

LEGISLATIVE COUNCIL

MINUTES

No. 1

Minutes of the meeting held on Wednesday 8 October 2003 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, GBS, JP

The Hon Cyd HO Sau-lan

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

Dr the Hon Eric LI Ka-cheung, GBS, JP

Dr the Hon David LI Kwok-po, GBS, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing, JP

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching, JP
The Hon Bernard CHAN, JP
The Hon CHAN Kam-lam, JP
The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
The Hon LEUNG Yiu-chung
The Hon SIN Chung-kai
The Hon Andrew WONG Wang-fat, JP
Dr the Hon Philip WONG Yu-hong, GBS
The Hon WONG Yung-kan
The Hon Jasper TSANG Yok-sing, GBS, JP
The Hon Howard YOUNG, SBS, JP
Dr the Hon YEUNG Sum
The Hon YEUNG Yiu-chung, BBS
The Hon LAU Chin-shek, JP
The Hon LAU Kong-wah, JP
The Hon LAU Wong-fat, GBS, JP
The Hon Miriam LAU Kin-yee, JP
The Hon Ambrose LAU Hon-chuen, GBS, JP
The Hon Emily LAU Wai-hing, JP
The Hon CHOY So-yuk
The Hon Andrew CHENG Kar-foo
The Hon SZETO Wah
Dr the Hon LAW Chi-kwong, JP
The Hon TAM Yiu-chung, GBS, JP
Dr the Hon TANG Siu-tong, JP
The Hon Abraham SHEK Lai-him, JP
The Hon LI Fung-ying, JP

The Hon Henry WU King-cheong, BBS, JP

The Hon Tommy CHEUNG Yu-yan, JP

The Hon Michael MAK Kwok-fung

The Hon Albert CHAN Wai-yip

The Hon LEUNG Fu-wah, MH, JP

Dr the Hon LO Wing-lok, JP

The Hon WONG Sing-chi

The Hon Frederick FUNG Kin-kee

The Hon IP Kwok-him, JP

The Hon LAU Ping-cheung

The Hon Audrey EU Yuet-mee, SC, JP

The Hon MA Fung-kwok, JP

Members absent:

Dr the Hon David CHU Yu-lin, JP

The Hon CHAN Kwok-keung, JP

The Hon CHAN Yuen-han, JP

The Hon Timothy FOK Tsun-ting, SBS, JP

Public officers attending:

The Hon Donald TSANG Yam-kuen, GBM, JP

The Chief Secretary for Administration

The Hon Henry TANG Ying-yen, GBS, JP

The Financial Secretary

The Hon Elsie LEUNG Oi-sie, GBM, JP

The Secretary for Justice

The Hon Michael SUEN Ming-yeung, GBS, JP

Secretary for Housing, Planning and Lands

Prof the Hon Arthur LI Kwok-cheung, GBS, JP

Secretary for Education and Manpower

Dr the Hon YEOH Eng-kiong, JP
Secretary for Health, Welfare and Food

The Hon Joseph WONG Wing-ping, GBS, JP
Secretary for the Civil Service

Dr the Hon Patrick HO Chi-ping, JP
Secretary for Home Affairs

The Hon Stephen IP Shu-kwan, GBS, JP
Secretary for Economic Development and Labour

Dr the Hon Sarah LIAO Sau-tung, JP
Secretary for the Environment, Transport and Works

The Hon Frederick MA Si-hang, JP
Secretary for Financial Services and the Treasury

The Hon Stephen LAM Sui-lung, JP
Secretary for Constitutional Affairs

The Hon Ambrose LEE Siu-kwong, IDSM, JP
Secretary for Security

The Hon John TSANG Chun-wah, JP
Secretary for Commerce, Industry and Technology

Prof LAU Siu-kai, JP
Head, Central Policy Unit

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Road Traffic (Temporary Reduction of New Territories Taxi Fares) Regulation 2003 (Repeal) Regulation (gazetted on 11.7.2003)	187/2003
2. Road Traffic (Temporary Reduction of New Territories Taxi Fares) (No. 2) Regulation 2003 (Repeal) Regulation (gazetted on 11.7.2003)	188/2003
3. Legislative Council (Amendment) Ordinance 2003 (25 of 2003) (Commencement) Notice 2003 (gazetted on 11.7.2003)	189/2003
4. Specification of Public Office (gazetted on 18.7.2003)	192/2003
5. Practising Certificate (Solicitors) (Amendment) Rules 2003 (gazetted on 18.7.2003)	193/2003
6. Fire Services (Amendment) Ordinance 2003 (7 of 2003) (Commencement) Notice 2003 (gazetted on 18.7.2003)	194/2003
7. Betting Duty (Amendment) Ordinance 2003 (29 of 2003) (Commencement) Notice 2003 (gazetted on 18.7.2003)	195/2003
8. Aerial Ropeways (Operation and Maintenance) (Amendment) Regulation 2003 (L.N. 122 of 2003) (Commencement) Notice 2003 (gazetted on 18.7.2003)	196/2003
9. Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) Order 2003 (gazetted on 25.7.2003)	197/2003
10. Declaration of Markets Notice (Amendment) Declaration 2003 (gazetted on 25.7.2003)	198/2003
11. Rules of the High Court (Amendment) Rules 2003 (Repeal) Rules (gazetted on 1.8.2003)	199/2003
12. Tax Reserve Certificates (Rate of Interest) (No. 3) Notice 2003 (gazetted on 1.8.2003)	200/2003
13. Foreign Lawyers Practice (Amendment) Rules 2003 (L.N. 111 of 2003) (Commencement) Notice 2003 (gazetted on 1.8.2003)	201/2003

14. Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 6) Notice 2003 (gazetted on 29.8.2003)	202/2003
15. Tax Reserve Certificates (Rate of Interest) (No. 4) Notice 2003 (gazetted on 29.8.2003)	203/2003
16. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 3) Order 2003 (gazetted on 5.9.2003)	204/2003
17. Statutes of the University of Hong Kong (Amendment) (No. 3) Statute 2003 (gazetted on 5.9.2003)	205/2003
18. Declaration of Change of Title (The Hong Kong Society of Notaries) Notice 2003 (gazetted on 19.9.2003)	206/2003
19. Airport Authority Ordinance (Map of Restricted Area) Order (Cap. 483 sub. leg. G) (Commencement) Notice 2003 (gazetted on 19.9.2003)	207/2003
20. Air Passenger Departure Tax Ordinance (Amendment of Second Schedule) Order 2003 (gazetted on 27.9.2003)	208/2003
21. Matrimonial Causes (Amendment) Rules 2003 (gazetted on 3.10.2003)	209/2003
22. Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 7) Notice 2003 (gazetted on 3.10.2003)	210/2003
23. Copyright (Amendment) Ordinance 2003 (27 of 2003) (Commencement) Notice 2003 (gazetted on 3.10.2003)	211/2003
24. Dutiable Commodities (Amendment) Regulation 2003 (L.N. 136 of 2003) (Commencement) Notice 2003 (gazetted on 3.10.2003)	212/2003
25. Statutes of The Chinese University of Hong Kong (Amendment) (No. 2) Statute 2003 (gazetted on 3.10.2003)	213/2003

Other Papers

No.1	-	Report by the Trustee of the Customs and Excise Service Children's Education Trust Fund for the year ending 31 March 2003, together with the Director of Audit's Report and the Audited Statement of Accounts (published on 3.10.2003)
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- No.2 - Summary of the Statement of Accounts of the Customs and Excise Service Welfare Fund, together with the Director of Audit's Report and the Audited Statement of Accounts (published on 3.10.2003)
- No.3 - The Legislative Council Commission Annual Report 2002-2003 (published on 7.10.2003)

Questions

1. Hon Howard YOUNG asked Question 1.

The Secretary for Economic Development and Labour replied.

Six Members asked supplementaries and the Secretary for Economic Development and Labour replied.

2. Dr Hon YEUNG Sum asked Question 2.

The Secretary for Constitutional Affairs replied.

Six Members asked supplementaries and the Secretary for Constitutional Affairs replied.

3. Hon CHOY So-yuk asked Question 3.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

4. Ir Dr Hon HO Chung-tai asked Question 4.

The Secretary for Health, Welfare and Food replied.

Nine Members asked supplementaries and the Secretary for Health, Welfare and Food replied.

5. Hon LAU Kong-wah asked Question 5.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

6. Hon NG Leung-sing asked Question 6.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

Written replies to Questions 7 to 20 were tabled for Members' information.

Statements

The Chief Secretary for Administration made a statement on the Legislative Programme 2003/04.

One Member asked a question to seek elucidation on the statement and the Chief Secretary for Administration replied.

Bills

Second Reading

Supplementary Appropriation (2002-2003) Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 18 June 2003 resumed.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Supplementary Appropriation (2002-2003) Bill**.

Question that clauses 1 and 2 stand part of the Bill proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services and the Treasury reported that

the **Supplementary Appropriation (2002-2003) Bill**

had passed through the Committee without amendment. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

Motions

Proposed resolution under the Air Passenger Departure Tax Ordinance

The Secretary for Financial Services and the Treasury moved the following motion and addressed the Council:

Resolved that with effect from the day immediately following the expiry of 3 months from the date on which this Resolution is passed the First Schedule to the Air Passenger Departure Tax Ordinance be amended in item 1 by repealing "\$80" and substituting "\$120".

Question on the motion proposed.

A Member spoke on the motion.

Question on the motion put and agreed to.

Members' Motions

Calling on the Chief Executive Mr TUNG Chee-hwa to step down

Hon Emily LAU moved the following motion and addressed the Council:

That, as there has been retrogression in human rights, the rule of law and economic development in Hong Kong and democratization of the political system has remained stagnant under the administration of the Chief Executive Mr TUNG Chee-hwa, prompting the public to make repeated demands for him to step down, this Council calls on Mr TUNG to take the responsibility and resign in accordance with the wishes of the people.

Question on the motion proposed.

Five Members and Dr Hon David LI spoke on the motion.

While Dr Hon David LI was speaking, the President left the chair at 5:35 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another seven Members and Hon Cyd HO spoke on the motion.

At 6:25 pm, while Hon Cyd HO was speaking, the President resumed the chair.

Five more Members, the Secretary for Justice, the Secretary for Constitutional Affairs and the Chief Secretary for Administration spoke on the motion.

Hon Emily LAU replied.

Question on the motion put.

Hon Emily LAU claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 27 were present, five were in favour of the motion and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 16 were in favour of the motion and nine against it. (Voting record in the Appendix.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

Facing up to the transport needs of people with disabilities

Hon LEUNG Yiu-chung moved the following motion and addressed the Council:

That this Council expresses strong dissatisfaction with the failure of the government departments concerned to face up to the transport needs of people with disabilities and give full effect to the relevant motion passed by this Council in the 2002-03 session, and demands the Administration to act immediately to press various public transport operators to offer half-fare concessions to people with disabilities and to improve their facilities so as to reduce the barriers to them, as well as to expeditiously improve the Rehabus service.

Question on the motion proposed.

11 Members and the Secretary for the Environment, Transport and Works spoke on the motion.

Hon LEUNG Yiu-chung replied.

Question on the motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 15 October 2003 at 2:30 pm.

The Council was adjourned at 9:18 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 08/10/2003
 時間 TIME: 07:44:47 下午

動議 MOTION: 「要求行政長官董建華先生下台」議案
 MOTION "CALLING ON THE CHIEF EXECUTIVE MR TUNG CHEE-HWA TO STEP DOWN"

動議人 MOVED BY: 劉慧卿 Emily LAU

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	27	26	
投票 Vote	27	25	
贊成 Yes	5	16	
反對 No	22	9	
棄權 Abstain	0	0	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

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

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Dr Eric LI	反對 NO	李柱銘 Martin LEE	贊成 YES
李國寶 Dr David LI	反對 NO	李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah	反對 NO	涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	
陳國強 CHAN Kwok-keung		曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN		楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG	反對 NO	劉慧卿 Emily LAU	贊成 YES
黃谷根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK		鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 Dr LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	反對 NO	朱幼麟 Dr David CHU	
葉國謙 IP Kwok-him	反對 NO	吳亮星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	反對 NO
		劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	

秘書 CLERK