

**立法會**  
*Legislative Council*

LC Paper No. FC182/12-13  
(These minutes have been  
cleared with the Chairman)

Ref : CB1/F/1/2

**Finance Committee of the Legislative Council**

**Minutes of the 25<sup>th</sup> meeting**  
**held at Conference Room 1 of the Legislative Council Complex**  
**on Friday, 22 February 2013, at 2:40 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

Hon TAM Yiu-chung, GBS, JP

Hon Abraham SHEK Lai-him, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon Vincent FANG Kang, SBS, JP

Hon WONG Kwok-hing, MH

Dr Hon Joseph LEE Kok-long, SBS, 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

Dr Hon LAM Tai-fai, SBS, JP

Hon CHAN Hak-kan, JP

Hon CHAN Kin-por, BBS, JP

Dr Hon Priscilla LEUNG Mei-fun, JP

Dr Hon LEUNG Ka-lau

Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Albert CHAN Wai-yip  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon James TIEN Pei-chun, GBS, JP  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin  
Hon WU Chi-wai, MH  
Hon YIU Si-wing  
Hon Gary FAN Kwok-wai  
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  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon Christopher CHEUNG Wah-fung, 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, JP  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu  
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:**

Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon Starry LEE Wai-king, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Frankie YICK Chi-ming  
Hon Dennis KWOK  
Hon SIN Chung-kai, SBS, JP  
Dr Hon CHIANG Lai-wan, JP

**Clerk in attendance:**

Mr Andy LAU Assistant Secretary General 1

**Staff in attendance:**

Mr Jimmy Y T MA, JP	Legal Adviser
Ms Connie FUNG	Senior Assistant Legal Adviser 1
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

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**Item No. 1 – HANDLING OF MOTIONS TO AMEND THE FINANCE COMMITTEE PROCEDURE, ESTABLISHMENT SUBCOMMITTEE PROCEDURE AND PUBLIC WORKS SUBCOMMITTEE PROCEDURE**

The Chairman said that the meeting was convened to discuss how members' proposed amendments to the procedures of the Finance Committee (FC) and its two subcommittees should be handled.

Problems encountered

2. The Chairman said that the Secretariat had informed members via circular LC Paper No. FC104/12-13(01) that a total of 1 909 283 proposed

amendments to Mr IP Kwok-him's motion had been received. If these amendments were to be processed in accordance with the existing procedures, the Secretariat estimated that preliminary vetting of the facts and accuracy of all the amendments in both Chinese and English languages would take about 408 staff-month to complete.

3. The Chairman said that if he admitted all of the proposed amendments and assuming that the disposal of each amendment would take about 1.5 minutes, the voting time so required would take more than 1 989 days.

4. Having regard to his responsibilities in presiding over FC meetings, and in view of the time required for processing the voluminous proposed amendments, the Chairman said that it was appropriate for him to consult members on the course of action to be taken in respect of the proposed amendments.

5. The Chairman invited members to speak, and he instructed that the speaking time for each member should be limited to three minutes.

#### Views on Mr IP Kwok-him's motion and amendments proposed by members

6. Mr IP Kwok-him said that he was shocked to note the large number of proposed amendments to his motion and considered them to be an obvious and deliberate attempt to block his proposal to amend the three sets of procedure. Mr IP insisted that he would not withdraw his motion and requested the Chairman to make appropriate arrangements to process his motion and members' amendments.

7. Mr IP Kwok-him pointed out that his proposal to amend the procedures of FC and its subcommittees would not restrict members' right and freedom of expression as alleged by some members. He explained that members would have sufficient time for debate and to make their views heard on a funding proposal before resorting to paragraph 37A of the FC Procedure to state their views. Mr IP criticized members for having abused the procedure to procrastinate deliberation of a funding proposal despite the fact that it had the support of the majority of FC.

8. Mr IP Kwok-him estimated that \$4 million in expenditure would be required if 200 temporary staff were to be engaged to conduct preliminary vetting of the proposed amendments within two weeks. He considered that this would result in a huge waste of resources.

9. At the instruction of the Chairman, the Clerk supplemented that both the Chinese and English versions of each of the 1.9 million proposed amendments would have to be vetted individually. Assuming one Administrative Assistant II (or equivalent) was to be deployed to carry out the preliminary vetting, the task would require 408 months to complete and would cost about \$4.7 million in staff salary alone, without taking into account other on-costs. The Chairman added that the estimated expenditure had not taken into account the time and efforts of the Legal Advisor and his staff.

10. Mr LEE Cheuk-yan expressed disagreement that extra resources should be spent on engaging additional staff in the Secretariat to vet the proposed amendments from members to Mr IP's motion. He noted that it would otherwise take years if the Secretariat deployed existing staff to carry out the task intermittently. Mr LEE said that Mr IP's motion was a non-starter and he suggested Mr IP should withdraw his motion.

11. Ms Emily LAU said that if the Secretariat was to spend time to process the amendments to Mr IP's motion, Secretariat staff should carry out the task independently and objectively. She did not agree that extra resources should be spent to engage additional temporary staff nor did she expect that the Legislative Council Commission would agree to it. Mr IP Kwok-him questioned the basis on which Ms Emily LAU could judge what decision the Legislative Council Commission would take on this matter.

12. Mr James TO said that Mr IP Kwok-him's proposed amendments to the FC Procedure would restrict members' right and freedom in expressing any number of views on a funding proposal to one single motion. He said that the plethora of proposed amendments from members was indeed a response to Mr IP's willful and abrupt attempt to repudiate a well-accepted and well-practised procedure. Mr TO criticized Mr IP's proposal for failing to represent members' consensus or provide alternatives acceptable to members. Mr TO pointed out that some members who chose to filibuster a funding proposal under permissible rules of procedure, did so with the mandate of their constituents, and they were as representative of part of the community as any other members in the Committee. Mr IP Kwok-him did not agree that the current procedure had worked effectively as the recent filibuster on the Old Age Living Allowance (OALA) funding proposal using paragraph 37A of the FC Procedure was a case in point. Mr TAM Yiu-chung made a similar comment.

13. Mr LEUNG Kwok-hung said that even members of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), the Liberal Party and the Federation of Trade Unions had proposed modifications to the OALA proposal, but the Administration refused to accept any of their

suggestions. He said that had these members joined the filibuster, a better deal would have been made for the benefit of the elderly people. Mr CHAN Chi-chuen said that Mr LEUNG Kwok-hung had exhausted every available means to press for a compromise from the Administration but members of the pro-establishment camp chose to give in. Mr IP Kwok-him said that DAB members would continue to pursue further enhancement to the OALA scheme with the Administration through other channels rather than trying to block the funding proposal in FC.

14. Mr WONG Yuk-man criticized Mr IP Kwok-him's proposed amendments to the FC Procedure to restrict members' right to express views on an FC item as being outrageous. He said that other pan-democrat members, who did not support his previous filibusters in the last Legislative Council (LegCo) term, had now unanimously united against Mr IP's motion. Mr WONG said that it was necessary to preserve the right to filibuster in LegCo to ensure that the voice of the minority Members could be heard.

#### Alternative proposal

15. Mr Ronny TONG said that the community would understand why pan-democrat members were so determined to block any amendment to the FC Procedure that would restrict members' right and freedom of expression. He appealed to Mr IP Kwok-him to start a dialogue with them to seek a commonly acceptable way forward.

16. Mr IP Kwok-him refuted that he had indeed tried to negotiate with pan-democrat members, but to no avail. He criticized pan-democrat members for showing no goodwill in reaching a compromise. Mr IP said that pan-democrat members had counter-proposed to limit the number of motions to be moved under paragraph 37A of the FC Procedure to 1 000. Mr IP considered such a proposal was tantamount to having no restraint at all. Mr IP said that he was amenable to further negotiation if members could come up with more sensible proposals. He maintained that he would not back down irrespective of the 1.9 million amendments to his motions and the large amount of time and resources required to process them. Mr IP warned that the normal operation of FC would continue to be severely hampered if a solution was not implemented. Mr TAM Yiu-chung expressed a similar view.

17. Ms Claudia MO said that a recent international survey revealed that LegCo was the third least independent among the legislatures in Asia, after the Mainland and Vietnam. She commented that Mr IP Kwok-him's proposed amendment to the FC Procedure was obviously a retaliation against members' filibuster in the last term. Ms MO disagreed that members who filibustered

were crippling the operation of LegCo as filibuster might be justified under certain circumstances. It was unreasonable to remove members' right across the board without going through a due process. She urged Mr IP Kwok-him to first withdraw his motion and then start a dialogue with members.

18. Mr LEUNG Kwok-hung said that the way LegCo was set up was inherently unjust. Members needed to resort to filibuster for check and balance. Restriction on the right to filibuster could be justified only when LegCo was universally elected, and under such circumstances he would be willing to accept the decision of the majority to end a debate. Meanwhile, Mr LEUNG maintained that he would not give up that right. Mr IP Kwok-him said that democratization of LegCo towards universal suffrage was a gradual process which, according to the decision of the National People's Congress Standing Committee in 2007, would be realized by 2020. In the meantime, members had the responsibility to rectify any provisions in existing procedures that would hinder the effective operation of FC.

19. Mr TAM Yiu-chung said that Mr IP Kwok-him was willing to open a dialogue with members on the way forward. However, he commented that pan-democrat members' suggestion of allowing members to raise up to 1 000 motions under paragraph 37A of the FC Procedure to express views on an FC item was unrealistic. Mr TAM said that he would move an amendment to allow each member to move 20 motions, which should be reasonable and would strike a balance between upholding members' freedom of expression and maintaining efficient operation of FC.

20. Dr KWOK Ka-ki said that he was not aware of Mr IP Kwok-him's intention to start a dialogue with pan-democrat members on alternative approaches. Dr KWOK said that Mr IP Kwok-him had, on the contrary, declared at the beginning of the meeting that he would proceed with moving his motion in spite of the large number of amendments from members. He questioned whether Mr IP was willing to settle the matter. Dr KWOK appealed to Mr IP to withdraw his motion first so that a meaningful discussion could proceed.

21. Mr IP Kwok-him said that he had openly suggested that both he and Mr Ronny TONG should drop the motions together and start exploring a meaningful solution. As he had not received any positive response, he had no alternative but to continue to pursue his proposed amendments. Mr IP emphasized his willingness to negotiate and to consider any reasonable suggestions.

22. Mr CHAN Chi-chuen said that the current meeting was unwarranted and a waste of time. However, he attributed the blame to Mr IP Kwok-him who first initiated the amendment to paragraph 37A of the FC Procedure. He said that pan-democrat members were not declaring a war against the pro-establishment camp, but was merely responding to its challenge. Mr CHAN said that he had put in his election platform that he would stage filibuster against unjustified policies. The fact that he won the last LegCo election proved that he had the mandate of his constituents to resort to this procedural means. He was delighted to note that many pan-democrat members who did not previously accept filibuster as a political means to pursue a change in policy had now joined in the defence of such right.

23. Ms Cyd HO said that it would be more preferable if sufficient time was allowed for members to raise questions and sought useful information from the Administration on a funding proposal. This would allow the community to have the full grasp of the issue under discussion, and put pressure on elected members how they should vote. Ms HO said that moving a motion to express a view on a funding item was a right to free speech, and should be respected, otherwise the interest of the minority in LegCo could not be protected. Mr LEE Cheuk-yan expressed a similar view, and declared that he would not support Mr IP's motion.

24. Ms Cyd HO commented that in other legislatures, a debate could be terminated by a motion with the support of a two-thirds majority of all the members. The current proposal by Mr IP Kwok-him to restrict the number of motions a member could move under paragraph 37A the FC Procedure to only one, was not appropriate. Ms HO appealed to Mr IP to continue negotiation with members to arrive at a more acceptable solution.

25. Mr LEE Cheuk-yan said that Mr IP Kwok-him had proposed to amend paragraph 37A of the FC Procedure at the beginning of the current FC term before some members started the filibuster on the OALA proposal. He commented that Mr IP should not claim that the filibuster on the OALA proposal had prompted him to move his motion to amend the FC Procedure. He criticized that Mr IP Kwok-him intended to remove members' freedom of expression right from the start. Members would only respond by moving a substantial number of amendments to Mr IP's motion.

26. Ms Emily LAU said that she did not recall Mr IP Kwok-him to have offered to withdraw the motions together with Mr Ronny TONG and start a dialogue on identifying alternative solutions. She said that the Democratic Party would have welcomed such a move and would be willing to participate in the process. Ms LAU said that it was Mr IP Kwok-him who first initiated the



amendments to the FC Procedure right at the beginning of the current LegCo term without prior discussion with pan-democrat members. She did not consider Mr IP's approach conducive to fostering collaboration among members.

27. Ms Emily LAU said that the community expected elected members to monitor the work of the Government. The ability for members to invoke the procedure under paragraph 37A of the FC Procedure was an effective instrument to provide check and balance and to press the Administration to adapt its policy measures in response to public opinion. She appealed to the pro-establishment camp members to collaborate with the pan-democrat members on this basis.

28. Mr IP Kin-yuen said that it was important for members to have sufficient time to discuss and raise questions on a funding proposal, and to arrive at decisions under a fair voting mechanism. This would ensure that the views of the minority could be voiced and heard. Mr IP Kin-yuen criticized Mr IP Kwok-him for putting forward amendments to the FC Procedure which would restrict members' right and freedom of expression without thorough and rigorous debate. Mr IP Kin-yuen found Mr IP's approach unacceptable, so he welcomed Mr IP Kwok-him's turn of stance to open dialogue with members. Mr IP Kin-yuen added that any modifications to the existing mechanism for members to express views under paragraph 37A of the FC Procedure should be fair and should be based on mutual respect. Mr LEUNG Kwok-hung commented that the reality was that the pro-establishment camp would perpetually be the majority in the current defective legislature, and members of the minority opposition must therefore stand for the majority in the community whom they represented.

29. Mr LEUNG Yiu-chung commented that LegCo Members at present were much less influential than their predecessors before 1997, as the avenues and time for Members to raise issues for debate had been drastically constrained. Mr LEUNG said that Mr IP Kwok-him's proposed amendments to the FC Procedure, which would further reduce FC's function, would eventually render LegCo totally powerless. Mr LEUNG also criticized the Chairman for limiting members' speaking time, and that it was an insult to shorten members' speaking time to one minute each at some meetings. The Chairman said that members could take turns to speak, and there was no restriction on the number of rounds a member could speak on an item. The practice of gradual reduction of members' speaking time was not new to the Council, and it was necessary for him to maintain the order and efficiency of a meeting. The Chairman said that he would be ready to debate his decision with members outside the FC meeting, if necessary.

30. Mr Ronny TONG admitted that he had counter-proposed to allow each member to move up to 1 000 motions under paragraph 37A of the FC Procedure. Mr TONG said that he did not expect every member would exercise the full extent of his or her right. If every pan-democrat member did try to move 1 000 motions to express their views on an FC agenda item, the funding proposal in question deserved reconsideration. Mr TONG said that he would be ready to follow suit if Mr IP Kwok-him agreed to withdraw his amendments to the FC Procedure to allow discussion to proceed.

31. Mr IP Kwok-him clarified that he would like to see a meaningful discussion among members on the issue. He welcomed members' willingness to explore a solution that would allow members to express their views under paragraph 37A of the FC Procedure on the one hand whilst enabling the voting of a funding proposal within a finite period on the other. However, Mr IP stressed that he would not withdraw his motion to amend the FC Procedure in the face of the substantial number of amendments from pan-democrat members. He reiterated that it was not his intention to remove members' right or freedom of expression, but he considered it necessary to put an end to such impasse where one member could take advantage of the current system to hijack the whole Committee despite the opposite views held by the majority of members.

32. Dr Helena WONG said that the question of whether filibuster should be tolerated in a legislature as a check and balance measure had been debated in different jurisdictions and in different times. She said that the mechanism of filibuster still existed even in the major democratic systems in the world today. Dr WONG said that LegCo was still far from being directly elected, and she criticized that members who proposed or supported amendments to the FC Procedure to restrict members' right and freedom of expression had ignored the inherent inequity of the system.

33. Dr Helena WONG observed that the current controversy was between maintaining efficiency of the legislature and protecting the minority's right to express their views. She maintained that the role of the legislature was to monitor, and not to co-operate automatically with, the Administration. This right of the minority to filibuster must be preserved although such right should not be exercised frequently.

34. Mr WONG Kwok-kin questioned, if filibuster was a means of check and balance, how the abuse of the procedure could be checked. Mr WONG said that Mr IP Kwok-him's proposed amendment to the FC Procedure was precisely a response to members' abuse of the procedure. Mr WONG emphasized that Mr IP's proposal was not trying to remove members' right and freedom of expression, but was to prevent any members from endless

procrastination on a funding item. He said that if members could come up with an alternative solution that could strike a balance between upholding members' freedom of expression and preventing abuse of procedure, he would consider giving it support.

35. Dr Helena WONG responded that whilst some overseas legislature had allowed the moving of a closure motion to end a protracted debate, it was inappropriate for Mr IP Kwok-him to introduce a similar mechanism in the FC Procedure. Dr WONG said that the composition of LegCo was inherently inequitable, and the minority was not strong enough to put a check on the Administration. Under these circumstances, Dr WONG said that pan-democrat members would not accept any measure that would further weaken their power in monitoring government spending, or thwart any unjust policies or legislation introduced by the Administration.

36. Dr Helena WONG said that not until LegCo was directly elected should members start exploring different procedural methods to terminate debates. She suggested that Mr IP Kwok-him should withdraw his motion. When he did so, other members of the Democratic Party would withdraw their amendments, and other pan-democrat members would likely react likewise. Otherwise, Dr WONG said that members would keep on moving further amendments.

37. The Chairman clarified that the deadline for members to submit proposed amendments to Mr IP Kwok-him's motion had already expired. Members would not be allowed to move any more amendment motions on top of the 1.9 million already submitted.

38. Mr WONG Ting-kwong commented that Dr Helena WONG, who criticized Mr IP Kwok-him for initiating the amendment to the FC Procedure, had not experienced the damage a filibuster could bring, when one member could hijack the whole Committee. He hoped that members could take into consideration the interest of the whole community and work together towards a practicable solution that could enable members to fulfill their function as a legislator and to ensure efficient operation of FC.

#### Procedure of handling of motions and amendments

39. Mr WONG Yuk-man enquired about the current status in respect of the Secretariat's vetting and processing of the proposed amendments to Mr IP Kwok-him's motion. He also queried how the Chairman intended to deal with the amendments. Mr WONG noted that both Mr TAM Yiu-chung and Mr CHAN Kam-lam of the pro-establishment camp had moved amendments to

Mr IP Kwok-him's motion. He speculated that the pro-establishment camp members were deploying a tactic that would nullify all the proposed amendments from pro-democrat members. Mr WONG warned that if the pro-establishment members succeeded in frustrating all the amendments from the pan-democrat members and forced the adoption of Mr IP Kwok-him's proposed motion as amended by either Mr TAM Yiu-chung or Mr CHAN Kam-lam, he would block all legislation in the Council from then onward.

40. At the invitation of the Chairman, the Clerk said that about 1.9 million motions had been received from members to amend the motion from Mr IP Kwok-him. He said that after the Secretariat had completed vetting each and every proposed amendment for factual accuracy and relevance, the amendments would have to be submitted to the FC Chairman for ruling of their admissibility in accordance with the Rules of Procedure (RoP).

41. Regarding the voting order, the Clerk explained that RoP 34(5) provided that "when two or more amendments are proposed to be moved to the same motion, the President or Chairman shall call on the movers in the order in which their amendments relate to the text of the motion, or in case of doubt in the order decided by the President or Chairman".

42. Mr Kenneth LEUNG asked whether the order by which members moved their amendments would depend on the position in the text of Mr IP's motion where the proposed amendments began. The Clerk said that in general, if two (or more) proposed amendments that had been ruled to be in order were seeking changes to the wording at the same position in the text of the motion, the Chairman would consider the time by which the amendment motions were received and invite the concerned member to move his amendment. In response to Mr LEUNG's request for specific example, the Clerk said that it would be necessary to see the exact wordings of the amendments before a finalized ruling could be made by the Chairman. The Chairman added that as there were many variables to be considered in arriving at a ruling, it would be difficult, if not impossible, to give a definite answer at this stage.

43. Mr WONG Yuk-man asked whether the Secretariat would pass all or just a selection of the amendment motions to the Chairman for ruling after it had completed vetting them. At the invitation of the Chairman, the Clerk explained that after having vetted each and every amendment motion, the Secretariat would categorize the motions by the types of amendment sought and submit these motions, in soft-copies, together with a recommendation to the FC Chairman for decision. The Chairman said that he would also need to go over all of the proposed amendments, but probably not in the same level of detail as to be taken by the Secretariat.

44. In response to Mr WONG Yuk-man, the Chairman said that the estimated time the Secretariat needed to process the motions had not taken into account the time and efforts required by the Legal Adviser or by him.

45. Mr WONG Yuk-man noted that one amendment to Mr IP Kwok-him's motion would likely precede the majority of the other amendments from pan-democrat members. Mr WONG asked how long it would take from the time the Secretariat began to process members' amendment motions to the time when they were ready to be put to vote.

46. At the request of the Chairman, the Clerk referred members to paragraph 6 of the circular to members (LC Paper No. FC 104/12-13(01) that about 408 staff-month would be required for the Secretariat to conduct preliminary vetting of the amendments. The Secretariat would then need to group the amendments into different categories to facilitate the Clerk and the Legal Adviser to advise the Chairman in making rulings on the admissibility of the amendments, and deciding on the debate and voting arrangements for the various amendments. The Clerk added that after the FC Chairman had made his ruling, the Secretariat would arrange for the amendments to be uploaded onto the LegCo website, which would take another two to three weeks to complete.

47. Mr WONG Yuk-man concluded that, taking into account the lead time as the Clerk explained, pro-establishment members should give up any attempt to strip members of their right of expression in LegCo.

48. Mr NG Leung-sing said that the business sector often reflected to him that politicking and, particularly, filibuster, in LegCo was a waste of time and public money. He criticized that, due to frequent political disputes, members had not been performing their duties as legislators. Mr NG said that members who initiated or supported the current amendments to the FC Procedure to halt the practice of filibuster had the mandate of their electorate as well. These voters expected FC to approve funding expeditiously to enable more public works projects and policy measures to be implemented without delay.

49. Mr WU Chi-wai said that he did not see any room for discussion if Mr IP Kwok-him did not first withdraw his motion. He criticized that Mr IP's motion would, in effect, deprive members of the freedom to express their views before members had the opportunity to explore how procedural abuse of such freedom could be avoided.

50. Mr TAM Yiu-chung said that he had heard complaints from the public against members' deliberate attempt of delaying FC's decisions on important issues. He had promised his constituents to try to amass the majority support in the Council to put an end to such practice in the current term. Mr TAM noted that some pan-democrat members were willing to negotiate for a viable solution, some were adamant that no change could be made on members' right to express views on a funding item, whereas some pan-democrat members asked Mr IP Kwok-him to withdraw his motion before discussion could proceed. Mr CHAN Han-pan made a similar observation.

51. Mr TAM Yiu-chung said that while DAB members welcomed dialogue with pan-democrat members without any pre-conditions as both sides had the common goal of trying to find a solution. Mr TAM said that FC was tasked to deliberate on funding proposals from the Administration, and these proposals should benefit the community. The question of safeguarding against unjust policies or legislation did not arise. He said that suitable amendments to the current procedure were necessary because it was not fair that a member should be allowed to block the process of FC just when his or her views were not accepted by the majority.

52. Mr IP Kwok-him said that while he agreed that members had the duty to monitor public spending, they also had the responsibility to approve funding proposals put forward by the Administration. Mr IP said that the moving of motions to express views under paragraph 37A of the FC Procedure could effectively bar a funding proposal from voting. Mr IP reiterated that he would not withdraw his motion, and he asked the Chairman to make appropriate arrangements so that the Secretariat could complete the vetting of the amendments within three months. Meanwhile, Mr IP reiterated that he was open to discussion with members on the way forward.

53. Mr CHAN Han-pan said that the proposed amendments to FC Procedure put forward by Mr IP Kwok-him was made in response to previous attempts by some members to delay decision on the Administration's funding proposals. He criticized that the motions these members proposed under paragraph 37A of the FC Procedure were frivolous and meaningless, and reflected the fact that these members had abused the meeting procedure. Mr CHAN said that the 1.9 million-odd amendments proposed by pan-democrat members against Mr IP Kwok-him's motion were an insult to pro-establishment members' right and freedom of expression.

54. Mr CHAN Han-pan said that the public did not wish to see the dispute from being perpetuated, and in fact Mr IP Kwok-him was willing to discuss with pan-democrat members, but the pan-democrat members were

closing the door of negotiation. Mr CHAN said that Dr Helena WONG was creating unnecessary hurdle by demanding Mr IP Kwok-him to withdraw his motion before agreeing to proceed with negotiation.

### The way forward

55. Mr James TIEN said that while he agreed that members should be allowed to express their views on any issues freely, excessive use of filibuster would reduce the efficacy of FC. Mr TIEN noted that Mr IP Kwok-him was open for discussion with the pro-democrat members on the way forward. While Mr TIEN was aware that reaching a solution between the pan-democrat and the pro-establishment camps might be difficult, and he did not yet have a recommendation, members of the Liberal Party were willing to participate in any of the talks outside the FC meetings.

56. Mr WONG Kwok-hing said that he opposed to members abusing the procedure to protract debate on a funding proposal. He noted that Mr IP Kwok-him, Mr TAM Yiu-chung and some pan-democrat members were willing to start a dialogue to break the current impasse. Mr WONG asked the Chairman to convene a separate meeting with interested parties to arrive at a commonly acceptable scheme, which would save the Secretariat's efforts and resources in vetting all of the amendment motions.

57. Mr Alan LEONG requested the Chairman to share his thought with members on how he planned to proceed after having heard the views from members.

58. Mr Alan LEONG said that the pro-establishment camp members had been trying to impose their will on other members, which, he said, was not conducive to building rapport in LegCo. Mr LEONG noted that Mr IP Kwok-him was now willing to discuss with members on identifying a solution. He said that members belonging to the Civic Party were willing to participate in the dialogue. Mr LEONG suggested that, rather than trying to seek a conclusion in FC, the Committee on Rules of Procedure might be a better forum for deliberation and to come up with options within the next three months.

59. Mr WONG Ting-kwong said that now that Mr IP Kwok-him and Mr TAM Yiu-chung had both expressed their willingness to start negotiation with pan-democrat members, he hoped that progress could be achieved.

60. The Chairman thanked members for their comments which would assist him in determining the way forward. He assured members he would abide by the Rules of Procedure and the FC Procedure in conducting FC

business efficiently and reasonably, and would assume his responsibility to protect members' right and interest, of every member.

61. The meeting was adjourned at 4:47 pm.

Legislative Council Secretariat  
27 September 2013