

立法會
Legislative Council

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Finance Committee of the Legislative Council

Minutes of the 19th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 7 December 2012, at 6:10 pm

Members present:

Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)

Hon Emily LAU Wai-hing, JP (Deputy Chairman)

Hon Albert HO Chun-yan

Hon LEE Cheuk-yan

Hon James TO Kun-sun

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

Dr Hon LAU Wong-fat, GBM, GBS, JP

Hon TAM Yiu-chung, GBS, JP

Hon Abraham SHEK Lai-him, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon WONG Kwok-hing, MH

Dr Hon Joseph LEE Kok-long, SBS, JP

Hon Jeffrey LAM Kin-fung, GBS, JP

Hon Andrew LEUNG Kwan-yuen, GBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon Ronny TONG Ka-wah, SC

Hon Cyd HO Sau-lan

Hon Starry LEE Wai-king, JP

Hon CHAN Hak-kan, JP

Hon CHAN Kin-por, BBS, JP

Dr Hon Priscilla LEUNG Mei-fun, JP

Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon Vincent FANG Kang, SBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Gary FAN Kwok-wai
Dr Hon KWOK Ka-ki

Public officers attending:

Ms Elizabeth TSE Man-ye, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Ms Elsie YUEN	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Matthew CHEUNG Kin-chung, GBS, JP	Secretary for Labour and Welfare
Ms Irene YOUNG, JP	Deputy Secretary for Labour and Welfare (Welfare) 2
Mr FUNG Pak-yan, JP	Deputy Director of Social Welfare (Administration)
Ms Kitty CHOI, JP	Director of Administration
Mr Howard LEE	Assistant Director of Administration
Mr Kevin YEUNG	Under Secretary for Education
Ms Jessie WONG	Deputy Secretary for Education (2)
Ms IP Ling-bik	Principal Assistant Secretary for Education (Education Commission and Planning)
Dr CHEUNG Kwok-wah	Principal Assistant Secretary for Education (Curriculum Development)
Ms Teresa CHEUNG	Deputy Controller (2), Student Financial Assistance Agency
Dr KO Wing-man, BBS, JP	Secretary for Food and Health
Mr Davey CHUNG Pui-hong	Deputy Secretary for Food and Health (Health) 2
Ms Aubrey FUNG Ngar-wai	Principal Assistant Secretary for Home Affairs (Civic Affairs) 2

Ms Alice CHUNG Yee-ling	Deputy Director of Legal Aid (Administration)
Mr Thomas Edward KWONG	Deputy Director of Legal Aid (Application and Processing)

Clerk in attendance:

Mr Andy LAU	Assistant Secretary General 1
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Staff in attendance:

Mr Jimmy Y T MA, JP	Legal Adviser
Mr Derek LO	Chief Council Secretary (1)5
Mr Daniel SIN	Senior Council Secretary (1)7
Mr Ken WOO	Council Secretary (1)5
Miss Queenie LAM	Senior Legislative Assistant (1)2
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Christy YAU	Legislative Assistant (1)7

Item No. 1 – FCR(2012-13)54 and 54A
HEAD 170 – SOCIAL WELFARE DEPARTMENT
Subhead 000 Operational expenses
Subhead 180 Social security allowance scheme

Deliberation on the motion to adjourn discussion

The meeting continued the deliberation on the motion proposed by Mr LEE Cheuk-yan under paragraph 39 of the Finance Committee Procedure (FC Procedure) that the discussion on FCR(2012-13)54 and FCR(2012-13)54A be adjourned.

2. Mr Alan LEONG Kah-kit said that the current impasse on the Old Age Living Allowance (OALA) funding application was the result of the Chief Executive's (CE) refusal to compromise with members to address members' concerns. However, CE's intransigence had sacrificed the interests of many elderly people and those who were awaiting support from the funding proposals under the Legal Aid Scheme, Examination Fee Remission Scheme, and the Elderly Health Care Voucher Scheme now placed on the meeting agenda.

3. In response to an earlier remark from Mr TAM Yiu-chung, Mr Alan LEONG said that FC agenda items should be dealt with sequentially according to their order on the agenda. Mr Alan LEONG said that by combining FCR(2012-13)54 and FCR(2012-13)54A, the Administration was putting forward a new FC item, which should be deliberated on after all the other remaining items on the original agenda had been dealt with. He considered it unacceptable that the Administration did not take this opportunity to withdraw the paper and resolve the differences with members. Against these considerations, Mr Alan LEONG Kah-kit said that Members belonging to the Civic Party would support Mr LEE Cheuk-yan's motion.

4. Secretary for Labour and Welfare (SLW) appealed to members for their support of the OALA funding proposal so that eligible elderly would benefit from the scheme from April 2013 onward. SLW stressed the importance of early approval of the proposed increase in the establishment ceiling in the Social Welfare Department in order that the Department could carry out a large number of preparatory tasks for the implementation of OALA including the upgrading of relevant computer systems. SLW said that the Administration had made unequivocal commitment to conduct a comprehensive review of OALA one year after implementation to examine the feasibility of making further enhancement to the scheme. The Administration had also undertaken to set up a task force under the revamped Commission on Poverty to look into the issue of retirement protection.

5. In concluding the debate on his motion to adjourn discussion on FCR(2012-13)54 and FCR(2012-13)54A, Mr LEE Cheuk-yan said that it was unlikely that the OALA proposal could be approved at the current meeting. From a pragmatic point of view, discussion on the OALA scheme should be adjourned so that deliberation on other items on the agenda would not suffer undue delay. He appealed to members for support of his motion.

Voting result

6. The Chairman put the motion to vote. At the request of Mr LEE Cheuk-yan, the Chairman ordered a division. The voting bell was rung for five minutes. The Chairman announced that of the 60 members who were present and voted, 28 members voted for and 32 members against the motion. One member abstained from voting. The voting results of individual members were as follows -

For:

Mr Albert HO Chun-yan

Mr James TO Kun-sun

Mr LEE Cheuk-yan

Mr LEUNG Yiu-chung

Ms Emily LAU Wai-hing
Dr Joseph LEE Kok-long
Ms Cyd HO Sau-lan
Mr Alan LEONG Kah-kit
Mr Albert CHAN Wai-yip
Ms Claudia MO
Mr Frankie YICK Chi-ming
Mr Charles Peter MOK
Dr Kenneth CHAN Ka-lok
Mr Dennis KWOK
Mr SIN Chung-kai
Mr IP Kin-yuen
(28 members)

Mr Frederick FUNG Kin-kee
Mr Ronny TONG Ka-wah
Mr CHEUNG Kwok-che
Mr LEUNG Kwok-hung
Mr WONG Yuk-man
Mr James TIEN Pei-chun
Mr WU Chi-wai
Mr CHAN Chi-chuen
Mr Kenneth LEUNG
Dr Fernando CHEUNG Chiu-hung
Dr Helena WONG Pik-wan
Mr CHUNG Kwok-pan

Against:

Mr CHAN Kam-lam
Mr TAM Yiu-chung
Mr WONG Kwok-hing
Mr Andrew LEUNG Kwan-yuen
Ms Starry LEE Wai-king
Mr CHAN Kin-por
Mr WONG Kwok-kin
Mr Michael TIEN Puk-sun
Mr Steven HO Chun-yin
Mr MA Fung-kwok
Ms CHAN Yuen-han
Ms Alice MAK Mei-kuen
Mr Christopher CHEUNG Wah-fung
Mr Martin LIAO Cheung-kong
Dr CHIANG Lai-wan
Mr Christopher CHUNG Shu-kun
(32 members)

Dr LAU Wong-fat
Mr Abraham SHEK Lai-him
Mr Jeffrey LAM Kin-fung
Mr WONG Ting-kwong
Mr CHAN Hak-kan
Dr Priscilla LEUNG Mei-fun
Mr IP Kwok-him
Mr NG Leung-sing
Mr YIU Si-wing
Mr CHAN Han-pan
Mr LEUNG Che-cheung
Mr KWOK Wai-keung
Dr Elizabeth QUAT
Mr TANG Ka-piu
Ir Dr LO Wai-kwok
Mr Tony TSE Wai-chuen

Abstain:

Mr POON Siu-ping
(1 members)

7. The Chairman declared that the motion was negatived.

Deliberation on FCR(2012-13)54 and 54A

8. The Chairman instructed that the deliberation on FCR(2012-13)54 and FCR(2012-13)54A be resumed.

9. Mr LEUNG Kwok-hung argued that the long term additional financial commitment involved in extending OALA to all elderly people aged 70 or above regardless of their income or the value of their assets should be limited due to the recipients' old age. Approving the Administration's proposal at this stage would be depriving these elderly people who might need the additional allowance for their subsistence. Mr Albert CHAN Wai-yip expressed a similar view. Mr Albert CHAN added that, if necessary, Members belonging to People's Power would participate in the filibuster against the Administration's proposal.

10. Dr Priscilla LEUNG Mei-fun said that there had been enough debate on the proposal and it was time for members to take a stance rather than allowing the argument to drag on. She said that members should discontinue the filibuster.

11. Mr WONG Yuk-man said that LegCo Members received the mandate from their constituents to monitor the performance and check the power of the Government. He commented that members who blindly supported the Administration and who criticized other LegCo Members who were performing their constitutional responsibilities were contravening their duty as LegCo Members.

12. Dr CHIANG Lai-wan said that the way the Administration handled the OALA controversy was ineffectual. Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) had met the Chief Secretary for Administration and submitted proposed modifications to OALA. Members were displeased with the Administration's rejection of the suggestions, and the Administration now expected members to approve its proposal. Nevertheless, DAB Members would still support the Administration's initiative which would at least provide extra allowance to many elderly people in need. Dr CHIANG considered Mr LEUNG Kwok-hung's filibuster counter-productive in helping elderly people.

13. Mr LEUNG Kwok-hung commented that the Administration's insisting the Committee approve the OALA scheme without taking on board members' suggestions was politically motivated and that it would be futile trying to convince him not to block the funding application. Mr LEUNG opined that extending OALA to all elderly people aged 70 or above was feasible, even according to the Government's statistics. He said that inevitably, the Government would have to review CSSA and implement comprehensive retirement protection and that his proposed modification to OALA was only transitional.

14. The Chairman asked members whether they had any further questions on the paper. As no members replied, the Chairman put FCR(2012-13)54 and 54A to vote in accordance with paragraph 46 of the FC Procedure. He called upon members to raise their hands to indicate their position in turn. As the Chairman could not judge whether the majority of the members present and voting were in favour of the question or not, he ordered a division. The voting bell was rung for five minutes.

15. At this juncture, Mr Alan LEONG Kah-kit, Mr LEUNG Kwok-hung, Dr Fernando CHEUNG Chiu-hung and Mr Kenneth LEUNG raised queries about the appropriateness of putting the item to vote claiming that members were not entirely clear about what they were going to vote on. The Chairman responded that before putting the item to the vote, he had already asked members if they had any further questions or wished to speak but no members replied. Separately, the Chairman also invited PS(Tsy) to explain the substance of FCR(2012-13)54 and 54A. She reiterated that FC's approval of the establishment proposal in FCR(2012-13)54 and 54A would signify its support for OALA so that suitable resources could be earmarked for the following financial year.

16. Mr LEUNG Kwok-hung was gravely dissatisfied with the way the Chairman and the Secretariat processed the motions he handed in earlier for the OALA scheme. The Chairman said that the motions submitted by Mr LEUNG Kwok-hung earlier in relation to FCR(2012-13)54 had lapsed as explained earlier at the meeting, and hence, he would not deal with them at the meeting. As Mr LEUNG had not handed in new motions under paragraph 37A of the FC Procedure for FCR(2012-13) 54 and 54A, and taking into account the fact that the voting procedure had already commenced, the Chairman ordered that the voting should continue.

Voting result

17. The Chairman announced that, of the 27 members who were present and voted, 24 voted for and three voted against the item. Three members abstained from voting. The voting results of individual members were as follows –

For:

Mr CHAN Kam-lam
Mr Jeffrey LAM Kin-fung
Mr WONG Ting-kwong
Mr CHAN Kin-por
Mr IP Kwok-him

Dr LAU Wong-fat
Mr Andrew LEUNG Kwan-yuen
Mr CHAN Hak-kan
Dr Priscilla LEUNG Mei-fun
Mr Michael TIEN Puk-sun

Mr NG Leung-sing	Mr Steven HO Chun-yin
Mr YIU Si-wing	Mr MA Fung-kwok
Mr CHAN Han-pan	Mr LEUNG Che-cheung
Mr Christopher CHEUNG Wah-fung	Dr Elizabeth QUAT
Mr Martin LIAO Cheung-kong	Mr POON Siu-ping
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
Mr Christopher CHUNG Shu-kun	Mr Tony TSE Wai-chuen

(24 members)

Against:

Mr James TO Kun-sun	Mr WU Chi-wai
Mr SIN Chung-kai	

(3 members)

Abstain:

Mr James TIEN Pei-chun	Mr Frankie YICK Chi-ming
Mr CHUNG Kwok-pan	

(3 members)

18. Dr Helena WONG Pik-wan was present at the meeting but did not participate in voting.

19. The Chairman declared that the Committee approved the funding application.

Item No. 2 – FCR(2012-13)56

2012-13 JUDICIAL SERVICE PAY ADJUSTMENT

20. The Chairman advised that the item invited the Committee to approve an increase in pay by 5.66% for judges and judicial officers with effect from 1 April 2012, and to note the financial implications of about \$16.143 million in 2012-13 arising from the proposed salary adjustment.

21. At this juncture, Mr LEUNG Kwok-hung came up to the Chairman and lodged protest against the way the Chairman had handled the previous agenda item. The Chairman ordered Mr LEUNG to return to his seat and not to interrupt with the proceedings of the Committee. As Mr LEUNG refused to return to his seat and continued with his protest, the Chairman ordered that Mr LEUNG be withdrawn from the Committee, and that the meeting be suspended for five minutes.

22. The meeting was suspended at 7:05 pm and resumed at 7:10 pm.

23. Dr Priscilla LEUNG Mei-fun, Chairman of the Panel on Administration of Justice and Legal Services, reported that a special meeting was held on 30 October 2012 to discuss the proposed 2012-13 judicial service pay adjustment. Panel members had no objection to the funding proposal. Nevertheless, some members requested the Administration to provide supplementary information in the funding proposal to FC concerning remuneration arrangements for judges and judicial officers and senior government officials in overseas jurisdictions, as well as statistics on extension of service of judges.

24. In view of the long waiting time at the courts, some Panel members requested the Administration to provide the number and percentage of civil and criminal cases involving unrepresented litigants, the average time spent by the courts on adjudicating civil and criminal cases involving unrepresented litigants vis-à-vis that spent by the courts on adjudicating such cases involving represented litigants.

25. Mr Dennis KWOK said that the Panel was also concerned about the large number of vacancies in the Judiciary which affected the waiting time for cases to be heard in courts. He said that the Administration should look into the issue in the future review of salaries and conditions of service of judges and judicial officers.

26. Director of Administration (D of Admin) said that during the meeting between the Administration and the Chairman and Deputy Chairman of the Panel on Administration of Justice and Legal Services, the Judiciary Administrator undertook to provide an information note in around April or May 2013 on judicial manpower in the Judiciary. She said that, according to the Judiciary Administrator, it was expected that the manpower situation would further improve as more substantive judicial appointments were made.

27. Mr Dennis KWOK asked the Administration to include information about how the waiting time in courts had improved as more judges were recruited. D of Admin undertook to convey members' requests to the Judiciary Administrator. She pointed out, however, that, as far as she understood, there might be a time lag before the positive impact of recruitment on court waiting time can be seen.

28. The Chairman put the item to vote. The Committee approved the funding application.

Item No. 3 – FCR(2012-13)55

HEAD 173 – STUDENT FINANCIAL ASSISTANCE AGENCY

Subhead 228 Student financial assistance

29. The Chairman advised that the item invited the Committee's approval of the improvements to the Examination Fee Remission Scheme for needy non-Chinese speaking (NCS) students at senior secondary level.

30. On behalf of Dr LAM Tai-fai, Chairman of the Panel on Education, the Chairman reported that the Panel on Education discussed the funding proposal at the meeting held on 12 November 2012. Panel members welcomed the Administration's proposal as it would help needy NCS students at senior secondary level. Panel members also noted that the Administration would conduct comprehensive review the education support services for NCS students and that, in response to the Panel's request, the Administration would report progress of the review to the Panel. The Chairman added that the Panel supported that the funding proposal should be submitted to FC for approval.

31. The Chairman put the item to vote. The Committee approved the funding application.

Item No. 4 – FCR(2012-13)58

HEAD 37 – DEPARTMENT OF HEALTH

Subhead 700 General non-recurrent

Item 887 Health Care Voucher Pilot Scheme

32. The Chairman advised that the item sought the Committee's approval of an increase in the annual amount of Elderly Health Care Voucher (EHCV) from \$500 to \$1,000 per eligible elder with effect from 1 January 2013.

33. Ms Alice MAK Mei-kuen said that members of the Panel on Health Services supported the proposal on scheme enhancement, and suggested that the Administration should consider lowering the eligible age from 70 to 65 to enable more people to benefit from the scheme.

34. Ms Alice MAK Mei-kuen added that Members belonging to the Federation of Trade Unions suggested that the Administration should further increase the amount of EHCV and should extend the scheme to patients with chronic illness.

35. Secretary for Food and Health (SFH) said that the Administration would review the EHCV scheme after its conversion into a recurrent support

programme for the elderly.

36. Mr TAM Yiu-chung expressed concern that many elderly people were not able to use the vouchers in the clinics they normally visited as the respective healthcare service providers had not registered with the Department of Health on the scheme. He asked the Administration to consider suitable measures to facilitate more eligible elderly people to use the vouchers. Mr CHAN Han-pan supported the proposal and suggested that the Administration should encourage more Chinese medicine practitioners to participate in the scheme. SFH responded that the Administration noted that many healthcare service providers were not interested in the EHCV scheme when it was initially launched because they considered that the voucher amount was small. With the increase in the voucher amount, more healthcare providers were interested in joining the scheme. The Administration would step up publicity and provide more support and facilitation to encourage more healthcare service providers to participate in the scheme.

37. There being no further questions from members, the Chairman put the item to vote. The Committee approved the funding application.

Item No. 5 – FCR(2012-13)59

HEAD 94 – LEGAL AID DEPARTMENT

Subhead 700 General other non-recurrent

New Item “Injection into the Supplementary Legal Aid Fund”

38. The Chairman advised that the item sought the Committee's approval of a one-off injection of \$100 million into the Supplementary Legal Aid Fund.

39. As the Administration's representatives had not yet arrived, the Chairman ordered that the meeting would be suspended for five minutes.

40. The meeting was suspended at 7:24 pm and resumed at 7:29 pm.

41. There being no questions from members, the Chairman put the item to vote. The Committee approved the funding application.

42. The meeting was adjourned at 7:30 pm.