed motion during the ringing of the division bell. The question was negatived.

*Motions proposed by Mr Gary FAN*

20. The Chairman put to vote, one by one, the questions that the motions proposed by Mr Gary FAN numbered 0012 to 0016 be proceeded forthwith. As requested by members, the Chairman ordered a division for each of the proposed motions, and the division bell was rung for one minute for each division. With the agreement of the Chairman, Mr FAN 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*

21. The Chairman put to vote, one by one, the questions that the motions proposed by Mr LEUNG Kwok-hung numbered 0092, 0096, 0102, 0106, 0107, 0111, 0114, 0141, 0157, 0158, 0171, 0172, 0193, 0196, 0202 and 0208 be proceeded forthwith. As members claimed a division, the Chairman ordered a division for each of the proposed motions, and the division bell was rung for one minute for each division. 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 Dr Fernando CHEUNG*

22. The Chairman put to vote, one by one, the questions that the motions proposed by Dr Fernando CHEUNG numbered 0218, 0227 and 0228 be proceeded forthwith. As members claimed a division, the Chairman ordered a division for each of the proposed motions, and the division bell was rung for one minute for each division. With the agreement of the Chairman, Dr CHEUNG read out each of his proposed motions during the ringing of the division bell. All the questions were negatived.

23. At 4:10 pm, the Chairman declared that the meeting be adjourned.
24. The meeting was adjourned at 4:10 pm.

Legislative Council Secretariat  
21 June 2016