

立法會
Legislative Council

LC Paper No. ESC88/14-15
(These minutes have been
cleared with the Chairman)

Ref : CB1/F/3/2

Establishment Subcommittee of the Finance Committee

**Minutes of the special meeting
held in Conference Room 1 of Legislative Council Complex
on Tuesday, 14 April 2015, at 2:30 pm**

Members present:

Hon Kenneth LEUNG (Chairman)
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon WONG Kwok-kin, SBS
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Claudia MO
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 CHAN Chi-chuen
Dr Hon KWOK Ka-ki
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon IP Kin-yuen

Member attending:

Dr Hon CHIANG Lai-wan, JP

Members absent:

Hon SIN Chung-kai, SBS, JP (Deputy Chairman)

Hon Albert HO Chun-yan

Hon Emily LAU Wai-hing, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon Ronny TONG Ka-wah, SC

Hon CHEUNG Kwok-che

Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Hon LEUNG Kwok-hung

Hon MA Fung-kwok, SBS, JP

Hon Charles Peter MOK

Dr Hon Kenneth CHAN Ka-lok

Hon KWOK Wai-keung

Hon Dennis KWOK

Dr Hon Fernando CHEUNG Chiu-hung

Dr Hon Helena WONG Pik-wan

Hon Martin LIAO Cheung-kwong, SBS, JP

Hon POON Siu-ping, BBS, MH

Hon TANG Ka-piu, JP

Hon CHUNG Kwok-pan

Clerk in attendance:

Ms Connie SZETO

Chief Council Secretary (1)4

Staff in attendance:

Ms Anita SIT

Assistant Secretary General 1

Mr Jason KONG

Council Secretary (1)4

Ms Alice CHEUNG

Senior Legislative Assistant (1)1

Miss Yannes HO

Legislative Assistant (1)6

Ms Clara LO

Legislative Assistant (1)8

Applications for late membership from 12 Members

The Chairman advised that the meeting was a continuation of the special meeting of the Establishment Subcommittee ("ESC") on 17 March 2015 to consider the applications for late membership ("Applications") from 12 Legislative Council ("LegCo") Members ("Applicant Members"). He said that at the meeting on 17 March 2015, the Subcommittee decided that consideration of the Applications from Mr CHAN Han-pan, Mr Andrew LEUNG and the other 10 Applicant Members be deferred. Subsequent to the meeting, he had issued letters to the 12 Applicants Members inviting them to attend a special meeting of the Subcommittee again to explain the reasons for their Applications and answer questions from members.

2. The Chairman said that, as at 1 April 2015, all 12 Applicant Members had responded. As Dr CHIANG Lai-wan had replied that she would attend today's special meeting and the other Applicant Members had indicated that they did not intend to attend the meeting, he had decided that Dr CHIANG's Application be considered first.

3. The Chairman remarked that today's meeting was the fourth special meeting held for handling the Applications. He had invited the 12 Applicant Members to attend these special meetings for four times through letters or circulars. Except Dr CHIANG Lai-wan, all Applicant Members had confirmed that they had no intention to attend today's special meeting. Therefore, he had decided that he would not consider any request from members to defer handling the Applications, and the 12 Applications would be handled according to the order set out in the agenda.

4. The Chairman also said that in response to Mr LEE Check-yan's enquiry raised at the meeting on 17 March 2015, the LegCo Secretariat had checked the record and found that Dr Elizabeth QUAT had submitted a reply slip before the registration deadline of noon 4 October 2014 for signification of membership of the Subcommittee indicating that she did not wish to join the Subcommittee.

Dr CHIANG Lai-wan's Application for late membership

5. The Chairman invited Dr CHIANG Lai-wan to speak on her Application.

6. Dr CHIANG Lai-wan said that there had been a mutual understanding between LegCo Members of the pro-establishment camp and pan-democratic camp that each Member would join either ESC or the Public Works Subcommittee ("PWSC") in each legislative session. In the current session, Members from the pro-establishment camp ("pro-establishment

Members") had followed the agreed practice accordingly and she had joined PWSC but not ESC. However, Members from the pan-democratic camp ("pan-democratic Members") had backed down from the mutual understanding and submitted reply slips to join both Subcommittees during the last few minutes before the registration deadline without informing the pro-establishment Members. She therefore considered that the pan-democratic Members had betrayed trust and justice ("背信棄義"), and decided to apply for late membership for ESC. Dr CHIANG pointed out that some six months had lapsed since she submitted the Application in early October 2014. She was very disappointed that her Application had not been handled in a timely manner. She opined that the Subcommittee was operating inefficiently and had wasted a great deal of time. Despite that the Subcommittee had held 13 meetings since October 2014, it had only completed consideration of eight establishment proposals from the Administration while fewer meetings had been held during the same period in the last session with endorsement of a much larger number of proposals. She said that the public was very concerned about the work of LegCo and she regretted that the aspiration of the public was let down. Given that the session would end in a few months, Dr CHIANG considered it futile to pursue her Application any further. Hence, she said that she had decided to withdraw her Application and would provide a letter to the Chairman on her decision.

(At this juncture, Dr CHIANG Lai-wan left a letter on the withdrawal of her Application and left the meeting venue. The letter was circulated to members on 15 April 2015, vide LC Paper No. ESC70/14-15.)

7. Mr LEE Cheuk-yan strongly disagreed with Dr CHIANG Lai-wan's remarks. He stressed that whether the Subcommittee had fulfilled its role and discharged its duties effectively and efficiently should not be measured by the number of the Administration's proposals it had endorsed. He considered that Dr CHIANG's remarks had disregarded LegCo's role in monitoring the work of the Administration and Members' duty to scrutinize each proposal from the Administration in a prudent manner. Mr LEE also disagreed with Dr CHIANG's remarks that pan-democratic Members had abandoned the mutual understanding with pro-establishment Members. He pointed out that in the current session, the two camps could not reach agreement regarding the allocation of chairmanships and deputy chairmanships of LegCo committees. As a result, Members of both camps had acted on their own initiatives in joining LegCo committees and contesting for chairmanships and deputy chairmanships. He remarked that although the Chairmen and Deputy Chairmen of ESC and PWSC in the current session were pan-democratic Members, the chairmanships and deputy chairmanships of most LegCo committees had been taken up by pro-establishment Members.

8. The Chairman said that as Dr CHIANG Lai-wan had withdrawn her Application, it was unnecessary for the Subcommittee to handle her Application.

Consideration of 11 Applications for late membership

9. Based on the decision of the Subcommittee that the Applications would be handled and voted on individually, the Chairman proceeded to handle the remaining 11 Applications one by one. During the ensuing meeting in considering each of the 11 Applications, Mr LEE Cheuk-yan enquired whether the Applicant Member concerned had submitted a reply slip before the registration deadline indicating his/her intention of not joining the Subcommittee. The Clerk said that each of the 11 Applicant Members had submitted a reply slip before the registration deadline indicating that he/her did not wish to join the Subcommittee. The details were as follows:

<u>Applicant Members</u>	<u>Date of submission of the reply slips</u>
Mr CHAN Han-pan, Mr IP Kwok-him, Mr LEUNG Che-cheung, Miss Alice MAK, Mr Frankie YICK, Mr CHAN Kam-lam, Mr TAM Yiu-chung and Mr Jeffery LAM	3 October 2014
Mr Andrew LEUNG	22 September 2014
Mr Tony TSE	23 September 2014
Mr WONG Kwok-hing	19 September 2014

10. During the consideration of the 11 Applications, Mr LEE Cheuk-yan raised opposition to the Applications on the grounds that the Applicant Members had used similar reasons for "missing the registration deadline", and such reasons were apparently in contradiction with the reply slips they had submitted before the registration deadline. He pointed out that the fact was that the Applicant Members had changed their mind after the registration deadline, and hence wished to join the Subcommittee by submitting the Applications. Moreover, he expressed regrets that some Applicant Members, including Mr CHAN Han-pan, Mr Andrew LEUNG, Mr IP Kwok-him, Mr CHAN Kam-lam, Mr TAM Yiu-chung and Mr Jeffrey LAM, had made their personal assistants ("PA") scapegoats by putting the blame on the PAs for their missing the registration deadline, as stated in their letters of Application. He said that the acts of these Members were unfair to their PAs, who did not have an opportunity to explain the matter before the Subcommittee.

11. The Chairman invited members to vote on whether to accept the 11 Applications one by one. All the Applications were voted down by a majority of members. The Chairman declared that the Applications from Mr CHAN Han-pan, Mr Andrew LEUNG, Mr IP Kwok-him, Mr Tony TSE, Mr LEUNG Che-cheung, Mr WONG Kwok-hing, Miss Alice MAK, Mr Frankie YICK, Mr CHAN Kam-lam, Mr TAM Yiu-chung and Mr Jeffrey LAM were rejected by the Subcommittee.

Conclusion

12. The Chairman concluded that the Subcommittee had completed consideration of all outstanding Applications.

13. There being no other business, the meeting ended at 2:59 pm.

Council Business Division 1
Legislative Council Secretariat
3 June 2015