

# **立法會**

## ***Legislative Council***

LC Paper No. FC164/17-18

(These minutes have been  
seen by the Administration)

Ref : FC/1/1(16)

### **Finance Committee of the Legislative Council**

**Minutes of the 34<sup>th</sup> meeting**  
**held at Conference Room 1 of the Legislative Council Complex**  
**on Friday, 28 April 2017, at 5:55 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  
Hon Tommy CHEUNG Yu-yan, 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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, 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  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-ki, SBS, MH, JP  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, MH, JP  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim  
Dr Hon LAU Siu-lai

**Members absent:**

Hon CHUNG Kwok-pan  
Hon Andrew WAN Siu-kin  
Dr Hon Pierre CHAN

[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) 1
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Gregory SO Kam-leung, GBS, JP	Secretary for Commerce and Economic Development
Miss Cathy CHU, JP	Commissioner for Tourism
Mr Aaron LIU	Deputy Commissioner for Tourism
Mr Eddie LEE	Assistant Commissioner for Tourism (1)
Mr George TSOI	Assistant Commissioner for Tourism (4)
Miss Cheryl CHOW	Principal Assistant Secretary for Development (Planning and Lands) 2
Mr Adolph LEUNG, JP	Principal Economist (2), Economic Analysis and Business Facilitation Unit
Mr Samuel LAU	Executive Vice President and Managing Director, Hong Kong Disneyland Resort
Miss Linda CHOY	Vice President, Public Affairs, Hong Kong Disneyland Resort

**Clerk in attendance:**

Ms Anita SIT

Assistant Secretary General 1

**Staff in attendance:**

Mr Derek LO

Chief Council Secretary (1)5

Ms Ada LAU

Senior Council Secretary(1)7

Mr Raymond SZETO

Council Secretary (1)5

Mr Frankie WOO

Senior Legislative Assistant (1)3

Miss Yannes HO

Legislative Assistant (1)6

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Action

**Item No. 2 — FCR(2017-18)1**

**CAPITAL INVESTMENT FUND**

**HEAD 973 — TOURISM**

**New Subhead — "Equity in Hongkong International Theme Parks Limited for the Expansion and Development Plan at Phase 1 site of the Hong Kong Disneyland Resort"**

The Finance Committee ("FC") continued with the deliberation of item FCR(2017-18)1.

Motion for the adjournment of further proceedings of the Finance Committee

2. Members continued to speak on the motion moved by Dr KWOK Ka-ki without notice that further proceedings of FC be then adjourned under paragraph 39 of the Finance Committee Procedure ("FCP").

3. Mr WU Chi-wai, Dr CHENG Chung-tai, Mr HUI Chi-fung, Mr James TO and Ms Tanya CHAN spoke in support of Dr KWOK's motion. These members criticized that the cooperative terms reached between the Administration and The Walt Disney Company ("TWDC") in developing the Hong Kong Disneyland Resort ("HKDL") were unfair to Hong Kong in that TWDC could make profits at zero risk. They also criticized that the Government had failed to put in place any withdrawal mechanism for the investment. Some members also pointed out that it was a waste of precious land resources for the Government to continue reserving 60 hectares of land for Phase 2 development of HKDL.

4. Some of the members having spoken on the motion considered it inappropriate for the Chairman to consult the Administration on the admissibility of the motions proposed by Mr CHU Hoi-dick, Dr YIU Chung-yim and Mr LEUNG Kwok-hung in respect of this item under FCP 21 and paragraph 5(b) of the Resolution on Capital Investment Fund (Cap. 2B) (Appendices I(a) and I(b) to LC Paper No. FC109/16-17(01)).

5. In gist, members who had spoken on the motion expressed support for Dr KWOK's motion as the Administration had failed to convince them that this funding proposal was worth support, and they saw no urgency in approving this proposal.

6. Dr KWOK Ka-ki spoke in reply in respect of his motion. The Chairman put the motion to vote. At the request of members, the Chairman ordered a division. The motion was negatived. The votes of individual members were set out in the **Annex**.

Continued deliberation of item FCR(2017-18)1

7. Mr KWONG Chun-yu doubted whether the Administration's injection in the expansion and development plan at the Phase 1 site of HKDL ("the Plan") was conducive to promoting the development of Hong Kong's tourism industry. He considered that injecting the relevant funds into other local tourism projects, such as building a Bruce LEE memorial hall, might be more effective in facilitating the development of local tourism. Mr SHIU Ka-chun opposed the funding proposal. He considered it more meaningful if the resources were used to help the "N have-nots" and grass-root families.

8. Mr Dennis KWOK, Mr Alvin YEUNG, Mr James TO and Mr Jeremy TAM requested the Administration to provide information on the time when TWDC stated that the financial arrangements as well as the royalty and management fee arrangements currently proposed under the Plan were final with no room for further discussion, and that if the Administration refused to accept this final proposal, the plan for expanding HKDL would fall through ("take it or leave it"). Mr Alvin YEUNG also asked whether the Administration's representatives had, in the course of negotiation, requested TWDC to reduce the level of management fees and buy the Hong Kong Government's shares in the Hongkong International Theme Parks Limited ("HKITP") but such requests were refused by TWDC.

9. In response to members' questions raised at the last meeting of today as to whether TWDC had taken a "take it or leave it" position in respect of the existing financial option, as well as the royalty and management fee arrangements, the Secretary for Commerce and Economic Development ("SCED") said that he had obtained the endorsement of TWDC to make public TWDC's stance, i.e. the proposal concerned was the final proposal that was acceptable to TWDC. TWDC also indicated that even if the next-term Government was to negotiate with it, it would not put forward any better proposal. During the negotiation, the Government had proposed to TWDC various options to revise the present management fee structure for HKDL. Under the existing proposal, TWDC agreed to waive the variable management fees payable by HKITP for Fiscal Year 2018 ("FY18") and FY19. SCED also pointed out that any delay of the Plan as proposed would affect the revenues of HKDL and inflate the construction costs. Thus, there was real urgency in approving the funding proposal.

10. Mr SHIU Ka-fai supported the funding proposal. Mr SHIU considered that the Administration's injection into the Plan aimed to support the development of Hong Kong's tourism industry. If FC voted down the funding proposal, it would be tantamount to refusing to support Hong Kong's tourism development. Mr SHIU also expressed the view that taking forward this project did not exclude the possibilities of proceeding with other local tourism projects, such as building a Bruce LEE memorial hall, and the two were not mutually exclusive.

11. Ms Tanya CHAN questioned whether the Administration had accepted the unfair injection proposal and the royalty and management fee arrangements in exchange for TWDC's agreement to relax the height restrictions on the lands in the vicinity of the future development projects to be implemented in East Lantau Metropolis and Sunny Bay.

12. Mr CHAN Chi-chuen, Ms Tanya CHAN and Dr Fernando CHEUNG requested the Chairman to set out the criteria he had adopted in deciding the number of FCP 37A motions that members could propose. The Chairman responded that he had already stated the justifications in his written replies to individual members. The Chairman reiterated that his decisions were in line with the requirements under the Rules of Procedure ("RoP").

Motions proposed to be moved by members under paragraph 37A of the Finance Committee Procedure

13. At 6:49 pm, FC started to vote on whether the motion proposed to be moved by a member under FCP 37A, i.e. motion numbered 21 proposed by Mr Nathan LAW, should be proceeded with forthwith. At the request of members, the Chairman ordered a division. At 6:53 pm, during the ringing of the division bell, Mr LEUNG Kwok-hung dashed to the Chairman's podium and messed up the desk. The Chairman ordered him to leave the conference room. The Chairman declared that the question on proceeding with the FCP 37A motion forthwith was negatived. After that, Mr CHAN Hak-kan moved a motion under FCP 47 that in the event of further divisions being claimed in respect of any motions under the same agenda item, FC should proceed to each of such divisions immediately after the division bell had been rung for one minute.

14. The Chairman proposed the question and directed that each member might speak once for not more than three minutes.

15. Dr KWOK Ka-ki, Mr Nathan LAW, Mr CHAN Chi-chuen, Dr Helena WONG, Mr WU Chi-wai, Dr Fernando CHEUNG, Mr Dennis KWOK, Mr Jeremy TAM, Dr LAU Siu-lai, Ms Claudia MO, Dr YIU Chung-yim, Mr HUI Chi-fung, Ms Tanya CHAN, Mr CHU Hoi-dick, Mr SHIU Ka-chun, Mr LEUNG Yiu-chung, Mr Alvin YEUNG and Mr James TO spoke against the motion.

16. In general, members had used their time for speaking on the motion to state their reasons for opposing the Administration's proposed injection to support the Plan. These members criticized that the Administration had, in the course of negotiation with TWDC, failed to fight for more reasonable terms of cooperation for Hong Kong, particularly in respect of the arrangements for royalties and management fees. They also criticized the attitude demonstrated by TWDC during the negotiation. Furthermore, these members were dissatisfied that the public officers in attendance had not given definite replies to their questions, nor could they provide the requested information. They hoped that the next-term Government would further negotiate with TWDC on the matter and secure better terms of cooperation for Hong Kong.

17. Some of the members having spoken on the motion said that they needed more time to understand the contents of the FCP 37A motions, since such motions, albeit having been submitted to FC for its consideration on whether they should be proceeded with forthwith, had not been circulated to members before the meeting, and some of the motions were rather complex. Thus, they opposed the motion on shortening the duration of the division bell from five minutes to one minute.

18. Some members who had spoken on the motion expressed dissatisfaction with the way in which the Chairman had chaired the meeting. These members considered that by setting the speaking time limit at three minutes, the Chairman had actually imposed restrictions on the speeches made by members at the meetings. In addition, some members were of the view that the Chairman's rulings on the motions proposed by members under FCP 21 and FCP 37A had deprived them of the rights to express views on the subject.

19. Dr Junius HO said that speeches made by members should not contravene RoP 41(4), i.e. members should not use offensive and insulting language about Members of the Council.

20. At 7:34 pm, Mr HUI Chi-fung, when speaking on Mr CHAN Hak-kan's motion, moved a motion that the debate be then adjourned under RoP 40. The Chairman ruled that the said procedure was inapplicable as FC was not discussing a financial proposal.

21. The meeting ended at 7:53pm.

Legislative Council Secretariat  
27 February 2018



點名表決DIVISION: 1  
日期 DATE: 28/04/2017  
時間 TIME: 06:19:42 下午 PM

動議 MOTION: 動議委員會現即休會  
Motion that further proceedings of the Committee be now adjourned

動議人 MOVED BY:

出席 Present : 58  
投票 Vote : 56  
贊成 Yes : 23  
反對 No : 33  
棄權 Abstain : 0  
結果 Result : 否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
陳健波	CHAN Kin-por	出席	PRESENT	葉建源	IP Kin-yuen	贊成	YES
涂謹申	James TO	出席	PRESENT	葛珮帆	Dr Elizabeth QUAT	反對	NO
梁耀忠	LEUNG Yiu-chung	贊成	YES	廖長江	Martin LIAO	反對	NO
石禮謙	Abraham SHEK			潘兆平	POON Siu-ping	反對	NO
張宇人	Tommy CHEUNG	反對	NO	蔣麗芸	Dr CHIANG Lai-wan	反對	NO
李國麟	Prof Joseph LEE	贊成	YES	盧偉國	Ir Dr LO Wai-kwok	反對	NO
林健鋒	Jeffrey LAM	反對	NO	鍾國斌	CHUNG Kwok-pan		
黃定光	WONG Ting-kwong	反對	NO	楊岳橋	Alvin YEUNG	贊成	YES
李慧琼	Starry LEE	反對	NO	尹兆堅	Andrew WAN		
陳克勤	CHAN Hak-kan	反對	NO	朱凱迪	CHU Hoi-dick	贊成	YES
梁美芬	Dr Priscilla LEUNG	反對	NO	吳永嘉	Jimmy NG	反對	NO
黃國健	WONG Kwok-kin	反對	NO	何君堯	Dr Junius HO	反對	NO
葉劉淑儀	Mrs Regina IP	反對	NO	何啟明	HO Kai-ming		
謝偉俊	Paul TSE	反對	NO	林卓廷	LAM Cheuk-ting	贊成	YES
梁國雄	LEUNG Kwok-hung			周浩鼎	Holden CHOW	反對	NO
毛孟靜	Claudia MO	贊成	YES	邵家輝	SHIU Ka-fai	反對	NO
田北辰	Michael TIEN			邵家臻	SHIU Ka-chun	贊成	YES
何俊賢	Steven HO	反對	NO	柯創盛	Wilson OR	反對	NO
易志明	Frankie YICK	反對	NO	容海恩	YUNG Hoi-yan		
胡志偉	WU Chi-wai	贊成	YES	陳沛然	Dr Pierre CHAN		
姚思榮	YIU Si-wing	反對	NO	陳振英	CHAN Chun-ying	反對	NO
馬逢國	MA Fung-kwok	反對	NO	陳淑莊	Tanya CHAN	贊成	YES
莫乃光	Charles Peter MOK	贊成	YES	張國鈞	CHEUNG Kwok-kwan	反對	NO
陳志全	CHAN Chi-chuen	贊成	YES	許智峯	HUI Chi-fung	贊成	YES
陳恒鑾	CHAN Han-pan	反對	NO	陸頌雄	LUK Chung-hung	反對	NO
梁志祥	LEUNG Che-cheung	反對	NO	劉國勳	LAU Kwok-fan	反對	NO
梁繼昌	Kenneth LEUNG			劉業強	Kenneth LAU	反對	NO
麥美娟	Alice MAK	反對	NO	鄭松泰	Dr CHENG Chung-tai	贊成	YES
郭家麒	Dr KWOK Ka-ki	贊成	YES	鄭俊宇	KWONG Chun-yu	贊成	YES
郭偉强	KWOK Wai-keung	反對	NO	譚文豪	Jeremy TAM	贊成	YES
郭榮鏗	Dennis KWOK	贊成	YES	羅冠聰	Nathan LAW	贊成	YES
張華峰	Christopher CHEUNG	反對	NO	姚松炎	Dr YIU Chung-yim	贊成	YES
張超雄	Dr Fernando CHEUNG	贊成	YES	劉小麗	Dr LAU Siu-lai	贊成	YES
黃碧雲	Dr Helena WONG	贊成	YES				

秘書 CLERK

