

**立法會**  
***Legislative Council***

LC Paper No. FC300/15-16

Ref : FC/1/1

**Finance Committee of the Legislative Council**

**Minutes of special meeting  
held at Conference Room 1 of the Legislative Council Complex  
on Friday, 15 April 2016, at 3:38 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 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 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  
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 NG Leung-sing, SBS, 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  
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 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 CHUNG Kwok-pan  
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  
Dr Hon LEUNG Ka-lau  
Hon Paul TSE Wai-chun, JP  
Dr Hon Kenneth CHAN Ka-lok  
Hon Dennis KWOK

**Clerk in attendance:**

Ms Anita SIT Assistant Secretary General 1

**Staff in attendance:**

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
Miss Yannes HO	Legislative Assistant (1)6

### Action

The Chairman advised that two Finance Committee ("FC") meetings scheduled for today were to deal with the agenda comprising two motions from members seeking FC to express no confidence in the Chairman and the Deputy Chairman, Mr CHAN Kam-lam.

2. The Chairman informed members that some members had proposed to him prior to the meetings that a joint debate be held for the two motions of no confidence, which would then be put to vote separately. He asked members if they consented to the said arrangement. Given some members' objection to the arrangement, the Chairman decided that the two motions be dealt with separately as arranged on the agenda.

3. The Chairman further advised that as the first motion seeking FC to express no confidence in himself, he found it inappropriate for him to preside over the relevant agenda item. As for the other motion seeking FC to express no confidence in the Deputy Chairman, given his duty to chair the meetings as the Chairman, if the motion to express no confidence in himself was not carried, he would preside over FC's discussion on the motion to express no confidence in the Deputy Chairman; if the motion to express no confidence in himself was carried, he would not preside over the agenda item.

4. The Chairman then invited the Deputy Chairman to state whether he would preside over the agenda item seeking to express no confidence in the Chairman. The Deputy Chairman advised that he would not preside over the two agenda items seeking to express no confidence in the Chairman and the Deputy Chairman.

5. The Chairman pointed out that as the Deputy Chairman had stated that he would not preside over the two agenda items, according to paragraph 13 of the Finance Committee Procedure ("FCP"), a presiding member for the meetings should be elected from among the members present. As the member elected would preside over the motion seeking to express no confidence in the Chairman, the Chairman advised that it was inappropriate for him to preside over the election. At the same time, he invited the Deputy Chairman to state if he would preside over the session. The Deputy Chairman responded that he would not preside over the session.

6. Mr CHAN Chi-chuen pointed out that as the purpose of the motion seeking FC to express no confidence in the Deputy Chairman had something to do with the way he dealt with the item concerning the supplementary provision for the Hong Kong section of the Guangdong-Shenzhen-Hong Kong Express Rail Link ("XRL") project, and the Chairman had also stated that he would not take part in matters related to the item, he opined that irrespective of whether the motion seeking to express no confidence in the Chairman was carried, the member elected to chair the meetings should at the same time deal with the agenda item seeking to express no confidence in the Deputy Chairman. The Chairman invited other members to comment on Mr CHAN's view. As some members concurred with Mr CHAN's view, the Chairman accepted Mr CHAN's suggestion.

7. The Chairman pointed out that as he and the Deputy Chairman would not preside over the session for electing the presiding member for the meetings, it would be appropriate for a member present having the highest precedence to preside over the session. He then invited Mr LEE Cheuk-yan, the member present having the highest precedence, to take the chair for the election.

#### **Item No.1 – ELECTION OF PRESIDING MEMBER FOR THE MEETINGS**

8. Mr LEE Cheuk-yan took the chair for the election of a presiding member for the meetings. Mr LEE invited nominations for the presiding member for the meetings.

9. Mr IP Kwok-him nominated Mr Andrew LEUNG and the nomination was seconded by Mr TAM Yiu-chung. Mr Andrew LEUNG accepted the nomination.

10. Mr LEE Cheuk-yan asked if there were other nominations. Mr Kenneth LEUNG nominated Ms Emily LAU and the nomination was seconded by Ms Cyd HO. Ms Emily LAU accepted the nomination. There was no other nomination.

11. Mr LEE Cheuk-yan then announced a vote by secret ballot. Of the 50 members present for voting, 30 voted for Mr Andrew LEUNG and 20 voted for Ms Emily LAU. Mr LEE Cheuk-yan declared that Mr Andrew LEUNG was elected the presiding member.

#### **Item No.2 – MOTION SEEKING THE FINANCE COMMITTEE TO EXPRESS NO CONFIDENCE IN THE CHAIRMAN: "THAT THIS COMMITTEE HAS NO CONFIDENCE IN THE CHAIRMAN OF THE COMMITTEE, HON CHAN KIN-POR"**

12. Mr Andrew LEUNG took the chair for the agenda comprising two motions seeking to express no confidence in the Chairman, Mr CHAN Kin-por, and the Deputy Chairman, Mr CHAN Kam-lam.

13. Mr Andrew LEUNG advised that FC would now deal with the motion seeking to express no confidence in the Chairman, Mr CHAN Kin-por. The wording of the motion had been printed on the agenda. As there was no provision in the Rules of Procedure and FCP stipulating the arrangements governing members' speaking time and the way they might speak when the motion to express no confidence in the Chairman or the Deputy Chairman was

being dealt with in FC, he had to decide on the arrangements in accordance with the discretion granted to him under Rule 43 of the Rules of Procedure in chairing the special meetings to deal with the two motions of no confidence. In this connection, he would resort to the procedures previously adopted in FC for dealing with the same motions. He would call upon Mr CHAN Chi-chuen, who moved the motion, the Chairman and other members to speak one after another. Each might speak once for not more than three minutes. After all the members who wished to speak had done so, he would once again call upon the Chairman and Mr CHAN Chi-chuen to make a brief response of no more than one minute. Then, he would put Mr CHAN Chi-chuen's motion to vote.

14. Mr CHAN Chi-chuen moved the motion as printed on the agenda. He explained that the motion of no confidence against the Chairman, Mr CHAN Kin-por, was predicated on the Chairman's unreasonable move of terminating the question session for members when he presided over the item concerning the supplementary provision for the Hong Kong-Zhuhai-Macao Bridge ("HKZMB") Hong Kong Boundary Crossing Facilities — Reclamation and Superstructures in the FC meetings held on 30 January 2016, depriving members of their right to monitor the Government. At the same time, the Chairman significantly slashed the number of motions to be moved by members under paragraph 37A of FCP without providing any justification. In addition, when the item was put to vote, the Chairman reminded members to vote in favour of it in blatant contravention of the principles of neutrality and impartiality that the FC Chairman should uphold in chairing meetings.

15. In response to Mr CHAN Chi-chuen's motion of no confidence against himself, the Chairman, Mr CHAN Kin-por, advised that for the impartial and orderly conduct of FC meetings, he had spent a great deal of time studying the FCP and negotiating with the Secretariat since he took the office. Before deciding to terminate the question session regarding the supplementary provision for the HKZMB project, he had given members a clear account of the factors that had been considered, including the item having been under discussion for more than 22 hours, the number of times members spoke being over 280 in total, the occurrence of repetitive arguments among members, as well as the loss caused to the public coffer if the provision could not be passed in time, and so on. It was also clearly pointed out in a judgment handed down by the Court earlier that in order for the meetings to be conducted in an orderly, efficient and fair manner, the FC Chairman has the power to regulate the process of meetings, including setting limits to and terminating a debate. As regards the handling of motions moved by members under paragraph 37A of FCP, he adopted the practice that had been in use since the 2013-2014 session, and required members to consolidate the various motions or select the more representative ones before re-submitting them, so that the largest number of

motions could be dealt with within limited meeting time. The Chairman also reiterated that in presiding over the scrutiny on the application for supplementary provision for the HKZMB project, he had repeatedly stated that no direct or indirect pecuniary interest was involved, and the accusation that he intentionally expedited the scrutiny on the provision to avoid insurance compensation arising from project delays was also ungrounded.

16. Mr Gary FAN, Mr Kenneth LEUNG, Ms Claudia MO, Mr LEE Cheuk-yan, Ms Emily LAU, Mr Albert HO, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr Alan LEONG, Ms Cyd HO, Mr LEUNG Kwok-hung and Mr Albert CHAN spoke in support of Mr CHAN Chi-chuen's motion. These members criticized the Chairman, Mr CHAN Kin-por, for handling the additional funding proposal for the HKZMB Project inappropriately, which included his failure to declare the possible interest and his unequivocal indication prior to the commencement of the scrutiny of the item that he would cut short the filibuster staged by members through raising questions. Moreover, despite the number of scandals involving the project as disclosed by the media, including the use of rock materials and accessories of poor quality, the number of deaths and casualties resulted from industrial accidents and the pollution of the sea caused by illegal disposal of muddy water, and so on, the Chairman still deprived members of their right to raise questions by means of a distorted interpretation of the Rules of Procedure, so as to prevent members from finding out the truth. He had also restricted the number of motions to be moved by members under 37A of FCP, a practice in lack of legal basis and without justified explanation for members. He had taken part in anti-filibuster assembly organized by some organizations in his capacity as the FC Chairman and portended that funding proposals submitted by the Government should be all be scrutinized with no exception, thereby jeopardizing the neutrality of the FC Chairman. Furthermore, when the Committee proceeded to vote on the funding proposal, he instructed members to vote in favour of the motion. He had argued with members on repeated occasions during the meeting. These members also criticized that even though the Chairman had decided not to chair meetings handling the proposal for additional funding for the XRL Hong Kong Section due to the potential conflict of interest, he had waived the required notice period to allow the Administration to bring forward the item to FC for scrutiny. These members expressed concern that it was evident from the above examples that the Chairman had always supported the work of the executive machinery and defended the authorities; that way, he had undermined the credibility and dignity of FC, and failed to chair meetings in a neutral, impartial and objective manner. For these reasons, they support expressing no confidence in Mr CHAN.

17. Mr WONG Kwok-hing, Ms Starry LEE, Mr Steven HO, Mr Tony TSE, Mr IP Kwok-him, Dr LAM Tai-fai, Mr Abraham SHEK and Mr MA Fung-kwok spoke in opposition to Mr CHAN Chi-chuen's motion. These members considered that it was not an easy task to perform the functions of the FC Chairman, as the Chairman would have to subject to tremendous pressure and heavy workload; yet they found the performance of Mr CHAN Kin-por outstanding. They considered that he had chaired the meetings and acted in full compliance with the Rules of Procedures and FCP, striking an appropriate balance between respecting members' right to speak and maintaining the effective operation of the legislature, and that he had made an appropriate ruling on the motions moved by members under paragraph 37A of FCP, thereby preventing effectively the operation of the legislature from being paralyzed. These members noted that the Chairman had all along done his level best to communicate with various parties, and they commended the Chairman for leading smooth meetings despite the repeated attempts of Members from the "opposition camp" in disrupting the order of the meeting. These members criticized Members from the "opposition camp" for bringing false accusations against the Chairman, which were made merely on the opposition camp's stance of opposing the pro-establishment camp, and were groundless and unfair to the Chairman. These members commended the Chairman, Mr CHAN Kin-por, as a competent and responsible chairman and supported him to continue to be the FC Chairman.

18. The Chairman, Mr CHAN Kin-por, reiterated in response to members' remarks that there was no conflict of interest on his part in chairing the meeting involving the proposal for additional funding for the HKZMB project. He also explained that since other funding proposals had been included in the agenda by the Administration before the deliberation of the proposal for additional funding for the XRL Hong Kong Section, he must fulfill his duty as the Chairman in approving other items to be included in the agenda even though he had decided not to chair the deliberation of the item on the XRL Hong Kong Section. He said he would make continuous effort to perform the role of the FC Chairman properly and thanked members for their views.

19. In his concluding remarks, Mr CHAN Chi-chuen criticized the Chairman, Mr CHAN Kin-por, for his procrastination in handling the motion of no confidence and failure to give a reasonable explanation for members' accusations against him.

20. Mr Andrew LEUNG put to vote the motion moved by Mr CHAN Chi-chuen to express no confidence in the Chairman, Mr CHAN Kin-por. At the request of members, Mr LEUNG ordered a division and the division bell was rung for five minutes. Mr LEUNG announced that 22 members voted in favour of and 35 members voted against the motion. The votes of individual members were as follows –

*For:*

Mr LEE Cheuk-yan  
Mr LEUNG Yiu-chung  
Mr Frederick FUNG Kin-kee  
Ms Cyd HO Sau-lan  
Mr LEUNG Kwok-hung  
Mr WONG Yuk-man  
Mr WU Chi-wai  
Mr CHAN Chi-chuen  
Dr KWOK Ka-ki  
Mr SIN Chung-kai  
Mr IP Kin-yuen'  
(22 members)

Mr James TO Kun-sun  
Ms Emily LAU Wai-hing  
Prof Joseph LEE Kok-long  
Mr Alan LEONG Kah-kit  
Mr Albert CHAN Wai-yip  
Ms Claudia MO  
Mr Gary FAN Kwok-wai  
Mr Kenneth LEUNG  
Dr Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Mr Alvin YEUNG Ngok-kiu

*Against:*

Mr CHAN Kam-lam  
Mr Abraham SHEK Lai-him  
Mr Vincent FANG Kang  
Mr Jeffrey LAM Kin-fung  
Ms Starry LEE Wai-king  
Mr CHAN Hak-kan  
Mr WONG Kwok-kin  
Mr Michael TIEN Puk-sun  
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 CHUNG Kwok-pan  
Mr Tony TSE Wai-chuen  
(35 members)

Mr TAM Yiu-chung  
Mr Tommy CHEUNG Yu-yan  
Mr WONG Kwok-hing  
Mr WONG Ting-kwong  
Dr LAM Tai-fai  
Dr Priscilla LEUNG  
Mr IP Kwok-him  
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 Dr LO Wai-kwok  
Mr Christopher CHUNG Shu-kun

21. Mr Andrew LEUNG declared that Mr CHAN Chi-chuen's motion was negated by FC.

**Item No. 3 – MOTION SEEKING THE FINANCE COMMITTEE TO EXPRESS NO CONFIDENCE IN THE DEPUTY CHAIRMAN: "THAT THIS COMMITTEE HAS NO CONFIDENCE IN THE DEPUTY CHAIRMAN OF THE COMMITTEE, HON CHAN KAM-LAM"**

22. Mr Andrew LEUNG, the member chairing the meeting, said that the FC now proceeded to the motion seeking to express no confidence in the Deputy Chairman, Mr CHAN Kam-lam. The wording of the motion was printed on the agenda. Mr LEUNG pointed out that in dealing with this motion, he would follow the procedures in dealing with the motion seeking to express no confidence in the Chairman. He would first call upon Dr Fernando CHEUNG, the member who moved the motion, to speak, followed by the Deputy Chairman and other members. Each member might speak once for not more than three minutes. After all members intended to speak had spoken, he would once again call upon the Deputy Chairman and Dr Fernando CHEUNG to give a brief reply of no more than one minute respectively. He would then put Dr Fernando CHEUNG's motion to vote.

23. Dr Fernando CHEUNG moved the motion as printed on the agenda. He explained that he moved a motion to express no confidence in Mr CHAN Kam-lam, the Deputy Chairman, as Mr CHAN had committed the following mistakes in chairing the meetings that deliberated on the additional funding application for the XRL Hong Kong section: Overstepping his authority by engaging himself in waiving the requirement of giving prior notice, thus advancing the submission of the item for FC's consideration; putting an end to the question session on the item when a number of issues concerning the item had not yet been addressed, thus preventing members from finding out the truth and obtaining the necessary information; substantially reducing the number of motions moved by members under paragraph 37A of FCP; and hastily ruling that the funding proposal put to vote was passed even when certain members had put up their hands in their indication of voting in favour of as well as against the proposal.

24. Mr CHAN Kam-lam, the Deputy Chairman, in response to the motion expressing no confidence in him moved by Dr Fernando CHEUNG, said that as he had pointed out at the end of the second meeting of the FC held on 27 February 2016, the FC had held 10 meetings, spending over 20 hours on the deliberation of the additional funding application for the XRL Hong Kong section; members had asked questions for a total of 111 times and a number of members had repeated the questions. While members should be given adequate time to put forth their questions, members had used up over 13 hours of the meeting time by repeatedly raising points of order and putting forth a number of motions that the proceedings of the meetings and the discussion on certain papers be adjourned. To ensure the orderly and efficient disposition of the meetings, it was necessary for him to regulate the process of the meetings, set limits to and terminate a debate, and put an agenda item to vote in a timely manner.

25. Ms Claudia MO, Mr IP Kin-yuen, Ms Cyd HO, Mr James TO, Mr Alan LEONG and Mr LEUNG Kwok-hung spoke in support of Dr Fernando CHEUNG's motion. These members criticized the Deputy Chairman, Mr CHAN Kam-lam, for his unfairness and mistakes made in chairing the meetings that deliberated on the additional funding application for the XRL section. These included: violating the usual practice adopted by the FC Chairman where each member was given five minutes for asking question in the first round, to be reduced gradually to one minute by the fifth round and the subsequent rounds; depriving members of the right to monitor the Government by means of asking questions and obtaining information; substantially reducing the number of motions put forward by members under paragraph 37A of FCP without justifications to the satisfaction of members, and circumventing the proceedings of handling those motions by putting them to vote directly; and violently passing the funding proposal put to vote even when certain members had put up their hands in their indication of voting in favour of as well as against the proposal. These members criticized the Deputy Chairman for collaborating with the Administration in its work, jeopardizing the usual practice and distorting the Rules of Procedure, and seriously tarnishing the credibility of FC.

26. Mr WONG Kwok-hing spoke against Dr Fernando CHEUNG's motion. He commended the Deputy Chairman, Mr CHAN Kam-lam, for chairing the meetings impartially and acting in full compliance with the Rules of Procedure and FCP. He also commended Mr CHAN for remaining calm and enabling the meetings to proceed despite the repeated obstruction caused by the "opposition camp".

27. At 5:35 pm, Mr Andrew LEUNG announced that the meeting be adjourned.

28. The meeting was adjourned at 5:35 pm.

Legislative Council Secretariat  
1 September 2016