

立法會
Legislative Council

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Finance Committee of the Legislative Council

**Minutes of the 8th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 7 November 2014, at 3:00 pm**

Members present:

Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon CHAN Kin-por, BBS, 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
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, 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, JP
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon WONG Kwok-kin, SBS

Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
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
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon CHEUNG Kwok-che

Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon CHUNG Kwok-pan

Public officers attending:

Professor K C CHAN, GBS, JP	Secretary for Financial Services and the Treasury
Ms Elizabeth TSE Man-yee, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) ¹
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr WONG Kam-sing, JP	Secretary for the Environment
Mr Howard CHAN Wai-kee, JP	Deputy Director of Environmental Protection (2)
Dr Ellen CHAN Ying-lung, JP	Assistant Director of Environmental Protection (Environmental Infrastructure)
Mr Lawrence LAU Ming-ching	Principal Environmental Protection Officer (Landfills and Development)
	Environmental Protection Department
Mr Elvis AU Wai-kwong, JP	Assistant Director of Environmental Protection (Nature Conservation and Infrastructure Planning)

Clerk in attendance:

Mr Andy LAU	Assistant Secretary General 1
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Staff in attendance:

Ms Anita SIT	Principal Council Secretary 2
Mr Derek LO	Chief Council Secretary (1) ⁵

Mr Daniel SIN	Senior Council Secretary (1)7
Mr Ken WOO	Senior Council Secretary (1)5
Mr Raymond SZETO	Council Secretary (1)5
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Christy YAU	Legislative Assistant (1)7

Action

Item No. 1 – FCR(2014-15)31A
HEAD 705 – CIVIL ENGINEERING
Environmental Protection – Refuse Disposal
164DR – Southeast New Territories Landfill Extension

Item No. 2 – FCR(2014-15)32A
HEAD 705 – CIVIL ENGINEERING
Environmental Protection – Refuse Disposal
163DR – Northeast New Territories Landfill Extension

Item No. 3 – FCR(2014-15)33A
HEAD 705 – CIVIL ENGINEERING
Environmental Protection – Refuse disposal
165DR – West New Territories Landfill Extension

Item No. 4 – FCR(2014-15)34A
HEAD 705 – CIVIL ENGINEERING
Environmental Protection – Refuse Disposal
177DR – Development of integrated waste management facilities phase 1

The Committee continued the deliberation on items FCR(2014-15)31A to 34A.

2. The Chairman reminded members that any proposed motions to be moved by members under paragraph 37A of the Finance Committee ("FC") Procedure to express views on the agenda items would be dealt with following the completion of combined discussion on the four items, i.e. FCR(2014-15)31A to 34A. He reminded members that proposed motions to be moved under paragraph 37A must be directly related to one of the four items under deliberation, and he would first put the proposed motions that he had ruled to be directly related to FCR(2014-15)31A to the Committee to decide whether they should be proceeded forthwith. After the Committee has dealt with these motions, he would put the item FCR(2014-15)31A to vote. He would deal with the remaining three items following the same procedure.

Motion to adjourn further proceedings of the Committee

3. Mr LEE Cheuk-yan moved, without notice, a motion pursuant to paragraph 39 of the FC Procedure that further proceedings of the Committee should be then adjourned.

4. The Chairman thereupon put the question on Mr LEE Cheuk-yan's motion and directed that members, when speaking on the question, should only speak once and should not make a speech for more than three minutes each.

5. At the invitation of the Chairman, Mr LEE Cheuk-yan introduced his motion and explained the adjournment of the meeting could give the Administration the opportunity to reconsider rearranging the order of the agenda items in order to allow less controversial issues or more pressing proposals that affected people's livelihood be given priority for the Committee's deliberation.

6. Mr LEUNG Kwok-hung, Mr Gary FAN, Dr Fernando CHEUNG, Mr CHAN Chi-chuen, Ms Cyd HO, Ms Claudia MO, Mr Albert CHAN, Mr WU Chi-wai, Mr James TO, Mr Albert HO, Dr Kenneth CHAN and Mr LEUNG Yiu-chung supported Mr LEE Cheuk-yan's motion. In gist, these members considered that the Administration should rearrange the FC agenda to allow less controversial items to be first deliberated to improve efficiency of the Committee. They commented that the adjournment of the meeting could give the Administration more time to resolve the outstanding disputes surrounding the landfill extension and the Integrated Waste Management Facilities ("IWMF") phase 1 proposals with the affected local residents as well as concerned organizations in the community.

7. Dr Priscilla LEUNG, Mr WONG Kwok-hing, Mr James TIEN, Mr KWOK Wai-keung, Mr TAM Yiu-chung, Mr CHAN Kin-por, Mr IP Kwok-him, Mr Frankie YICK, Mr Christopher CHUNG and Mr CHAN Kam-lam spoke against the Mr LEE Cheuk-yan's motion. In gist, these members argued that the motion's proponent was wasting the Committee's time and was intentionally procrastinating the funding process to no useful effect. They commented that those members who supported the motion were trying to hold the public as hostage to advance their ends. These members commented that if the pan-democrat members wished the Committee to push ahead to consider less controversial or more pressing livelihood-related items, they should expedite discussion on the current items rather than play filibuster tactics.

8. During Mr WONG Kwok-hing's turn to speak, Mr LEE Cheuk-yan raised a point of order and said that Mr WONG Kwok-hing had imputed

improper motive to him contravening Rule 41(5) of the Legislative Council Rules of Procedure. Mr Gary FAN and Mr Albert CHAN made similar observations. Ms Cyd HO suggested that the Chairman should suspend the meeting in order that he could review the meeting's recordings before making a decision on the point raised by Mr LEE.

9. The Chairman said that he did not consider that Mr WONG Kwok-hing had explicitly said anything that imputed improper motives to Mr LEE Cheuk-yan.

10. As Mr Albert CHAN spoke aloud in his seat, the Chairman warned Mr CHAN to remain silent or otherwise he would order him to withdraw from the meeting.

11. As no other members indicated intention to speak, and the Administration did not wish to respond to Mr LEE Cheuk-yan's motion or members' comments, the Chairman invited Mr LEE Cheuk-yan to give concluding remarks.

12. After Mr LEE Cheuk-yan had spoken, the Chairman put the question on Mr LEE Cheuk-yan's motion to vote. At the request of Mr LEE Cheuk-yan, the Chairman ordered a division and the voting bell was rung for five minutes.

13. The Chairman announced that 16 members voted for and 32 members voted against the motion. The voting results of individual members were –

For:

Mr Albert HO Chun-yan
Mr LEUNG Yiu-chung
Mr Ronny TONG Ka-wah
Mr LEUNG Kwok-hung
Ms Claudia MO
Mr Gary FAN Kwok-wai
Dr Kenneth CHAN Ka-lok
Dr Fernando CHEUNG Chiu-hung
(16 members)

Mr LEE Cheuk-yan
Ms Emily LAU Wai-hing
Ms Cyd HO Sau-lan
Mr Albert CHAN Wai-yip
Mr WU Chi-wai
Mr CHAN Chi-chuen
Mr Kenneth LEUNG
Mr IP Kin-yuen

Against:

Mr CHAN Kam-lam
Mr TAM Yiu-chung
Mr Jeffrey LAM Kin-fung
Mr WONG Ting-kwong
Dr LAM Tai-fai

Dr LAU Wong-fat
Mr WONG Kwok-hing
Mr Andrew LEUNG Kwan-yuen
Ms Starry LEE Wai-king
Mr CHAN Hak-kan

Mr CHAN Kin-por	Dr Priscilla LEUNG Mei-fun
Mr WONG Kwok-kin	Mr IP Kwok-him
Mr Paul TSE Wai-chun	Mr James TIEN Pei-chun
Mr NG Leung-sing	Mr Steven HO Chun-yin
Mr Frankie YICK Chi-ming	Mr YIU Si-wing
Mr MA Fung-kwok	Mr CHAN Han-pan
Mr LEUNG Che-cheung	Miss Alice MAK Mei-kuen
Mr KWOK Wai-keung	Mr Christopher CHEUNG Wah-fung
Mr Martin LIAO Cheung-kong	Mr POON Siu-ping
Mr TANG Ka-piu	Dr CHIANG Lai-wan
Mr Christopher CHUNG Shu-kun	Mr Tony TSE Wai-chuen
(32 members)	

14. The Chairman declared that the motion to adjourn further proceedings of the Committee was negated.

Motions to adjourn discussion on the items

15. The Chairman said that he had received a letter from Mr Gary FAN expressing the intention to move a motion that discussion on item FCR(2014-15)31A be then adjourned.

16. The Chairman thereupon put the question on Mr Gary FAN's motion and directed that members, when speaking on the question, should only speak once and should not make a speech for more than three minutes each.

17. Mr IP Kwok-him raised a point of order and moved, without notice, a motion that discussion on item FCR(2014-15)32A be then adjourned. He also moved, without notice, a motion that discussion item FCR(2014-15)33A be then adjourned. The Chairman thereupon put the question on Mr IP Kwok-him's two motions.

18. The Chairman said that as the nature of Mr Gary FAN and Mr IP Kwok-him's motions were similar, he would allow a joint discussion on the three motions, but the Committee's decisions on the motions should be taken individually and in the order that they were moved.

19. In response to Mr CHAN Chi-chuen's enquiry, the Chairman said that a motion to adjourn discussion on the item FCR(2014-15)34A had been moved on 31 October 2014 and negated. According to Rule 40(3) of the Rules of Procedure, the same motion could not be moved again by members during the deliberation of the item.

20. Mr Albert CHAN raised a point of order and queried whether it was appropriate to put the questions on Mr IP Kwok-him's motions before the Committee had finished the discussion and voting on Mr Gary FAN's motion. He said that Mr FAN had moved his motion and the question on which had been put to the Committee. He said that the Chairman should first deal with Mr FAN's motion and allow the Committee to vote on it before proceeding with Mr IP Kwok-him's motion. Dr Kenneth CHAN made a similar comment.

21. The Chairman reaffirmed that given the similar nature of Mr FAN and Mr IP Kwok-him's motions, and, to enable effective and efficient conduct of the Committee's business, he had ruled that a joint discussion on the three motions should be allowed but the decision on the motions should be taken individually.

22. Mr LEE Cheuk-yan contended that the joint discussion arrangement was unreasonable because members might have totally different views on each of the landfill extension proposals, and might wish to comment on them separately. Mr LEUNG Kwok-hung, Dr Fernando CHEUNG and Mr Gary FAN expressed a similar view. Mr LEE Cheuk-yan added that under the arrangement as prescribed by the Chairman, members could only speak once and cover different items within limited speaking time.

23. Ms Starry LEE supported the Chairman's decision of holding a joint discussion on the three motions from Mr LEE Cheuk-yan and Mr IP Kwok-him since arrangements in Council meetings had similar speaking arrangements. Ms LEE commented that some members had been trying to delay the funding process.

24. The Chairman said he would "draw a line" for members to comment on the arrangement of a joint discussion on the motions to adjourn discussion on items FCR(2014-15)31A to 33A. Mr Albert CHAN indicated his intention to speak, but the Chairman rejected his request to speak on the ground that members could only speak once on discussion on procedural matters and Mr CHAN had already expressed his views.

25. Mr CHAN Chi-chuen said that the Chairman should let the Committee decide whether the discussion on the three motions to adjourn discussion on three different items should be combined. Even if the Committee agreed to a joint discussion arrangement, Mr CHAN said that the Chairman should allow longer speaking time for members as the Chairman had done so for the Committee's combined discussion on the current four agenda items.

26. Mr Paul TSE supported the Chairman's arrangements for joint discussion on the adjournment motions. He commented that, as the Chairman had directed that discussion on the agenda items on landfill extension and the IWMF phase proposal should be combined, it was reasonable that a joint discussion should be held on adjournment of discussion on these items. Mr YIU Si-wing made a similar comment.

27. Mr LEUNG Kwok-hung raised a point of order and commented that it was not in order for Mr IP Kwok-him to move his motions at the point when Mr IP was raising a point of order instead of speaking on a proposal under deliberation.

28. The Chairman said that there had been precedent where a joint discussion was held on two motions to adjourn discussion on two agenda items of a similar nature. He said that the Committee would vote on the motions separately starting with Mr Gary FAN's motion. The Chairman invited Mr Gary FAN to introduce his motion.

29. Mr Gary FAN said that he would first speak on the proposal to adjourn discussion of the item FCR(2014-15)31A. He asked whether he would still be allowed to speak on the other two landfill extension proposals under Mr IP Kwok-him's motions.

30. The Chairman ruled that Mr Gary FAN must cover all his comments within the three minutes allowed for his speech, but he would have another minute at the end of the joint discussion to give concluding remarks.

31. Mr Gary FAN criticized the Chairman's ruling as being unreasonable.

32. Mr Gary FAN introduced his motion. He reiterated his position that the Southeast New Territories ("SENT") landfill should be permanently closed rather than extended. The Administration should step up efforts in waste reduction, recovery, and recycling to reduce reliance on landfills. The SENT landfill was too close to major residential developments, and the Administration had largely ignored local residents' objection to the SENT landfill extension proposal.

33. At the invitation of the Chairman, Mr IP Kwok-him introduced his motions. He said that he moved the motions only to frustrate further attempts of the opposition parties to procrastinate the proceedings of the Committee. He said that he would vote against his own motions.

Action

34. Mr Albert CHAN, Mr LEUNG Kwok-hung, Mr CHAN Chi-chuen, Mr LEE Cheuk-yan and Ms Cyd HO spoke on the motions. In gist, they criticized the Chairman's ruling on the joint discussion arrangement.

35. As the time was up for the meeting, the Chairman said that discussion on the motions would continue at the next meeting to be held after a break of ten minutes.

36. The meeting was adjourned at 5:01 pm.

Legislative Council Secretariat

20 March 2015