

立法會
Legislative Council

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Finance Committee of the Legislative Council

**Minutes of the 44th meeting
held at Conference Room 1 of the Legislative Council Complex
on Saturday, 12 March 2016, at 9:00 am**

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 Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, 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 Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon Claudia MO
Hon James TIEN Pei-chun, GBS, JP

Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon KWOK Ka-ki
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:

Hon CHAN Kam-lam, SBS, JP (Deputy Chairman)
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, 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 Charles Peter MOK, JP

Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
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)
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Raistlin LAU Chun, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 3
Ms Jasmine CHOI Suet-yung	Principal Assistant Secretary for Financial Services and the Treasury (Treasury)(Works)
Mr John KWONG Ka-sing	Chief Assistant Secretary for Development (Works) 1, Development Bureau
Mr Tony MOYUNG Hon	Assistant Director of Lands (Acquisition), Lands Department
Ms Joyce NG Suet-ye	Chief Estate Surveyor (Acquisition), Lands Department
Mr LEUNG Koon-kee, JP	Director of Architectural Services
Mr HUI Chiu-kin	Assistant Director of Architectural Services (Property Services), Architectural Services Department
Mr Edwin TONG Ka-hung, JP	Director of Drainage Services
Mr Samson LAI Yiu-kei	Assistant Director of Environmental Protection (Waste Management Policy)
Ms Betty CHEUNG Miu-han	Assistant Director of Environmental Protection (Environmental Infrastructure)

Mr Daniel CHUNG Kum-wah, JP	Director of Civil Engineering and Development
Mr Peter LAU Ka-keung, JP	Director of Highways
Mr Raymond KONG Tai-wing	Deputy Project Manager/Major Works (1), Highways Department
Mr Ivan CHUNG Man-kit	Principal Assistant Secretary for Development (Planning and Lands) 5, Development Bureau
Ms Charmaine WONG Hoi-wan, JP	Assistant Director of Home Affairs (2)
Mr Martin KWAN Wai-cheong	Chief Engineer (Works), Home Affairs Department
Ms Maggie CHIN Man-yi	District Planning Officer (Fanling, Sheung Shui and Yuen Long East), Planning Department
Mr LAM Ka-tai, JP	Deputy Director of Social Welfare (Services)
Mr KOK Che-leung	Assistant Director of Social Welfare (Subventions)
Mr Kelvin SIU Yun-piu	Assistant Secretary-General (Capital), University Grants Committee Secretariat
Mr LEE Kam-yuen	Chief Maintenance Surveyor (School Premises Maintenance), Education Bureau
Mr Murphy CHIU Hon-fai	Senior Maintenance Surveyor (School Premises Maintenance), Education Bureau
Dr LAI Shu-ming	Head of Estates, Health and Safety Division, Vocational Training Council
Mr LEUNG Wing-lim, JP	Assistant Director of Water Supplies (New Works)
Mr Timothy CHENG Leung-kit	Chief Systems Manager (Governance and Resources), Office of the Government Chief Information Officer
Mr LO Kwok-kong	Chief Civil Engineer (Public Works Programme), Housing Department

Clerk in attendance:

Ms Anita SIT

Assistant Secretary General 1

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

Ms Michelle NIEN

Legislative Assistant (1)5

Action

Members to express opinions on the deliberation and voting on the construction works of Hong Kong section of Guangzhou – Shenzhen – Hong Kong Express Rail Link

The Chairman advised that some members wished to express their opinions on the deliberation and voting process of agenda item nos. FCR(2015-16)46 and FCR(2015-16)47, i.e. the two items for applying for supplementary provisions for the construction works of the Hong Kong Section of Guangzhou – Shenzhen – Hong Kong Express Link ("XRL") at the previous meeting of the Finance Committee ("FC"). As such, he would allow these members to speak once each for not more than 3 minutes before the meeting started to deal with items on the agenda of the day.

2. Mr LEE Cheuk-yan, Mr Alvin YEUNG, Ms Emily LAU, Dr Fernando CHEUNG, Mr LEUNG Yiu-chung, Mr Frederick FUNG, Mr IP Kin-yuen, Mr Alan LEONG, Ms Cyd HO, Mr James TO, Mr LEUNG Kwok-hung, Mr Albert HO, Mr CHEUNG Kwok-che, Mr Gary FAN, Dr KWOK Ka-ki and Mr Albert CHAN expressed strong dissatisfaction with the voting process of the application for supplementary provisions for the XRL at the FC meeting on 11 March 2016. These members' criticism was that, while the XRL would consume a huge amount of public revenue, its economic benefits were not obvious. It was a "white-elephant" project. Problems arising from the co-location of immigration and customs facilities might even jeopardize the one-country-two-systems system. Therefore, it was only reasonable for FC to exercise care and caution in deliberating these two agenda items to ensure that public revenue could be used wisely, and that the Administration should also have given comprehensive replies to questions regarding important issues like responsibility for cost overrun and "co-location

of immigration and customs facilities". However, Mr CHAN Kam-lam, the Deputy Chairman, who chaired the meeting, in order to collaborate with the Administration, did not follow the procedure to allow members to ask questions (Mr Alvin YEUNG, in particular, was not able to speak on the items) and he also did not deal with motions moved by members without notice in accordance with paragraph 37A of the Finance Committee Procedure ("FCP"). He put the items to vote right away even before the deliberation on them was completed and, escorted on his course by members belonging to the pro-establishment camp, had the items approved "with brute force" without regard for the demands of the pan-democratic camp. This is the manifestation of "violence by the system".

3. Mr TAM Yiu-chung, Mr WONG Kwok-kin, Mr Jeffrey LAM, Mr YIU Si-wing, Ir Dr LO Wai-kwok, Ms Starry LEE, Mr WONG Kwok-hing and Mr IP Kwok-him spoke in support of the Deputy Chairman's handling of the voting process of the applications for supplementary provisions for the XRL. These members remarked that it was undesirable for the XRL to have cost overrun and delays, and the MTR Corporation Limited, the project manager should conduct a thorough review on this. However, they remarked that, the construction of an express rail link was beneficial to the development of Hong Kong as a whole. The project should not be halted. In fact, the two agenda items had been deliberated by the Public Works Subcommittee and FC for tens of hours and there should have been enough discussion on it. The Deputy Chairman should not allow pan-democratic members to continue obstructing the voting process. Therefore, it was necessary for the Deputy Chairman to act in his way in chairing the meeting and in ending the "filibustering" and what he did was in compliance with the order. These members criticized the pan-democratic members for using all kinds of tricks, including moving motions that discussion on an item or further proceedings of FC be now adjourned, and they had acted in ways that are out of order, so as to jeopardize FC meetings and obstruct the progress of deliberation on agenda items. These members urged the Chairman to conduct the meeting efficiently, so as to enable agenda items on people's livelihood to be approved as quickly as possible.

4. Mr Paul TSE opined that the XRL had long-term benefits for the Hong Kong society, so the project should not be shelved. He hoped that other members could deal with the agenda items in a rational manner.

5. Mr TAM Yiu-chung and Mr WONG Kwok-hing expressed sympathy for the Clerk to FC and other staff of the Secretariat who were subject to some violent actions by individual members on the meeting on 3 March 2016.

6. Mr IP Kin-yuen queried that the Deputy Chairman, who presided over the previous meeting, could only have based his actions on paragraph 32 of FCP, which stipulated that he could direct a member to discontinue his speech if this member persisted in irrelevance or tedious repetition of his own or other members' arguments in the discussion. Therefore, the Deputy Chairman did not have the power to discontinue the whole discussion because individual members repeated the speeches of other members.

7. In response, the Chairman pointed out that while the Chairman and the Deputy Chairman might have different approaches in presiding over meetings, both of them had to abide by the Rules of Procedure of the Legislative Council, FCP and relevant precedent judgments of the law courts. He considered that the Deputy Chairmen had not acted out of order in his way of conducting the meeting.

Member's motion seeking the Committee to express no confidence in the Deputy Chairman

8. Mr LEE Cheuk-yan requested to move a motion of no-confidence by FC in the Deputy Chairman.

9. The Clerk to FC advised that, according to paragraph 21 of FCP, if a member wished to move a motion to express that FC had no confidence in the Chairman or the Deputy Chairman, in general, the notice concerned should reach the Clerk at least 6 clear days before the FC meeting concerned.

10. Mr LEE Cheuk-yan, Ms Claudia MO and Dr Fernando CHEUNG urged the Chairman to exercise the power stipulated in paragraph 21 of FCP for the Chairman to direct that shorter notice for an agenda item be allowed, so that the "no-confidence" motion Mr LEE Cheuk-yan intended to move could be dealt with in this meeting.

11. The Chairman advised that, although the Chairman had the power to direct that shorter notice be allowed for an agenda item, pursuant to paragraph 21 of FCP, he considered it not necessary for him to exercise this power at this juncture and this was also not in line with the general practice of FC. As such, he would not give the direction concerned.

12. Mr CHAN Chi-chuen queried that the Chairman had remarked that, because of an interest issue, he would not preside over the deliberation on agenda items related to the XRL. As the motion of no-confidence in the Deputy Chairman was related to latter's presiding over the deliberation of the supplementary provisions for the XRL, so it was not appropriate for the Chairman to preside over the deliberation on the no-confidence motion.

Member's motion seeking the Committee to express no confidence in the Chairman

13. Mr CHAN Chi-chuen said that he had presented a request to the Chairman to move a motion of no-confidence by FC in the Chairman. He demanded that the Chairman to elaborate on when the motion concerned would be dealt with.

14. The Chairman advised that he had already written to Mr CHAN Chi-chuen on 17 February 2016 (LC Paper No. FC121/15-16(02)), advising him that a special meeting would have to be arranged for dealing with the no-confidence motion he proposed. The relevant arrangements were in progress.

Demanding the Chairman to declare the voting on supplementary provisions for XRL invalid

15. Mr LEE Cheuk-yan, Ms Claudia MO, Mr Alvin YEUNG and Mr Alan LEONG spoke and demanded the Chairman to declare the voting on item nos. FCR(2015-16)46 and FCR(2015-16)47 invalid.

16. The Chairman advised that neither the Rules of Procedure nor FCP granted him the power to declare the voting of a formal meeting of FC invalid.

Order of the meeting

17. At 10:33 am, the Chairman directed that FC should begin to discuss the agenda items of the current meeting. Some members expressed dissatisfaction with this and demanded again that the Chairman should declare the voting on the items for supplementary provisions for XRL invalid. The Chairman reiterated that he did not have such a power.

18. At 10:36 am, a number of members, including Mr Albert HO, Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Albert CHAN, Mr CHEUNG Kwok-che, Mr Alan LEONG, Ms Cyd HO, Mr Gary FAN, Ms Claudia MO, Mr CHAN Chi-chuen and Dr Fernando CHEUNG, with banners in their hands, left their seats and approached the Chairman's podium in protest, insisting on their demand that the Chairman should declare the voting on supplementary provisions for XRL invalid. The Chairman declared that the meeting be suspended for 20 minutes.

19. The Committee resumed its meeting at 10:55 am.

20. A number of protesting members continued to assemble in the vicinity of the Chairman's podium. Among them, Mr CHAN Chi-chuen even occupied the Chairman's seat. The Chairman demanded the members concerned return to their own seats, but these members did not follow his advice. The Chairman declared an early adjournment of the meeting.

21. The meeting was adjourned at 10:57 am.

Legislative Council Secretariat
24 June 2016