

# LEGISLATIVE COUNCIL

## MINUTES

### No. 4

---

Minutes of the meeting held on Wednesday 22 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

Dr the Hon David CHU Yu-lin, 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 CHAN Kwok-keung, JP  
The Hon CHAN Yuen-han, 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  
The Hon Timothy FOK Tsun-ting, SBS, JP  
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

**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  
  
Dr the Hon YEOH Eng-kiong, JP  
Secretary for Health, Welfare and Food  
  
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 Ambrose LEE Siu-kwong, IDSM, JP  
Secretary for Security

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

**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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
1. Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2003 (gazetted on 17.10.2003)	221/2003
2. Dutiable Commodities Ordinance (Amendment of Schedules 1A and 1B) Notice 2003 (gazetted on 17.10.2003)	222/2003
3. Import and Export Ordinance (Amendment of Schedules 2 and 3) Notice 2003 (gazetted on 17.10.2003)	223/2003

### **Other Papers**

- No.10 - The Land Registry Trading Fund Hong Kong 2002/2003 Annual Report (published on 16.10.2003)
- No.11 - Companies Registry Annual Report 2002-03 (published on 17.10.2003)
- No.12 - Hongkong Post Annual Report 2002/03 (published on 17.10.2003)
- No.13 - Environment and Conservation Fund Trustee Report 2002-2003 (published on 20.10.2003)

### **Questions**

1. Hon Mrs Selina CHOW asked Question 1.

The Secretary for Commerce, Industry and Technology replied.

Six Members asked supplementaries. The Secretary for Commerce, Industry and Technology and the Secretary for Financial Services and the Treasury replied respectively.

2. Hon WONG Yung-kan asked Question 2.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

3. Hon CHAN Yuen-han asked Question 3.

The Secretary for Health, Welfare and Food replied.

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

4. Hon Fred LI asked Question 4.

The Secretary for the Environment, Transport and Works replied.

Five Members asked supplementaries and the Secretary for the Environment, Transport and Works replied.

5. Hon Albert HO asked Question 5.

The Secretary for Home Affairs replied.

Five Members asked supplementaries and the Secretary for Home Affairs replied.

6. Hon Albert CHAN asked Question 6.

The Chief Secretary for Administration replied.

Seven Members asked supplementaries and the Chief Secretary for Administration replied.

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

### **Statements**

The Financial Secretary made a statement on Hong Kong's Economy and the Management of Public Finances.

20 Members asked questions to seek elucidation on the statement and the Financial Secretary replied.

### **Bills**

#### **First Reading**

##### **Road Traffic (Amendment) Bill 2003**

The Bill was read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

## **Second Reading**

### **Road Traffic (Amendment) Bill 2003**

The Secretary for the Environment, Transport and Works moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

## **Motions**

### **Proposed resolution under the Western Harbour Crossing Ordinance**

The Secretary for the Environment, Transport and Works moved the following motion and addressed the Council:

Resolved that the Western Harbour Crossing (Amendment) Bylaw 2003, made by the Western Harbour Tunnel Company Limited on 30 September 2003, be approved.

Question on the motion proposed, put and agreed to.

## **Members' Motions**

### **Indoor air quality**

Hon CHOY So-yuk moved the following motion and addressed the Council:

That, as good indoor air quality is essential to healthy living and conducive to reducing the threat of the Severe Acute Respiratory Syndrome and other respiratory diseases, this Council urges the Government to expeditiously account for the progress in implementing the "Indoor Air Quality Management Programme", promptly and fully implement the relevant proposals, including formulating relevant laws and regulations, and at the same time educate the public extensively on the correct ways to keep the indoor air fresh, so as to prevent poor indoor air quality from doing harm to people's health.

While Hon CHOY So-yuk was addressing the Council, the President left the chair at 5:57 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon CHOY So-yuk's motion proposed.

The President's Deputy stated that Hon Howard YOUNG would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Hon Howard YOUNG moved the following amendment to Hon CHOY So-yuk's motion and addressed the Council:

To delete ", promptly and fully" after "this Council urges the Government to expeditiously account for the progress in implementing the 'Indoor Air Quality Management Programme' " and substitute with "and, taking into account the pace of economic recovery and after assessing the impacts on the business environment, gradually"; and to delete ", including formulating relevant laws and regulations" after "implement the relevant proposals" and substitute with "on a voluntary basis".

Question on Hon Howard YOUNG's amendment to Hon CHOY So-yuk's motion proposed.

Nine Members spoke on the motion and the amendment.

Hon CHOY So-yuk spoke on the amendment.

At 6:55 pm, while Hon CHOY So-yuk was speaking, the President resumed the chair.

The Secretary for the Environment, Transport and Works spoke on the motion and the amendment.

Question on Hon Howard YOUNG's amendment to Hon CHOY So-yuk's motion put.

Hon CHOY So-yuk 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, 19 were present, six were in favour of the amendment, eight against it and five abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, one was in favour of the amendment, 11 against it and nine abstained. (Voting record in Appendix I.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.



Hon CHOY So-yuk replied.

Question on Hon CHOY So-yuk's motion put.

Hon Howard YOUNG 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, 19 were present, 13 were in favour of the motion and six against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present and 23 were in favour of the motion. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

**Elderly persons taking up permanent residence in the Mainland**

Hon CHAN Kam-lam moved the following motion and addressed the Council:

That, as the existing policy fails to meet the needs of the elderly persons who intend to take up permanent residence in the Mainland, this Council urges the Government to:

- (a) extend the "Portable Comprehensive Social Security Assistance Scheme" to places outside Guangdong Province;
- (b) solve the medical problems encountered by elderly persons who take up permanent residence in the Mainland and continue to receive Comprehensive Social Security Assistance; and
- (c) relax the limits of absence from Hong Kong for Old Age Allowance recipients.

Question on the motion proposed.

Five Members spoke on the motion.

Hon TAM Yiu-chung declared his interest as the Chairman of the Elderly Commission and a member of the Advisory Committee of International Social Service Hong Kong Branch and spoke on the motion.

Another Member and the Secretary for Health, Welfare and Food spoke on the motion.

Hon CHAN Kam-lam 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 29 October 2003 at 2:30 pm.

The Council was adjourned at 8:50 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

# Appendix I

投票 VOTE: 1  
日期 DATE: 22/10/2003  
時間 TIME: 07:35:18 下午

動議 MOTION: 楊孝華議員對蔡素玉議員就「室內空氣質素」所提議案作出的修正案  
AMENDMENT BY HON HOWARD YOUNG TO HON CHOY SO-YUK'S MOTION ON  
"INDOOR AIR QUALITY"

動議人 MOVED BY: 楊孝華Howard YOUNG

	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	19	22	
投票 Vote	19	21	
贊成 Yes	6	1	
反對 No	8	11	
棄權 Abstain	5	9	
結果 Result	否決 Negatived	否決 Negatived	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	贊成 YES	何秀蘭 Cyd HO	反對 NO
田北俊 James TIEN		何俊仁 Albert HO	
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	反對 NO
李家祥 Dr Eric LI		李柱銘 Martin LEE	棄權 ABSTAIN
李國寶 Dr David LI		李華明 Fred LI	棄權 ABSTAIN
呂明華 Dr LUI Ming-wah	反對 NO	涂謹申 James TO	棄權 ABSTAIN
吳靄儀 Margaret NG		陳婉嫻 CHAN Yuen-han	反對 NO
周梁淑怡 Mrs Selina CHOW		陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	
許長青 HUI Cheung-ching	棄權 ABSTAIN	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN	棄權 ABSTAIN	楊森 Dr YEUNG Sum	棄權 ABSTAIN
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	劉千石 LAU Chin-shek	反對 NO
單仲偕 SIN Chung-kai	棄權 ABSTAIN	劉江華 LAU Kong-wah	
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	贊成 YES	鄭家富 Andrew CHENG	棄權 ABSTAIN
劉皇發 LAU Wong-fat	贊成 YES	司徒華 SZETO Wah	棄權 ABSTAIN
劉健儀 Miriam LAU	贊成 YES	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK		鄧兆棠 Dr TANG Siu-tong	棄權 ABSTAIN
羅致光 Dr LAW Chi-kwong	棄權 ABSTAIN	陳偉業 Albert CHAN	棄權 ABSTAIN
石禮謙 Abraham SHEK		黃成智 WONG Sing-chi	棄權 ABSTAIN
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	
胡經昌 Henry WU		余若薇 Audrey EU	反對 NO
張宇人 Tommy CHEUNG	贊成 YES	選舉委員會 Election Committee	
麥國風 Michael MAK	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
梁富華 LEUNG Fu-wah		朱幼麟 Dr David CHU	
勞永樂 Dr LO Wing-lok	反對 NO	吳亮星 NG Leung-sing	反對 NO
葉國謙 IP Kwok-him	反對 NO	楊耀忠 YEUNG Yiu-chung	反對 NO
劉炳章 LAU Ping-cheung		劉漢銓 Ambrose LAU	
		馬達國 MA Fung kwok	

秘書 CLERK

## Appendix II

投票 VOTE: 2  
日期 DATE: 22/10/2003  
時間 TIME: 07:40:29 下午

動議 MOTION: 「室內空氣質素」議案  
MOTION "INDOOR AIR QUALITY"

動議人 MOVED BY: 蔡素玉 CHOY So-yuk

	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	19	24	
投票 Vote	19	23	
贊成 Yes	13	23	
反對 No	6	0	
棄權 Abstain	0	0	
結果 Result	通過 Passed	通過 Passed	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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN		何俊仁 Albert HO	
何鍾泰 Dr Raymond HO	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Dr Eric LI		李柱銘 Martin LEE	贊成 YES
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah	贊成 YES	涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG		陳婉嫻 CHAN Yuen-han	贊成 YES
周梁淑怡 Mrs Selina CHOW		陳鑑林 CHAN Kam-lam	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	
許長青 HUI Cheung-ching	贊成 YES	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung	贊成 YES	曾鈺成 TSANG Yok-sing	贊成 YES
陳智思 Bernard CHAN	贊成 YES	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	
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	贊成 YES
黃谷根 WONG Yung-kan	贊成 YES	蔡素玉 CHOY So-yuk	贊成 YES
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	贊成 YES
霍震霆 Timothy FOK		鄧兆棠 Dr TANG Siu-tong	贊成 YES
羅致光 Dr LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK		黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	
胡經昌 Henry WU		余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	<b>選舉委員會 Election Committee</b>	
梁富華 LEUNG Fu-wah		范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	贊成 YES	朱幼麟 Dr David CHU	
葉國謙 IP Kwok-him	贊成 YES	吳亮星 NG Leung-sing	贊成 YES
劉炳章 LAU Ping-cheung		楊耀忠 YEUNG Yiu-chung	贊成 YES
		劉漢銓 Ambrose LAU	贊成 YES
		馬逢國 MA Fung kwok	

秘書 CLERK