

**立法會**  
***Legislative Council***

LC Paper No. FC53/20-21  
(These minutes have been  
seen by the Administration)

Ref : FC/1/1(37)

**Finance Committee of the Legislative Council**

**Minutes of the 38<sup>th</sup> meeting**  
**held at Conference Room 1 of the Legislative Council Complex**  
**on Friday, 3 July 2020, from 9:00 am to 10:40 am and**  
**from 3:02 pm to 7:07 pm**

**Members present:**

Hon CHAN Kin-por, GBS, JP (Chairman)  
Hon CHAN Chun-ying, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP

Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Jimmy NG Wing-ka, BBS, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung, JP  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent:**

Hon Kenneth LEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick

**Public officers attending:**

Ms Alice LAU Yim, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Mr Raistlin LAU Chun, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Mike CHENG Wai-man	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Dr LAW Chi-kwong, GBS, JP	Secretary for Labour and Welfare
Mr Carlson CHAN Ka-shun, JP	Commissioner for Labour
Mr Raymond HO Kam-biu, JP	Assistant Commissioner for Labour (Development)
Mr Raymond LIANG Lok-man	Assistant Commissioner for Labour (Labour Relations)
Mr David LEUNG, JP	Deputy Secretary for Labour and Welfare (Welfare) 1
Mr Andrew TSANG Yue-tung	Principal Assistant Secretary for Labour and Welfare (Welfare) 1
Ms Shirley KWAN Yu-pik	Principal Assistant Secretary for Transport and Housing (Transport) 2
Ms Candy KWOK Wai-ying	Assistant Commissioner for Transport (Management and Paratransit), Transport Department
Mr Daniel HUE Ka-yiu	Chief Transport Officer (Tunnels and Tsing Ma 2), Transport Department
Mr YIP Wai-leung	Acting Chief Engineer (Boundary Crossing Facilities and Transport Services), Electrical and Mechanical Services Department

**Clerk in attendance:**

Ms Anita SIT	Assistant Secretary General 1
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**Staff in attendance:**

Ms Angel SHEK	Chief Council Secretary (1)1
Miss Bowie LAM	Council Secretary (1)1
Miss Queenie LAM	Senior Legislative Assistant (1)2
Mr Frankie WOO	Senior Legislative Assistant (1)3
Miss Mandy POON	Legislative Assistant (1)1
Miss Yannes HO	Legislative Assistant (1)7
Ms Clara LO	Legislative Assistant (1)9
Ms Haley CHEUNG	Legislative Assistant (1)10

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Action

The Deputy Chairman presided at the meeting and reminded members of the requirements under Rule 83A and Rule 84 of the Rules of Procedure.

**Item 9 — FCR(2020-21)21**

**HEAD 90 — LABOUR DEPARTMENT**  
**New Subhead "Implementation of the Reimbursement of Maternity Leave Pay Scheme"**

**Item 10 — FCR(2020-21)14A**  
**RECOMMENDATION OF THE ESTABLISHMENT**  
**SUBCOMMITTEE MADE ON 28 MAY 2019**

**EC(2019-20)2**

**HEAD 90 — LABOUR DEPARTMENT**  
**Subhead 000 Operational expenses**

2. The Finance Committee ("FC") continued with the discussion on items FCR(2020-21)21 and FCR(2020-21)14. Members noted that the two items would be jointly discussed but voted on separately and FC had spent about 44 minutes in discussing them at the last meeting. FCR(2020-21)14 was subsequently withdrawn during the FC meeting and a revised paper FCR(2020-21)14A was submitted as a new agenda item by the Administration for the deliberation of FC.

Outsourcing the administration of the Reimbursement of Maternity Leave Pay ("RMLP") Scheme

*Service fee*

3. Mr CHAN Chi-chuen queried the rationale for setting the service fee payable to the processing agent at 10% of the reimbursement amount each year. Dr Fernando CHEUNG considered the estimated annual service fee for administering the RMLP Scheme excessive. While supporting in principle the appointment of a private-sector processing agent, Mr Tony TSE referred to his experience as Chairman of the Property Management Services Authority in administering the subsidy scheme for frontline property management staff under the Anti-epidemic Fund, and pointed out that the estimated level of service fee of the RMLP Scheme was on the high side.

4. Noting that about 27 000 female employees gave birth each year, Mr WONG Ting-kwong expressed support for the current proposal but was concerned about the cost-effectiveness of the outsourcing arrangement in light of the proposed expenditure on service fee. Mr SHIU Ka-fai shared similar concern.

5. In response to members' concerns, Secretary for Labour and Welfare ("SLW") advised that:

- (a) the service fee for outsourcing the administration of one-off schemes was usually lower than that for regular schemes like the RMLP Scheme, which also required compliance with the relevant statutory provisions and the scheme requirements;
- (b) if administered by the Labour Department ("LD") directly, the RMLP Scheme would roughly require around 200 staff at an annual cost of over \$100 million, as compared to about \$47 million in the present case;
- (c) the actual number of staff of the appointed processing agent for administering the RMLP Scheme would be determined having regard to its own resources and the prescribed service requirements;
- (d) the prevailing level of service fee for outsourcing the administration of regular projects in the university sector ranged from 15% to 25%; and

- (e) the total estimated service fee given in the paper mainly served a financial planning purpose. The actual amount of fee would be subject to the outcome of an open and competitive tender exercise.

6. At the request of Mr Tony TSE, the Administration would provide further information on the administrative costs of other subsidy schemes to which reference had been made; as well as the estimated additional manpower, related staff and capital costs of the Government for implementing the RMLP Scheme and its roll-out timetable.

[*Post-meeting note:* The supplementary information provided by the Administration was issued to members vide LC Paper No. FC 303/19-20(01) on 7 October 2020.]

*Appointment of processing agent*

7. Mr SHIU Ka-chun sought information on the duration of contract with the selected processing agent, as well as the mechanism, if any, for termination of service contract, re-tendering and re-possession of scheme administration by the Government.

8. Mr CHAN Chi-chuen enquired on the profile of eligible service providers. Mr Tony TSE sought further information on the eligibility criteria (such as nature of business, operating scale etc.) that had to be met by service providers submitting bids. Dr Helena WONG was concerned about the key performance indicators that had to be met by the processing agent upon initial or subsequent appointment.

9. In response, SLW advised as follows:

- (a) contracts for some regular schemes were awarded for duration of not less than three years with the possibility for extension of another three years subject to satisfactory performance of the service provider;
- (b) relevant details, when finalized, would be set out in the tender documents under preparation; and
- (c) making reference to the operation of the Employment Support Scheme under the Anti-epidemic Fund, firms with auditing experience might be capable of processing applications under the RMLP Scheme .

10. Mr Tony TSE requested and SLW agreed to provide more information on the eligibility criteria for potential bidders after the meeting.

*[Post-meeting note: The supplementary information provided by the Administration was issued to members vide LC Paper No. FC 303/19-20(01) on 7 October 2020.]*

11. Dr Fernando CHEUNG noted that as a contractor, the processing agent for the RMLP Scheme would likely engage employees on short-term contracts of, say, 12 months. He highlighted the irony of an eligible female employee of the processing agent not being able to enjoy 14 weeks' paid maternity leave ("ML") due to expiry of her short-term contract, and asked whether the processing agent would be required to abide by certain conditions regarding female employees' entitlements.

12. SLW cautioned that imposing such additional requirement might have the unintended consequence of deterring the processing agent from hiring female employees. He considered it more appropriate to revisit this policy issue in a separate context.

13. Referring to problems arising from past outsourcing of services, Mr SHIU Ka-chun was gravely concerned about ways to ensure equitable employment terms for employees of the processing agent and to monitor the quality of services delivered. In response, SLW highlighted that:

- (a) the dedicated office to be set up in LD and headed by the proposed Chief Labour Officer ("CLO") would oversee and monitor the implementation of the RMLP Scheme by the processing agent in all key aspects; and
- (b) the efficacy of outsourcing arrangements was well proven, as in the case of the social welfare sector where over 90% of the services were outsourced.

14. Mr WU Chi-wai was concerned about the ownership of the IT system developed under the RMLP Scheme as well as business continuity upon a change in processing agent. In response, SLW said that:

- (a) under normal circumstances and pursuant to prevailing practice, the intellectual property right of the relevant Disbursement Information System would be owned by the Government;

- (b) in preparing their bids, individual service providers would take into account the need for system upgrade in the course of the service contract; and
- (c) where an IT system had been in use for three years, followed by an extension of another three years, an overhaul would usually be required irrespective of whether there was any change in processing agent.

Proposed creation of a Chief Labour Officer post in Labour Department

*Revised staffing proposal under item FCR(2020-21)14A*

15. Mr WU Chi-wai noted that as stated in EC(2019-20)2, the major tasks of the proposed CLO included development of the reimbursement mechanism, including a customised and scalable IT system and mapping out the implementation arrangements. However, as a result of outsourcing, these key functions would be taken up by the appointed processing agent. In this connection, Mr WU and Dr Helena WONG reiterated the following concerns:

- (a) the reduced scope of work amounted to a material change in the workload and responsibilities of the proposed CLO post;
- (b) it might not be procedurally in order for FC to approve EC(2019-20)2 in its current form; and
- (c) the Administration should withdraw the current proposal and submit a revised one to reflect the change in the post-holder's responsibilities for FC's consideration.

16. Dr Fernando CHEUNG shared similar concerns. Mr Tony TSE questioned the need to create the CLO post on a permanent basis.

17. In response, SLW and Permanent Secretary for Financial Services and the Treasury (Treasury) explained that:

- (a) it was not feasible to amend the proposals in EC(2019-20)2 as the agenda item had been endorsed by the Establishment Subcommittee ("ESC") on 28 May 2019, which predated the decision to outsource the RMLP Scheme;
- (b) notwithstanding the outsourcing arrangement, the proposed CLO would head the RMLP Division in LD to oversee the



policy and implementation of the RMLP Scheme and provide necessary steer to the processing agent; and

- (c) having regard to the level and adjusted scope of responsibilities, the grading and ranking of the proposed post at D1 level were considered appropriate.

18. In view of some members' concern that the duties of the post-holder were different from those as described in EC(2019-20)2, the Deputy Chairman said that the Legal Adviser had been asked to study whether it was in order for FC to approve staffing proposal EC(2019-20)2 in its current form. The legal advice would be provided to members when available, hopefully when the meeting resumed in the afternoon.

19. The meeting was suspended at 10:08 am and resumed at 10:36 am.

20. At 10:40 am, the Deputy Chairman announced the close of the morning session and said that FC would continue deliberation in the afternoon at 3:00 pm.

21. At 3:02 pm, the Chairman took the chair.

22. When the meeting resumed at 3:02 pm, Deputy Secretary for Financial Services and the Treasury (Treasury)<sup>1</sup> informed members that:

- (a) on account of some members' concern and in accordance with paragraph 26 of the Finance Committee Procedure ("FCP"), the Government would withdraw item FCR(2020-21)14 and submit a new agenda item and a revised paper, i.e. FCR(2020-21)14A, to reflect certain adjustments to the duties of the proposed CLO post; and
- (b) the Chairman's waiver was sought to allow a shorter notice for the new agenda item and the late submission of the revised paper so that the item could be dealt with at this meeting.

23. The Chairman confirmed that he would exercise his discretion under paragraphs 21 and 22 of FCP to allow a shorter notice for the new agenda item and the late submission of the revised paper FCR(2020-21)14A.

24. The meeting was suspended at 3:15 pm to enable members to peruse the revised paper FCR(2020-21)14A, and resumed at 3:26 pm.

25. At the invitation of the Chairman, SLW briefly explained the major adjustments to the duties of the proposed CLO post as set out in Enclosure 2 to FCR(2020-21)14A.

26. Ms Claudia MO asked whether it was necessary to consult the Panel on Manpower on the change in scope of duties for the proposed post before consideration by FC. The Chairman said that in the present case, such consultation should not be required.

*Need for the proposed directorate post*

27. Given the reduced scope of work of the proposed CLO, Ms Claudia MO and Mr SHIU Ka-chun queried the need to pitch the post at D1 level. Apart from the creation of a permanent CLO post, Mr WU Chi-wai and Dr Helena WONG sought further information about the non-directorate staff providing support to the dedicated office to be set up in LD. Mr WU enquired whether the duties among the directorate staff of the same rank at LD would be redistributed following creation of the proposed post.

28. In this regard, SLW and Commissioner for Labour ("C for L") advised that:

- (a) outsourcing would not affect the level of responsibility of the proposed CLO in providing steer to the processing agent in implementing the RMLP Scheme and engaging with major stakeholders for effective implementation of the new ML regime;
- (b) given the novel nature of the RMLP Scheme to LD, an officer of sufficiently senior position well-versed in labour issues was required to formulate scheme parameters and guidelines, conduct the tendering exercise, monitor and check the performance of the processing agent, as well as to ensure the smooth implementation of new ML regime;
- (c) having regard to similar set-ups for administering funding schemes such as the Working Family Allowance Office, the proposed ranking of the post at D1 was considered appropriate;
- (d) apart from overseeing the reimbursement mechanism, the dedicated office would also handle enquiries and complaints arising from the new ML regime and falling outside the

processing agent's purview;

- (e) in addition to the proposed CLO, the dedicated office would comprise 31 non-directorate permanent posts. Financial provision had been included in the Estimates of Expenditure to meet the cost for these posts;
- (f) the posts at (e) above included a preparatory team of three non-directorate permanent posts which had commenced work in relation to the legislative amendments since last year; and
- (g) LD would keep the staffing position of the dedicated office under review, and make necessary adjustments or redeployment in the light of operational needs.

29. Dr Fernando CHEUNG enquired and C for L said that the annual staff cost for the 31 non-directorate posts together with the proposed CLO post was about \$24.77 million. At the request of Dr CHEUNG, C for L would provide further information on the organisational structure of the dedicated office in LD, the ranks of the staff and their job responsibilities, as well as whether internal deployment or creation of new posts had been involved.

*[Post-meeting note: The supplementary information provided by the Administration was issued to members vide LC Paper No. FC 303/19-20(01) on 7 October 2020.]*

30. Dr Helena WONG enquired on the legislative work to be undertaken by the proposed CLO, given that the Employment (Amendment) Bill 2019 was ready for debate in the Council. In response, SLW said that work was still required such as follow-up with the Labour Advisory Board on the commencement of the Bill (if passed) originally scheduled for late 2021.

31. Mr Tommy CHEUNG supported the outsourcing arrangement and the creation of a CLO post in LD. He further said that while some members had repeatedly queried the current staffing proposal, they had not raised the slightest doubt about the need for several hundred posts for enforcement during the scrutiny of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018.

Other issues

32. Since the two financial proposals in question were predicated on the passage of Employment (Amendment) Bill 2019, Mr CHAN Chi-chuen considered it highly unrealistic for the Administration to have assumed that the Bill could be passed at the Council meeting on 24 June 2020.

33. Mr SHIU Ka-fai sought the Administration's view on a case concerning the Employment Support Scheme. SLW suggested Mr SHIU bring up the case at another appropriate forum.

Motion proposed by a member under paragraph 37A of the Finance Committee Procedure

34. At 4:03 pm, FC voted on whether a [motion](#) proposed by Dr Fernando CHEUNG under paragraph 37A of FCP should be proceeded with forthwith. At the request of members, the Chairman ordered a division. The Chairman declared that the question on proceeding with the motion forthwith was [carried](#).

35. The Chairman put the motion moved by Dr Fernando CHEUNG to vote. At the request of members, the Chairman ordered a division. The Chairman declared that the motion was carried. The wording of the motion and the voting results are given in **Appendices I** and **II**. Members noted that the Administration would be requested to provide a written response to the motion passed.

*[Post-meeting note: The wording of the motion and the Administration's written response were issued to members vide FC255/19-20(01) and FC255/19-20(02) on 24 July 2020.]*

Voting on FCR(2020-21)21

36. At 4:13 pm, the Chairman put item FCR(2020-21)21 to vote. At the request of members, the Chairman ordered a division. The Chairman declared that 38 members voted in favour of and 2 members voted against the item, and no members abstained from voting. The votes of individual members were as follows:

*For:*

Mr James TO Kun-sun

Mr Tommy CHEUNG Yu-yan

Mr Jeffrey LAM Kin-fung

Ms Starry LEE Wai-king

Mr Abraham SHEK Lai-him

Prof Joseph LEE Kok-long

Mr WONG Ting-kwong

Dr Priscilla LEUNG Mei-fun

Mr WONG Kwok-kin	Mrs Regina IP LAU Suk-yee
Ms Claudia MO	Mr Michael TIEN Puk-sun
Mr Frankie YICK Chi-ming	Mr WU Chi-wai
Mr YIU Si-wing	Mr Charles Peter MOK
Mr CHAN Chi-chuen	Mr KWOK Wai-keung
Mr Dennis KWOK Wing-hang	Dr Fernando CHEUNG Chiu-hung
Dr Helena WONG Pik-wan	Mr IP Kin-yuen
Mr POON Siu-ping	Mr Alvin YEUNG
Mr Jimmy NG Wing-ka	Dr Junius HO Kwan-yiu
Mr LAM Cheuk-ting	Mr SHIU Ka-fai
Mr SHIU Ka-chun	Ms YUNG Hoi-yan
Dr Pierre CHAN	Mr CHAN Chun-ying
Ms Tanya CHAN	Mr HUI Chi-fung
Mr LAU Kwok-fan	Mr KWONG Chun-yu
Mr Jeremy TAM Man-ho	Ms CHAN Hoi-yan
(38 members)	

*Against:*

Mr LEUNG Yiu-chung	Dr CHENG Chung-tai
(2 members)	

37. The Chairman declared that the item was approved.

Voting on FCR(2020-21)14A

38. At 4:19 pm, the Chairman put item FCR(2020-21)14A to vote. At the request of members, the Chairman ordered a division. The Chairman declared that 15 members voted in favour of and 23 members voted against the item, and no members abstained from voting. The votes of individual members were as follows:

*For:*

Mr Abraham SHEK Lai-him	Mr Tommy CHEUNG Yu-yan
Mr Jeffrey LAM Kin-fung	Dr Priscilla LEUNG Mei-fun
Mr WONG Kwok-kin	Mr Frankie YICK Chi-ming
Mr YIU Si-wing	Mr KWOK Wai-keung
Mr POON Siu-ping	Mr Jimmy NG Wing-ka
Dr Junius HO Kwan-yiu	Mr SHIU Ka-fai
Ms YUNG Hoi-yan	Mr CHAN Chun-ying
Ms CHAN Hoi-yan	
(15 members)	

*Against:*

Mr James TO Kun-sun	Mr LEUNG Yiu-chung
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Prof Joseph LEE Kok-long	Mr WONG Ting-kwong
Ms Starry LEE Wai-king	Ms Claudia MO
Mr WU Chi-wai	Mr Charles Peter MOK
Mr CHAN Chi-chuen	Mr Dennis KWOK Wing-hang
Dr Fernando CHEUNG Chiu-hung	Dr Helena WONG Pik-wan
Mr IP Kin-yuen	Mr Alvin YEUNG
Mr LAM Cheuk-ting	Mr SHIU Ka-chun
Dr Pierre CHAN	MsTanya CHAN
Mr HUI Chi-fung	Mr LAU Kwok-fan
Dr CHENG Chung-tai	Mr KWONG Chun-yu
Mr Jeremy TAM Man-ho	
(23 members)	

39. The Chairman declared that the item was negatived.

**Item 11 —FCR(2019-20)37**  
**RECOMMENDATION OF THE ESTABLISHMENT**  
**SUBCOMMITTEE MADE ON 28 MAY 2019**

**EC(2019-20)3**

**HEAD 141 — GOVERNMENT SECRETARIAT :**  
**LABOUR AND WELFARE BUREAU**

**Subhead 000 Operational expenses**

40. The Chairman said that this item sought members' approval for the recommendation of ESC on the creation of a permanent post of Administrative Officer Staff Grade C ("AOSGC")(D2) in the Labour and Welfare Bureau ("LWB") with immediate effect upon approval of FC to head a dedicated policy team for the newly established Commission on Children ("the Commission") to take forward its agenda for the interest of children. Members noted that ESC had spent about 1 hour 22 minutes on discussion of the proposal and the Administration had provided a supplementary information paper vide ESC131/18-19(01).

Concerns about the work of the Commission

41. Dr Fernando CHEUNG was concerned about the lack of progress in the formulation of a child policy, as well as the deliverables, if any, to be achieved by the Commission in the coming years. Ms Claudia MO observed wide differences between the oriental and western cultures in how children should be brought up, and sought further information on important tasks accomplished by the Commission during the past two years.

42. In response, Deputy Secretary for Labour and Welfare (Welfare)1 ("DS for LW(W)1") advised that:

- (a) despite tight manpower in the past two years or so, the Commission had deliberated/submitted views on various child-related policies and measures and monitored their implementation by relevant bureaux/departments ("B/Ds");
- (b) a case in point was the regularisation of the Pilot Scheme on On-site Pre-school Rehabilitation Services in 2018 after taking on board the Commission's views, as well as the increase in the number of places by phases from 3 000 under the Pilot Scheme to 10 000 places by 2022-2023;
- (c) the Commission had kick-started an important research on developing a central databank on children to provide an informed basis for future policy formulation;
- (d) a funding scheme had been set up and was currently receiving applications; and
- (e) a large-scale public engagement programme had been organized and similar activities would continue.

43. Mr SHIU Ka-chun was concerned that the Commission was merely an advisory body without any authority to implement policy decisions. In this connection, DS for LW(W)1 highlighted that:

- (a) the Commission was an ongoing, action-oriented, responsive and high-level body chaired by the Chief Secretary for Administration and comprising the heads of relevant B/Ds as ex-officio members;
- (b) given such a set-up, it had the capability to provide overall steer, enlist and coordinate input from relevant B/Ds in taking forward initiatives;
- (c) the non-official members were drawn from a wide spectrum of sectors dedicated to promoting children's rights; and
- (d) tapping their professional expertise, non-official members were appointed as convenors and vice convenors of the Working Groups ("WGs") under the Commission.

44. Referring to children's performance at forums such as the Children's Council and Kids' Dream, Dr Fernando CHEUNG was confident of children's ability to deliberate on issues of public concern, and urged the Administration to consider appointing young persons below 18 years of age to the Commission. Ms Claudia MO and Mr SHIU Ka-chun expressed similar views. In response, DS for LW(W)1 advised that:

- (a) the Government currently had no plan to appoint persons below 18 years of age as members, but took note of Dr CHEUNG's views on children's participation;
- (b) pursuant to the expert advice of some non-official members, the Commission had spared no effort in gauging the views of children through various engagement activities; and
- (c) some 50 representatives from relevant sectors participated in a major stakeholders engagement session held in November 2019; another session focusing on children with special needs was originally planned in the first quarter of 2020, but need to be re-scheduled to a later date due to the onset of the pandemic.

45. Mr KWONG Chun-yu stated his views as follows:

- (a) despite the Administration's pledge to promote the well-being of children as enshrined in the United Nations Convention on the Rights of the Child, the WG on Children Protection had never convened any meeting; and
- (b) there had not been any positive response to the views and requests of non-official members relating to under-aged persons involved in the social incidents last year.

46. In response, DS for LW(W)1 said that:

- (a) three WGs had been established so far and the WG on Children Protection would commence operation upon the approval of creation of the AOSGC post to head the dedicated secretariat for the Commission; and
- (b) there had been candid exchange of views between the non-official members and the Police and other concerned government departments on child-related issues arising from the social incidents.



47. Mr WU Chi-wai expressed concern about the working relationship between the Government and the Commission, notably the time required for B/Ds to implement policy measures recommended by the Commission; as well as the lack of key performance indicators to monitor and evaluate the extent to which the Commission's vision was achieved.

48. In this connection, DS for LW(W)1 explained that:

- (a) the Government had been working closely with the Commission during the process of policy formulation. While the Commission was consulted from time to time on policy proposals by the Government, non-official members also proactively put forward topics for the Commission's consideration;
- (b) the time taken for implementing policy initiatives varied. Apart from the regularisation of the Pilot Scheme on On-site Pre-school Rehabilitation Services, another example was the implementation of recommendations of the Consultancy Study on the Long-term Development of Child Care Services in 2018. Having consulted the Commission, the Government formulated a planning ratio for child care centres, which was subsequently incorporated into the Hong Kong Planning Standards and Guidelines in March 2020; and
- (c) according to the milestones for the development of a central databank on children, the consultant would launch a major stakeholder engagement programme in the 3<sup>rd</sup> quarter of 2020 and the entire research was scheduled for completion by September 2021.

49. Mr SHIU Ka-chun and Mr CHAN Chi-chuen said that many young persons had been targeted at by the Police during the social incidents in 2019, and children's rights had not been respected at all. Pointing out that some children were victims of bullying due to their sexual orientation or gender identity, Mr CHAN Chi-chuen enquired about the Commission's work, if any, to address such discrimination. DS for LW(W)1 said that as explained at the ESC meeting, the Commission understood the concern and was open-minded in examining the issue further.

50. Dr Fernando CHEUNG highlighted the seriousness of child abuse, as manifested in a report published by the Ombudsman last year and a

Member's Bill proposed by him on mandatory notification of child abuse. He was concerned whether the subject would be addressed by the Commission. DS for LW(W)1 advised that in late 2019, the Commission had discussed the subject of child abuse and in that context the "Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation" compiled by the Social Welfare Department was promulgated subsequently.

51. Noting that as many as three children had committed suicide in the last month or so, Dr CHENG Chung-tai urged the Commission to look into the issue, as well as the social problem of domestic violence under the current pandemic. DS for LW(W)1 said that the Commission was aware of the issue and a review of matters related to children fatality in recent years had been included on the agenda of the upcoming meeting of the Commission.

52. Mr WU Chi-wai questioned the commitment of the Commission in promoting the well-being of children, as well as how it would balance the needs for safety and liberty when planning for children's facilities. DS for LW (W)1 explained the vision and work of the Commission as follows:

- (a) after extensively gauging the views of stakeholders, the Commission had formulated its vision of ensuring that Hong Kong was a place where all children's rights, interests and well-being were respected and safeguarded, their voices were heard, and where all children enjoyed healthy and happy growth and optimal development so as to achieve their fullest potentials;
- (b) the Commission had developed policies, set strategies and priorities and implemented measures with a view to achieving its vision;
- (c) a successful example of incorporating the needs and ideas of children was the planning and design of the inclusive playground in Tuen Mun Park managed by the Leisure and Cultural Services Department ("LCSD"); and
- (d) in October 2019, taking into account the Commission's views given to enhance the recommendations of the consultancy study on the design of children play space in LCSD venues, the Government announced that LCSD and the Architectural Services Department would transform over 170 existing children's playgrounds into inclusive

playgrounds over the next five years where technically feasible.

Need for the proposed permanent directorate post

53. Mr KWONG Chun-yu did not subscribe to the justification for the proposed AOSGC post and queried the non-attendance of SLW or Under Secretary for Labour and Welfare for this item. Dr CHENG Chung-tai doubted the efficacy of the Commission and the proposed post in safeguarding children's rights. Mr IP Kin-yuen was not fully convinced of the justification for the proposed post for the following reasons:

- (a) in the past year or so, the voices of children had been stifled and their rights trampled upon by authorities such as the Police through various means such as abusing the use of Protection Orders;
- (b) as pointed out by Ms Susan SO Suk-yin, a non-official member of the Commission, there was no holistic policy on children; and
- (c) there was a lack of achievement by the Commission since its establishment.

54. In response, DS for LW(W)1 responded that the proposed directorate post, underpinned by a dedicated team, would provide policy advice and secretariat support to the Commission and coordinate the work of relevant B/Ds, thereby enabling the Commission to perform its functions more effectively. He further advised that despite limited manpower resources in the past two years, the Commission had focused its work on the priority areas, such as developing a central databank on children, publicity and promotion, stakeholder engagement, as well as launching the Funding Scheme for Children's Well-being and Development.

55. Mr WU Chi-wai questioned the role of the proposed post in the Consultancy Study for developing a Central Databank on Children which had been outsourced. DS for LW(W)1 advised that a directorate officer who is well-versed in relevant policy areas would be required to provide the necessary steer and policy input to the consultant.

56. Referring to the Terms of Reference of the Commission, Dr Fernando CHEUNG enquired on the progress in developing a framework with indicators to monitor and evaluate the extent to which the vision was achieved. DS for LW(W)1 and Principal Assistant Secretary

for Labour and Welfare (Welfare)1 ("PAS for LW(W)1") said that if the staffing proposal was approved, the dedicated secretariat would take forward relevant work with a view to completing it within the current term of office of the non-official members of the Commission which had commenced in June 2020.

57. Mr SHIU Ka-chun noted that non-official members of the Commission had been looking forward to the early creation of the proposed post to take forward various initiatives of the Commission. Mr SHIU suggested that organizations with statutory power be set up to better protect children's rights.

58. Dr Junius HO considered that members should focus deliberation on the merits or otherwise of the staffing proposal, instead of taking the opportunity to criticise the Police and other government departments for their actions in handling young persons during the social unrests last year. Dr HO also enquired how the Commission had carried out its work in the past two years without the direction of a dedicated officer.

59. DS for LW(W)1 explained in the past two years, PAS for LW(W)1 had been providing secretariat support to the Commission and its WGs in addition to his own heavy portfolios. Hence, the creation of the proposed directorate post, if approved, would provide the Commission with dedicated support to take forward its agenda on children-related policies and measures in a more focused and effective manner.

60. The meeting was suspended at 5:06 pm and resumed at 5:15 pm. At 5:47 pm, the Chairman called on members wishing to speak on this item to make their request, and remarked that the discussion session would end after members on the request-to-speak list finished speaking.

Motion proposed by a member under paragraph 37A of the Finance Committee Procedure

61. At 6:03 pm, FC voted on whether a [motion](#) proposed by Dr Fernando CHEUNG under paragraph 37A of FCP should be proceeded with forthwith. At the request of members, the Chairman ordered a division. The Chairman remarked that as 20 members voted in favour of, and 20 members voted against the motion, he hereby exercised his casting vote according to the relevant rule (Rule 71(5B) of the Rules of Procedure) and declared that the question on proceeding with the motion forthwith was [negatived](#).

Voting on FCR(2019-20)37

62. At 6:09 pm, the Chairman put item FCR(2019-20)37 to vote. At the request of members, the Chairman ordered a division. The Chairman declared that 25 members voted in favour of and 17 members voted against the item, and no members abstained from voting. The votes of individual members were as follows:

*For:*

Mr Tommy CHEUNG Yu-yan	Mr Jeffrey LAM Kin-fung
Mr WONG Ting-kwong	Ms Starry LEE Wai-king
Mr WONG Kwok-kin	Mrs Regina IP LAU Suk-yee
Mr Michael TIEN Puk-sun	Mr Steven HO Chun-yin
Mr Frankie YICK Chi-ming	Mr YIU Si-wing
Mr MA Fung-kwok	Ms Alice MAK Mei-kuen
Mr KWOK Wai-keung	Mr Christopher CHEUNG Wah-fung
Mr Martin LIAO Cheung-kong	Mr POON Siu-ping
Dr Junius HO Kwan-yiu	Mr SHIU Ka-fai
Dr Pierre CHAN	Mr CHAN Chun-ying
Mr CHEUNG Kwok-kwan	Mr LAU Kwok-fan
Mr Kenneth LAU Ip-keung	Mr Tony TSE Wai-chuen
Ms CHAN Hoi-yan	
(25 members)	

*Against:*

Mr LEUNG Yiu-chung	Ms Claudia MO
Mr WU Chi-wai	Mr Charles Peter MOK
Mr CHAN Chi-chuen	Mr Dennis KWOK Wing-hang
Dr Fernando CHEUNG Chiu-hung	Dr Helena WONG Pik-wan
Mr IP Kin-yuen	Mr Alvin YEUNG
Mr LAM Cheuk-ting	Mr SHIU Ka-chun
Ms Tanya CHAN	Mr HUI Chi-fung
Dr CHENG Chung-tai	Mr KWONG Chun-yu
Mr Jeremy TAM Man-ho	
(17 members)	

63. The Chairman declared that the item was approved.

**Item 12 — FCR(2020-21)25  
CAPITAL WORKS RESERVE FUND**

**HEAD 708 — CAPITAL SUBVENTIONS AND MAJOR  
SYSTEMS AND EQUIPMENT**

**Transport Department**

**New Subhead "Replacement of Traffic Control and Surveillance System and Radio Communication System in the Aberdeen Tunnel"**

**New Subhead "Replacement of Traffic Control and Surveillance System in the Tate's Cairn Tunnel"**

**New Subhead "Replacement of Lane Control Signals and Variable Aspect Signs of the Traffic Control and Surveillance System in the Tseung Kwan O Tunnel"**

**New Subhead "Replacement of Private Automatic Branch Exchange Systems in the Eastern Harbour Crossing, Lion Rock Tunnel, Shing Mun Tunnels and Cross — Harbour Tunnel"**

64. The Chairman said that the item invited members to approve four new commitments for the Transport Department ("TD") to replace the traffic control and surveillance system ("TCSS") and radio communication system ("RCS") in the Aberdeen Tunnel ("ABT"), TCSS in the Tate's Cairn Tunnel ("TCT"), the lane control signals and variable aspect signs of TCSS in the Tseung Kwan O Tunnel, as well as the private automatic branch exchange systems in the Eastern Harbour Crossing, Lion Rock Tunnel, Shing Mun Tunnels and Cross-Harbour Tunnel ("CHT").

Major tunnel systems

65. Ms Claudia MO enquired whether the TCSS and related systems included under the current proposal were connected to government departments such as Hong Kong Police Force, as well as the normal serviceable lifespans of these systems. In response, Principal Assistant Secretary for Transport and Housing (Transport)2 ("PAS for TH(T)2") advised that:

- (a) subject to the operating environment, the normal lifespan of the systems ranged from 12 to 15 years, and all the systems covered in the current proposal had reached or exceeded their serviceable lives;

- (b) as the equipment and critical components of such systems had become obsolete, it was increasingly difficult to procure the required spare parts for maintenance;
- (c) replacement of the existing systems was considered the most cost-effective option; and
- (d) the systems in question were standalone systems managed by the tunnel operators for monitoring traffic in tunnel areas and taking timely actions where necessary.

66. Noting that the TCSS in TCT had been in use for around 29 years as compared to some 15 years in the case of ABT but both were due for replacement, Dr KWOK Ka-ki queried whether a less efficient system had in fact been procured for ABT. In response, Acting Chief Engineer (Boundary Crossing Facilities and Transport Services), Electrical and Mechanical Services Department ("CE(BCF&TS)(Ag)") explained that TCT had been operated under a "Build, Operate, Transfer" franchise until it was returned to the Government in 2018. The then operator was responsible for installation and maintenance of the TCSS, which by now had far exceeded its serviceable lifespan and should be replaced to ensure the safe and efficient operation of the tunnel.

67. In this regard, Dr KWOK Ka-ki remarked that as a commercial entity, the former TCT franchisee might have been more capable of procuring durable tunnel systems. At his request, the Administration agreed to consider, in consultation with the Electrical and Mechanical Services Trading Fund, the feasibility of including the serviceable lifespan of the systems as one of the assessment criteria in tender evaluation, and to report the outcome to FC.

*[Post-meeting note: The supplementary information provided by the Administration was issued to members vide LC Paper No. FC 252/19-20(01) on 17 July 2020.]*

68. Ms Claudia MO enquired whether the video records generated by the TCSS would be provided to Hong Kong Police Force on request. Assistant Commissioner for Transport (Management and Paratransit, Transport Department) ("AC for T(M&P)") said that video records would primarily be used for monitoring of the traffic flow within tunnel areas. Under some special circumstances, TD might provide relevant records kept under the TCSS to the government departments concerned for traffic-related investigation or prosecution purposes.

69. Mr CHAN Chi-chuen sought further information on:

- (a) the functionality of the digital cameras and monitors used under the new TCSS in ABT and TCT, including their resolution, costs, the retention period of the footages and the persons who were authorized to view them; and
- (b) the efficacy of the new automatic incident detection system ("AIDS") under the new TCSS.

70. CE(BCF&TS)(Ag) advised as follows:

- (a) the cost for the new closed circuit television ("CCTV") systems in ABT and TCT was \$6.5 million and \$10 million respectively and their resolution was comparable to high-definition TV;
- (b) the cameras would only capture images of the rear part of vehicles but not the front part (which might include images of the drivers/passengers) as the headlights would interfere with the visibility of the images, thereby affecting control room staff and potentially hindering their timely detection of incidents and response;
- (c) the footages, which were password-protected and retained for a period of 21 days, were available for inspection by authorized persons only; and
- (d) the new AIDS would adopt the latest Artificial Intelligence technology to detect stopped vehicles, vehicle movement in reverse direction, fire and smoke inside the tunnel tubes and alert the control room correspondingly.

71. Mr Jeremy TAM enquired about the operation of the CCTV when one-tube-two-way traffic was implemented in late hours during which one of the tunnel tubes was closed for maintenance. In this regard, CE(BCF&TS)(Ag) said that the interference affecting the detection of incidents by vehicle headlights was minimal, mainly because:

- (a) the duration of two-way traffic in a tunnel tube was short, usually lasting for a few hours after midnight;
- (b) the volume of vehicular traffic and the travelling speed during such hours were relatively low; and



- (c) when one-tube-two-way traffic was implemented, tunnel staff were usually deployed at both ends of the tunnel to monitor the traffic conditions.

72. Mr WU Chi-wai enquired and PAS for TH(T)2 confirmed that the proposed replacement of TCSS and related systems was independent of the free-flow tolling system proposed for roll-out at government tolled tunnels. Ms Claudia MO enquired whether the proposed replacement works could facilitate the implementation of the "Smart Mobility" initiatives. CE(BCF&TS)(Ag) advised that by the proposed replacement works, the Administration would be capable of implementing more programmed traffic management schemes for enhancing operational efficiency of the tunnels and coping with prevailing traffic conditions more effectively.

73. In reply to Mr CHAN Chi-chuen's enquiry about the installation of environmental monitoring system in ABT and the functions of such monitoring systems, CE(BCF&TS)(Ag) recapitulated that:

- (a) funding had been approved earlier on for replacement of the environmental monitoring system in ABT and on-site installation was in progress; and
- (b) the main purpose of an environmental monitoring system was to monitor visibility as well as the levels of nitrogen dioxide and carbon monoxide inside the tunnel tube.

74. Mr Charles MOK enquired about the frequency spectrum of the new RCS, its compatibility with the old system and the prospective supplier(s). CE(BCF&TS)(Ag) informed members that:

- (a) it was necessary to apply to the Office of the Communications Authority for use of frequency spectrum;
- (b) the entire RCS would need to be replaced as the old and new systems might not be compatible, such as the change from analogue to digital format;
- (c) the prospective supplier would be selected from an open tendering exercise; and
- (d) in the light of past experience, competitive bids had been received from vendors in the United States and Europe.

Broadcast-related issues

75. Ms Claudia MO enquired whether the audio reception quality of mobile devices would be improved after replacement of the existing RCS and data communication networks in ABT and TCT. Dr KWOK Ka-ki expressed concern about the poor quality of in-tunnel broadcast, such as inside CHT. In this connection, CE(BCF&TS)(Ag) advised that:

- (a) the new RCS would adopt digital radio communication technology to enable better communication among tunnel staff and with the control room, while the coverage of indoor and in-tunnel radio communication would also be enhanced;
- (b) the quality of voice or data communication via 4G/5G networks in the tunnel areas was a matter for individual mobile services network operators; and
- (c) funding approval had been obtained earlier on for the installation of radio re-broadcasting system for digital audio broadcasting at government tunnels, thereby improving the broadcast quality.

76. Referring to their own experience, Ms Claudia MO and Mr WU Chi-wai relayed concerns about unsatisfactory radio reception inside tunnels. Mr WU enquired whether opportunity would be taken to also carry out enhancement works in this regard. CE(BCF&TS)(Ag) said that the Government would review the matter with the tunnel operators. If there was a need for enhancement, funding would be sought and the feasibility of carrying out enhancement works in tandem with the replacement of existing systems could be considered.

77. Mr Charles MOK remarked that on some occasions, the information disseminated by radio break-in to tunnel users was irrelevant as it pertained to traffic conditions of the other bound. CE(BCF&TS)(Ag) highlighted that the break-in service provided real-time traffic information on all tunnels to facilitate tunnel users in planning their journeys/routes.

Voting on FCR(2020-21)25

78. At 7:07 pm, the Chairman put item FCR(2020-21)25 to vote. The Chairman declared that he thought the majority of the members present and voting were in favour of the item. The item was approved.

79. The meeting ended at 7:07 pm.

Legislative Council Secretariat  
23 November 2020

財務委員會

在 2020 年 7 月 3 日的會議上  
根據《財務委員會會議程序》第 37A 段  
就議程項目 FCR(2020-21)21 通過的議案

鑒於短期合約的女性僱員，若在懷孕期間被終止到期的合約，便會喪失產假及新增的額外四星期有薪產假的保障，本委員會促請政府在推行此項新增四星期有薪產假的政策時，應訂立措施以防止合約僱員雖然在長期的工作崗位上，因合約終止而喪失了此政策的保障。

動議人：張超雄議員

(Translation)

**Finance Committee**

**Motion passed under paragraph 37A of the  
Finance Committee Procedure in relation to  
agenda item FCR(2020-21)21 at the meeting on 3 July 2020**

Given that if a female employee employed under a short-term contract has her expiring contract terminated during pregnancy, she will be deprived of maternity leave and will not be protected under the newly-introduced additional four weeks' paid maternity leave, this Committee urges the Government to, in implementing the policy on providing the additional four weeks' paid maternity leave, adopt measures to prevent contract employees, despite being employed to fill long-term posts, from being deprived of the policy protection upon the termination of their contracts.

Moved by : Dr Hon Fernando CHEUNG Chiu-hung

# 附錄 II

## Appendix II

點名表決 DIVISION: 2  
 日期 DATE: 03/07/2020  
 時間 TIME: 04:13:49 下午 PM

動議 MOTION: 委員根據《財務委員會會議程序》第 37A 段動議並經委員會同意立即予以處理的議案  
 Motion moved under paragraph 37A of the Finance Committee Procedure and agreed by the Committee to be proceeded forthwith

動議人 MOVED BY:

出席 Present : 33  
 投票 Vote : 32  
     贊成 Yes : 24  
     反對 No : 6  
     棄權 Abstain : 2  
 結果 Result : 通過 Passed

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
陳健波	CHAN Kin-por	出席	PRESENT	葉建源	IP Kin-yuen	贊成	YES
涂謹申	James TO	贊成	YES	葛珮帆	Elizabeth QUAT		
梁耀忠	LEUNG Yiu-chung	贊成	YES	廖長江	Martin LIAO		
石禮謙	Abraham SHEK	反對	NO	潘兆平	POON Siu-ping	贊成	YES
張宇人	Tommy CHEUNG	反對	NO	蔣麗芸	Dr CHIANG Lai-wan		
李國麟	Prof Joseph LEE	贊成	YES	盧偉國	Ir Dr LO Wai-ki		
林健鋒	Jeffrey LAM	反對	NO	鍾國斌	CHUNG Kwok-pan		
黃定光	WONG Ting-kwong			楊岳橋	Alvin YEUNG	贊成	YES
李慧琼	Starry LEE			尹兆堅	Andrew WAN		
陳克勤	CHAN Hak-kan			朱凱迪	CHU Hoi-dick		
梁美芬	Dr Priscilla LEUNG	棄權	ABSTAIN	吳永嘉	Jimmy NG	棄權	ABSTAIN
黃國健	WONG Kwok-kin	贊成	YES	何君堯	Dr Junius HO	反對	NO
葉劉淑儀	Mrs Regina IP			林卓廷	LAM Cheuk-ting	贊成	YES
謝偉俊	Paul TSE			周浩鼎	Holden CHOW		
毛孟靜	Claudia MO	贊成	YES	邵家輝	SHIU Ka-fai		
田北辰	Michael TIEN			邵家臻	SHIU Ka-chun	贊成	YES
何俊賢	Steven HO			柯創盛	Wilson OR		
易志明	Frankie YICK	反對	NO	容海恩	YUNG Hoi-yan		
胡志偉	WU Chi-wai	贊成	YES	陳沛然	Dr Pierre CHAN	贊成	YES
姚思榮	YIU Si-wing	反對	NO	陳振英	CHAN Chun-ying		
馬逢國	MA Fung-ki			陳淑莊	Tanya CHAN	贊成	YES
莫乃光	Charles Peter MOK	贊成	YES	張國鈞	CHEUNG Kwok-kwan		
陳志全	CHAN Chi-chuen	贊成	YES	許智峯	HUI Chi-fung	贊成	YES
陳恒鑄	CHAN Han-pan			陸頌雄	LUK Chung-hung		
梁志祥	LEUNG Che-cheung			劉國勳	LAU Kwok-fan		
梁繼昌	Kenneth LEUNG			劉業強	Kenneth LAU		
麥美娟	Alice MAK			鄭松泰	Dr CHENG Chung-tai	贊成	YES
郭家麒	Dr KWOK Ka-ki			鄭俊宇	KWONG Chun-yu	贊成	YES
郭偉強	KWOK Wai-keung	贊成	YES	譚文豪	Jeremy TAM	贊成	YES
郭榮鏗	Dennis KWOK	贊成	YES	鄭泳舜	Vincent CHENG		
張華峰	Christopher CHEUNG			謝偉銓	Tony TSE		
張超雄	Dr Fernando CHEUNG	贊成	YES	陳凱欣	CHAN Hoi-yan	贊成	YES
黃碧雲	Dr Helena WONG	贊成	YES				

秘書 CLERK

