

立法會
Legislative Council

LC Paper No. CB(2)1930/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 29th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 6 July 2018**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (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
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
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, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung

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, SBS, JP
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
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, JP
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent :

Prof Hon Joseph LEE Kok-long, SBS, JP
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon Kenneth LAU Ip-keung, BBS, MH, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Mr Cliff IP	Assistant Legal Adviser 8
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Mr Clement HAU	Council Secretary (2)7
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of minutes of meeting

Minutes of 28th meeting held on 29 June 2018

(LC Paper No. CB(2)1730/17-18)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration

2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") the views raised by Mr Jeremy TAM and Mr CHEUNG Kwok-kwan on the proposals of public works projects under

Action

the Signature Project Scheme at the last meeting of the House Committee ("HC"). CS had replied that as it was obvious that the districts hoped to re-submit the relevant proposals as soon as possible, the Administration, after taking into account Members' views and making modifications to the proposals, had submitted the revised proposals to the Public Works Subcommittee for examination at its meeting on 4 July 2018.

III. Business arising from previous Council meetings

(a) **Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)**

(i) **Evidence (Amendment) Bill 2018**
(*LC Paper No. LS81/17-18*)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the above Bill.

4. Mr Dennis KWOK considered it necessary to form a Bills Committee to study the above Bill in detail. Members agreed. Mr James TO, Mr Kenneth LEUNG and Mr Dennis KWOK agreed to join the Bills Committee.

(ii) **Conservation of Antarctic Marine Living Resources Bill**
(*LC Paper No. LS80/17-18*)

5. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above Bill.

6. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the above Bill in detail. Members agreed. Mr Kenneth LEUNG agreed to join the proposed Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 29 June 2018 and tabled in Council on 4 July 2018**
(*LC Paper No. LS78/17-18*)

7. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the two items of subsidiary legislation (i.e. L.N. 129 and L.N. 130) which were gazetted on 29 June 2018 and tabled in Council on 4 July 2018.

Action

8. Members did not raise any questions on the above two items of subsidiary legislation.

9. The Chairman reminded Members that the deadline for amending the above two items of subsidiary legislation would be the second Council meeting in the next session (i.e. 24 October 2018).

IV. Further business for the Council meeting of 11 July 2018

(a) Tabling of papers

Report No. 18/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)1733/17-18*)

10. The Chairman said that the Report covered 16 items of subsidiary legislation and the period for amending them would expire at the Council meeting of 11 July 2018. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(b) Bill - First Reading and moving of Second Reading

11. The Chairman said that the Hotel and Guesthouse Accommodation (Amendment) Bill 2018 would be introduced at the meeting, and HC would consider the Bill at its last meeting in the current session to be held after the summer recess in October 2018 (i.e. 5 October 2018).

(c) Members' motions

(i) Proposed resolution to be moved by Hon HUI Chi-fung under section 4(5) of the Fatal Accidents Ordinance (Cap. 22)
(*LC Paper No. CB(3)785/17-18*)

12. The Chairman said that the above proposed resolution would be dealt with at the meeting.

Action

- (ii) **Proposed resolution to be moved by Hon WONG Ting-kwong under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Employment (Amendment) (No. 2) Ordinance 2018 (Commencement) Notice**
(LC Paper No. CB(3)806/17-18)

13. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the Commencement Notice to the first Council meeting in the next session (i.e. 10 October 2018).

- (iii) **Two proposed resolutions to be moved by Hon James TO under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Securities and Futures (Professional Investor) (Amendment) Rules 2018**
(LC Paper No. CB(3)803/17-18)

14. The Chairman said that the purposes of the above two proposed resolutions were to respectively repeal and amend the Amendment Rules.

V. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Employment (Amendment) (No. 2) Ordinance 2018 (Commencement) Notice

15. Mr WONG Ting-kwong, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had held one meeting with the Administration to discuss the Commencement Notice which appointed 19 October 2018 as the day on which the Employment (Amendment) (No. 2) Ordinance 2018 (Ord. No. 21 of 2018) ("the Amendment Ordinance") came into operation. The purpose of the Amendment Ordinance was to remove the employer's agreement as the pre-requisite for making a reinstatement or re-engagement order in the event of unreasonable and unfair dismissal under the Employment Ordinance (Cap. 57).

16. Mr WONG further said that the Subcommittee had finished its scrutiny work and it had no objection to the Commencement Notice. In order to allow sufficient time for the Subcommittee to prepare its report, members of the Subcommittee agreed that a proposed resolution

Action

be moved by him, in his capacity as the Chairman of the Subcommittee, at the Council meeting of 11 July 2018 to extend the scrutiny period of the Commencement Notice to the first Council meeting in the next session. Members noted that the Subcommittee would submit a written report in due course.

17. The Chairman reminded Members that if the proposed resolution to extend the scrutiny period of the Commencement Notice was passed at the Council meeting of 11 July 2018, the period for amending the Commencement Notice would expire at the first Council meeting of the next session (i.e. 10 October 2018), and the deadline for giving notice of amendments, if any, would be five clear days before the said meeting (i.e. 3 October 2018).

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1731/17-18)

18. The Chairman said that as at 4 July 2018, there were nine Bills Committees, nine subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

VII. Proposed extension of period of work of subcommittees on policy issues and proposed arrangement for the order of activation of subcommittees on the waiting list

(LC Paper No. CB(2)1732/17-18)

19. Members endorsed the proposals of the Subcommittee on Matters Relating to Railways ("the Railways Subcommittee") and the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project for continuation of work in the 2018-2019 session, with details set out in Appendices III and IV to the paper respectively.

20. Members also agreed to adopt the proposed arrangement for the order of activation of policy subcommittees on the waiting list in the Sixth Legislative Council ("LegCo") as set out in paragraph 8 of the paper, i.e. priority should be accorded to subcommittees which had not commenced work since their appointment over subcommittees which had completed their 12-month work period and been given endorsement by HC to be put on the waiting list for re-activation.

VIII. Request of Hon WU Chi-wai to seek the House Committee's recommendation under rule 13(a) of the House Rules for the holding of debates on three Members' motions not intended to have legislative effect at the Council meeting of 11 July 2018
(*LC Paper No. CB(2)1747/17-18(01)*)

21. At the invitation of the Chairman, Mr WU Chi-wai said that his proposal sought to ensure that the three Members' motion debates which had been scheduled to be dealt with in the current session could be concluded before the summer recess, particularly the one on "Vote of no confidence in the President of the Legislative Council" to be moved by Prof Joseph LEE.

22. In response to Mr CHAN Chi-chuen's enquiry, the Chairman advised that a circular had been issued earlier on the day of this HC meeting informing Members that the order of dealing with Mr CHAN's motion on "Studying the formulation of policies for homosexual couples to enter into a union" and Prof Joseph LEE's motion on "Vote of no confidence in the President of the Legislative Council" had been swapped. As such, Prof LEE's motion would be the first Members' motion not intended to have legislative effect to be dealt with at the Council meeting of 11 July 2018, and Mr CHAN's motion would be dealt with at the first regular Council meeting of the next session. The Chairman further said that even if the three Members' motions not intended to have legislative effect were put on the Agenda of the Council meeting of 11 July 2018, whether or not all these motions could be dealt with before the summer recess depended on the progress of the proceedings of the meeting, as it was the established practice that any Members' motions not intended to have legislative effect which could not be concluded at a Council meeting would stand over until the next regular Council meeting.

23. Mr CHAN Chi-chuen said that he was neutral with respect to Mr WU Chi-wai's proposal. However, he considered it undesirable if some Members refrained from speaking on his motion due to time constraints, leading to the debate on his motion being concluded in a hasty manner at the Council meeting of 11 July 2018.

24. Mr WU Chi-wai said that he submitted his proposal before knowing that Prof Joseph LEE's motion on "Vote of no confidence in the President of the Legislative Council" would be dealt with at the Council meeting of 11 July 2018 as the order of dealing with Mr CHAN Chi-chuen's motion and Prof LEE's motion would be swapped. In light

Action

of this latest development, he did not consider it necessary for his proposal to be pursued further.

25. The Chairman concluded that there was no need to pursue Mr WU Chi-wai's proposal. Members raised no objection.

IX. Proposals of Hon Michael TIEN to seek the Council's authorization for the Subcommittee on Matters Relating to Railways to exercise the powers conferred by section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in respect of the quality of construction works at To Kwa Wan station and Exhibition Centre station of the Shatin to Central Link respectively
(LC Paper No. CB(2)1747/17-18(02))

26. At the invitation of the Chairman, Mr Michael TIEN said that the Railways Subcommittee held a meeting in the morning of the day of this HC meeting ("the Railways Subcommittee meeting") to discuss issues relating to the construction works at To Kwa Wan ("TKW") station and Exhibition Centre ("EC") station of the Shatin to Central Link ("SCL"). While the Administration, the MTR Corporation Limited ("MTRCL") and the relevant contractors including Samsung-Hsin Chong Joint Venture ("Samsung-Hsin Chong") and Leighton-China State Joint Venture ("Leighton-China State") had been invited to field appropriate representatives to attend the meeting, Samsung-Hsin Chong was represented by a Board Member who had little knowledge of the relevant works and Leighton-China State refused to send any representative to attend the meeting despite having been requested by MTRCL to do so. In his view, the two contractors, in particular Leighton-China State, had shown total disrespect for LegCo, the Administration and MTRCL. Furthermore, although MTRCL had issued Non-Conformance Reports to Leighton-China State which was found to have carried out excavation at EC station beyond the allowable depth before the installation of the final layer of temporary steel strut, Leighton-China State disregarded such Reports and proceeded with the excavation works. In the light of the above, he considered it necessary to summon all relevant parties, including representatives of Samsung-Hsin Chong and Leighton-China State, to answer questions and produce all relevant information in order to find out the truth of the matter.

Action

27. Mr Michael TIEN stressed that the Commission of Inquiry ("CoI") to be appointed by the Chief Executive ("CE") would only look into issues relating to the construction works at Hung Hom ("HH") station of SCL, whereas his proposal sought to follow up issues relating to the works at TKW station and EC station under the same project. Mr TIEN further said that he had originally proposed to move two separate motions at the Council meeting of 11 July 2018 to seek the Council's authorization under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") for the Railways Subcommittee to exercise the powers conferred by section 9(1) of the P&P Ordinance in respect of the quality of the works at TKW station and EC station respectively. After taking into account some Members' views, he had amended his proposal to move one motion at the Council meeting of 11 July 2018 to seek the Council's authorization for the Panel on Transport to exercise such powers in respect of the same matter.

28. The Chairman said that as the deadline for giving notice to move the proposed motion had already expired on 25 June 2018, Mr Michael TIEN also sought HC's support for seeking the President's leave to dispense with the requisite notice. She invited Members' views on Mr Michael TIEN's proposal.

29. Mr LAM Cheuk-ting said that Members belonging to the Democratic Party supported Mr Michael TIEN's proposal. He stressed that the recent incidents relating to the works at TKW station and EC station were very serious indeed as they involved not only substandard/non-conforming works but also possible cover-ups by the parties concerned. Mr LAM, Mr WU Chi-wai and Mr KWONG Chun-yu expressed similar views that given that Leighton-China State had only sought to meet with individual Members in private but refused to attend the Railways Subcommittee meeting or respond to questions about the incidents in public, it was necessary and opportune to invoke the powers under the P&P Ordinance to order Leighton-China State as well as other relevant parties to attend before the Railways Subcommittee or the Panel on Transport to answer Members' questions and produce all relevant information, so as to ascertain the extent of the problems associated with the relevant works and clarify the doubts surrounding the matter.

30. Dr CHENG Chung-tai, Mr CHU Hoi-dick, and Mr Alvin YEUNG expressed support for Mr Michael TIEN's proposal. These Members pointed out that the accounts given by the Administration, MTRCL and Samsung-Hsin Chong at the Railways Subcommittee meeting were

Action

unable to allay public concern and address the queries raised about the quality of the works at TKW station and EC station. They stressed that given the refusal of Leighton-China State to attend the Railways Subcommittee meeting and the conflicting responses given by MTRCL and the Administration at that meeting, invoking the powers under the P&P Ordinance to order the attendance of the relevant parties to answer Members' questions and produce all relevant information was clearly warranted and it was the only effective means to find out the whole truth of the matter and to ascertain which party/parties should be held responsible.

31. Ir Dr LO Wai-kwok said that although Members might not be satisfied with the accounts given by the Administration, MTRCL and Samsung-Hsin Chong at the Railways Subcommittee meeting, it was clear that the incidents at TKW station and EC station were not comparable with the incident at HH station in terms of their nature and gravity. Ir Dr LO further said that as the faulty works at TKW station and EC station had been identified and rectification steps had been taken/were being worked out, he did not see the need to invoke the powers under the P&P Ordinance to inquire into the matter. Mr WONG Kwok-kin expressed similar views, adding that while substandard/non-conforming works were found at TKW station and EC station, such works did not pose major safety risks to the public and hence did not warrant an investigation by LegCo with the exercise of the powers under the P&P Ordinance.

32. Mr Jeremy TAM and Dr Fernando CHEUNG expressed disagreement with Ir Dr LO Wai-kwok's views and indicated support for Mr Michael TIEN's proposal. Mr TAM said that not only had Leighton-China State failed to follow the works procedure approved by MTRCL in carrying out the excavation works at EC station, but it had also continued with such non-conforming works despite having received the Non-conformance Reports issued by MTRCL. Given the gravity of the matter, he would support any proposal to invoke the powers under the P&P Ordinance to inquire into, among others, the reasons why some members of the engineering profession could have disregarded the prescribed works procedure and requests for suspension of works. Dr CHEUNG commented that as the issue of public safety was involved, Leighton-China State should address the queries raised on the relevant works in public instead of seeking to meet with individual Members in private.

Action

33. Mr Abraham SHEK declared that he was an independent non-executive director of MTRCL and also a member of the Capital Works Committee under the MTR Board of Directors which had been tasked to review the processes and procedures for the SCL project. Mr SHEK took the view that even if it was considered necessary for LegCo to inquire into issues relating to the construction works at TKW station and EC station, the inquiry should be conducted by a select committee appointed by LegCo which should have clear terms of reference setting out the scope of the inquiry and a balanced representation of Members from different political parties and groupings. He objected to Mr Michael TIEN's proposal.

34. Mr CHAN Han-pan and Mrs Regina IP indicated that they did not support Mr Michael TIEN's proposal. Mr CHAN criticized Mr TIEN for constantly changing his stance on whether and how LegCo should follow up issues relating to the construction works under the SCL project, as evidenced by his current proposal to seek the Council's authorization for the Panel on Transport, instead of the Railways Subcommittee as he had originally proposed, to exercise the powers under the P&P Ordinance in respect of the works at TKW station and EC station. Mrs IP said that she saw no reason why the Railways Subcommittee should be authorized to exercise the powers under the P&P Ordinance as originally proposed by Mr TIEN. Mr CHAN and Mrs IP also considered it inappropriate and procedurally improper for Mr Michael TIEN to have put forward his current proposal for HC's consideration without prior consultation with the Panel on Transport or its Chairman. In their view, as CE had already indicated that the CoI to be appointed would also review the relevant aspects of MTRCL's project management and supervision system and its system on reporting to the Government in the context of the implementation of the SCL project, they did not consider it necessary to seek the Council's authorization for the Panel on Transport to exercise the powers under the P&P Ordinance to inquire into issues relating to the works at TKW station and EC station.

35. Mr Frankie YICK expressed concurrence with Mrs Regina IP's views and confirmed that he, as the Chairman of the Panel on Transport, had not been consulted on Mr Michael TIEN's proposal. Mr YICK also shared Mr Abraham SHEK's view that even if an inquiry by LegCo was warranted, consideration should be given to seeking the Council's authorization for the appointment of a select committee, and not for the Panel on Transport to exercise the powers under the P&P Ordinance, to conduct the inquiry. Mr YICK added that he did not support Mr TIEN's proposal.

Action

36. Mr CHAN Chi-chuen, Ms Tanya CHAN, Mr LEUNG Yiu-chung, Ms Claudia MO and Mr Gary FAN expressed support for Mr Michael TIEN's proposal. Mr FAN criticized Members of the pro-establishment camp for speaking in defence of the Administration, MTRCL and Leighton-China State. He stressed that the various substandard/non-conforming works at TKW station and EC station might pose serious safety risks to the public. Ms CHAN, Mr LEUNG and Ms MO pointed out that as CE had already indicated that the CoI to be appointed would focus its inquiry only on issues relating to the construction works at HH station, it was necessary to invoke the powers under the P&P Ordinance to follow up issues relating to the substandard/non-conforming works at TKW station and EC station. Ms CHAN, Mr LEUNG and Mr FAN held the view that given the significant public interest involved, LegCo was duty-bound to find out the truth of the matter and hold the relevant party/parties responsible if warranted.

37. Mr Martin LIAO said that the "Group of Six", including Mr CHAN Kin-por, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Chun-ying, Mr Tony TSE and himself, opposed Mr Michael TIEN's proposal for four major reasons. First, the incidents relating to the works at TKW station and EC station were not major safety incidents and did not involve significant public interest. Second, there was no urgency for moving the proposed motion as the relevant works at TKW station and EC station, albeit having been found to be substandard/non-conforming, would not cause danger to the future operation of the stations and rectification steps had been taken or were being worked out. Third, the said incidents might involve criminal and/or civil liabilities of the parties concerned which should not and needed not be followed up by LegCo. Finally, even if the matter warranted an investigation by LegCo, it should be conducted by a select committee set up by LegCo specifically for such purpose, and not by a Panel the function of which was to examine policy issues.

38. Mr Kenneth LEUNG said that Members belonging to the Professionals Guild supported Mr Michael TIEN's proposal also for four major reasons. First, it was necessary to find out the causes of the substandard/non-conforming works at TKW station and EC station. Second, there was no evidence that the relevant substandard/non-conforming works had been rectified. Third, there were no ongoing criminal or civil proceedings arising from matters related to those works. Fourth, the Rules of Procedure ("RoP") did not prohibit a Panel from exercising the powers under the P&P Ordinance, if so authorized by the Council, to follow up issues that fell within its terms of reference.

Action

39. Mr Andrew WAN and Mr LAM Cheuk-ting said that they did not subscribe to the criticisms made by some Members against Mr Michael TIEN. Mr LAM further said that he did not consider it necessary for Mr TIEN to consult the Chairman of the Panel on Transport before putting forward his current proposal. Mr WAN expressed disagreement with the view that the incidents relating to the substandard/non-conforming works at TKW station and EC station did not involve the issue of public safety, adding that such works might impact upon the structural safety of the two stations. In Mr WAN's view, invoking the powers under the P&P Ordinance to inquire into the matter could help find out the truth for the public.

40. Mr Michael TIEN explained that as the Chairman of the Railways Subcommittee, it was his original intention for the Railways Subcommittee to follow up issues relating to the substandard/non-conforming works at TKW station and EC station. As Leighton-China State had refused to attend the Railways Subcommittee meeting and having considered some Members' suggestion that the matter should better be dealt with by the Panel on Transport, he had amended his proposal to seek the Council's authorization for the Panel on Transport, instead of the Railways Subcommittee, to exercise the powers under the P&P Ordinance in following up the matter. Referring to the point made by some Members that the Panel on Transport should have been consulted on the proposal under discussion, Mr TIEN pointed out that the proposal put forward by Mr Fred LI, a former LegCo Member, to seek the Council's authorization to empower the Panel on Economic Development to exercise the powers under the P&P Ordinance, which was considered by HC at its meeting on 6 January 2012, also did not have the prior support of the Panel on Economic Development.

41. The Chairman said that given the divergent views expressed by Members, she would put to vote Mr Michael TIEN's proposal to move the following motion at the Council meeting of 11 July 2018:

"本會根據《立法會(權力及特權)條例》(第 382 章)第 9(2)條，授權交通事務委員會("事務委員會")行使該條例第 9(1)條所賦予的權力，以命令相關的政府部門、香港鐵路有限公司、三星－新昌聯營承建商及禮頓－中建聯營承建商委派代表出席本議案獲通過後就有關事宜召開的事務委員會任何特別會議，就沙田至中環線土瓜灣站及/或會展站工程質量問題回答質詢，並提交所有相關文件、資料、相片、會面記錄和通訊記錄。"

(Translation)

"That the Panel on Transport ("Panel") be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance to order related government departments, the MTR Corporation Limited, contractor Samsung-Hsin Chong Joint Venture and contractor Leighton-China State Joint Venture to delegate representatives to attend any special meeting of the Panel on related matters convened after the passage of this motion to answer questions and produce all the relevant documents, information, photos, records of meetings and correspondence in relation to the works quality of the To Kwa Wan station and/or the Exhibition Centre station of the Shatin to Central Link."

Mr WONG Kwok-kin requested a division. Dr CHIANG Lai-wan declared that a family member of hers was an independent non-executive director of China State Construction International Holdings Limited.

The following Members voted in favour of the proposal:

Mr James TO, Mr LEUNG Yiu-chung, Ms Claudia MO, Mr Michael TIEN, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Dr Pierre CHAN, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin.
(24 Members)

The following Members voted against the proposal:

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Mr Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr HO Kai-ming, Mr Holden CHOW, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan,

Action

Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Vincent CHENG and Mr Tony TSE.

(34 Members)

The following Member abstained from voting :

Mr Abraham SHEK

(1 Member)

42. The Chairman declared that 24 Members voted for and 34 Members voted against the proposal, and one Member abstained from voting. The Chairman declared that the proposal was not supported.

X. Any other business

Proposal of Hon Jeremy TAM to seek the House Committee's agreement for asking an urgent oral question on water leakage problems in the Passenger Clearance Building of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port at the Council meeting of 11 July 2018

(LC Paper No. CB(2)1758/17-18(01))

43. The Chairman said that she had received a letter from Mr Jeremy TAM in the afternoon of Wednesday, 4 July 2018, requesting HC to discuss at this meeting his proposal to seek HC's agreement for asking an urgent oral question at the Council meeting of 11 July 2018 on the water leakage problems in the Passenger Clearance Building of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") Hong Kong Port ("the incident concerned"). Having considered that Mr TAM proposed to ask the urgent oral question at the Council meeting of 11 July 2018 which was the last Council meeting in the current session, she agreed to put Mr TAM's proposal on the agenda for this meeting under "Any other business" for consideration by Members.

44. At the invitation of the Chairman, Mr Jeremy TAM said that according to media reports, the water leakage problems were very serious which had caused flooding in the basement of the Passenger Clearance Building of HZMB Hong Kong Port ("the Passenger Clearance Building"), and also smoke was found to have emitted from a pillar box installed inside a power supply room at the basement. Despite the explanation given by the Administration that rainwater had leaked into

Action

the basement via some underground cable ducts which had not been sealed up after cable installation, Mr TAM remained doubtful about the Administration's explanation and considered that the Administration should provide LegCo with a full account of the incident concerned and clarify whether any parties should be held responsible. He hoped that Members would support his proposal so that the Administration would respond to Members' queries about the incident concerned before the end of the current session.

45. Mr LAM Cheuk-ting and Mr KWONG Chun-yu expressed support for Mr Jeremy TAM's proposal. They pointed out that as could be seen from the video footage of the media reports, the water leakage problems were seemingly serious and considered that there was an urgent need for the Administration to elucidate the incident concerned to LegCo as public safety was at stake. Mr KWONG added that it was incumbent upon LegCo to follow up the incident concerned in a timely manner. Failing that, LegCo would, in his view, be held accountable should any unfortunate incidents occur due to the water leakage problems.

46. Mr CHAN Chi-chuen, Ms Claudia MO, Mr CHU Hoi-dick and Mr LEUNG Yiu-chung also expressed support for Mr Jeremy TAM's proposal. Mr CHAN, Ms MO and Mr CHU pointed out that there was urgency in asking the proposed question at the last Council meeting before the summer recess as the season for typhoon and rain was approaching in the coming few months. Mr CHAN was concerned that if the water leakage problems were not properly rectified by the Administration and the contractor concerned, the facilities inside the power supply room might possibly be damaged due to serious water leakage after a heavy rainstorm or a typhoon. Ms MO and Mr CHU were worried that as the power supply room housed high voltage equipment, the workers at the Passenger Clearance Building might face high risk of fatal electrocution accidents when such equipment was exposed to rainwater. Mr LEUNG said that given that the Hong Kong section of HZMB was scheduled for commissioning soon, there was an urgent need for the Administration to give an account of the incident concerned which involved public safety and to clarify if there were any other issues pertaining to the Passenger Clearance Building which might impact on the related commissioning schedule.

Action

47. Dr CHIANG Lai-wan said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong had no particular views on Mr Jeremy TAM's proposal. However, she added that if the President would permit Mr TAM to ask the proposed question at the Council meeting of 11 July 2018, she hoped that the President should apply the same standard when considering requests from other Members in future for asking urgent oral questions at Council meetings on issues which had an even greater impact on the general public. Ir Dr LO Wai-kwok said that while he had no views on Mr TAM's proposal, he suggested that it would be more appropriate to discuss the incident concerned at a meeting of the Panel on Transport and to his understanding, the Panel had scheduled its next meeting for 20 July 2018. Mr Frankie YICK responded that as the Chairman of the Panel on Transport, he would liaise with the Transport and Housing Bureau after this HC meeting to see if the incident concerned could be included in the agenda for discussion at the next Panel meeting and the Panel members would be advised of the outcome in due course.

48. Expressing support for Mr Jeremy TAM's proposal, Ms Tanya CHAN and Dr Fernando CHEUNG considered that Ir Dr LO Wai-kwok's suggestion of discussing the incident concerned at the meeting of the Panel on Transport on 20 July 2018 was also a viable arrangement. Ms CHAN added that she and 23 other Members had earlier written to Mr Frankie YICK, the Chairman of the Panel on Transport, requesting to discuss the ticketing arrangements and the train schedule relating to the Guangzhou-Shenzhen-Hong Kong Express Rail Link at the Panel meeting on 20 July 2018, however, they had not received any reply from the Panel Chairman to their request so far. Dr CHEUNG said that the incident concerned was a matter of urgency and the Administration should explain the incident concerned to the public as soon as possible and elaborate on the remedial measures that would be/had been taken to ensure the safety of workers. Dr CHEUNG added that Mr TAM's proposal and Ir Dr LO's suggestion were not mutually exclusive.

49. Mr Jeremy TAM stressed that there was urgency in asking the proposed question as he was worried that if the water leakage problems were not addressed in a timely manner, life threatening accidents might occur in the event of electricity leakages. While appealing to Members to support his proposal, Mr TAM also hoped that the Chairman of the Panel on Transport could consider arranging to discuss the incident concerned at the coming Panel meeting on 20 July 2018.

Action

50. The Chairman said that she noticed that no Members raised objection to Mr Jeremy TAM's proposal and that the Secretariat would relay Members' views to the President for his consideration. The Chairman further said that in determining whether to give permission for the proposed question to be asked at the Council meeting of 11 July 2018, the President would consider whether the proposed question met the criteria stipulated in the relevant rule of RoP, i.e. of an urgent character and related to a matter of public importance. The Chairman added that Members could write to the President directly to seek his permission to ask questions without the required notice according to the relevant rule of RoP, irrespective of whether their requests were supported by HC. In addition to the asking of urgent oral questions at Council meetings, Members could follow up issues of their concern through other channels.

51. There being no other business, the meeting ended at 3:47 pm.

Council Business Division 2
Legislative Council Secretariat
14 August 2018