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**Legislative Council**

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**Establishment Subcommittee of the Finance Committee**

**Minutes of the 3<sup>rd</sup> meeting**  
**held in Conference Room 1 of Legislative Council Complex**  
**on Wednesday, 4 December 2013, at 8:30 am**

**Members present:**

Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)  
Hon Kenneth LEUNG (Deputy Chairman)  
Hon Emily LAU Wai-hing, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Starry LEE Wai-king, JP  
Hon WONG Kwok-kin, BBS  
Hon LEUNG Kwok-hung  
Hon Steven HO Chun-yin  
Hon YIU Si-wing  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon Christopher CHEUNG Wah-fung, JP  
Hon SIN Chung-kai, SBS, JP  
Hon IP Kin-yuen  
Hon Martin LIAO Cheung-kwong, JP  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu  
Hon CHUNG Kwok-pan

**Public Officers attending:**

Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)1
Mr Eddie MAK Tak-wai, JP	Deputy Secretary for the Civil Service (1)

Miss Salina YAN, JP	Deputy Secretary for Financial Services and the Treasury (Financial Services)
Miss Sandra LAM	Principal Assistant Secretary for Financial Services and the Treasury (Financial Services) Mainland Affairs
Mr Gordon LEUNG, JP	Deputy Secretary for Constitutional and Mainland Affairs
Miss Helen CHUNG	Principal Assistant Secretary for Constitutional and Mainland Affairs
Mr LI Pak-hong	Chief Electoral Officer, Registration and Electoral Office
Mr YAU Shing-mu, JP	Under Secretary for Transport and Housing
Ms Rebecca PUN, JP	Deputy Secretary for Transport and Housing (Transport)
Ms Judy CHUNG	Principal Assistant Secretary for Transport and Housing (Transport)
Mr Peter LAU, JP	Director of Highways
Mr CHOW Chun-wah	Project Manager/HZMB, Highways Department

**Clerk in attendance:**

Ms Connie SZETO	Chief Council Secretary (1)4
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**Staff in attendance:**

Mr Andy LAU	Assistant Secretary General 1
Mr Hugo CHIU	Council Secretary (1)4
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Ms Clara LO	Legislative Assistant (1)9

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*(The Chairman left the meeting at 9:20 am, and the Deputy Chairman took up the chairmanship for the rest of the meeting. At 10:27 am, the Deputy Chairman announced that the meeting be extended to 10:45 am. Members agreed.)*

## **ECI(2013-14)6 Update on Overall Directorate Establishment Position**

The Chairman advised that in response to Ms Emily LAU's request at the meeting on 13 November 2013 for discussing ECI(2013-14)6, which provided information on the overall directorate establishment position and possible proposals for creation and deletion of directorate posts in the 2013-2014 legislative session, the Administration had provided supplementary information via ECI(2013-14)8 on directorate staffing proposals planned for submission to the Establishment Subcommittee (ESC) and the Finance Committee (FC) in the legislative session. The Chairman also drew members' attention to the information paper ECI(2013-14)9 which set out the latest changes in the directorate establishment approved since 2002. She pointed out that the Administration would follow the existing procedure to consult the relevant Panel(s) before submitting the proposals for consideration of ESC.

### Creation of supernumerary directorate posts

2. Mr IP Kin-yuen expressed concern about the growing tendency for the Administration to create and retain supernumerary directorate posts in recent years. Given that supernumerary directorate posts were created on a time-limited basis, he was concerned that the Administration might put forward proposals for creation or extension of such posts in a less prudent manner.

3. Deputy Secretary for the Civil Service (1) (DS(CS)) stressed that the Administration adopted a prudent approach in scrutinizing each and every proposal on creation or extension of directorate post and would only put forward a proposal when operational needs were fully justified. In considering whether to create a permanent or a supernumerary directorate post, the Administration would consider a host of factors, including the nature of the duties or tasks of the post, whether the work or tasks would be required on an on-going or time limited basis, and the operational needs of the office concerned. In some cases, to enable review on the mode of operation of a new directorate post, where necessary, the Administration might first consider creating the post on a supernumerary basis and examine the need for extending the post or converting it into permanent basis before the expiry of the period taking into account the work progress of the tasks concerned. On the number of supernumerary posts in the directorate establishment, DS(CS) pointed out that as shown in ECI(2013-14)9 the number of such posts had decreased from 60 as at January 2002 to 50 as at 3 December 2013. He reiterated that the creation and extension of supernumerary directorate posts were subject to the same stringent application and vetting procedures as for permanent posts.

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Each creation/extension proposal would be carefully scrutinized by the Administration and required to go through the "three-tier vetting" by the Legislative Council (LegCo), namely consultation with the relevant Panel(s), consideration by ESC and approval by FC.

Proposals on permanent directorate posts in the 2013-2014 session

4. Noting from paragraph 4 of ECI(2013-14)6 that the Administration planned to create ten permanent and 19 supernumerary directorate posts, and extend 13 supernumerary directorate posts in the 2013-2014 legislative session, Ms Emily LAU conveyed the concern of the public and non-directorate civil servants that the growth in the directorate establishment was made at the expense of the non-directorate establishment, in particular the front-line staff.

5. On the directorate proposals planned for submission in the 2013-2014 legislative session, Dr KWOK Ka-ki remarked that it was unjustified to create the permanent/supernumerary directorate posts in the Buildings Department (BD) for implementing the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme, in the Development Bureau (DEVB) for implementing land supply initiatives, and in Marine Department (MD) for taking forward the work of the Task Force on Reform in MD. Dr KWOK pointed out that the performance of the above bureaux and departments and their directorate heads had fallen short of public expectation. He opined that if the proposals to create/extend directorate posts in bureaux/departments with poor performance were approved, the public would suffer more. Dr KWOK was concerned whether the Civil Service Bureau (CSB) had assumed a "gate-keeper" role and put in place a mechanism in ensuring that the directorate posts created was value-for-money.

6. DS(CS) stressed that the Administration recognized the need to strike a proper balance between the objectives of ensuring prudence in the creation/extension of directorate posts in order to contain the size of the civil service on the one hand and meeting new demand for public services and increasing public aspiration for the work of the Government work. To this end, the Administration had put in place stringent procedures for vetting staffing proposals, including assessment by the bureaux/departments concerned, and examination by the Financial Services and the Treasury Bureau (FSTB) and CSB. He reiterated that only proposals with full justification on operational needs would be put forward. Before putting forward a staffing proposal, the bureaux/departments concerned had to confirm that the work could not be absorbed through internal re-deployment or streamlining of workflow. Staffing proposals would then be required to go through the "three-tier vetting" by LegCo. DS(CS) added that the performance of bureaux/departments was subject to public monitoring. LegCo Members

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would also take into account the actual operational needs of bureaux/departments concerned in scrutinizing staffing proposals. As regards the staffing proposals in BD, MD and DEVB mentioned by Dr KWOK Ka-ki, DS(CS) said that the bureaux/departments concerned would consult the relevant Panel(s) and more detailed information would be provided to LegCo Members when the proposals were submitted to the Panels and ESC.

7. Mr SIN Chung-kai noted from ECI(2103-14)9 that although the establishment of permanent directorate officers had decreased from 1 374 as at January 2002 to 1 366 as at 3 December 2013, some 40 posts of Principal Officials (POs) had been created with implementation of the Political Appointment System since 2002. Thus, the establishment of senior officials in the Government had actually increased. Mr SIN considered that, in addition to existing information on directorate establishment of the civil service, the Administration should provide information on the establishment of POs (including the number of establishment in respect of Directors and Deputy Directors of Bureaux and their Political Assistants) to enable LegCo Members to have a comprehensive picture on the establishment changes of senior Government officials and the resources implications. Ms Emily LAU and Dr KWOK Ka-ki echoed Mr SIN's views, and considered that such information would assist LegCo in considering proposals of directorate posts, as well as monitoring growth in the establishment of senior Government officials and the financial implications in a comprehensive manner.

8. DS(CS) reiterated that the Administration had exercised vigilance in containing the size of directorate establishment. Owing to increasing workload and complexities in the work and tasks of bureaux and departments in recent years arising from new demand for public services and rising public expectation on the work of the Government, the establishment of the civil service had registered annual increase of below 1% since 2007. On the other hand, the number of directorate posts as at 3 December 2013 was still lower than the position as at January 2002. Regarding information on POs, DS(CS) explained that such information was not provided to ESC as the related paper was mainly on containing the size of civil service establishment at directorate level. Deputy Secretary for Financial Services and the Treasury (Treasury)1 (DS(Tsy)) added that papers for ESC had not included information on the establishment of POs as matters relating to the Political Appointment System was not within the purview of ESC. On the other hand, the proposals submitted to ESC would affect the directorate establishment of the Government and would be incorporated into the approved estimates of the relevant bureaux/departments. To address members' requests, DS(CS) and DS(Tsy) said that the Administration would consider the best way to compile the requested information on POs and provide them for members' reference.

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9. On the proposal to create three permanent engineer posts in 2013-2014 legislative session in the Housing Department to cope with the additional workload arising from the new public housing production targets, Ms Emily LAU was concerned that professional grade staff might not have the expertise in resolving local objections on public rental housing projects which was a major obstacle in the land identification process in recent years. As for the proposal to create one permanent Principal Executive Officer post in the Home Affairs Bureau for taking forward the comprehensive review of the policy on Private Recreational Leases, Ms LAU expressed concern that the proposal might come too late as a number of private recreational leases had already been renewed. DS(CS) responded that the bureaux/departments concerned would consider the most suitable grading and ranking of a particular post. He said that members could discuss issues relating to the two proposals when they were submitted to the relevant Panels and ESC.

Manpower planning for the Judiciary

10. Ms Emily LAU said that she supported strengthening manpower resources for the Judiciary, including creating posts of Judges and Judicial Officers, and related issues were raised at a recent visit by members of the Panel on Administration of Justice and Legal Services to the Chief Justice. Furthermore, Ms LAU stressed the need for the Administration to make planning on new accommodation for the Judiciary to tie in with the increase in manpower in the long run, including provision of offices and court rooms. DS(CS) and DS(Tsy) took note of Ms LAU's views and agreed to reflect them to the relevant bureaux for follow-up.

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**EC(2013-14)7                      Proposed retention of one supernumerary post of Administrative Officer Staff Grade C (D2) in the Financial Services Branch of the Financial Services and the Treasury Bureau for a period of two years from 13 April 2014 to implement the initiatives to advance financial co-operation with the Mainland and international commitments to strengthen financial regulation and maintain the stability of the financial system**

11. The Chairman said that the Administration's proposal was to retain one supernumerary post of Administrative Officer Staff Grade C (D2) in the Financial Services Branch (FSB) of FSTB for a period of two years from 13 April 2014 to implement the initiatives to advance financial co-operation with the Mainland and international commitments to strengthen financial regulation and maintain the stability of the financial system. The post would

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be re-titled from Principal Assistant Secretary for Financial Services and the Treasury (Financial Services) Mainland Affairs (PAS(FS)MA) to Principal Assistant Secretary for Financial Services and the Treasury (Financial Services) International and Mainland Affairs (PAS(FS)IMA)).

12. Ms Starry LEE, Chairman of the Panel on Financial Affairs, advised that the Panel had been consulted on the proposal at its meeting on 4 November 2013. Panel members supported the proposal in general. Given that duties and tasks of the post were on-going in nature, some Panel members suggested that the Administration should consider converting the supernumerary post to permanent in future.

Duties of the post and the need for a permanent post

13. Dr KWOK Ka-ki acknowledged the need for retaining the post to provide sustained support in enhancing financial cooperation with the Mainland. On the duties of the post, Dr KWOK enquired about details on the work to enhance cooperation between Hong Kong and the Mainland in respect of development in the Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone (Qianhai development), and to strengthen financial regulation over Mainland enterprises listed in Hong Kong.

14. Regarding Qianhai development, Deputy Secretary for Financial Services and the Treasury (Financial Services) (DS(FS)) said that it was an innovative pilot scheme announced by the State Council in 2012 involving a number of policy initiatives, including the "Provisional Measures for Implementing a Pilot Scheme on Foreign Investment in Equity Investment Enterprises of Shenzhen" and "Provisional Administrative Measures for Cross-border Renminbi (RMB) Lending in Qianhai". Since then, there had been continuous high-level discussions among senior officials of Hong Kong and Shenzhen on the development, and considerable progress had been made in the cooperation work. She said that PAS(FS)IMA would continue the liaison work on Qianhai development, with a view to facilitating dialogue and deepening exchanges among relevant authorities and the financial services industries of the two sides in pursuing the various initiatives, such as implementation of the "Provisional Administrative Measures for Hong Kong Certified Tax Agents to Provide Service in Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone", and assisting further access of Hong Kong's financial services sectors into the Mainland market. Concerning the regulation of Mainland enterprises listed in Hong Kong, DS(FS) pointed out that all listed entities in Hong Kong, regardless of their places of incorporation, would be subject to the same set of stringent regulatory requirements, covering, among other things, financial resources and information disclosure. She noted that new disclosure requirements on the

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financial positions of entities listed in Hong Kong had been introduced since October 2013. This had enhanced the provision of information to investors in order to facilitate their monitoring on the quality and performance of listed companies.

15. In response to the Deputy Chairman's enquiry about the work of PAS(FS)IMA in implementing international commitments on financial regulation, DS(FS) remarked that since the global financial crisis in 2008, international financial centres had pledged to pursue a series of regulatory reform initiatives under the G20 agenda to enhance the resilience and stability of the global financial system, and major reforms including regulation of the over-the-counter derivatives market and enhancement in Basel capital requirements had achieved good progress. The major duties of PAS(FS)IMA in relation to international financial commitments in the next two years would include the development of an effective cross-sector resolution regime for financial institutions in times of financial crises.

16. Mr WONG Ting-kwong conveyed the support of the Democratic Alliance for the Betterment and Progress of Hong Kong for the proposal and enquired about the work of PAS(FS)IMA in pursuing initiatives relating to development of the Shanghai Pilot Free Trade Zone and the proposal of establishing a free trade zone for Hong Kong, Guangdong and Macao.

17. DS(FS) responded that PAS(FS)IMA would be responsible for formulating policy initiatives and coordinating matters for advancing Hong Kong's financial cooperation with the Mainland. The establishment of free trade zones was among the Central Government's initiatives in deepening economic and financial reforms. PAS(FS)IMA would keep in view relevant developments and maintain communications with the Mainland authorities on related issues.

18. Mr SIN Chung-kai noted that the duties of the post covered two major areas, namely enhancing financial cooperation with the Mainland and implementing international commitments to strengthen financial regulation. He enquired why the title for the post in short form was "PAS(FS)MA" as appeared in Enclosure 2 to EC(2013-14)7, and sought information on the estimated workload of the post in respect of the two major areas.

19. DS(FS) explained that Enclosure 2 to EC(2013-14)7 set out the current organization structure of FSB of FSTB and the existing post title of the post concerned, while Enclosure 1 to the paper described the new duties and responsibilities of the post and hence the new title of the post was used. As regards the workload of PAS(FS)IMA, DS(FS) confirmed that the post holder would handle financial cooperation matters relating to the Mainland and



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international commitments. While it would be difficult to give an accurate estimate on the workload between the two areas of duties, PAS(FS)IMA would likely be heavily engaged in work relating to Mainland financial cooperation at the initial stage.

20. Noting that the Financial Services Development Council (FSDC) had released six research reports on enhancing the competitiveness of Hong Kong's financial services industry in November 2013, the Deputy Chairman enquired how FSTB would follow up the recommendations put forth in the reports and whether the duties of PAS(FS)IMA would cover implementation of these recommendations. Mr CHUNG Kwok-pan shared a similar view. He also enquired how the policies formulated on the cross-sector resolution regime for financial institutions, implementation of G20's proposals on financial oversight and supervision, and enhancement of Hong Kong's RMB business would be followed up and whether relevant parties like the Hong Kong Monetary Authority (HKMA) would be involved in implementing such policies.

21. DS(FS) responded that the Administration welcomed FSDC's research reports, which were useful to the Administration in formulating policies on promoting market development and enhancing competitiveness of Hong Kong's financial services industry. She stressed that the Administration would study FSDC's reports in detail and discuss further with relevant regulators including HKMA and the Securities and Futures Commission in considering the way forward for the recommendations. DS(FS) added that there had been rapid development in Mainland financial affairs in recent years following increasing internationalization of the Mainland economy and deepening of its economic and financial reforms. Such developments had offered abundant opportunities for Hong Kong's financial services sectors and industry. For instance, a number of new initiatives (like the issuance of Mainland sovereign bonds in Hong Kong and the establishment of a mechanism for the repatriation of RMB to the Mainland) had been rolled out after the announcement of a series of measures by the Central Government in August 2011 to support the economic and social development of Hong Kong. As such, financial cooperation with the Mainland had become an on-going task, and there was strong justification to retain the supernumerary post to coordinate work on financial cooperation with the Mainland.

22. Mr Christopher CHEUNG indicated support for the proposal as enhancing financial cooperation with the Mainland was vital to economic development of Hong Kong. Noting that the post was created on a supernumerary basis with a wide portfolio of duties, Mr CHEUNG expressed concern that the post holder would be unable to discharge all the duties in an effective manner. Mr CHEUNG enquired whether the Administration had

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considered creating a permanent directorate post dedicated for handling financial cooperation with the Mainland. Mr WONG Ting-kwong considered that policy initiatives relating to development of Hong Kong's offshore RMB business and enhancing financial cooperation with the Mainland under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) involved on-going tasks and were vital to Hong Kong. He concurred that the Administration should consider converting the supernumerary post into a permanent post.

23. DS(FS) said that the Administration recognized the importance of enhancing further financial cooperation between Hong Kong and the Mainland and had accorded high priority in the work. It was also aware that work in this area involved on-going tasks on a long-term basis, in particular with continuous liberalization of the Mainland economy and deepening of its financial reforms. Concerning CEPA, she added that one of PAS(FS)IMA's recent tasks was the compilation of a set of Frequently Asked Questions on relevant measures under CEPA to facilitate understanding of the measures by the industries and professionals. As always, the Administration had to exercise prudence in putting forward staffing proposals. DS(FS) assured members that FSTB would conduct a holistic review of its manpower situation before lapse of the post in April 2016 taking into account development in the financial markets, progress of work, and the workload of various directorate officers in FSTB in considering the need of converting the post of PAS(FS)IMA into a permanent one.

24. The item was voted on. Members agreed that the Subcommittee should recommend the item to FC for approval.

**EC(2013-14)8                      Proposed creation of one supernumerary post of Principal Executive Officer (D1) in the Registration and Electoral Office from 1 April 2014 to 31 December 2017 in assisting the Electoral Affairs Commission and the Chief Electoral Officer in the preparation and conduct of the 2015 District Council election, the 2016 Legislative Council election, the 2016 Nominating Committee election and the 2017 Chief Executive election**

25. The Deputy Chairman said that the Administration's proposal was to create one supernumerary post of Principal Executive Officer (D1) in the Registration and Electoral Office (REO) from 1 April 2014 to 31 December 2017 in assisting the Electoral Affairs Commission and the Chief Electoral Officer in the preparation and conduct of four major elections, namely the

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2015 District Council (DC) election, the 2016 LegCo election, the 2016 Nominating Committee election and the 2017 Chief Executive election.

26. The Deputy Chairman advised that the Panel on Constitutional Affairs (CA Panel) was consulted on the proposal at its meeting on 21 October 2013. Panel members did not oppose the proposal, which was to cope with the work relating to the four major elections from 2015 to 2017. Panel members urged that REO should commence planning and preparatory work early for implementing the elections in the 2015-2017 election cycle in order to ensure smooth conduct of the elections.

Enhancement measures on election arrangements and the voter registration system

27. While acknowledging the importance of the post, Dr KWOK Ka-ki expressed concern about problems of vote-rigging and alleged misconducts in election-related activities as evidenced in past elections. He enquired how the post holder would tackle these issues. Ms Emily LAU supported the proposal and shared Dr KWOK's view that the Administration should step up its efforts in combating vote-rigging.

28. Deputy Secretary for Constitutional and Mainland Affairs (DS(CMA)) responded that the Administration had made reports on measures to combat vote-rigging to CA Panel on a number of occasions. In the light of public concern during the 2011 DC election about the accuracy of electors' registered addresses, the Administration had implemented a number of improvement measures to the voter registration (VR) system to verify the accuracy of electors' addresses through matching REO's data with that of relevant government departments such as Housing Department (HD) and BD, and to enhance checks on electors with registered addresses in demolished buildings and buildings to be demolished. Due to such measures, the records of a substantial number of electors had been removed or updated and the accuracy of the final register (FR) of electors had been greatly enhanced. DS(CMA) added that all complaints on vote-rigging had been referred to the law enforcement agencies for appropriate follow-up in accordance with the legislation concerned. As he understood, investigations and prosecutions on offences relating to vote-rigging had largely been completed, and the relevant information had been provided to CA Panel. The Administration could provide such information to ESC members after the meeting. Regarding misconducts in election-related activities, DS(CMA) pointed out that any election-related activities, e.g. lobbying activities, not contravening the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) were allowed. REO and other departments concerned would handle complaints on suspected election misconducts in a timely and fair manner.

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29. Dr KWOK Ka-ki enquired about the target figure for checking of electors in the 2015-2017 election cycle and whether such checks could eradicate the problem of "several electors with different surnames registered under one particular address".

30. Chief Electoral Officer, Registration and Electoral Office (CEO/REO) responded that, as part of the checking measures, sample checks had been conducted on electors with different surnames registered under one particular address. In the last election cycle, the registrations of more than 140 000 electors had been checked and around 30 000 electors had been removed from FR of electors as a result. REO planned to conduct checks on some 150 000 electors in the coming VR cycle. CEO/REO added that similar to the practice adopted in the 2012 LegCo election, REO would expand the scope of its checking in the 2015 election year by matching its data with that of HD and it was anticipated that roughly half of all electors would be covered.

31. In response to the Deputy Chairman's enquiry about how information of electors not residing in public rental housing or Home Ownership Scheme flats would be verified, CEO/REO remarked that REO had discussed the issue with the relevant departments. In conducting elector checks, REO would consider the reliability of information held by other departments before adopting it for matching with the data in the register of electors. The data on public rental housing households held by HD had high reliability. REO had also used relevant data held by the Home Affairs Department, BD and the Rating and Valuation Department for conducting the checks.

32. Ms Emily LAU stressed the need for REO to handle election-related complaints impartially and swiftly so as to demonstrate the Administration's determination in combating election-related misconducts. She further expressed concerns that the locations of some polling stations were inconvenient to voters, some polling stations were not installed with barrier-free facilities, and some voters had to go to different polling stations in different elections. Ms LAU opined that holder of the post should look into these issues and make improvement, including increasing the manpower for manning the complaint hotlines, identifying more polling stations in suitable locations and with appropriate facilities to cater for the needs of electors so as to encourage voting, as well as formulating effective measures to tackle election-related misconducts in ensuring the conduct of elections in an open, honest and fair manner.

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33. CEO/REO responded that REO was committed to handling election-related complaints in a fair and efficient manner. To this end, REO would strengthen its staff training and hotline service. An electronic platform would also be established in the coming election cycle for electors to check their registration particulars. He explained that from past experience, a large number of complaints were from electors about being left-out from the FR of electors. By strengthening the hotline service and establishing the electronic platform, it was believed that electors could verify their information quickly and easily. As regards concerns about polling stations, CEO/REO said that REO was mindful to ensure that polling stations were barrier-free and to provide convenience to voters by minimizing the need for them to go to different polling stations for different elections. Given that Hong Kong was a small place, REO had encountered difficulties in finding suitable locations for use as polling stations with necessary supporting facilities. In some districts, it would be invertible to set up polling stations in old buildings as the locations were convenient to voters but old buildings were often not installed with barrier-free facilities. Nevertheless, CEO/REO said that REO had been making improvements in this area. For instance, in the last election cycle, over 90% of polling stations were barrier-free as compared to some 70% in the 2007-2008 election cycle. CEO/REO remarked that REO would take note of Ms Emily LAU's views on improvement measures for polling stations. With the creation of the proposed supernumerary post, REO could start early planning on the polling stations.

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34. At members' request, the Administration was required to provide supplementary information on measures to improve (a) the VR system to guard against vote-rigging; and (b) the mechanism in handling election-related complaints.

Recruitment of supporting non-directorate staff

35. Mr POON Siu-ping expressed support for the proposal. Referring to paragraph 11 of EC(2013-14)8, Mr POON enquired whether the 74 time-limited non-directorate posts planned to be created in 2014-15 would be retained after the 2015 DC election for supporting work in relation to the other three elections in the 2015-2017 election cycle. He also sought information on REO's plans in deploying its manpower for supporting the four major elections in the coming election cycle.

36. CEO/REO said that the 74 posts were only the first batch of time-limited non-directorate posts to be created in REO for supporting the four major elections in the coming election cycle. REO planned to create a total of over 100 time-limited non-directorate posts in phases in the coming election cycle, and most of such posts would be created in 2015-2016 to tie in with the

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workload requirement for the three major elections to be conducted in 2016 and 2017. Arrangement for creation of these posts would be worked out in line with relevant established civil service procedures.

37. The item was voted on. Members agreed that the Subcommittee should recommend the item to FC for approval.

**EC(2013-14)9      Proposed retention of three supernumerary posts of one Principal Government Engineer (D3) and two Chief Engineers (D1) and extension of the redeployment of one Chief Engineer (D1) in Highways Department up to 31 December 2017 to continue dedicated staffing support at the related directorate level to take forward the Hong Kong-Zhuhai-Macao Bridge and its related highway infrastructure projects**

38. The Deputy Chairman said that the Administration's proposal was to retain three supernumerary posts of one Principal Government Engineer (PGE) (D3) and two Chief Engineers (CE) (D1) and to extend the redeployment of one CE (D1) in Highways Department (HyD) up to 31 December 2017 to continue dedicated staffing support at the related directorate level to take forward the Hong Kong-Zhuhai-Macao Bridge (HZMB) and its related highway infrastructure projects (the HZMB projects).

39. The Deputy Chairman advised that the Panel on Transport had been consulted on the proposal at its meeting on 15 November 2013. Panel members supported the proposal in general. Some Panel members requested the Administration to consider whether it would be necessary to retain the three CE posts after the commissioning of HZMB Main Bridge in 2016 to handle contract finalization work for the projects. Noting that the Tuen Mun-Chek Lap Kok Link (TM-CLKL) would be completed in phases up to late 2018, some Panel members opined that the Administration could consider retaining the posts till 2018. Upon request by Panel members, the Administration had provided supplementary information on the staffing arrangements of each of the three governments (i.e. Hong Kong, Mainland and Macao) in the HZMB Authority for comparison purpose.

Planning and implementation of HZMB and related infrastructure projects

40. Mr YIU Si-wing pointed out that Zhuhai had already achieved considerable progress in relevant tourism planning (like construction of tourist facilities at Hengqin) to cater for the commissioning of HZMB Main Bridge in

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2016. However, details of tourism planning for the area capitalizing on the opportunities on the commissioning of HZMB on the Hong Kong side were unavailable. Mr YIU conveyed the tourism industry's concern about the slow progress in tourism planning, including that for the artificial island for accommodating the Hong Kong Boundary Crossing Facilities (HKBCF), and enquired whether the Administration had worked out the development blueprint for the artificial island. Mr YIU also enquired whether holders of the four engineer posts in the proposal would be held responsible for delay, if any, in the works of the HZMB projects.

41. Under Secretary for Transport and Housing (USTH) responded that the relevant bureaux/departments would take care of the tourism planning work. It was anticipated that construction of the artificial island for accommodating HKBCF would be completed in late 2016 and a number of ancillary facilities like immigration and retail facilities would be provided. It was envisaged that tourism planning would cover the Northern Lantau areas, including Tung Chung, and Tuen Mun to achieve greater synergy. USTH also pointed out that in view of the fact that the float-time for the HZMB projects had been compressed by the judicial review proceedings from early 2010 to September 2011 on the Environmental Impact Assessment (EIA) Reports and the Environmental Permits (EP) relating to HKBCF and Hong Kong Link Road (HKLR) projects (the JR case on the HZMB projects), the Administration had to further compress the construction works to ensure timely completion of HZMB Main Bridge by end 2016. On the planning blueprint for the artificial island for accommodating HKBCF, USTH said that the planning and construction for the transport links between HZMB Main Bridge and the artificial island was underway. Regarding the cross-boundary transport arrangements, the Administration had to liaise with the relevant authorities in Zhuhai and Macao and consult the industry before finalizing the proposal. As regards the accountability of the four PGE/CEs involved in the proposal, Director of Highways (D of Hy) said that in line with established civil service mechanism, staff of HyD was subject to regular performance appraisal. Should further delay in the construction works of the HZMB projects happen, the Administration had to consider whether the delay was caused by controllable or uncontrollable factors so as to make a fair appraisal for the officers concerned. As the head of HyD, he would be accountable for the performance of the Department.

42. As the Transport and Housing Bureau was responsible for taking forward the HZMB projects, Mr YIU Si-wing enquired whether the Bureau would also coordinate efforts of relevant bureaux/departments concerned in the planning and construction of ancillary facilities, including tourism facilities on the artificial island and the vicinity areas of HZMB, and if so, when the planning details would be available.

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43. USTH responded that while the Administration could provide the timetable for delivery of the transport infrastructures of the HZMB projects within Hong Kong's boundary, the respective timetables for the related transport infrastructure projects in the Mainland and Macao would have to be worked out by the respective governments. The respective governments of the three sides would need to consult their relevant stakeholders in mapping out the details. USTH added that THB had to liaise with bureaux/departments concerned for information on tourism planning. At Mr YIU Si-wing's request, the Administration was required to provide timetable for the delivery of (a) the major infrastructure works of the HZMB projects; (b) planning of the artificial island for accommodating HKBCF; (c) various transport links for HZMB; and (d) tourism planning for HZMB and its neighboring regions.

44. Pointing out that the JR case on the HZMB projects had caused delay in the construction works of the projects, Mr CHUNG Kwok-pan enquired about measures taken/to be taken by the Administration to control project costs and monitor work progress to avoid further delay.

45. USTH responded that owing to the JR case on the HZMB projects, adjustments were made to the construction works to compress the programme for delivery of the HZMB Main Bridge by end 2016. D of Hy added that progress of the construction works of the three main components of the HZMB projects viz. HKBCF and the artificial island, HKLR, and TM-CLKL was satisfactory and the project costs was subject to a stringent control mechanism. Details of the progress were as follows:

- (a) HKBCF: reclamation works for the artificial island to accommodate HKBCF had commenced in 2011. HyD had started inviting tenders for the construction of the superstructures of HKBCF by phases from September 2013 to early 2014. The Administration would pay close attention to the bidding price of tender and changes in tender price index in monitoring the project costs;
- (b) HKLR: the works for HKLR had commenced in 2012 and was within budget. The Administration would review its progress as appropriate; and
- (c) TM-CLKL: with the funding approval from FC, construction works for the Southern Connection between HKBCF and North Lantau Highway commenced in June 2013 while that for the Northern Connection between HKBCF and North



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Lantau Highway commenced in August 2013. The construction works for the southern section and northern section of the TM-CLKL were scheduled for completion in 2016 and 2018 respectively.

46. Dr KWOK Ka-ki sought information on construction accidents relating to the HZMB projects and enquired about measures taken by the Administration to enhance occupational safety of workers. The Deputy Chairman also expressed concern about the occurrence of construction accidents as the works programme for the projects had been compressed.

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47. D of Hy stressed that the Administration accorded high priority to ensure occupational safety for workers and had put in place a number of measures in this respect. The DEVB had promulgated safety standards on construction works for compliance by contractors and would withhold payments to contractors who failed to comply with the standards. HyD deployed safety officers at construction sites to monitor contractors' work on occupational safety and their compliance with safety plans. Besides, contractors were required to meet requirements on workers' occupational safety under the relevant legislation. Labour Department (LD) would conduct surprise checks at project sites from time to time and initiate prosecution on contractors violating such requirements. D of Hy added that so far there was only one construction accident involving death in the HZMB projects. At the request of Dr KWOK Ka-ki and the Deputy Chairman, the Administration was required to provide information on (a) construction accidents relating to the HZMB projects, including figures on accidents and casualties (including numbers of death, serious injured and minor injured persons); and (b) number of inspections conducted by LD at the project sites of the HZMB projects, frequency of such inspections, and follow-up actions taken including enforcement and prosecution.

Environmental issues relating to the HZMB projects

48. Mr Steven HO conveyed the concern of fishermen organizations that due to delay in works caused by the JR case of the HZMB projects, the Administration might not have adopted sufficient measures to protect the sea environment to enable local fishermen to continue operation in the waters in the vicinity of project sites of HZMB. He also cited that there had been an accident involving damage to a local fisherman vessel caused by defective silt curtains installed at project sites of HZMB. Mr HO enquired how the Administration could ensure safe operation of fisherman vessels in nearby waters. The Deputy Chairman enquired about the handling of claims from fishermen affected by the HZMB projects. Mr LEUNG Kwok-hung asked whether HyD would provide reports on marine incidents relating to the HZMB

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projects, and what follow-up actions would be taken on the responsible contractors.

49. D of Hy said that holders of the four engineer posts, being project managers for the respective projects under the HZMB projects, would oversee environmental issues of the projects, including sea water pollution issues in the vicinity of project sites within Hong Kong waters and their impacts on the operation of fishermen. The Administration had established a mechanism for monitoring the quality of sea water around the sites of the HZMB projects and the relevant data had been uploaded onto the website of the HZMB projects. The Administration was satisfied with the present marine environment in the vicinity of project sites as evidenced by the relevant data collected so far. Besides, the Administration also maintained close liaison with green groups and local fisherman organizations on environmental issues and measures to enhance safe operation of fishermen and protection of marine life in the vicinity of the project sites. D of Hy added that according to the Administration's records, the case referred to by Mr Steven HO was the only marine incident relating to works of the HZMB projects occurred so far. The case involved loosening of silt curtains installed by contractors in the project sites and the situation had been rectified. The case had been reflected in the performance report of the contractors concerned which would have impact on their bidding in Government works contracts in the future. Upon the Deputy Chairman's request, the Administration undertook to provide information on handling of claims by fishermen affected by the HZMB projects, including the case referred to by Mr Steven HO.

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50. In response to Dr KWOK Ka-ki's enquiry about liaison work with green groups on the protection of the Chinese White Dolphin (CWD) in waters covered by project sites of HZMB, D of Hy remarked that the Administration maintained regular contact with environmental organizations to discuss measures to protect CWD. The relevant information including quality of sea water around the project sites had been uploaded onto the website of the HZMB projects to facilitate public monitoring.

The judicial review relating to the HZMB projects

51. Mr LEUNG Kwok-hung said that he did not oppose the proposal. However, he opined that the Administration should not attribute the delay of the HZMB projects to the JR case on the HZMB projects. In his views, the Administration should have taken actions such as liaising with the parties concerned to avoid the JR case on the HZMB projects. Moreover, should the Administration had provided the relevant information to the High Court, it might not have quashed the EP of the HZMB projects in its judgment made on 18 April 2011.

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52. Mr WONG Ting-kwong said that Members of the Democratic Alliance for the Betterment and Progress of Hong Kong supported the proposal. While he respected the public's right in making judicial reviews, he expressed reservation on the JR case on the HZMB projects which had resulted in delay of the projects. He enquired whether the Administration would conduct assessment on the possibility that parties might apply for judicial review against the works of the HZMB projects. Mr Steven HO clarified that the concerns he had raised in the earlier part of the meeting were about issues affecting the safe operation of fishermen in the vicinity waters of the HZMB project sites. His concerns were not related to legal issues on the EIA studies on the HZMB projects.

53. USTH stressed that the Administration accorded high priority to tackle environmental issues relating to works projects and respected the public's right in making judicial reviews. Although the JR case on the HZMB projects had affected the works schedules and progress of the projects, the Administration respected the public's right in making judicial reviews and had made adjustment in the construction method to accelerate the works concerned. On efforts taken by the Administration before commencement of the HZMB projects, USTH remarked that the Administration, in particular HyD, had done a great deal of work in the planning and design stage for the projects, as well as selection of works methods for the projects to mitigate possible adverse effects on the environment. It had also liaised and conducted consultations with the stakeholders on issues such as the alignment of the transport links, site selection for HKBCF, and in taking forward the statutory procedures in relation to the EIA studies of the HZMB projects etc. Dr KWOK Ka-ki did not subscribe to the Administration's response and considered that making judicial review was a basic right of Hong Kong people. He was of the view that the Administration had the responsibility to examine and address environmental issues in taking forward infrastructure projects so that similar judicial review proceedings could be avoided in the future.

54. The item was voted on. Members agreed that the Subcommittee should recommend the item to FC for approval.

55. The Deputy Chairman enquired whether it was necessary for the three proposals considered at this meeting to be voted on separately at FC meeting to be held on 10 January 2014. No members requested for the arrangement.

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56. There being no other business, the meeting ended at 10:45 am.

Council Business Division 1  
Legislative Council Secretariat  
9 January 2014