

立法會
Legislative Council

LC Paper No. FC265/15-16
(These minutes have been
seen by the Administration)

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Finance Committee of the Legislative Council

Minutes of the 43rd meeting
held at Conference Room 1 of the Legislative Council Complex on
Friday, 11 March 2016, at 3:15 pm and in the Chamber of the
Legislative Council Complex (4:58 pm onwards)

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 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
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yea, 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 Frankie YICK Chi-ming, JP
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, 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
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 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
Hon Alvin YEUNG Ngok-kiu

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP

Dr Hon KWOK Ka-ki
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon POON Siu-ping, BBS, MH
Hon CHUNG Kwok-pan

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)
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
Mr Simon TANG	General Manager (XRL), MTR Corporation Limited
Mr LEUNG Chi-lap	General Manager (XRL E&M), MTR Corporation Limited
Ms Maggie SO	General Manager (Corporate Relations), 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 Keith WONG	Council Secretary (1)5
Mr Raymond SZETO	Council Secretary (1)6
Miss Queenie LAM	Senior Legislative Assistant (1)2
Mr Frankie WOO	Senior Legislative Assistant (1)3
Miss Yannes HO	Legislative Assistant (1)6

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**

The Deputy Chairman remarked that the Finance Committee ("FC") would continue with the deliberation on two papers in relation to supplementary provisions for the construction of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") project. The Committee would start with combined discussion first before voting on them separately. The first paper, FCR(2015-16)46, invited this Committee to approve an increase in the approved project estimate ("APE") of 53TR (relating to the construction of railway works for the Hong Kong Section of XRL) by \$15,387.5 million from \$55,017.5 million to \$70,405 million in money-of-the-day prices. The second paper, FCR(2015-16)47, invited this Committee to approve an increase in APE of 57TR (relating to the construction of non-railway works for the Hong Kong Section of XRL) by \$4,215 million from \$11,800 million to \$16,015 million in money-of-the-day prices.

Arrangements for the meeting

2. Regarding the arrangements for dealing with the motions proposed to be moved by members under paragraph 37A of the Finance Committee Procedure ("FCP") to express views on these two items ("37A motions"), the Deputy Chairman advised that he would put each of these motions submitted in respect of item FCR(2015-16)46 and ruled in order to the Committee to decide whether they should be dealt with before the item was put to vote. Pursuant to

the same procedure, he would deal with the 37A motions on item FCR(2015-16)47 before putting the item to vote.

3. When the Deputy Chairman was speaking, Mr Albert CHAN, Mr CHAN Chi-chuen and Ms Claudia MO intended to raise a point of order and spoke loudly without permission of the Deputy Chairman. The Deputy Chairman requested these members to stop speaking, otherwise he would order them to leave the conference room.

4. Mr Albert CHAN queried the Deputy Chairman's expression as he considered that the word "order" was offensive. The Deputy Chairman remarked that the expression was not offensive, and warned Mr Albert CHAN that he should not speak without his permission.

5. Mr Albert CHAN requested the Deputy Chairman to confirm whether it was a joint decision of him and the Chairman to convene the meeting on that day. The Deputy Chairman responded that as he would take the Chair for the agenda items concerning the supplementary provisions for the XRL project while the Chairman, Mr CHAN Kin-por, would resume the Chair for the rest of the agenda items, it was their joint decision to convene this meeting.

6. Many members requested to speak and raise queries about the arrangements for the meeting. The Deputy Chairman directed that each member might speak once for not more than one minute.

7. Mr Albert CHAN, Mr CHAN Chi-chuen, Ms Claudia MO, Mr Alvin YEUNG, Mr LEE Cheuk-yan, Mr Gary FAN, Mr Frederick FUNG, Dr Fernando CHEUNG, Mr LEUNG Yiu-chung, Ms Cyd HO, Mr IP Kin-yuen, Mr Albert HO, Mr Kenneth LEUNG, Mr LEUNG Kwok-hung, Dr Kenneth CHAN, Ms Emily LAU, Mr James TO and Mr Alan LEONG spoke to raise grave queries about the Deputy Chairman's decision made at the end of the meeting on 27 February 2016 that the discussion session had to be closed even when many members had not yet finished raising questions on the items. These members opined that there was not sufficient time for members to raise questions to the Administration, and the Administration had also failed to provide comprehensive replies to members' questions. Moreover, some members had only spoken once or twice. It was a hasty decision of the Deputy Chairman to end the discussion session at that point of time.

8. Some of the aforesaid members also reprimanded the Deputy Chairman severely for his decision to end the discussion session on the grounds that certain individual members had repeated the speeches of other members. They remarked that there were no provisions in the Rules of Procedure ("RoP") or FCP empowering the Chairman or the Deputy Chairman who chaired the meeting to "draw a line" and discontinue members' speeches. According to paragraph 32 of FCP, the Deputy Chairman who chaired the meeting could only direct a member to discontinue his speech when he persisted in irrelevance or tedious repetition of his own or other members' arguments in the discussion. Therefore, they held the view that the Deputy Chairman had abused his power in making such a decision.

9. Moreover, these members were also dissatisfied with the Deputy Chairman's decision to cut down substantially on the number of 37A motions submitted by members and allow only a small number of their motions to be put to the Committee. They requested the Deputy Chairman to explain the basis for his ruling on each motion.

10. In response, the Deputy Chairman said that he had allowed sufficient time for members to speak and raise questions on the items. Although some members who wished to speak had only spoken once or twice on the items, the contents of their questions overlapped with those of other members' questions raised earlier, and the Administration had repeatedly provided the relevant replies. In addition, some members had moved motions numerous times to adjourn further proceedings of the Committee or the discussion on an item pursuant to paragraph 39 of FCP. They were wasting time rather than grasping the time at meetings to raise questions on the items. Thus, to ensure effective conduct of the FC meetings, he decided at the meeting held on 27 February 2016 to "draw a line" and allow members to make their last speeches before closing the discussion session and proceeding to deal with the 37A motions. According to court precedents, the Chairman or the Deputy Chairman who chaired the meeting did have power to "draw a line" and close the discussion session. Moreover, it was in order to do so.

11. In relation to the queries about his rulings on 37A motions, the Deputy Chairman said that as he had already explained the reasons for his rulings in his letters to members who submitted 37A motions, he would not explain his rulings on individual motions again at the meeting.

12. Mr Alvin YEUNG said that the proposed supplementary provisions for the XRL project was an important item, on which he should have right to fully question the Administration. However, the Deputy Chairman only exercised discretion to allow him to speak and raise questions for not more than seven minutes before the item was put to vote. He requested the Deputy Chairman to account for the reasons for setting the time limit at seven minutes, and appealed to the Deputy Chairman to allow him to speak before proceeding to deal with 37A motions. Dr Kenneth CHAN and Mr James TO expressed similar views.

13. The Deputy Chairman said that as the discussion session was closed when the FC meeting ended on 27 February 2016 and the Committee would proceed to deal with 37A motions, Mr Alvin YEUNG should not be allowed to speak on the items. However, given that Mr YEUNG, who was elected in the by-election of the Legislative Council ("LegCo") held on 28 February 2016, did not have any chance to speak during the discussion session, he decided to exercise discretion pursuant to paragraph 46 of FCP to allow Mr YEUNG to speak on the items after the Committee had dealt with 37A motions. With a view to striking a balance between ensuring a smooth conduct of the meeting and safeguarding a member's right to speak, he decided to give Mr YEUNG seven minutes to make his speech. He had also written to Mr YEUNG to explain his decision.

14. Mr WONG Kwok-hing spoke in support of the Deputy Chairman's decision and criticized that members of the opposition camp made use of motions to adjourn further proceedings of the Committee to conduct a filibuster to stall the Committee's deliberation on the items.

Order at the meeting

15. At 4 pm, the Deputy Chairman declared that the Committee proceeded to deal with 37A motions. Mr Albert CHAN, Mr LEE Cheuk-yan and Dr Fernando CHEUNG moved forward to the Chairman's podium and spoke loudly to express their discontent. The Deputy Chairman requested these members to return to their seats.

16. The Deputy Chairman responded to members that he would maintain his decision to close the discussion session and proceed to deal with 37A motions. Mr CHAN Chi-chuen made his speech loudly in protest at his seat without permission. Mr Albert CHAN and Mr LEE Cheuk-yan also left their seats in protest again. The Deputy Chairman gave warnings to these members, and required them to return to their seats and stop speaking.

Mr CHAN Chi-chuen, Mr Albert CHAN and Mr LEE Cheuk-yan paid no heed to the Deputy Chairman's warning and continued to speak loudly in protest. Mr Albert CHAN and Mr LEE Cheuk-yan did not return to their seats.

17. At 4:07 pm, Mr LEUNG Kwok-hung, holding a bottle of black ink, moved forward to the Chairman's podium and splashed the ink onto the Deputy Chairman. The Deputy Chairman ruled Mr LEUNG Kwok-hung's behaviour as grossly disorderly and ordered him to withdraw from the Committee immediately. The Deputy Chairman also ruled that Mr CHAN Chi-chuen, Mr Albert CHAN and Mr LEE Cheuk-yan behaved in a grossly disorderly manner and asked these members to withdraw immediately.

18. Mr LEUNG Kwok-hung, Mr CHAN Chi-chuen, Mr Albert CHAN and Mr LEE Cheuk-yan refused to leave the conference room and continued to speak loudly. Mr Albert HO, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Ms Cyd HO, Mr Alan LEONG, Ms Claudia MO, Mr Gary FAN, Dr Kenneth CHAN, Dr Fernando CHEUNG, Mr IP Kin-yuen, and Mr Alvin YEUNG also left their seats in protest.

19. At 4:09 pm, Mr CHAN Chi-chuen moved down the passage behind the Chairman's podium to the Deputy Chairman's seat, and spoke loudly in protest with a loudspeaker he brought with him. Mr Albert CHAN and Mr LEE Cheuk-yan also moved forward to the Chairman's podium, took away the microphone at the Deputy Chairman's seat and spoke loudly in protest. The Deputy Chairman asked Mr LEUNG Kwok-hung, Mr CHAN Chi-chuen, Mr Albert CHAN and Mr LEE Cheuk-yan to leave the conference room, and requested other members who had left their seats to return to their seats and stop speaking.

20. The Deputy Chairman gave warnings to Mr James TO, Mr LEUNG Yiu-chung, Mr Frederick FUNG, Mr Gary FAN and Ms Claudia MO for their failure to comply with his request. Mr Gary FAN went towards the Deputy Chairman, intending to take away the wireless microphone from his hand and speak with it to express his discontent. The Deputy Chairman asked Mr Gary FAN to stop doing so and return to his seat.

21. At 4:17 pm, the Deputy Chairman declared that the meeting be suspended.

22. The meeting resumed at 4:35 pm.

23. Mr CHAN Chi-chuen occupied the Deputy Chairman's seat, while Mr Albert CHAN, Mr LEE Cheuk-yan and Ms Claudia MO encircled the Chairman's podium, making an uproar and speaking loudly in protest. The Deputy Chairman asked these members to leave but they refused. The Deputy Chairman ruled that Ms Claudia MO's conduct was grossly disorderly and ordered the members to withdraw from the Committee.

24. At 4:37 pm, the Deputy Chairman declared that the meeting be suspended for another 10 minutes due to problems of order which made it impossible for the meeting to proceed.

25. The meeting resumed at 4:46 pm. Again, the Deputy Chairman asked those five members (Mr LEUNG Kwok-hung, Mr CHAN Chi-chuen, Mr Albert CHAN, Mr LEE Cheuk-yan and Ms Claudia MO) who had been ordered by him to withdraw from the Committee to leave the conference room. These members refused to leave and spoke loudly in protest.

26. At 4:47 pm, the Deputy Chairman declared that the venue of the meeting would be changed to the Chamber of LegCo Complex due to problems of order which made it impossible for the meeting to be held at Conference Room 1.

27. The meeting resumed at 4:58 pm in the Chamber of LegCo Complex.

28. The Deputy Chairman remarked that before the commencement of the meeting on that day, he had received from members a total of 1 264 37A motions on items FCR(2015-16)46 and 47. He would put 39 of these motions which were ruled in order to the Committee one by one to decide whether they should be dealt with. The relevant circular had been tabled on each member's desk at the beginning of the meeting. After dealing with these motions, he would examine with the Secretariat other 37A motions which were submitted by members at the meeting on that day one by one, and determine if they were in order and should be put to the Committee for deciding whether they should be dealt with.

29. Mr Alvin YEUNG took out at his seat a loudspeaker he had brought with him and spoke loudly without permission. The Deputy Chairman asked Mr YEUNG to stop speaking immediately or he would rule his conduct as grossly disorderly.

30. Mr Alan LEONG raised queries about the Deputy Chairman's decision to allow Mr Alvin YEUNG to speak after the Committee had dealt with all 37A motions and before the items were about to vote. The Deputy Chairman said that he had made the ruling and his decision was final, and that the matter should not be discussed any more.

31. Mr Alvin YEUNG continued to speak loudly with his loudspeaker. The Deputy Chairman ruled that Mr YEUNG behaved in a grossly disorderly manner and ordered him to leave the Chamber immediately. A large number of members left their seats and gathered near Mr YEUNG's seat.

32. The Deputy Chairman asked the members who walked out of their seats to return to their seats, otherwise he would not deal with the 37A motions submitted by them.

33. The Deputy Chairman warned Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Mr Gary FAN, Dr Kenneth CHAN, Mr Kenneth LEUNG and Dr Fernando CHEUNG that they should not speak any more and should return to their seats. The members concerned did not comply with the Deputy Chairman's instruction and continued to speak loudly in protest.

34. The Deputy Chairman repeatedly asked the members who had submitted 37A motions to return to their seats, otherwise they would be regarded as having given up their right to move their motions and he would put the items FCR(2015-16)46 and FCR(2015-16)47 to vote.

Voting on the items

35. At 5:08 pm, the Deputy Chairman said that he had repeatedly asked the members who had submitted 37A motions to return to their seats and so that their respective motions could be dealt with, but the members concerned still refused to comply with his instruction. If these members did not wish the Committee to deal with their 37A motions, he would then put the items to vote. He requested these members to return to their seats within one minute.

36. At 5:09 pm, the Deputy Chairman declared that as the members concerned still refused to return to their seats, he would put the items FCR(2015-16)46 and FCR(2015-16)47 to vote forthwith.

37. The Deputy Chairman put the item FCR(2015-16)46 to vote. The Deputy Chairman declared that the item was approved.

38. The Deputy Chairman then put the item FCR(2015-16)47 to vote. The Deputy Chairman declared that the item was approved.

39. At 5:11 pm, the Deputy Chairman declared that the Chairman, Mr CHAN Kin-por, would resume the Chair at the second meeting held by FC on the same day to consider the remaining items on the agenda. He then declared that the meeting be adjourned.

40. The meeting was adjourned at 5:11 pm.

[Post meeting note: The Secretariat informed members by way of pager message at 5:53 pm, and via email and fax (LegCo Paper No. FC160/15-16) at 6:46 pm that due to problems of order in LegCo Complex, the Chairman decided to cancel the second meeting scheduled for the same day taking into account the safety of Members and other users of the Complex.]

Legislative Council Secretariat
24 June 2016