

立法會
Legislative Council

LC Paper No. FC279/15-16

(These minutes have been
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Ref : FC/1/1(22)

Finance Committee of the Legislative Council

Minutes of the 46th meeting
held at Conference Room 1 of the Legislative Council Complex
on Saturday, 12 March 2016, at 2:32 pm
and at the Chamber of the Legislative Council Complex (from 3:00 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 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 WONG Kwok-hing, BBS, MH
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 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 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 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 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 James TO Kun-sun
Dr Hon LAU Wong-fat, GBM, 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
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP
Hon Kenneth LEUNG
Hon Dennis KWOK

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)
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

Miss 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
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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
Ms Michelle NIEN	Legislative Assistant (1)5

Action

At 2:32 pm, the Chairman declared that the meeting commenced. At that time, Mr Albert CHAN, Mr CHAN Chi-chuen, Mr LEUNG Kwok-hung, and Ms Claudia MO were occupying the chairs at the Chairman's podium in protest. Mr LEE Cheuk-yan also stood in front of the Chairman's podium. The Chairman ordered these members to return to their seats immediately and he advised that the meeting was for the deliberations on the proposals related to the block allocations under the Capital Works Reserve Fund which involved a number of government projects and the employment of more than 13 000 workers. Despite the warning of the Chairman, Mr Albert CHAN, Mr CHAN Chi-chuen, Mr LEUNG Kwok-hung, and Ms Claudia MO continued to occupy the chairs at the Chairman's podium. The Chairman declared that the conduct of the four members was grossly disorderly and ordered them to leave the conference room. As these members refused to leave, the meeting could not proceed normally, the Chairman suspended the meeting at 2:33 pm for 10 minutes.

2. The meeting resumed at 2:42 pm. Mr Albert CHAN, Mr CHAN Chi-chuen, Mr LEUNG Kwok-hung, and Ms Claudia MO continued to occupy the chairs at the Chairman's podium. Moreover, Mr LEE Cheuk-yan, Mr Gary FAN, Dr Fernando CHEUNG, Dr Kenneth CHAN, and Mr Alvin YEUNG also stood in front of the Chairman's podium. Mr LEE Cheuk-yan requested the Chairman to deal with the motion of no confidence in the Deputy Chairman that he moved at the first meeting on that day, and declare the vote in favour of the proposal for supplementary provisions for the construction of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project ("XRL project") on 11 March 2016 invalid. The Chairman reiterated that he did not have the power to declare a decision made at a formal meeting of the Finance Committee ("FC") invalid, nor could the motion of no confidence in the Deputy Chairman be dealt with immediately at this meeting, and he had to fix another day for holding a meeting to deal with it.

3. The Chairman said that the agenda items to be dealt with at today's meeting included the proposals related to the block allocations under the Capital Works Reserve Fund, as well as other funding proposals related to people's livelihood, such as funding for the expenditure for the Elderly Health Care Voucher Scheme. The Chairman requested Mr LEE Cheuk-yan, Mr Gary FAN, Dr Fernando CHEUNG, Dr Kenneth CHAN, and Mr Alvin YEUNG to return to their seats immediately so that the meeting could return to normal and the Committee could continue with its deliberations. Mr LEE Cheuk-yan, Dr Fernando CHEUNG, Dr Kenneth CHAN, and Mr Alvin YEUNG then returned to their seats, but Mr Gary FAN remained in front of the Chairman's podium. The Chairman declared that the conduct of Mr Gary FAN was grossly disorderly, and ordered him to withdraw from the conference room.

4. At 2:44 pm, as the five members who had been ordered to withdraw from the meeting refused to leave the conference room, for the sake of the normal conduct of business at the meeting, the Chairman declared that the meeting be suspended and be resumed at the Chamber of the Legislative Council Complex at 3:00 pm.
5. The meeting resumed at the Chamber of the Legislative Council Complex at 3:00 pm.

Item No. 1 – FCR(2015-16)48

**RECOMMENDATION OF THE PUBLIC WORKS SUBCOMMITTEE
MADE ON 17 FEBRUARY 2016**

6. The Chairman said that the Committee commenced the deliberations on the item FCR(2015-16)48, in which FC was asked to approve the block allocations for Heads 701-711 under the Capital Works Reserve Fund, including (i) approving a total allocation of \$12,826.7 million for 2016-17 for the block allocations under the Capital Works Reserve Fund; (ii) increasing the approved allocation for Subhead 5001BX under Head 705 for 2015-16 by \$300 million from \$1,045.6 million to \$1,345.6 million; and (iii) increasing the approved allocation for Subhead 9100WX under Head 709 for 2015-16 by \$130 million from \$720 million to \$850 million.
7. The Chairman advised that as members could speak, move a motion, and vote on the matters under discussion, under the Rules of Procedure ("RoP"), if a member had a pecuniary interest, whether direct or indirect, in any matter for deliberations in an FC meeting, he must disclose the nature of that interest before he spoke on any such matter. However, if a member was the Chairman of a meeting and did not make any enquiry in the meeting, the requirements under Rule 83A of the RoP for members to declare interest would not apply. To put it beyond doubt, the Chairman declared that he was a consultant of Munich Reinsurance Company but he did not have any pecuniary interest, whether direct or indirect, in the matters under discussion.
8. Mr Albert HO enquired the Chairman why security staff were called in to stand in front of the Chairman's podium, he considered that they would block the views of the members. The Chairman replied that he had made such arrangements because a lot of time had been wasted on dealing with order problems in the morning session. The Chairman said if members would observe the relevant rules in future meetings, such arrangements would not be necessary.

Motion to adjourn further proceedings of the Committee

9. At 3:04 pm, Mr Alan LEONG moved that further proceedings of the Committee be now adjourned pursuant to paragraph 39 of the Finance Committee Procedure ("FCP"). The Chairman thereupon proposed the question that the meeting be now adjourned. He also directed that a member, when speaking on the question, might speak once for not more than three minutes.

10. Mr Alan LEONG introduced his motion. He opined that the Committee just approved supplementary provisions for the XRL project the day before through improper voting procedures, which had ruined the FCP and undermined the powers of the Legislative Council ("LegCo") Members to monitor the financial expenditures of the Government under the Basic Law. Before the disputes on the voting procedures were resolved, it was impossible for the Committee to deal with other funding proposals submitted by the Administration. He found such arrangements unacceptable from a sentimental point of view and it was therefore inappropriate to continue the meeting.

11. The Chairman advised that the Administration had dispatched a large number of government officials to attend this meeting to answer questions of the members regarding the agenda items. If the Committee decided to suspend the deliberations on the items, it would be a waste of time for both the members and officials who were present at the meeting. The Chairman urged the members to treasure valuable meeting time and tried to be concise when they spoke on the motion to adjourn further proceedings. He also pointed out that deliberations on the funding proposals related to the XRL project had been completed, and sufficient time had been given to members to express their opinions on the arrangement for the deliberation on the funding proposal for the XRL project in the morning session. Therefore, it was inadvisable for members to harp on this matter, they instead should bear in mind the overall interests of Hong Kong. If a member considered that there were problems in the legislature system, he should seek to solve the problems through legal procedures or look into the possibilities of amending the RoP.

12. Ms Emily LAU, Dr Fernando CHEUNG, Mr Frederick FUNG, Mr Alvin YEUNG, Mr Albert HO, Mr LEUNG Yiu-chung, Mr CHEUNG Kwok-che, Dr KWOK Ka-ki, Dr Kenneth CHAN, and Mr LEE Cheuk-yan spoke in support of Mr Alan LEONG's motion. These members opined that the voting procedures for the approval of supplementary provisions for the XRL project were improper, which had impaired the dignity of the Legislative Council and undermined the powers of LegCo Members to monitor the financial expenditures of the Government. The Committee should deal with the allegation of improper voting procedures first in order to ensure the normal operation of FC in the future before proceeding with other funding proposals. Mrs Regina IP opined that after the Committee had voted on the funding proposals for the XRL project, both the members who had voted in favour of and those against the proposals would need some time to calm down and "digest the results", even if the meeting continued, it would be difficult to discuss other funding proposals. She therefore considered that further proceedings should be adjourned.

13. Miss Alice MAK, Dr CHIANG Lai-wan, Dr Elizabeth QUAT, Mr CHAN Han-pan, Mr KWOK Wai-keung, Mr Tony TSE, Mr Christopher CHEUNG, Ir Dr LO Wai-kwok, Mr WONG Kwok-kin, Ms Starry LEE, Mr Jeffrey LAM, Mr LEUNG Che-cheung, Mr Paul TSE, and Mr TAM Yiu-chung spoke against the motion to adjourn further proceedings of FC. These members criticized that members should not be influenced by emotion and move such a motion. If the motion was passed, the Committee would not be able to deliberate on the agenda items concerning various funding proposals concerning people's livelihood, resulting in a waste of time. They opined that those members who were dissatisfied with the voting procedures for the funding proposals for the XRL project should follow up the matter through other means and they should not paralyze the operation of FC.

14. Regarding Mrs Regina IP's opinion, the Chairman said that most of the members who had been consulted before today's meeting agreed that the meeting should continue.

15. Mr Alan LEONG spoke in reply in respect of his motion. The Chairman then put Mr LEONG's 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 13 members voted in favour of, and 29 members voted against the motion. The votes of individual members were as follows –

For:

Mr Albert HO Chun-yan	Mr LEE Cheuk-yan
Mr LEUNG Yiu-chung	Ms Emily LAU Wai-hing
Mr Frederick FUNG Kin-kee	Ms Cyd HO Sau-lan
Mr CHEUNG Kwok-che	Mr Alan LEONG Kah-kit
Dr Kenneth CHAN Ka-lok	Dr KWOK Ka-ki
Dr Fernando CHEUNG Chiu-hung	Mr IP Kin-yuen
Mr Alvin YEUNG Ngok-kiu	
(13 members)	

Against:

Mr CHAN Kam-lam	Mr TAM Yiu-chung
Mr Abraham SHEK Lai-him	Mr WONG Kwok-hing
Mr Jeffrey LAM Kin-fung	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
Mr Paul TSE Wai-chun	Mr James TIEN Pei-chun
Mr Frankie YICK Chi-ming	Mr YIU Si-wing
Mr MA Fung-kwok	Mr CHAN Han-pan
Ms CHAN Yuen-han	Mr LEUNG Che-cheung
Ms KWOK Wai-keung	Mr Christopher CHEUNG Wah-fung
Dr Elizabeth QUAT	Mr Martin LIAO Cheung-kong
Mr TANG Ka-piu	Dr CHIANG Lai-wan
Ir Dr LO Wai-kwok	Mr Christopher CHUNG Shu-kun
Mr Tony TSE Wai-chuen	
(29 members)	

16. The Chairman declared that Mr Alan LEONG's motion was negated.

17. Mr LEE Cheuk-yan rose to speak after the motion to adjourn further proceedings of the Committee was negated, requesting the Chairman to deal with immediately the motion of no confidence in the Deputy Chairman that he moved earlier on that day and declare the vote on the proposal for supplementary provisions for the XRL project invalid. Mr LEE then chanted some slogans in protest with some other members on their seats. The Chairman explained again that he did not have the power to declare a decision made at a formal meeting of FC invalid, and that the motion of no confidence in the Deputy Chairman could only be dealt with at another meeting after the motion had been submitted formally in writing. The Chairman pointed out that a large number of government officials were present at the meeting and

ready to participate in the deliberations on the proposals related to the block allocations under the Capital Works Reserve Fund, but a lot of time had been wasted on dealing with protests by some members and the motion to adjourn further proceedings, which would definitely let the public down.

18. The Chairman asked whether any member wished to ask government officials questions on FCR(2015-16)48. If not, he would put the item to vote. Meanwhile, Mr LEE Cheuk-yan, Mr Alvin YEUNG, and Dr Fernando CHEUNG left their seats and walked towards the Chairman's podium. They were immediately stopped by security staff. The Chairman requested these members to return to their seats and he reiterated that if no members would speak on the item, he would put the item to vote.

19. Dr Kenneth CHAN requested the Chairman to respond to Mr LEE Cheuk-yan's request, and opined that the Chairman had the obligation to review the voting procedures for dealing with the proposal for additional funding for the XRL project. The Chairman repeated that he did not have the power to declare a decision made at a formal meeting of FC invalid, and that a member should submit in writing the motion of no confidence in the Deputy Chairman in accordance with the prescribed procedures.

20. At 4:29 pm, the Chairman declared that the meeting be adjourned to take a 10-minute break.

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

Legislative Council Secretariat
13 July 2016