

**立法會**  
***Legislative Council***

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(These minutes have been  
seen by the Administration)

Ref : FC/1/1(6)

**Finance Committee of the Legislative Council**

**Minutes of the 9<sup>th</sup> meeting**  
**held at Conference Room 1 of the Legislative Council Complex**  
**on Friday, 10 February 2017, at 3:00 pm**

**Members present:**

Hon CHAN Kin-por, BBS, JP (Chairman)  
Hon Michael TIEN Puk-sun, BBS, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, 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 Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon Kenneth LAU Ip-keung, MH, JP  
Dr Hon CHENG Chung-tai  
Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim  
Dr Hon LAU Siu-lai

**Members absent:**

Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon IP Kin-yuen  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan

Hon CHEUNG Kwok-kwan, JP  
Hon LAU Kwok-fan, MH  
Hon KWONG Chun-yu

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public officers attending:**

Ms Elizabeth TSE Man-yee, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Carol YUEN, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) <sup>1</sup>
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Raymond TAM Chi-yuen, GBS, JP	Secretary for Constitutional and Mainland Affairs
Miss Rosanna LAW Shuk-pui, JP	Deputy Secretary for Constitutional and Mainland Affairs
Mr D C CHEUNG	Principal Assistant Secretary for Constitutional and Mainland Affairs

**Clerk in attendance:**

Ms Anita SIT	Assistant Secretary General 1
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**Staff in attendance:**

Mr Derek LO	Chief Council Secretary (1) <sup>5</sup>
Ms Ada LAU	Senior Council Secretary (1) <sup>7</sup>
Mr Raymond SZETO	Council Secretary (1) <sup>5</sup>
Mr Frankie WOO	Senior Legislative Assistant (1) <sup>3</sup>
Ms Michelle NIEN	Legislative Assistant (1) <sup>5</sup>

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**Item No. 1—FCR(2016-17)80**

**HEAD 21—CHIEF EXECUTIVE'S OFFICE**

**HEAD 143—GOVERNMENT SECRETARIAT : CIVIL SERVICE BUREAU**

**HEAD 152—GOVERNMENT SECRETARIAT : COMMERCE AND ECONOMIC DEVELOPMENT BUREAU (COMMERCE, INDUSTRY AND TOURISM BRANCH)**

**HEAD 144—GOVERNMENT SECRETARIAT : CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU**

**HEAD 92—DEPARTMENT OF JUSTICE**

**HEAD 135—GOVERNMENT SECRETARIAT : INNOVATION AND TECHNOLOGY BUREAU**

**HEAD 138—GOVERNMENT SECRETARIAT : DEVELOPMENT BUREAU (PLANNING AND LANDS BRANCH)**

**HEAD 156—GOVERNMENT SECRETARIAT : EDUCATION BUREAU**

**HEAD 137—GOVERNMENT SECRETARIAT : ENVIRONMENT BUREAU**

**HEAD 147—GOVERNMENT SECRETARIAT : FINANCIAL SERVICES AND THE TREASURY BUREAU (THE TREASURY BRANCH)**

**HEAD 139—GOVERNMENT SECRETARIAT : FOOD AND HEALTH BUREAU (FOOD BRANCH)**

**HEAD 53—GOVERNMENT SECRETARIAT : HOME AFFAIRS BUREAU**

**HEAD 141—GOVERNMENT SECRETARIAT : LABOUR AND WELFARE BUREAU**

**HEAD 142—GOVERNMENT SECRETARIAT : OFFICES OF THE CHIEF SECRETARY FOR ADMINISTRATION AND THE FINANCIAL SECRETARY**

**HEAD 151—GOVERNMENT SECRETARIAT : SECURITY BUREAU**

**HEAD 158—GOVERNMENT SECRETARIAT : TRANSPORT AND HOUSING BUREAU (TRANSPORT BRANCH)**

**Subhead 000—Operational Expenses**

The Chairman said that this item invited the Finance Committee ("FC") to approve the proposed increase in cash remuneration for politically-appointed officials ("PAOs") according to the cumulative change in Consumer Price Index (C) ("CPI(C)") from 2012 to 2016 with effect from 1 July 2017; and the proposed annual adjustment mechanism for the cash remuneration for PAOs in accordance with the change in the average annual CPI(C) with effect from 1 July 2018.

2. The Chairman said that FC's discussion of this agenda item started from 13 January 2017, with 33 members having spoken on it for 100 times in total. Among the motions proposed by members under paragraph 37A of the Finance Committee Procedure ("FCP") ("37A motions"), he had so far ruled that eight of them could be referred to FC for consideration of whether they should be proceeded forthwith. The Chairman reminded members that, as stated in his direction given before the end of the meetings on 20 January 2017, he would, at today's meetings, allow a last round of speaking on this agenda item, and the speaking time for each member would be no more than three minutes. After that, those 37A motions would be referred to FC for consideration of whether they should be proceeded forthwith.

#### Members' views on the Chairman's ruling on 37A motions

3. Mr Nathan LAW expressed dissatisfaction with the Chairman's suggestion that he should consolidate his dozens of 37A motions into a few motions. Mr LAW asked the Chairman to account for the authority and criteria upon which his direction was grounded. Dr LAU Siu-lai was not convinced by the Chairman's ruling that most of her 37A motions were not directly related to this agenda item.

4. The Chairman explained that FC, based on its previous experience in handling a large number of 37A motions from members on a single item, had established its own set of criteria for handling members' motions. Mr Martin LIAO spoke in support of the Chairman's rulings and directions on 37A motions. The Chairman undertook to give Mr Nathan LAW a written response to his question.

5. Mr CHAN Chi-chuen tabled four more proposed 37A motions at the meeting. The Chairman considered that those motions could be referred to FC for the consideration of whether they should be proceeded forthwith.

#### Members' views on the speaking arrangement

6. Mr CHU Hoi-dick, Mr CHAN Chi-chuen, Ms Tanya CHAN, Dr KWOK Ka-ki, Mr LEUNG Kwok-hung, Mr WU Chi-wai, Mr HUI Chi-fung, Mr Jeremy TAM, Dr Fernando CHEUNG, Mr LAM Cheuk-ting and Dr LAU Siu-lai questioned whether it was sufficiently justified for the Chairman to allow members only to have a last round of speaking for three minutes and expressed their dissatisfaction with the Chairman's direction. Mr LAM Cheuk-ting, Dr LAU Siu-lai and Ms Tanya CHAN asked the

Chairman to give a clear account of the justifications for allowing members only to have a last round of speaking.

7. Mr James TO, Dr Helena WONG and Mr Jeremy TAM held that the Chairman's direction was unfair to the members who had not yet spoken on this agenda item. They said that, regardless of the reasons why they had not yet spoken, the Chairman had no power to limit their speaking time to three minutes. Mr HUI Chi-fung asked about the number of members who had not yet spoken on this agenda item.

8. Mr LAM Cheuk-ting and Dr LAU Siu-lai considered that even if the speeches or views given by some members were same as or similar to those of other members, the concerns raised by them might not necessarily be the same. In their view, the Chairman should not consider those members as repeating their speeches. Dr Fernando CHEUNG held that it was not a problem for a member to express the same views or ask the same questions as other members did if they shared the same concerns over a particular issue. He asked the Chairman to retract his comment that members' speeches were repetitive. Mr WU Chi-wai and Mr CHAN Chi-chuen opined that, instead of limiting members' right to speak across the board, the Chairman should, at the minimum, indicate clearly in each case whose arguments the member concerned was repeating and deal with the members who failed to observe the Chairman's direction and repeated themselves or other members' arguments on an individual basis.

9. In response to Dr Fernando CHEUNG's remark that it was not a problem for a member to repeat other members' concerns or viewpoints, the Chairman referred to FCP 32 to remind members not to repeat their own or other members' arguments in the discussion of an agenda item. The Chairman said that, at the last two meetings, he reminded members from time to time that the points they made in their speeches were same as those raised by other members earlier on.

10. Mr Jeremy TAM, Dr Fernando CHEUNG and Dr KWOK Ka-ki each asked the Chairman to tell whether there were repetitions in their speeches; if so, which issues had been repeated. Dr YIU Chung-yim said that he had not repeated the arguments or questions of other members. Mr Kenneth LEUNG asked the Chairman to disclose to members the information on their repeated questions and irrelevant arguments for perusal. Dr CHENG Chung-tai did not consider his questions as repetitive and said that the ruling on their relevance to the agenda item should only be made after other members had held a debate. Dr CHENG opined that as members' questions were often about current affairs, it was difficult to determine whether they were repeated. Dr CHENG asked the

Chairman if FC needed to hold a debate on and put to vote the question of whether the members having indicated their interest in standing for the Chief Executive ("CE") election should withdraw from the meetings for this agenda item. Mr Nathan LAW pointed out that the Chairman only cared about the repetitions in members' questions but failed to assess or compile statistics on whether the Administration had given definite responses to members' questions.

#### The Chairman's responses to members' views

11. The Chairman explained that he had considered a range of factors before deciding to proceed to the last round of speaking and specifying the time of speaking. Such factors included whether members' speeches or questions involved repetitions, whether they were relevant to the agenda item and whether the item itself was complicated. Meanwhile, he had taken into account whether members had put their speaking time to good use for asking questions and whether the moving of the motions to adjourn was a means to waste the meeting time. In fact, members had repeatedly spoken on issues such as the effectiveness of the Political Appointment System and the performance of PAOs for many times. He said that some members had already raised questions for a few times. If they did not agree with the proposals under this agenda item, they might show their stance by voting against the proposals instead of endlessly repeating the justifications for their objection. The Chairman said that if Mr CHU Hoi-dick insisted, he could explain in writing the detailed justifications for directing to proceed to the last round of speaking. The Chairman noted the likely dissatisfaction of members with the replies of the Administration and said that he himself was sometimes unhappy with its responses as well. Notwithstanding this, it did not serve any purpose for members to keep asking the same questions. The Chairman therefore held that members should not repeat the same questions or same arguments on a single issue for too many times. As some members had asked him to disclose the records of repeated questions and irrelevant arguments put forth by members, the Chairman explained that he had compiled statistics on members' speeches but he did not consider it necessary to disclose them at the moment as they might give rise to further arguments among members. Mr CHAN Hak-kan and Mr SHIU Ka-fai concurred with the decision of the Chairman.

12. Mr Holden CHOW, Mr LUK Chung-hung, Mr CHAN Hak-kan, Mr Martin LIAO, Dr CHIANG Lai-wan and Mr SHIU Ka-fai spoke in support of the Chairman's decision to end the filibuster. Mr LIAO pointed out that, according to FCP, the Chairman's decision on a point of order had to be final. Mr LIAO also believed that the Chairman had considered the overall circumstances of the meeting before deciding on how the meeting should proceed. Ms Alice MAK said that members should not comment on the mental state of the Chairman and make spiteful remarks.

Declaration of interests

13. At the direction of the Chairman, the Clerk referred members to Rule 83A of the Rules of Procedure ("RoP"), which provided that in case of direct or indirect pecuniary interest, members had to disclose the nature of that interest before moving any motion or speaking on any such matter. The Clerk also cited RoP 84, pointing out that the requirements therein concerning voting in case of direct pecuniary interest were applicable to FC meetings.

14. Mr CHAN Hak-kan and Dr CHIANG Lai-wan asked the Chairman to consider ruling whether Mr LEUNG Kwok-hung had the right to vote on this agenda item.

15. The Chairman said that although Mr LEUNG Kwok-hung had indicated his interest in running for the CE Election, he did not consider it necessary to rule at the moment whether Mr LEUNG had a direct pecuniary interest in this agenda item. As Mr LEUNG had stated his aspiration to contest the election at a meeting of the Legislative Council ("LegCo"), the Chairman held that Mr LEUNG himself had to bear the possible consequences.

Members' request for the Deputy Chairman to take the Chair

16. Ms Claudia MO and Mr Andrew WAN did not considered it neutral or appropriate for the Chairman to make public remarks and give views on this agenda item in a radio programme in the capacity of the FC Chairman. Mr HUI Chi-fung held that the Chairman should not have any preconceived position. Mr Andrew WAN, Mr SHIU Ka-chun, Ms Claudia MO and Dr KWOK Ka-ki requested that the meetings for this agenda item be chaired by the Deputy Chairman or other members.



17. The Deputy Chairman said that he could not take the chair as he had to attend some other LegCo meetings on that day.

18. At 4:05 pm, the Chairman said that as some members requested the meetings for this agenda item be chaired by the Deputy Chairman or another member, he had to discuss this request with the Legal Adviser ("LA"). The Chairman directed that the meeting be suspended. At that juncture, the Chairman, in response to the request of Mr CHAN Chi-chuen, directed that the objects posted and displayed by some other members be removed from the conference room. At 4:57 pm, the meeting resumed. The Chairman said that, after reviewing the past practices in similar situations with LA, he concluded that the request from members (i.e. the meetings for this agenda item be chaired by the Deputy Chairman or another member) should not be handled in accordance with FCP 13, unless members could specify the pecuniary interest(s) involved which rendered him unfit for chairing the meetings for this agenda item.

19. At 4:58 pm, the Chairman declared that the meeting be adjourned and FC would continue the deliberation on this item at the next meeting of the day.

20. The meeting was adjourned at 4:58 pm.