

立法會
Legislative Council

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(These minutes have been
cleared with the Chairman)

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Establishment Subcommittee of the Finance Committee

Minutes of the 12th meeting
held in Conference Room 1 of Legislative Council Complex
on Monday, 9 June 2014, 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 POON Siu-ping, BBS, MH
Hon TANG Ka-piu

Member attending:

Hon Charles Peter MOK

Members absent:

Hon Martin LIAO Cheung-kwong, JP
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)
Mr Gregory SO, GBS, JP	Secretary for Commerce and Economic Development
Miss Susie HO, JP	Permanent Secretary for Commerce and Economic Development (Communications and Technology)
Mr Joe WONG, JP	Deputy Secretary for Commerce and Economic Development (Communications and Technology)
Miss Janet WONG, JP	Commissioner for Innovation and Technology
Mr Johann WONG, JP	Deputy Commissioner for Innovation and Technology
Mr Daniel LAI, BBS, JP	Government Chief Information Officer
Miss Joey LAM, JP	Deputy Government Chief Information Officer (Policy and Community)

Clerk in attendance:

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

Mr Jimmy MA, JP	Legal Adviser
Mr Andy LAU	Assistant Secretary General 1
Mr Bonny LOO	Assistant Legal Adviser 3
Mr Hugo CHIU	Council Secretary (1)4
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Ms Clara LO	Legislative Assistant (1)9
Miss Yannes HO	Legislative Assistant (1)10

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EC(2014-15)7 Proposed creation of three non-civil service positions of one Director of Bureau, one Deputy Director of Bureau and one Political Assistant to Director of Bureau and four permanent posts of one Administrative Officer Staff Grade A1 (D8), one Administrative Officer Staff Grade B (D3) and two Administrative Officer Staff Grade C (D2) to establish a new Innovation and Technology Bureau with effect from the commencement date of the resolution proposed to be passed under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) for the transfer of the statutory functions

The Chairman said that the Subcommittee would continue to consider the item which was carried over from the last meeting of the Subcommittee on 28 May 2014. She then reminded members that in accordance with Rule 83A of the Rules of Procedure (RoP) of the Legislative Council (LegCo), they should disclose the nature of any direct or indirect pecuniary interests relating to the funding proposals under discussion at the meeting before they spoke on the item. She also drew members' attention to Rule 84 of RoP on voting or withdrawal in case of direct pecuniary interest.

Handling of the proposed motions forwarded by Mr LEUNG Kwok-hung

2. The Chairman said that at the Subcommittee meeting held on 28 May 2014 and shortly after, Mr LEUNG Kwok-hung had forwarded to her 73 proposed motions in accordance with paragraph 31A of the Establishment Subcommittee Procedure (ESC Procedure) on the item. She had considered the motions and met with Mr LEUNG on 5 June 2014 to understand his purposes for raising the proposed motions. As three of the 73 proposed motions were either duplicates of other motions or incomprehensible, she had ruled them out of order and returned them to Mr LEUNG. While she considered that the remaining 70 proposed motions were directly related to the agenda item, she observed that these motions could be classified into two main categories, namely groups of motions with the same themes and similar contents, and groups of sequential motions with similar contents and minor adjustments in figures therein. The Chairman pointed out that she had requested Mr LEUNG to consolidate his proposed motions in each group into at most two motions or select two proposed motions from each group for submission to the Subcommittee so as to facilitate handling of the proposed motions in a more efficient manner. However, Mr LEUNG had not accepted her suggestions and indicated that he might consider submitting more motions on the item in accordance with paragraph 31A of ESC Procedure.

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3. The Chairman said that as the Chairman of the Subcommittee, she must ensure the business of the meeting be conducted in an efficient manner, allow sufficient opportunities for members to participate in the deliberation process, and respect the right of individual members to propose motions. After a further review on the 70 proposed motions forwarded by Mr LEUNG Kwok-hung, she decided that 16 of them were obvious sequential motions and ruled them out of order. These motions had been returned to Mr LEUNG. As for the remaining 54 proposed motions, she would put forth to the Subcommittee to decide whether they should be proceeded forthwith.

4. The Chairman further pointed out that, in the afternoon of 6 June 2014, Mr LEUNG Kwok-hung handed in another 32 proposed motions under paragraph 31A of ESC Procedure. She considered these motions directly related to the agenda item and would put forth them to the Subcommittee to decide whether they should be proceeded forthwith. Thus, members would be invited to consider one by one the 86 proposed motions submitted by Mr LEUNG and decide whether they should be dealt with by the Subcommittee. She stressed that her decision had struck a proper balance between respecting individual members' right to propose motions and ensuring the efficient and orderly conduct of meetings.

5. The Chairman called on Mr LEUNG Kwok-hung and other members to hand in proposed motions under paragraph 31A of ESC Procedure, if any, as soon as possible. She said that if members subsequently submitted more motions and if she considered such motions were not for achieving any reasonably related functions of the Subcommittee but only for prolonging the proceedings of the Subcommittee or preventing the Subcommittee from properly exercising and discharging its functions; in order to ensure the orderly, fair and proper conduct of the meeting, she would take appropriate action including, after examining the proposed motions, decided whether to put forth them to the Subcommittee. The Chairman further remarked that item EC(2014-15)7 would be put to vote after the Subcommittee had completed consideration of the proposed motions forwarded by members.

6. At 8:37 am, the Chairman said that she had received a motion from Mr LEUNG Kwok-hung in accordance with paragraph 32 of ESC Procedure proposing that the discussion on item EC(2014-15)7 be adjourned. She pointed out that Mr LEUNG had proposed a motion of the same question at the Subcommittee meeting on 28 May 2014 and the motion had been negated at that meeting. According to paragraph 32(2) of the RoP (which stipulated that "Where the Council has taken a decision on a specific question and the question has been decided in the negative, no further motion shall be moved in relation to that question during the current session"), Mr LEUNG

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could not submit a motion of the same question again.

Voting on proposed motions forwarded by Mr LEUNG Kwok-hung under paragraph 31A of ESC Procedure

7. Mr WONG Ting-kwong enquired whether the proposed motions had to be seconded. The Chairman explained that there was no requirement for a motion proposed in accordance with paragraph 31A of ESC Procedure to be seconded.

8. Ms Starry LEE said that she would not support the handling of motions that would lead to debate on policy issues as such issues should be dealt with by the relevant Panels. The Chairman advised that members of the Subcommittee would vote on whether the proposed motions made by Mr LEUNG Kwok-hung should be proceeded forthwith. There would be no debate on a proposed motion if majority of members of the Subcommittee did not agree to proceed the motion.

9. In response to Mr YIU Si-wing's enquiry about the procedure if a member claimed a division in voting, the Chairman said that in accordance with paragraph 39 of ESC Procedure, the division bell would ring for five minutes before members' voting on a motion/question. Under paragraph 39A of ESC Procedure, a member could move a motion to shorten the division bell to one minute for further divisions being claimed in respect of any motions or questions under the same agenda item. If such a motion was carried, the Subcommittee would proceed to each of such divisions immediately after the division bell had been rung for one minute.

10. Mr LEUNG Kwok-hung requested that the wording of his proposed motions be read out when the division bell rung. The Chairman said that she would read out the motions.

11. The Chairman put to vote the question that proposed motion numbered 002 be proceeded forthwith. As requested by Mr LEUNG Kwok-hung, the division bell was rung for five minutes before members' voting on the question. The question was voted down by a majority of members.

12. Mr YIU Si-wing moved that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the Subcommittee would proceed to each of such divisions immediately after the division bell had been rung for one minute. The Chairman put the motion to vote. Mr LEUNG Kwok-hung requested a division and the division bell was rung for five minutes before members' voting on the motion. Ten

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members voted for the motion and one member voted against it. Based on the voting result, the Chairman declared that the motion was carried.

13. The Chairman took turn to put to vote the questions that proposed motions numbered 003-005, 007-024, 026-029, 034, 035, 045-059, 062-066 and 069-079 be proceeded forthwith. As requested by Mr LEUNG Kwok-hung, the division bell was rung for one minute before members' voting on individual questions. All questions were voted down by a majority of members.

14. At 9:13 am, the Chairman informed the meeting that she had received 44 additional motions under paragraph 31A of ESC Procedure from Mr LEUNG Kwok-hung and she would examine whether they were directly related to the agenda item in due course.

15. Ms Starry LEE considered that motions numbered 050 and 051 were sequential motions and enquired whether the Chairman had discussed the issue of sequential motions during her meeting with Mr LEUNG Kwok-hung on 5 June 2014.

16. The Chairman re-iterated that during the meeting with Mr LEUNG Kwok-hung on 5 June 2014, she had requested Mr LEUNG to consolidate his proposed motions. However, Mr LEUNG did not accept her suggestions and pointed out that he wanted to provide different options in his proposed motions for selection by members of the Subcommittee. The Chairman also remarked that she considered motions numbered 050 and 051 reasonable and directly related to the agenda item.

(At 10:23 am, the Chairman suggested that the meeting be extended to 10:45 am. Mr LEUNG Kwok-hung disagreed and stated that he had to appear before court at 11:00 am. At 10:29 am, the Chairman announced that the meeting be extended to 10:35 am. No members objected.)

Handling of proposed motions by other members

17. In response to the Chairman's enquiry, Mr LEUNG Kwok-hung remarked that he planned to forward another batch of proposed motions on the item, and there might be other batches of motions to follow. He would try to submit the next batch of motions by 10 June 2014.

18. Mr WONG Kwok-kin suggested that the Chairman should "draw a line" on receiving proposed motions under paragraph 31A of ESC Procedure on the item. Mr Steven HO and Mr WONG Ting-kwong concurred with Mr WONG. Mr WONG Ting-kwong further remarked that proposing a large

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number of motions without notice only served the purpose of prolonging the proceedings of various committees of LegCo. He opined that the Committee on Rules of Procedure should look into the matter.

19. Mr LEUNG Kwok-hung re-iterated his views that the Administration should conduct consultation on the establishment of the proposed Innovation and Technology Bureau, and it was reasonable for him to raise motions on the Administration's proposal. He stressed that members of the Subcommittee had the right to propose motions under paragraph 31A of ESC Procedure.

20. Dr KWOK Ka-ki said that it was unreasonable to restrict members' right to propose motions under paragraph 31A of ESC Procedure and pointed out that Members reflected the views of the public, including criticisms and dissatisfaction over Government policies on the development of I&T. Dr KWOK was of the view that the Subcommittee should act in accordance with ESC Procedure.

21. Mr Kenneth LEUNG opined that the Chairman should act in accordance with ESC Procedure, particularly paragraphs 26, 27 and 31A. He agreed with the approach adopted by the Chairman in handling the proposed motions forwarded by Mr LEUNG Kwok-hung.

22. The Chairman remarked that the outstanding motions would be dealt with at the next meeting. The meeting ended at 10:32 am.

Council Business Division 1
Legislative Council Secretariat
25 July 2014