

立法會
Legislative Council

LC Paper No. FC284/17-18

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Ref : FC/1/1(3)

Finance Committee of the Legislative Council

Minutes of the 3rd meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 20 October 2017 at 3:43 pm

Members present:

Hon CHAN Kin-por, GBS, 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, GBS, 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 Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, 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, SBS, MH, JP

Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, 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
Hon HO Kai-ming
Hon LAM Cheuk-ting
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
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Members absent:

Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon CHUNG Kwok-pan
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding

Public officers attending:

Ms Alice LAU Yim, 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 Mike CHENG Wai-man	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Dr CHUI Tak-yi, JP	Under Secretary for Food and Health
Miss Diane WONG Shuk-han	Principal Assistant Secretary for Food and Health (Food) 2
Mr HUI Fai-wing	Senior Superintendent (Public Columbaria Project Team), Food and Environmental Hygiene Department
Mr LAM Sai-hung, JP	Director of Civil Engineering and Development
Mr Louie LAU Chun-tat	Chief Engineer (Land Works), Civil Engineering and Development 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
Ms Ada LAU	Senior Council Secretary(1)7
Mr Raymond SZETO	Council Secretary (1)5
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Michelle NIEN	Legislative Assistant (1)5

Meeting arrangements

Mr CHAN Chi-chuen and Ms Claudia MO asked the Chairman about the details of the arrangement for the Finance Committee ("FC") to make way for the House Committee ("HC") to extend its meeting. Mr CHAN asked in case the HC meeting could not be finished within 15 minutes of the starting time for the FC meeting, whether it meant that the FC meeting would be "aborted" (i.e. the meeting could not be held). Mr Jeremy TAM referred to the notice requirements for holding meetings under rule 24(c) of the House Rules and paragraph 11 of the Finance Committee Procedure ("FCP"). He queried if FC Chairman decided to defer the starting time of the FC meeting at the last moment in order to make way for HC to continue its meeting, it might violate the notice requirements for holding meetings.

2. The Chairman explained that it had been an established practice that HC might use the meeting time of FC to extend HC meeting for not more than 15 minutes with mutual consent of the FC and HC Chairmen. In case the HC meeting was extended for more than 15 minutes, the FC meeting might be "aborted". The Chairman stressed that this practice had been adopted for a long time and was also in line with the practice adopted by other committees. Ms Starry LEE, HC Chairman, concurred with the explanation made by the Chairman.

3. At the invitation of the Chairman, Clerk to FC explained the notice arrangements for holding FC meetings. In general, FC meetings would be held on Fridays immediately after HC meetings. According to time sequence, written notice of an FC meeting should be given to members five clear days or more before the day of the meeting. Subsequently, given that the deadline for giving notice of agenda items for an HC meeting was on the Tuesday before the meeting, the agenda and anticipated end time of the HC meeting would be decided only on the next day. With the concurrence of the HC Chairman, Clerk to HC would inform Clerk to FC of the anticipated end time of the HC meeting, while Clerk to FC would inform the Administration and members of the adjusted starting time of the FC meeting.

4. Clerk to FC continued to say that the FC Chairman agreed to defer the starting time of the FC meeting in order to allow HC to slightly extend its meeting simply based on actual needs, while the same situation also occurred at meetings of other committees from time to time. Yet, the Chairman must hold the meeting within 15 minutes after the time appointed for the meeting. She also pointed out that the House Rules were not directly applicable to FC.

The Chairman's directions

5. The Chairman advised that he understood that some members had different views on the two Chairman's directions given by him, i.e. "the Chairman's direction on speaking time limit for debates on motions to shorten the duration of the division bell moved under FCP 47" ("direction on speaking time limit for debates on motions under FCP 47")¹ and "the Chairman's direction regarding the scheduling of FC meetings" ("direction regarding the scheduling of FC meetings")². While the Chairman's decision on a point of order should be final and should not be discussed at any meetings, he decided to exercise his discretion of allowing members to speak briefly on related issues.

6. Dr Elizabeth QUAT, Mr CHAN Han-pan, Mr CHAN Hak-kan and Mr Steven HO spoke in support of the Chairman's exercise of powers conferred on him by rules of order in giving the Chairman's directions to rationalize the operation of FC. They criticized some members for employing the "filibustering" tactics to delay the approval of various livelihood-related funding items, so it was necessary for the Chairman to take corresponding measures to prevent members from continuing with their "filibustering" tactics. Mr CHAN Hak-kan and Mr CHAN Han-pan pointed out that albeit the Chairman's repeated attempts to communicate with members of the non-establishment camp in respect of the two Chairman's directions, members of the non-establishment camp refused to do so.

7. Mr Charles Peter MOK, Mr WU Chi-wai, Mr Andrew WAN, Dr Helena WONG, Mr Alvin YEUNG, Mr KWONG Chun-yu, Ms Tanya CHAN, Mr HUI Chi-fung, Dr KWOK Ka-ki, Mr CHU Hoi-dick, Ms Claudia MO, Mr CHAN Chi-chuen, Mr IP Kin-yuen, Mr SHIU Ka-chun, Mr Jeremy TAM, Mr LEUNG Yiu-chung and Mr LAM Cheuk-ting criticized the Chairman for changing the practice of FC by using the Chairman's directions. These members said that the Chairman's directions had not only unilaterally changed the modes of practice of FC and undermined the powers of FC to monitor public finance, but also affected the meeting arrangements of HC. They also criticized that the Chairman assumed holding an informal meeting could resolve the disputes caused by these Chairman's directions, but an informal meeting with no

¹ LC Paper No. FC23/17-18

² LC Paper No. FC24/17-18

official records was neither open nor transparent; therefore, members of the pro-democracy camp had no choice but to be absent from the meeting. They urged the Chairman to suspend the implementation of the Chairman's directions, and to hold a formal special meeting to discuss and vote on the contents of the directions and allow HC to discuss the relevant arrangements before they were formally put into practice.

8. Mr LUK Chung-hung advised that by means of the direction on speaking time limit for debates on motions under FCP 47, the Chairman could allow FC to reduce the meeting time spent on discussing procedural motions and focus more on deliberating the Government's funding proposals; therefore, the Chairman's direction would not undermine the function of FC in monitoring public finance.

9. Mr Kenneth LEUNG considered that although the Chairman indeed had the power to give directions in accordance with rules of order, but in line with past practice, FC Chairman should first consult members on the proposal and then hold a formal meeting to allow FC to endorse a resolution, which would be in compliance with procedural justice. In addition, it could be inferred from the contents of the direction regarding the scheduling of FC meetings that the Chairman intended to increase the punitive effect of Rule 45(2) of the Rules of Procedure ("RoP") by exercising the powers conferred on him by RoP 71(6), and he considered that the Chairman had improper motives.

10. Mr IP Kin-yuen was of the view that the Chairman's rulings or directions on issues relating to rules of order should target at individual cases only, and directions should not be given to change the routine arrangements of FC. He also said that according to his understanding, the Chairman's directions were unprecedented, and its status was uncertain in terms of rules of order.

11. Referring to RoP 71(13), Dr Fernando CHEUNG advised that the practice of FC should be determined by FC, instead of solely decided by the Chairman.

12. Mr CHU Hoi-dick, Mr CHAN Chi-chuen and Mr Kenneth LEUNG considered that the Chairman had not yet made a comprehensive response to various legal viewpoints stated in the letter issued from members to the Chairman earlier (LC Paper No. FC20/17-18(02)).

13. In response, the Chairman pointed out that in his reply to 22 members of the non-establishment camp (LC Paper No. FC20/17-18(03)), he had already elaborated the procedural basis on which the two Chairman's directions were given; relevant legal opinions provided by the Legal Service Division of the Legislative Council Secretariat were also circulated to members for information (LC Paper No. LS7/17-18). Despite his repeated attempts to invite all members to attend an informal meeting and exchange views on the Chairman's directions, members of the non-establishment camp had turned him down time and again. As for members' request for holding a special meeting to discuss the Chairman's directions, he would provide a written reply after the meeting.

[*Post-meeting note*: The written reply from the Chairman was circulated to members vide LC Paper No. FC30/17-18(01) on 25 October 2017.]

14. The Chairman emphasized that before considering and giving the direction regarding the scheduling of FC meetings, he had directed Clerk to FC to keep communicating with Clerk to HC in respect of the possible impact of his direction on the meeting arrangements of HC. As a matter of fact, there was no significant impact on HC meetings.

15.. Regarding the views expressed by Dr Fernando CHEUNG, the Chairman responded that RoP 71(13) was applicable to matters for which there was no express provision in RoP and FCP. Clerk to FC supplemented that the direction regarding the scheduling of FC meetings (including the decision made on the meeting time) was made by the Chairman in accordance with RoP 71(6), while the direction on speaking time limit for debates on motions under FCP 47 was made by the Chairman in accordance with RoP 43.

16. Mr CHU Hoi-dick expressed his disagreement with the Chairman's interpretation of RoP 71(6) in invoking the Rule to make the direction regarding the scheduling of FC meetings.

17. In response, the Chairman said that he respected the views of members, but the two Chairman's directions were made after careful consideration and thorough consultation with the Legal Adviser and Clerk to FC.

**Item No. 1 – FCR(2017-18)19A
RECOMMENDATION OF THE PUBLIC WORKS
SUBCOMMITTEE MADE ON 6 MAY 2017**

PWSC(2016-17)45

HEAD 705 – CIVIL

Civil Engineering – Land development

758CL – Site formation and associated infrastructural works for development of columbarium, crematorium and related facilities at Sandy Ridge Cemetery

18. The Chairman said that the item invited FC to approve the recommendation of the Public Works Subcommittee made at its meeting held on 6 May 2017, i.e. the recommendation in PWSC(2016-17)45 (the estimated cost of the project involved in this recommendation had been updated) regarding the upgrading of part of 758CL, entitled "Site formation and associated infrastructural works for development of columbarium at Sandy Ridge Cemetery", to Category A at an estimated cost of \$1,849.6 million in money-of-the-day prices, and the retention of the remainder of 758CL in Category B. Some members requested separate voting on the recommendation at an FC meeting.

19. The Chairman declared that he was an independent non-executive director of The Bank of East Asia.

Progress of works and supply of niches

20. Noting that site formation and associated infrastructural works for development of crematorium and related facilities at the Sandy Ridge Cemetery would be completed in 2021, Mr CHAN Chun-ying was concerned about whether the Government would complete the planning of the crematorium and other structures and confirm the project estimates before 2021.

21. Dr Helena WONG advised that the Democratic Party supported this item. Expressing concern over the shortage of niches in Hong Kong, she enquired about the allocation arrangements for about 200 000 niches under the columbarium development at the Sandy Ridge Cemetery and other columbarium developments under construction. She urged the Government to consider giving priority to applications on the waiting list for government niches.

22. Mr CHAN Hak-kan noted that after the coming into effect of the Private Columbaria Ordinance (Cap. 630), illegal columbaria might cease operation as they were unable to obtain licences. He enquired whether niches in the columbarium at the Sandy Ridge Cemetery could accommodate the affected niches.

23. In response, Principal Assistant Secretary for Food and Health (Food) 2 ("PASFH(F)2") advised that:

- (a) the Government had engaged consultants to undertake the design of the works for development of crematorium and other facilities at the Sandy Ridge Cemetery. Given that the item was scheduled for completion in 2021, the Government anticipated that the estimates for associated works could be arrived at during the period between next year and 2021 and the works would commence immediately after the completion of the works under this item in 2021;
- (b) regarding the 200 000 niches to be provided in the columbarium at the Sandy Ridge Cemetery, the Government planned to allocate about 18 000 niches in each of the next nine years and, depending on future traffic condition at the lot, consider the allocation arrangements for the remaining niches. Apart from the columbarium at the Sandy Ridge Cemetery, more niches would be coming on stream with the anticipated completion of the Tsang Tsui Columbarium and the Wo Hop Shek Phase 1 Columbarium in 2019 and 2020 respectively. As for the proposal on pre-completion allocation of niches, the Government was proactively examining the proposal along this line;
- (c) the Food and Environmental Hygiene Department ("FEHD") would increase the number of temporary storage facilities for cremains to about 60 000 in the next two years and might further increase the number of such facilities on a need basis. For persons who were affected by the closing down of illegal columbaria, they were free to choose how ashes of the deceased should be handled, such as reinterment of ashes in licensed columbaria, or applying for allocation of government niches if qualified; and
- (d) the Government would remind applicants on the waiting list for used public niches that they could apply for new public niches.

Traffic problem

24. A number of members were gravely concerned about the traffic problem brought about by the development of columbarium facilities at the Sandy Ridge Cemetery and whether the corresponding mitigation measures were sufficient. Mr CHAN Hak-kan was worried that the widening works of Sha Ling Road and Lin Ma Hang Road would be insufficient to mitigate traffic congestion problem in that area caused by a huge increase in the number of grave sweepers during the Ching Ming and Chung Yeung festive periods. Ms Alice MAK enquired whether the completion date of the widening works of Sha Ling Road and Lin Ma Hang Road could dovetail with the commissioning of the columbarium at the Sandy Ridge Cemetery.

25. Noting that 200 000 niches in the columbarium at the Sandy Ridge Cemetery would be allocated by phases, Mr WU Chi-wai enquired about the time when the anticipated peak number of grave sweepers as mentioned in the relevant traffic impact assessment ("TIA") would appear .

26. Pointing out that apart from the increased pedestrian flow arising from the columbarium facilities at the Sandy Ridge Cemetery, the expected population growth that would be brought about by the development of North East New Territories would reach 500 000, Mr Andrew WAN and Mr LAM Cheuk-ting were worried that the transport facilities in the district would be overloaded. These members asked if the Government had included future population growth of North East New Territories in TIA, and requested the Government to provide TIA papers and information to FC in order to explain whether the proposed works would be sufficient to cope with the population growth in the district.

[Post-meeting note: The supplementary information provided by the Government was circulated to members vide LC Paper No. FC122/17-18(01) on 30 January 2018.]

27. Mr LAM Cheuk-ting urged the Government to consider the construction of a footbridge, so that members of the public could walk from Lo Wu MTR Station to the proposed columbarium at the Sandy Ridge Cemetery.

28. Ms Alice MAK advised that the Government had ultimately rejected the proposal of widening Man Kam To Road. She urged the Government to reconsider the proposal.

29. Mr LAU Kwok-fan urged the Government to provide cycle tracks along Lin Ma Hang Road.

30. In response, Director of Civil Engineering and Development ("DCED") advised that:

- (a) traffic problem was the most important consideration under this item. TIA consultants, in particular, counted the pedestrian flow at other cemeteries and columbaria during the Ching Ming and Chung Yeung festivals and generated the data, also taking into consideration other factors affecting the traffic flow (such as the number of columbaria/niches and service periods), so as to forecast future traffic flow on roads at the Sandy Ridge Cemetery. According to the estimate, the peak number of grave-sweeper flow during the Ching Ming and Chung Yeung festive periods would be 20 000 to 30 000 per hour;
- (b) to manage pedestrian flow, the Government would set up pick-up and drop-off points for buses at the nearby MTR stations (including Fanling Station, Sheung Shui Station and Kwu Tung Station to be completed in the future) and provide shuttle bus service from/to the columbarium at the Sandy Ridge Cemetery during the Ching Ming and Chung Yeung festive periods. Among which, shuttle buses from/to Fanling Station would use Lin Ma Hang Road to reach Sha Ling Road and the columbarium at the Sandy Ridge Cemetery upon the completion of Liantang Boundary Control Point with a view to alleviating the burden on Man Kam To Road and local transport network. The Government would carry out site formation of about two hectares of land adjacent to the columbarium for construction of a pick-up and drop-off area where sufficient bus parking spaces could be accommodated. Furthermore, a pick-up and drop-off point would also be provided for minibuses, taxis and private cars at the junction of Man Kam To Road and Sha Ling Road for diversion purpose;

- (c) currently, if grave sweepers were to walk from Lo Wu MTR Station to the columbarium at the Sandy Ridge Cemetery, they would need to walk along Lo Wu Road and then take a path, which meant a 50-minute walking distance of about 2 km long, so grave sweepers were not encouraged to go to the columbarium on foot. The option of constructing a pedestrian link connecting the columbarium was rather infeasible as it would necessitate the widening of the existing access road in Lo Wu Village and resumption of more private land, while causing impact on environmentally sensitive slopes;
- (d) the widening works of Sha Ling Road and Lin Ma Hang Road would dovetail with the completion of columbarium facilities at the Sandy Ridge Cemetery. In addition, the Government had assessed the condition of Man Kam To Road and the result showed that the existing roads were sufficient to cope with future traffic flow; and
- (e) the Government currently had no plan to provide cycle tracks along Lin Ma Hang Road, but it would not rule out the possibility that when necessary, funding request would be made for the provision of cycle tracks along the road concerned.

Project price adjustments

31. Mr CHAN Chun-ying said that the item had been included in the agenda of FC meetings in the 2016-2017 legislative session, but deliberation on the item could not commence as a result of "filibustering". The Government subsequently revised the relevant papers and estimates. Among which, the amount of provision for price adjustment had been reduced significantly, resulting in a decrease in the amount of total project estimate by about \$700 million. Given that the Government had invited tenders for one of the two contracts for the project in January 2017, he enquired about the reasons for reduced provisions in the above two and whether it was because the actual price of the aforesaid contract had been confirmed.

32. DCED advised that as rightly pointed out by the member, the Government had completed the tendering exercise for one of the contracts of a larger scale under the item and the tender price was confirmed. In addition, the Government also adjusted the amount of provision for price adjustment downward according to the updated data for the year.

Trees affected by the works

33. Mr Alvin YEUNG was concerned that hundreds of trees affected by the works would be felled or transplanted. Mr YEUNG enquired about the coordination among various government departments concerned in this regard. Mr CHAN Hak-kan enquired about the arrangement for transplanting an incense tree (scientific name: *Aquilaria sinensis*) affected by the works. Mr LAU Kwok-fan enquired how the felled trees would be disposed of.

34. In response, DCED advised that:

- (a) the Civil Engineering and Development Department would monitor the tree transplanting work in conjunction with FEHD, and the Leisure and Cultural Services Department would provide professional input. The felled trees would be used as fertilizers for planting other trees as far as possible, and would not be delivered to landfills for disposal; and
- (b) the affected incense tree would be transplanted to an area within the Sandy Ridge Cemetery and managed by FEHD.

Green burial

35. Mr Alvin YEUNG and Mr WU Chi-wai urged the Government to promote natural and tree burials, such as setting up pilot zones at the Sandy Ridge Cemetery, which might reduce the number of trees to be felled.

36. In response, PASFH(F)2 advised that the Government endeavoured to promote green burial and set up a Working Group on Green Burial and Related Matters under the Advisory Council on Food and Environmental Hygiene to provide advice on promotional strategies. In 2016, green burial cases took up 10.5% of the total number of deaths, while the percentage even rose to 12.3% as at August of this year, reflecting a gradual growth in the number of green burial cases. Regarding the request for implementing tree burial, the Government understood the merits of tree burial on the one hand (i.e. environmentally friendly and economical); but on the other hand, tree burial would entail other issues,

such as land occupation and maintenance, and the Government had to handle the issue with care when trees used for tree burial withered. Overall, the Government was open-minded about tree burial. Furthermore, the Government would, in a timely manner, report the progress of green burial promotion work to the Panel on Food Safety and Environmental Hygiene and to the public.

Ex-gratia compensation for resumption of private land

37. Mr LAU Kwok-fan asked whether the ex-gratia compensation for resumption of private land involved in this item had been fully disbursed. He was concerned that the amount of compensation paid by the Government was often lower than the market value of the land, and if the amount of compensation was not adjusted upward, it would be unfair to the stakeholders of the land.

38. PASFH(F)2 replied that upon obtaining the funding approval, the Lands Department would consider issues relating to the amount of compensation for the land concerned under the established internal mechanism.

39. At 5:31 pm, the Chairman declared the end of the meeting. As HC had to resume its meeting, the next FC meeting would commence immediately after the end of the HC meeting.

Legislative Council Secretariat
11 June 2018