

立法會
Legislative Council

LC Paper No. FC291/15-16
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seen by the Administration)

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Finance Committee of the Legislative Council

Minutes of the 41st meeting
held at Conference Room 1 of the Legislative Council Complex at 2:50 pm
and (3:19 pm onwards) in the Chamber of the Legislative Council Complex
on Saturday, 27 February 2016

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 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
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 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 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 SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
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, GMB, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Paul TSE Wai-chun, JP
Hon NG Leung-sing, SBS, JP
Hon IP Kin-yuen

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)
Prof Anthony CHEUNG, GBS, JP	Secretary for Transport and Housing
Mr Joseph LAI, JP	Permanent Secretary for Transport and Housing (Transport)
Ms Rebecca PUN Ting-ting, JP	Deputy Secretary for Transport and Housing (Transport) ¹
Mr Peter LAU Ka-keung, JP	Director of Highways
Mr Jimmy CHAN Pai-ming, JP	Principal Government Engineer (Railway Development), Highways Department
Mr TAM Hon-choi	Government Engineer (Railway Development) ² , Highways Department
Dr Philco WONG	Projects Director, MTR Corporation Limited
Ms Linda SO	Corporate Affairs Director, MTR Corporation Limited
Mr LEUNG Chi-lap	General Manager (XRL F&M), MTR Corporation Limited

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 Jason KONG	Council Secretary (1)4
Mr Keith WONG	Council Secretary (1)5
Miss Queenie LAM	Senior Legislative Assistant (1)2
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Michelle NIEN	Legislative Assistant (1)5

Action

**Item No. 1 – FCR(2015-16)46
CAPITAL WORKS RESERVE FUND**

HEAD 706 – HIGHWAYS

Transport – Railways

**53TR – Hong Kong Section of Guangzhou–Shenzhen–Hong Kong Express
Rail Link – construction of railway works**

**Item No. 2 – FCR(2015-16)47
CAPITAL WORKS RESERVE FUND**

HEAD 706 – HIGHWAYS

Transport – Railways

**57TR – Hong Kong Section of Guangzhou–Shenzhen–Hong Kong Express
Rail Link – construction of non-railway works**

As the Chairman's podium was being occupied by some members, the meeting originally scheduled for 2:30 pm was postponed to commence at 2:50 pm. Members who were then occupying the Chairman's podium questioned the Deputy Chairman's grounds for deciding, and his power to do so, at the meeting held in the morning that the questioning session be closed after allowing members to speak two minutes on the items related to additional funding for the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") for the last time. The Deputy Chairman urged the members who were occupying the Chairman's podium to return to their seats as soon as possible. Otherwise, he would regard these members as behaving disorderly. After urging these members for a number of times in vain, the Deputy Chairman read out the names of these members one by one and directed the Clerk to put the names on record. Members whose names were read out included Mr CHAN Chi-chuen, Dr Helena WONG, Mr LEUNG Kwok-hung, Mr LEE Cheuk-yan, Dr Fernando CHEUNG, Dr Kenneth CHAN, Mr Gary

FAN, Ms Claudia MO and Mr Albert CHAN. As these members continued to occupy the Chairman's podium or remained in its vicinity and refused to return to their seats, the Deputy Chairman declared at 2:54 pm that the meeting be suspended for 15 minutes.

2. The meeting resumed at 3:05 pm. As members occupying the Chairman's podium had still not moved away, the Deputy Chairman once again urged these members to return to their seats. As repeated urges had been made but in vain, the Deputy Chairman ordered at 3:07 pm the following members to withdraw from the meeting immediately for grossly disorderly conduct: Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr LEE Cheuk-yan, Dr Kenneth CHAN, Mr Gary FAN, Ms Claudia MO, Dr Helena WONG, Mr CHAN Chi-chuen and Dr Fernando CHEUNG. As these members continued to occupy the Chairman's podium or remain in its vicinity, and refused to return to their seats, the Deputy Chairman declared at 3:09 pm that it was impossible for the Finance Committee ("FC") to continue to conduct this meeting at Conference Room 1, and the FC meeting would resume in the Chamber in 10 minutes.

3. At 3:19 pm, the meeting resumed in the Chamber. The Deputy Chairman explained his decision to close the questioning session of the agenda items after directing members to have a last round of speaking for two minutes. He pointed out that FC had already spent about 20 hours' meeting time to deliberate on the additional funding for the construction works of the XRL Hong Kong section, including some 10 hours spent on discussing the legality of the Deputy Chairman presiding over the meeting and on dealing with the motions moved by members pursuant to paragraph 39 of the Finance Committee Procedure ("FCP") to adjourn the deliberation on the agenda items and to adjourn the further proceedings of the Committee. Besides, 111 questions had also been raised in respect of the items. He remarked that if members had made good use of those 20 hours to raise questions on the agenda items, the discussion would have been more fruitful. He also urged members to abide by the Rules of Procedure and refrain from impeding the progress of the meeting. Ms Cyd HO and Mr Alan LEONG criticized the Deputy Chairman for making a groundless decision. Dr KWOK Ka-ki demanded that the Deputy Chairman allow members who had not asked many questions to continue to ask questions. The Deputy Chairman responded that he would not withdraw the decision made and that, according to paragraph 44 of the Rules of Procedure, his decision on a point of order would be final.

Last round for members to speak two minutes on the agenda items

4. Dr KWOK Ka-ki criticized the Administration for repeatedly avoiding the issue concerning the possible impacts of "co-location" of customs, immigration and quarantine facilities ("co-location arrangements") on the Basic Law and the principle of "one Country, two Systems". He opined that the Deputy Chairman was acting like an accomplice collaborating with the Administration on its attempt to forcefully get the funding proposals approved.

Motion that further proceedings of the Committee be now adjourned

5. At 3:34 pm, Dr KWOK Ka-ki moved under paragraph 39 of FCP that further proceedings of the Committee be then adjourned. The Deputy Chairman thereupon proposed the question that further proceedings of the Committee be then adjourned. The Deputy Chairman directed that each member, when speaking on the motion, might speak once for not more than three minutes.

6. Dr KWOK Ka-ki spoke to express his dissatisfaction that while the Administration had been giving ambiguous response to the many questions put by members, the Deputy Chairman was restricting members from raising further questions.

7. Mr Charles MOK, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr WONG Yuk-man, Ms Cyd HO, Mr Albert HO, Mr CHEUNG Kwok-che, Mr Kenneth LEUNG, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Alan LEONG, Mr WU Chi-wai, Mr Frederick FUNG and Mr SIN Chung-kai spoke in support of Dr KWOK Ka-ki's motion. These members opined that in restricting members from raising further questions on the grounds that FC had already deliberated on the funding proposals for 20 hours and many members had repeated the contents of other members' questions, the Deputy Chairman had made an incorrect interpretation and distortion of the powers given to the chairman of the Committee by the Rules of Procedure. He was also depriving members of their power to raise questions and monitor the Government. These members criticized the Administration for avoiding the many important issues concerned with the funding application. These issues included the financial feasibility of the XRL Hong Kong section, how to implement the "co-location arrangements", how to pursue the liability of the Mass Transit Railway Corporation Limited for the works delay, and the future financing arrangements involved in case of further cost overrun of the project. These members opined that the Committee be then adjourned immediately and discussion should be resumed only when the relevant information had been properly provided by the Administration.

8. Mr WONG Kwok-hing spoke in opposition to Dr KWOK Ka-ki's motion. He criticized some members for being self-contradictory, as they were alleging that there were still many doubts and questions concerning the funding application on the one hand and supporting adjournment of the meeting on the other.

9. At 3:47 pm, when speaking on Dr KWOK Ka-ki's motion, Mr WONG Kwok-hing alleged that Mr LEE Cheuk-yan, Ms Cyd HO, Mr CHEUNG Kwok-che and Dr Fernando CHEUNG, who were all affiliated to the Labour Party, were "labour traitors". Mr James TO and Mr Albert HO demanded that the Deputy Chairman rule whether Mr WONG's remarks amounted to an insult against these members. Mr WONG Kwok-hing refused to withdraw the remark concerned. The Deputy Chairman decided that the remark concerned was in contravention of the Rules of Procedure, and demanded Mr WONG Kwok-hing refrain from making the remark concerned again at the meeting.

10. At 4:29 pm, the Deputy Chairman declared that the meeting be adjourned.

11. The meeting was adjourned at 4:29 pm.

Legislative Council Secretariat
22 August 2016