

**立法會**  
***Legislative Council***

LC Paper No. FC183/17-18

(These minutes have been  
seen by the Administration)

Ref : FC/1/1(21)

**Finance Committee of the Legislative Council**

**Minutes of the 43<sup>rd</sup> meeting  
held at Conference Room 1 of the Legislative Council Complex  
on Friday, 26 May 2017, at 5:42 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  
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 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 Alice MAK Mei-kuen, BBS, JP  
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-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
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  
Dr Hon Pierre CHAN  
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  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Dr Hon LAU Siu-lai

**Members absent:**

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WU Chi-wai, MH  
Hon Kenneth LEUNG  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon Dennis KWOK Wing-hang

Hon CHUNG Kwok-pan  
Hon Kenneth LAU Ip-keung, MH, JP  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim

[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 John LEE Ka-chiu, PDSM, PMSM, JP	Under Secretary for Security
Mr Andrew TSANG Yue-tung	Principal Assistant Secretary for Security (E)
Mr Stanley CHUNG Siu-yeung	Assistant Commissioner of Police (Crime)
Mr Anthony TSANG Ching-fo	Senior Superintendent (Cyber Security and Technology Crime Bureau), Hong Kong Police Force
Dr Frank LAW Yuet-wing	Superintendent (Cyber Security and Technology Crime Bureau), Hong Kong Police Force
Mr Kenneth LEUNG Tak-yan	Chief Civil Engineer (Public Works Programme), Transport and Housing Bureau
Mr LAM Sai-hung, JP	Director of Civil Engineering and Development
Mr David LO Kwok-chung	Chief Engineer (Islands), Civil Engineering and Development Department
Ms CHIM Sau-yi	Acting Chief Architect (5), Housing Department

Mr IP Shing-tim

Chief Civil Engineer (2), Housing  
Department

**Clerk in attendance:**

Ms Anita SIT

Assistant Secretary General 1

**Staff in attendance:**

Ms Ada LAU

Senior Council Secretary(1)7

Mr Raymond SZETO

Council Secretary (1)5

Miss Queenie LAM

Senior Legislative Assistant (1)2

Mr Frankie WOO

Senior Legislative Assistant (1)3

Miss Yannes HO

Legislative Assistant (1)6

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Action

**Item No.1 — FCR(2017-18)3**

**RECOMMENDATION OF THE ESTABLISHMENT  
SUBCOMMITTEE MADE ON 21 FEBRUARY 2017**

**EC(2016-17)23**

**HEAD 122 —HONG KONG POLICE FORCE**

**Subhead 000 —Operational expenses**

The Finance Committee ("FC") continued with the deliberation on item FCR(2017-18)3.

International cooperation in combating technology crimes

2. Mr KWONG Chun-yu enquired how the Police would follow up on a case of technology crime that occurred in Hong Kong if the server involved in the case was situated outside Hong Kong, or if it was a cross-border crime by nature.

3. Under Secretary for Security ("USS") said that if the server involved was situated outside Hong Kong, only the law enforcement agencies ("LEAs") in the jurisdiction where the server was situated had the power to take enforcement actions. In such cases, the Police would seek assistance from the LEAs of the jurisdictions concerned through the existing international cooperation channels, such as INTERPOL, Europol and the G7 High Tech Crime Sub-group.

Whether human rights and freedom of speech would be affected

4. Mr KWONG Chun-yu and Mr CHAN Chi-chuen pointed out the general public concern about whether the officers of the Cyber Security and Technology Crime Bureau ("CSTCB"), in exercising their functions and powers, would infringe the human rights, freedom and privacy of the public. Dr CHENG Chung-tai queried whether the current mechanism could effectively deal with public complaints about police officers' abuse of power on the Internet.

5. USS stressed that the rights of the Hong Kong people were protected by the Basic Law and the laws of Hong Kong. The performance of duties by police officers on the Internet would be recorded. If any member of the public lodged a complaint about any police officer's behaviour on the Internet, the Complaints Against Police Office could deal with the complaint under the established mechanism.

6. Mr LEUNG Kwok-hung was concerned about whether an LEA's access to an investigation target's information by hacking into the latter's computer was a form of covert surveillance allowed under the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO").

7. USS explained that whether a means of investigation was regulated under ICSO depended on whether the means of investigation was an intercepting act or covert surveillance operation prescribed by ICSO. The Commissioner on Interception of Communications and Surveillance would oversee the compliance of law enforcement officers with the relevant requirements of ICSO.

8. Dr Fernando CHEUNG was worried that the Police would abuse the powers to intercept communications and conduct covert surveillance, or even unreasonably share too much intelligence with Mainland LEAs, thus posing threats to human rights and freedom of speech in Hong Kong. Mr Michael TIEN enquired about the Police's principles of gathering criminal intelligence.

9. USS reiterated that:

- (a) an important principle of intelligence exchange between an LEA of Hong Kong and an LEA in another jurisdiction was that the two LEAs must not divulge the intelligence exchanged to any third party; and

- (b) the Police would only gather criminal intelligence related to criminal offences prescribed by the laws of Hong Kong.

10. Mr CHU Hoi-dick urged the Administration to explain to the public the implications of the National Intelligence Law of the People's Republic of China (if adopted and enacted by the Standing Committee of the National People's Congress) for Hong Kong. Ms Claudia MO enquired whether it was mandatory for the Hong Kong Police to cooperate with Mainland LEAs when the latter gathered intelligence in Hong Kong in the name of safeguarding national security or requested the Police to share intelligence with them. Mr CHAN Chi-chuen enquired whether Mainland law enforcement officers would contravene the laws of Hong Kong if they gathered intelligence or evidence in Hong Kong.

11. USS reiterated that:

- (a) Article 18 of the Basic Law clearly stipulated that national laws should not be applied in the Hong Kong Special Administrative Region ("HKSAR") except for those listed in Annex III to the Basic Law. The laws listed in Annex III should be applied locally by way of promulgation or legislation by HKSAR;
- (b) only officers of relevant law enforcement departments in HKSAR had the power to enforce laws in Hong Kong; and
- (c) whether a person's act was in breach of the law was a matter of judgment based on the actual situation.

#### Manpower of the Cyber Security and Technology Crime Bureau

12. Given the increasing prevalence of technology crimes, Ms Starry LEE concurred that there was a pressing need for the Administration to create the proposed post to enhance the Police's capability of tackling technology crimes.

13. Mr Michael TIEN enquired whether the manpower of CSTCB, upon the creation of the proposed post, would be sufficient to cope with its increasingly complex work.

14. USS advised that three divisions, each supported by dedicated non-directorate staff, had been established under CSTCB to cope with different types of work. The Administration held that it was imperative to create a commander post at the Chief Superintendent of Police level for ensuring the necessary guidance and management within CSTCB. The Police would conduct a timely review of the manpower of CSTCB, and seek additional resources if needed.

15. Dr Fernando CHEUNG took the view that as the staff establishment of the Hong Kong Police Force ("HKPF") was already enormous, the Administration should streamline the organizational structure of HKPF as much as possible to optimize the use of resources.

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

16. At 6:18 pm, FC started to vote on whether the motions proposed by members under paragraph 37A of the Finance Committee Procedure ("FCP") for expressing views on this item ("37A motions") should be proceeded forthwith.

17. The Chairman put to vote, one by one, the questions that these 37A motions should be proceeded forthwith. At the request of members, the Chairman ordered a division for each of the questions put.

18. At this session of the meeting, divisions were held on the questions of whether the following 37A motions should be proceeded forthwith, and the results were as follows:

Members proposing the motions	Motion numbers	Motions be proceeded forthwith or not
Mr CHAN Chi-chuen	<a href="#">0004, 0006, 0008, 0023, 0024, 0025, 0026, 0027</a>	No
Ms Claudia MO	<a href="#">0011, 0012, 0013, 0014</a>	No
Mr James TO	<a href="#">0015, 0016</a>	No
Mr CHU Hoi-dick	<a href="#">0028, 0029, 0030</a>	No

19. The Chairman said that as Mr Nathan LAW was not present, FC would not proceed with the five 37A motions proposed by him. The Chairman said that Dr Fernando CHEUNG presented three 37A motions at the meeting; given that the Chairman had earlier reminded members to present 37A motions before the deadline of 23 May 2017 and no member had objected to this arrangement, FC would not consider Dr CHEUNG's 37A motions. Dr CHEUNG and Mr LEUNG Kwok-hung expressed their dissatisfaction with the Chairman's handling of the aforesaid proposed motions.

*Motion moved under paragraph 47 of the Finance Committee Procedure*

20. After the Chairman had declared that the question that the first 37A motion proposed by Mr CHAN Chi-chuen (numbered 0004) be proceeded forthwith was negatived, Mr Wilson OR moved a motion under FCP 47 that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, FC should proceed to each of such divisions immediately after the division bell had been rung for one minute. The Chairman proposed the question on Mr Wilson OR's motion.

21. Mr James TO, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Mr CHAN Chi-chuen, Ms Claudia MO, Mr LEUNG Kwok-hung, Mr KWONG Chun-yu and Mr LEUNG Yiu-chung indicated their objection to the motion.

22. No other member spoke on the motion. The Chairman thereupon put the motion to vote. At the request of members, the Chairman ordered a division. After the division, the Chairman declared that the motion was carried. For the votes of individual members, please refer to the **Annex**.

Voting on FCR(2017-18)3

23. There being no further questions from members, the Chairman put item FCR(2017-18)3 to vote. At the request of members, the Chairman ordered a division. The Chairman declared that 26 members voted in favour of and 16 members voted against the item. The votes of individual members were as follows —



*For:*

Mr Tommy CHEUNG Yu-yan  
Mr WONG Ting-kwong  
Mr CHAN Hak-kan  
Mrs Regina IP LAU Suk-yee  
Mr Steven HO Chun-yin  
Mr YIU Si-wing  
Mr LEUNG Che-cheung  
Mr Christopher CHEUNG Wah-fung  
Mr POON Siu-ping  
Mr Jimmy NG Wing-ka  
Mr Holden CHOW Ho-ding  
Ms YUNG Hoi-yan  
Mr CHEUNG Kwok-kwan  
(26 members)

Mr Jeffrey LAM Kin-fung  
Ms Starry LEE Wai-king  
Mr WONG Kwok-kin  
Mr Michael TIEN Puk-sun  
Mr Frankie YICK Chi-ming  
Mr CHAN Han-pan  
Ms Alice MAK Mei-kuen  
Dr Elizabeth QUAT  
Ir Dr LO Wai-kwok  
Mr HO Kai-ming  
Mr SHIU Ka-fai  
Mr CHAN Chun-ying  
Mr LAU Kwok-fan

*Against:*

Mr LEUNG Yiu-chung  
Mr LEUNG Kwok-hung  
Mr CHAN Chi-chuen  
Mr Alvin YEUNG  
Mr CHU Hoi-dick  
Mr SHIU Ka-chun  
Dr CHENG Chung-tai  
Mr Jeremy TAM Man-ho  
(16 members)

Mr Paul TSE Wai-chun  
Ms Claudia MO  
Dr Fernando CHEUNG Chiu-hung  
Mr Andrew WAN Siu-kin  
Mr LAM Cheuk-ting  
Ms Tanya CHAN  
Mr KWONG Chun-yu  
Dr LAU Siu-lai

*[After the Chairman announced the voting result at the meeting, Mr Paul TSE asked to put on record that he intended to vote for, not against, the item.]*

24. The Chairman declared that the item was approved.

**Item No. 2 — FCR(2017-18)5  
RECOMMENDATION OF THE PUBLIC WORKS  
SUBCOMMITTEE MADE ON 16 MARCH 2017**

**PWSC(2016-17)39**

**HEAD 711 — HOUSING**

**Civil Engineering — Land development**

**781CL — Infrastructure works for public housing  
development at Area 54, Tung Chung**

25. The Chairman said that this item sought FC's approval of the recommendation made by the Public Works Subcommittee ("PWSC") at its meeting on 16 March 2017, i.e. the recommendation set out in PWSC(2016-17)39, to upgrade 781CL to Category A at an estimated cost of \$284.8 million in money-of-the-day prices for the construction of infrastructure to support the public housing development at Area 54, Tung Chung. Some PWSC members requested that the item be voted separately at an FC meeting.

26. The Chairman declared that he was an independent non-executive director of The Bank of East Asia. Mr CHU Hoi-dick asked whether there would be any business relationship between The Bank of East Asia and this item in terms of financial arrangements. The Chairman said that he had no direct or indirect pecuniary interest in respect of the proposed project.

Implementation time frame of the project

27. Given that the Administration originally planned to launch the proposed project in mid-2017, but FC had yet to approve the funding proposal, Mr CHAN Chun-ying asked whether there was a need to revise the implementation time frame of the project and whether the completion date of the public housing development at Area 54 in Tung Chung would be affected as a result.

28. Chief Civil Engineer (Public Works Programme), Transport and Housing Bureau ("CCE(PWP)/THB") replied that, subject to the progress of the Legislative Council in deliberating this funding proposal, the Administration planned to commence the proposed project by the end of 2017 and it was expected to be completed by the end of 2020. As the public housing development at Area 54 in Tung Chung was expected to be completed within 2021-2022, the proposed project could still dovetail with the housing development programme.

Consultants' fees

29. Mr CHAN Chun-ying pointed out that in the supplementary information paper submitted to the Legislative Council Panel on Housing (LC Paper No. CB(1)336/16-17(01)), the Administration had set out a breakdown of the cost estimates for three projects (these three projects were launched to support the public housing developments at Area 9 and Chung Nga Road East in Tai Po, Area 54 in Tung Chung and Area 65C2 in Tseung Kwan O). He requested the Administration to explain why the proportion of consultants' fee in the total costs was higher for the Tung Chung project than that for the Tai Po project, and why no consultants' fee was charged for the Tseung Kwan O project.

30. CCE(PWP)/THB explained that due to insufficient in-house resources, the Civil Engineering and Development Department ("CEDD") would engage consultants to handle some of the projects, which included the projects in Tung Chung and Tai Po mentioned by Mr CHAN. As the Tung Chung project was entirely undertaken by CEDD whereas the Tai Po project was partially entrusted to the Hong Kong Housing Authority ("HA"), the proportion of consultants' fee was therefore relatively higher for the Tung Chung project. Also, as the Administration had entrusted HA to undertake the entire Tseung Kwan O project, there was no consultant's fee in the project's capital cost estimates.

Provision of social welfare facilities under the public housing development projects at Tung Chung

31. Dr Fernando CHEUNG requested the Administration to provide details of the proposed social welfare facilities (including residential care homes for the elderly, day care centres, day activity centres, hostels for mentally handicapped persons, integrated activity centres and child care services) to be provided in the public housing developments at Areas 54, 53a and 56 in Tung Chung, such as whether the required sites had been reserved, information about the service providers and the number of places of various services.

[*Post-meeting note:* Supplementary information paper provided by the Administration was circulated to members vide LC Paper No. FC157/16-17(01) on 1 June 2017.]

Provision of a temporary bus stop on Ying Hei Road

32. Mr Michael TIEN indicated support for this project. He highlighted that he had urged the Administration to expeditiously provide a temporary walkway and bus stop on Ying Hei Road to facilitate access by nearby residents. He enquired about the progress of the relevant project and the target completion date.

33. Director of Civil Engineering and Development replied that the relevant works had commenced in early May 2017, which included the construction of a temporary bus stop and adjoining pedestrian walkway. The facilities were expected to be completed by late August in the same year, and from then on, eastbound buses on Ying Hei Road could pick up and drop off passengers at the new temporary bus stop.

34. The meeting ended at 7:41 pm.

Legislative Council Secretariat

9 March 2018

點名表決 DIVISION: 2  
日期 DATE: 26/05/2017  
時間 TIME: 06:58:27 下午 PM

動議 MOTION: 動議其後就相同議程項目下任何議案或待議議題進行點名表決時，委員會須在點名表決鐘聲響起一分鐘後進行點名表決  
Motion that in the event of further divisions being claimed of any motions or questions under the same agenda item, the Committee do proceed such divisions immediately after the division bell has been rung for one minute

動議人 MOVED BY:

出席 Present : 42  
投票 Vote : 41  
贊成 Yes : 27  
反對 No : 14  
棄權 Abstain : 0  
結果 Result : 通過 Passed

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

秘書 CLERK

