

立法會
Legislative Council

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**Public Works Subcommittee of the Finance Committee
of the Legislative Council**

**Minutes of the 12th meeting
held in Conference Room 1 of the Legislative Council Complex
on Tuesday, 13 May 2014, at 9:00 am**

Members present:

Ir Dr Hon LO Wai-kwok, BBS, MH, JP (Chairman)
Hon LEUNG Che-cheung, BBS, MH, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, JP

Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Dr Hon CHIANG Lai-wan, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon Emily LAU Wai-hing, JP
Dr Hon LEUNG Ka-lau

Public officers attending:

Mr YEUNG Tak-keung	Deputy Secretary for Financial Services and the Treasury (Treasury) ³
Mr WAI Chi-sing, JP	Permanent Secretary for Development (Works)
Mr Thomas CHOW Tat-ming, JP	Permanent Secretary for Development (Planning and Lands)
Ms Anissa WONG, JP	Permanent Secretary for the Environment
Ms Jasmine CHOI Suet-yung	Principal Assistant Secretary for Financial Services and the Treasury (Treasury) (Works)
Mr WONG Kam-sing, JP	Secretary for the Environment
Ms Christine LOH Kung-wai, JP	Under Secretary for the Environment
Mr Howard CHAN Wai-kee, JP	Deputy Director (2) Environmental Protection Department
Dr Ellen CHAN Ying-lung, JP	Assistant Director (Environmental Infrastructure) Environmental Protection Department
Mr Elvis AU Wai-kwong, JP	Assistant Director (Nature Conservation and Infrastructure Planning) Environmental Protection Department

Clerk in attendance:

Ms Sharon CHUNG	Chief Council Secretary (1) ⁶
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Mr Andy LAU	Assistant Secretary General 1
Mr Fred PANG	Senior Council Secretary (1)8
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Christy YAU	Legislative Assistant (1)7

The Deputy Chairman advised that the Public Works Subcommittee ("PWSC") would continue to consider the funding proposals under the six agenda items carried over from the previous meeting on 7 May 2014. If the Subcommittee could not complete the discussion on these proposals, any unfinished items would be carried over to the next meeting. The six funding proposals on the agenda involved a total funding allocation of \$22,470.3 million. If they were endorsed, the cumulative number of items approved by PWSC in the 2013-2014 session would be 22 while the total amount of funding approved would be \$59,083.8 million, of which \$55,332.9 million was related to capital works projects.

2. The Deputy Chairman advised that, according to the Administration, excluding the six items on the agenda for the meeting, it was anticipated that 24 more items, involving a proposed funding allocation of about \$25,230 million, would be submitted to PWSC for consideration in the current session.

PWSC(2014-15)6 164DR Southeast New Territories landfill
extension

PWSC(2014-15)7 177DR Development of integrated waste management facilities phase 1

3. The Deputy Chairman 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. He also drew members' attention to Rule 84 of RoP on voting or withdrawal in case of direct pecuniary interest.

4. The Deputy Chairman advised that the Subcommittee had completed the discussion on the proposals under agenda items 1 and 2, i.e. PWSC(2014-15)6 and PWSC(2014-15)7 respectively, at the previous

meeting and had started to vote on whether to proceed forthwith the proposed motions forwarded by members to the Chairman on agenda item 1. At the meetings on 16 April and 7 May 2014, Mr Gary FAN and Mr Albert CHAN had forwarded 35 proposed motions, which had been tabled at the meeting. He said the Chairman had ruled that the proposed motions were directly related to the agenda item. At the meeting on 7 May 2014, members had voted on whether the first 10 proposed motions (numbered 0001 to 0010) should be proceeded forthwith. Based on the voting results, the Subcommittee had decided not to proceed with these motions.

5. The Deputy Chairman said that the meeting would continue to consider whether to proceed forthwith the remaining proposed motions on agenda item 1. When deciding whether the motions proposed by members according to Paragraph 32A of the PWSC Procedure were directly related to the agenda item, the Chairman had made reference to the terms of reference of the Subcommittee as well as the relevant discussion paper. The Chairman had said that the proposal of PWSC(2014-15)6 was to seek the Subcommittee's endorsement to make recommendation to the Finance Committee ("FC") the upgrading of 164DR to Category A at an estimated cost of \$1,993 million in money-of-the-day prices for the extension of the Southeast New Territories Landfill. The funding proposal was subject to the approval of FC.

[At the juncture, the Chairman arrived at the conference room and took the chair.]

6. The Chairman said he understood that members might wish to include in the Subcommittee's recommendation to FC, if made, some specific views on the proposal made under PWSC(2014-15)6. As such, he considered that the proposed motions were directly related to the agenda item.

7. Mr Gary FAN enquired whether the Administration would consider withdrawing the paper PWSC(2014-15)6. Mr IP Kwok-him said that the question was not about a point of order. The Chairman said that he would exercise his discretion to invite the Administration to answer Mr FAN's question. The Secretary for the Environment replied that the Administration's position regarding the proposal made under PWSC(2014-15)6 remained unchanged.

Motions proposed by members

8. The Chairman said that pursuant to Paragraph 32A of the PWSC Procedure, he would invite members to consider whether each proposed motion should be proceeded forthwith. If the Subcommittee decided that a

proposed motion should be proceeded forthwith, he would invite members and the Administration to speak on the motion before putting it to vote.

Proposed motions 0010 to 0016

9. The Chairman advised that the wording of proposed motion numbered 0010 as read out by Mr Gary FAN at the meeting on 16 April 2014 was not the same as the wording provided in the written form. To be prudent, he would invite members to re-consider the motion. He put the question on whether proposed motion numbered 0010 should be proceeded forthwith to vote. Mr Gary FAN requested a division. The voting bell was rung for one minute before members' voting on the question. The question was voted down by a majority of members.

10. The Chairman said that he had received at the meeting 20 more motions, which were tabled at the meeting, from Mr Gary FAN. He enquired whether any other members would propose any motions on the agenda item. Members made no response.

11. The Chairman took turn to put to vote the questions that proposed motions numbered 0011 to 0016 be proceeded forthwith. As requested by Mr Gary FAN, the division bell was rung for one minute before members' voting on individual questions. All questions were voted down by a majority of members.

[During the time when members voted on whether to proceed forthwith proposed motions numbered 0014 to 0016, some observers shouted in the public gallery repeatedly. The Chairman asked them to keep quiet and warned that if they refused to do so, he might order that they be removed from the public gallery.]

[After the Chairman announced the voting result on whether to proceed forthwith proposed motion numbered 0016, some observers made noise in the public gallery. Mr MA Fung-kwok requested the Chairman to take appropriate action against the observers' disorderly behavior. He said that if the observers shouted again and the Chairman did not take any action, he would walk out in protest. The Chairman gave the observers a final warning. Some people shouted in the public gallery. The Chairman ordered that they be removed and the meeting be suspended for five minutes.]

[The meeting was resumed at 9:45 am.]

12. The Chairman said that as some observers who had shouted refused to leave the public gallery and were still making noise, it was impossible for the Subcommittee to continue the meeting in Conference Room 1. He directed that the meeting be suspended again and resumed at 10:30 am in Conference Room 3.

[The meeting was suspended again at 9:47 am and resumed at 10:30 am in Conference Room 3.]

Arrangements for observing the meeting in Conference Room 3

13. The Chairman advised that according to the guidelines for handling disturbances in the Legislative Council Complex endorsed by The Legislative Council Commission ("the Guidelines"), a person removed from the conference room or public gallery at a meeting might be refused re-admission to the conference room or public gallery during the same meeting. As such, he suggested that, while the remaining part of the meeting would continue to be broadcast over the internet, the public gallery of Conference Room 3 be temporarily closed. He sought members' views on his suggestion.

14. Mr Gary FAN said that when the Chairman suggested that the meeting venue be changed to Conference Room 3, he had not proposed that the public gallery be closed. He queried why the Chairman had changed the meeting venue and then took the opportunity to disallow members of the public to observe the work of Members of the Legislative Council.

15. The Chairman said that, pursuant to the Guidelines, even if the meeting could continue in Conference Room 1, the people who had been removed from the public gallery might be refused re-admission to the public gallery of Conference Room 1. He had directed that the meeting be suspended and then continued in Conference Room 3 because it was uncertain at that time whether the meeting could continue in Conference Room 1, given that the observers who had been ordered to leave refused to do so and kept on shouting.

16. Mr Gary FAN remained of the view that the Chairman should not rule out the possibility that the observers in the public gallery of Conference Room 1 would stop shouting, hence making it possible for the meeting to continue in the same room.

17. Mr Albert CHAN, Mr IP Kwok-him, Dr Fernando CHEUNG and Mr WONG Kwok-hing opined that the media as well as those observers who had not shouted during the earlier part of the meeting should be allowed to

observe the meeting.

18. Mr CHAN Kam-lam said that to ensure the smooth conduct of a meeting, it was appropriate for the Chairman to order the removal of the people who had shouted repeatedly in the public gallery of Conference Room 1 during the earlier part of the meeting. He held the view that it might not be practicable to differentiate these people from other observers who had kept quiet.

19. Dr Fernando CHEUNG suggested that the Chairman might consult the security staff on whether it would be practicable to identify those observers who had not shouted at the earlier part of the meeting and to allow them to enter the public gallery.

20. At the invitation of the Chairman, Assistant Secretary General 1 advised that security staff were handling the case on the third floor outside the public gallery of Conference Room 3. To enable the Secretariat to ascertain and report the updated situation to members, the Subcommittee might need to suspend the meeting for a short time.

21. Mr WONG Kwok-hing and Mr IP Kwok-him said it was not preferable for the meeting to be suspended again. They opined that the media should be given admission to observe the meeting. As regards how to differentiate the observers who had shouted from those who had not, the Chairman could leave it to the security staff.

22. To sum up, the Chairman instructed the Secretariat that the public gallery of Conference Room 3 be open to the media and members of the public except those who had shouted in the public gallery of Conference Room 1 at the earlier part of the meeting.

Proposed motions numbered 0017 to 0055

23. The Chairman took turn to put to vote the questions that proposed motions numbered 0017 to 0028 and 0030 to 0055 be proceeded forthwith. He said that proposed motion numbered 0029 was ruled out of order as its wording was the same as that of proposed motion numbered 0004. As requested by members, the division bell was rung for one minute before members' voting on individual questions. As the electronic voting system was not available in Conference Room 3, the Clerk read out the names of members who were in favour or against the question and who abstained from voting. All questions were voted down by a majority of members.

Proposed motions numbered 0056 to 0078

24. The Chairman advised that he had received at the meeting another 49 proposed motions (numbered 0056 to 0104) from Mr Gary FAN. Together with the 55 proposed motions that had been received previously, members had proposed 104 motions. He ordered that the meeting be extended to 1:00 pm and be suspended for 10 minutes for him to peruse the 49 proposed motions just received.

[The meeting was suspended at 12:03 pm and resumed at 12:14pm.]

25. The Chairman said that of the 49 motions proposed by Mr Gary FAN (numbered 0056 to 0104), apart from some duplicate ones, some fell into series in which the wordings of the motions were the same except a number, such as the number of months, i.e. they were sequential in nature. Although he considered it appropriate to impose some restrictions on such kind of motions, he would adopt a lenient approach towards them at this stage, given that the number of such motions received was not too large.

26. In response to the Chairman's enquiry on whether members had any other proposed motions to submit under Paragraph 32A of the PWSC Procedure, Mr Albert CHAN and Mr Gary FAN said that they were preparing some new motions.

27. Dr CHIANG Lai-wan enquired whether the Chairman should continue to accept new proposed motions while the meeting had entered the stage of voting on whether to proceed forthwith the proposed motions received. The Chairman said that Paragraph 32A of the PWSC Procedure was silent on this question.

28. The Chairman took turn to put to vote the questions that proposed motions numbered 0056 to 0058, 0060 to 0073, 0075, 0077 and 0078 be proceeded forthwith. He said that proposed motions numbered 0059, 0074 and 0076 were ruled out of order as the wording of these motions was the same as that of proposed motions numbered 0004, 0035 and 0075 respectively. As requested by Mr Gary FAN, the division bell was rung for one minute before members' voting on individual question. All questions were voted down by a majority of members.

Views on the handling of the proposed motions

29. Mr CHAN Kam-lam opined that some of the motions proposed by Mr Gary FAN were frivolous, vexatious and not in order. He requested that the Chairman and the Secretariat should examine the motions seriously to

ensure that only the proposed motions which were directly related to the agenda item would be accepted by the Chairman. The Chairman said that Mr CHAN's views had been noted. He advised that whether a proposed motion should be proceeded forthwith was subject to the agreement by a majority of members.

30. Mr Michael TIEN expressed concerns on whether proposed motions which had sequential relationship with one another, i.e. motions with the same wording except the numbers therein should be accepted by the Chairman. Mr IP Kwok-him said that as the Subcommittee had decided not to proceed forthwith proposed motion numbered 0001, the Chairman should not have ruled in proposed motion 0063, which was the same as 0001 except that a timeframe for the proposed action had been added. Mr Gary FAN opined that setting a specific timeframe for the Administration to take forward a policy initiative had its significance in the discussion on public policies.

31. The Chairman reiterated that, though he had concerns on whether sequential motions should be accepted, he would adopt a lenient approach at this stage to such motions, taking in view that they had not been forwarded in a very large number. He hoped that the LegCo President and the Chairman of FC would provide clear guidelines for the handling of these motions in due course.

32. Mr WONG Kwok-hing requested that the Chairman should seriously examine the proposed motions to be received afterwards and should not allow members to move motions which were vexatious and not directly relevant to the agenda item. Referring to the approach adopted by the LegCo President to dealing with the proposed committee stage amendments to the Appropriation Bill 2014 which had sequential relationship with one another, Mr WONG opined that the Chairman should rule out such kind of motions. Mr IP Kwok-him requested that the Chairman should seriously look into the matter in view of the relevant rulings made by the LegCo President.

Paragraph 32A of the PWSC Procedure

33. Dr CHIANG Lai-wan referred to Paragraph 32A of the PWSC Procedure which read that "a member may move a motion without notice to express a view on the agenda item". She opined that the meaning was that each individual member should only be allowed to move one motion without notice on the agenda item. The Chairman said that there had been discussions on the subject at the meetings of FC in the past but the views were diverse.

34. At 1:00 pm, the Chairman ordered that the unfinished business be carried forward to the next meeting scheduled for 8:30 am on 21 May 2014.

Any other business

35. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 1
Legislative Council Secretariat
17 June 2014