

LEGISLATIVE COUNCIL

MINUTES

No. 22

Minutes of the meeting held on Wednesday 17 March 2004 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 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
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 Timothy FOK Tsun-ting, SBS, JP

Public officers attending:

The Hon Donald TSANG Yam-kuen, GBM, JP
The Chief Secretary for Administration

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

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

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. Patents (General) (Amendment) Rules 2004 (gazetted on 12.3.2004)	37/2004
2. Registered Designs (Amendment) Rules 2004 (gazetted on 12.3.2004)	38/2004
3. Trade Marks (Amendment) Rules 2004 (gazetted on 12.3.2004)	39/2004
4. Intellectual Property (Miscellaneous Amendments) Ordinance 2001 (2 of 2001) (Commencement) Notice 2004 (gazetted on 12.3.2004)	40/2004
5. Mutual Legal Assistance in Criminal Matters (Philippines) Order (Cap. 525 sub. leg. K) (Commencement) Notice 2004 (gazetted on 12.3.2004)	41/2004

Other Papers

- No.71 - Hong Kong Tourism Board
2002/2003 Annual Report (published on 11.3.2004)
- No.72 - Audited Financial Statements and Report on
Activities of the Hong Kong Examinations and
Assessment Authority for the year ending 31 August
2003 (published on 12.3.2004)

Questions

1. Dr Hon TANG Siu-tong asked Question 1.

The Secretary for Home Affairs replied.

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

2. Hon TAM Yiu-chung asked Question 2.

The Secretary for the Environment, Transport and Works replied.

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

3. Hon MA Fung-kwok asked Question 3.

The Secretary for Constitutional Affairs replied.

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

4. Hon Audrey EU asked Question 4.

The Secretary for the Environment, Transport and Works replied.

Seven Members asked supplementaries. The Secretary for Financial Services and the Treasury and the Secretary for the Environment, Transport and Works replied.

5. Dr Hon LO Wing-lok asked Question 5.

The Secretary for Health, Welfare and Food replied.

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

6. Hon CHAN Kam-lam asked Question 6.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

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

Bills

First Reading

Criminal Procedure (Amendment) Bill 2004

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

Criminal Procedure (Amendment) Bill 2004

The Secretary for Security 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 Legal Aid Ordinance

The Chief Secretary for Administration moved the following motion and addressed the Council:

Resolved -

(a) that the Legal Aid Ordinance (Cap. 91) be amended -

(i) in section 5(1), by repealing "\$169,700" and substituting "\$155,800";

(ii) in section 5A(b) -

(A) by repealing "\$169,700" and substituting "\$155,800";

(B) by repealing "\$471,600" and substituting "\$432,900"; and

(b) that this Resolution shall come into operation on a day to be appointed by the Director of Administration by notice published in the Gazette.

Question on the motion proposed.

Hon Margaret NG spoke on the motion as Chairman of the Subcommittee on proposed resolution under section 7(a) of the Legal Aid Ordinance, and then in her personal capacity.

Another five Members spoke on the motion.

After declaring his interest that he had occasionally represented some legal aid applicants at legal proceedings, Hon Albert HO spoke on the motion.

The Chief Secretary for Administration replied.

Question on the motion put.

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

The President announced that 56 Members were present, 31 were in favour of the motion and 24 against it. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Proposed resolution under the Public Finance Ordinance

The Secretary for Financial Services and the Treasury moved the motion in Appendix II and addressed the Council.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Security and Guarding Services Ordinance

The Secretary for Security moved the following motion and addressed the Council:

That the notice, as annexed to this Motion, which specifies the revised criteria that a person must satisfy before the Commissioner of Police may, under the Security and Guarding Services Ordinance, issue to him a permit to do security work, be approved. (The annex in Appendix III.)

Question on the motion proposed.

After declaring her interest as the Chairman of Security and Guarding Services Industry Authority, Hon Miriam LAU spoke on the motion.

Another two Members spoke on the motion.

The Secretary for Security replied.

Question on the motion put and agreed to.

Members' Motions

Respecting and complying with the principles prescribed in the Basic Law

Hon James TO moved the following motion and addressed the Council:

That this Council urges the Task Force on Constitutional Development to consult, in a pragmatic manner, the public on concrete proposals of constitutional reform, to avoid unnecessary arguments, causing social polarisation and instability; and to express to the Central Government that the principles prescribed in the Basic Law shall be respected and complied with in implementing constitutional reform.

While Hon James TO was addressing the Council, the President left the chair at 5:55 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon James TO's motion proposed.

The President's Deputy stated that Hon TAM Yiu-chung 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 TAM Yiu-chung moved the following amendment to Hon James TO's motion and addressed the Council:

To delete "consult," after "Task Force on Constitutional Development to" and substitute with "expeditiously clarify,"; to add "with the Central Government the principles and procedure relating to constitutional development, and promote rational discussions among various sectors of the community; and to establish positive and interactive discussions with the Central Government, with a view to formulating, on the basis of respecting and strictly complying with the principles prescribed in the Basic Law, a constitutional development proposal that fully implements the concept of 'One Country, Two Systems' whereby Hong Kong people rule Hong Kong with a high degree of autonomy, so as to develop a democratic and stable situation in Hong Kong and avoid" after "in a pragmatic manner,"; to delete "the public on concrete proposals of constitutional reform, to avoid unnecessary arguments," before "causing social polarisation"; and to delete "; and to express to the Central Government that the principles prescribed in the Basic Law shall be respected and complied with in implementing constitutional reform" after "and instability".

Question on Hon TAM Yiu-chung's amendment to Hon James TO's motion proposed.

10 Members and Dr Hon YEUNG Sum spoke on the motion and the amendment.

At 7:19 pm, while Dr Hon YEUNG Sum was speaking, the President resumed the chair.

Another nine Members spoke on the motion and the amendment.

Hon James TO spoke on the amendment.

The Secretary for Constitutional Affairs and the Chief Secretary for Administration spoke on the motion and the amendment.

Question on Hon TAM Yiu-chung's amendment to Hon James TO's motion put.

Hon James TO 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, 24 were present, 19 were in favour of the amendment and five against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 10 were in favour of the amendment and 15 against it. (Voting record in Appendix IV.) 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 James TO replied.

Question on Hon James TO's motion put.

Hon IP Kwok-him 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, 24 were present, 10 were in favour of the motion, eight against it and six abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 15 were in favour of the motion and 10 against it. (Voting record in Appendix V.) 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.

Corporate social and environmental responsibility

Hon CHOY So-yuk moved the following motion, declared her interest as a non-remunerated adviser of Kingsway Asia S.R.I. Fund, and addressed the Council:

That, in order to enhance Hong Kong's international image and its position as a financial centre and achieve sustainable development, this Council urges the Government to expeditiously develop a partnership relationship with the business sector, public organizations and voluntary agencies,

etc, and to discuss with them to jointly formulate effective ways to implement the concept of corporate social and environmental responsibility; at the same time, the Government should direct the public sector to take the lead in implementing the relevant actions and, through extensive education and publicity, raise the public's awareness of corporate social and environmental responsibility as well as give impetus to the corporations concerned to shoulder their responsibility.

Question on the motion proposed.

After declaring his interest as the Chairperson of the Hong Kong Council of Social Service, Hon Bernard CHAN spoke on the motion.

Another seven Members and the Chief Secretary for Administration spoke on the motion.

Hon CHOY So-yuk 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 24 March 2004 at 2:30 pm.

The Council was adjourned at 10:10 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 17/03/2004
 時間 TIME: 05:29:50 下午

動議 MOTION: 根據《法律援助條例》動議決議案
 PROPOSED RESOLUTION UNDER THE LEGAL AID ORDINANCE

動議人 MOVED BY: 政務司司長 Chief Secretary for Administration

出席 Present :56
 投票 Vote :55
 贊成 Yes :31
 反對 No :24
 棄權 Abstain :0
 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
范徐麗泰	Mrs Rita FAN	出席	PRESENT	楊孝華	Howard YOUNG	贊成	YES
丁午壽	Kenneth TING	贊成	YES	楊森	Dr YEUNG Sum	反對	NO
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	贊成	YES
朱幼麟	Dr David CHU			劉千石	LAU Chin-shek	反對	NO
何秀蘭	Cyd HO	反對	NO	劉江華	LAU Kong-wah	贊成	YES
何俊仁	Albert HO	反對	NO	劉皇發	LAU Wong-fat	贊成	YES
何鍾泰	Dr Raymond HO	贊成	YES	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan	反對	NO	劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE	反對	NO	劉慧卿	Emily LAU	反對	NO
李家祥	Dr Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	贊成	YES
李國寶	Dr David LI			鄭家富	Andrew CHENG	反對	NO
李華明	Fred LI	反對	NO	司徒華	SZETO Wah	反對	NO
呂明華	Dr LUI Ming-wah	贊成	YES	霍震霆	Timothy FOK		
吳亮星	NG Leung-sing	贊成	YES	羅致光	Dr LAW Chi-kwong	反對	NO
吳靄儀	Margaret NG	反對	NO	譚耀宗	TAM Yiu-chung	贊成	YES
周梁淑怡	Mrs Selina CHOW	贊成	YES	鄧兆棠	Dr TANG Siu-tong	贊成	YES
涂謹申	James TO	反對	NO	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	李鳳英	LI Fung-ying	反對	NO
許長青	HUI Cheung-ching	贊成	YES	胡經昌	Henry WU	贊成	YES
陳國強	CHAN Kwok-keung	反對	NO	張宇人	Tommy CHEUNG	贊成	YES
陳婉嫻	CHAN Yuen-han	反對	NO	麥國風	Michael MAK	反對	NO
陳智思	Bernard CHAN	贊成	YES	陳偉業	Albert CHAN		
陳鑑林	CHAN Kam-lam	贊成	YES	梁富華	LEUNG Fu-wah	反對	NO
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	勞永樂	Dr LO Wing-lok	贊成	YES
梁耀忠	LEUNG Yiu-chung	反對	NO	黃成智	WONG Sing-chi	反對	NO
單仲偕	SIN Chung-kai	反對	NO	馮檢基	Frederick FUNG	反對	NO
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
黃宜弘	Dr Philip WONG	贊成	YES	劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	余若薇	Audrey EU	反對	NO
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok	贊成	YES

PUBLIC FINANCE ORDINANCE

RESOLUTION

(Under section 7(1) of the Public Finance
Ordinance (Cap. 2))

RESOLVED that -

1. Authority is hereby given for a sum not exceeding \$83,602,440,000 to be charged on the general revenue for expenditure on the services of the Government in respect of the financial year commencing on 1 April 2004.
2. Subject to this Resolution, the sum so charged may be expended against the heads of expenditure as shown in the Estimates of Expenditure 2004-05 laid before the Legislative Council on 10 March 2004 or, where the Estimates are changed under the provisions of the Public Finance Ordinance (Cap. 2) as applied by section 7(2) of that Ordinance, as shown in the Estimates as so changed.
3. Expenditure in respect of any head of expenditure shall not exceed the aggregate of the amounts authorized by paragraph 4 to be expended in respect of the subheads in that head of expenditure.

4. Expenditure in respect of each subhead in a head of expenditure shall not exceed -
- (a) in the case of an Operating Account Recurrent subhead of expenditure, an amount equivalent to -
 - (i) except where the subhead is listed in the Schedule to this Resolution, 20% of the provision shown in the Estimates in respect of that subhead;
 - (ii) where the subhead is listed in the Schedule to this Resolution, the percentage of the provision shown in the Estimates in respect of that subhead that is specified in the Schedule in relation to that subhead; and
 - (b) in the case of an Operating Account Non-Recurrent subhead of expenditure or Capital Account subhead of expenditure, an amount equivalent to 100% of the provision shown in the Estimates in respect of that subhead,
- or such other amount, not exceeding an amount equivalent to 100% of the provision shown in the Estimates in respect of that subhead, as may in any case be approved by the Financial Secretary.

SCHEDULE				[para. 4]
	Head of Expenditure		Subhead	Percentage of provision shown in Estimates
28	Civil Aviation Department	170	Airport insurance	100
46	General Expenses of the Civil Service	013	Personal allowances	40
90	Labour Department	280	Contribution to the Occupational Safety and Health Council	30
		295	Contribution to the Occupational Deafness Compensation Board	30
106	Miscellaneous Services	163	Write-offs	50
		192	Refunds of revenue	100
		284	Compensation	30
120	Pensions	021	Ex gratia pensions, awards, allowances and increases	50
		026	Employees' compensation, injury, incapacity and death related payments and expenses	50
170	Social Welfare Department	176	Criminal and law enforcement injuries compensation	60
		177	Emergency relief	100
		179	Comprehensive social security assistance scheme	25
		180	Social security allowance scheme	25

187	Agents' commission and expenses	100
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SECURITY AND GUARDING SERVICES ORDINANCE (Chapter 460)
(Notice under section 6(1)(b)(i))

CRITERIA FOR ISSUING A SECURITY PERSONNEL PERMIT

Take notice that, pursuant to section 6(1)(b)(i) of the Security and Guarding Services Ordinance, the Security and Guarding Services Industry Authority (hereafter referred to as “the Authority”) hereby specifies the following revised criteria (hereafter referred to as “the revised criteria”), which replace the ones published in G.N. 1224 on 28 February 2003 with effect from 1 April 2004, for issuing a permit under the said Ordinance. The criteria specified below in relation to a particular type of security work must be satisfied by a person before the Commissioner of Police may issue to him a permit under the said Ordinance to do that type of security work.

(A) Guarding work restricted to a “single private residential building”, the performance of which does not require the carrying of arms and ammunition (See Note 1)

- | | |
|----------------------------------|---|
| <p>(a) <i>Age</i></p> | <p>(i) The applicant must be 18 years of age or above on the date of application.</p> <p>(ii) If the applicant or permit holder is 65 years of age or above, he/she must produce a medical certificate (see Note 2) issued by a registered medical practitioner to certify that he/she is fit to undertake the duties required every two years.</p> |
| <p>(b) <i>Fitness</i></p> | <p>The applicant must be physically fit to perform the job. A medical certificate (see Note 2) issued by a registered medical practitioner may be required if the Commissioner of Police reasonably considers necessary.</p> |
| <p>(c) <i>Good Character</i></p> | <p>The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.</p> |

(d) *Proficiency in Security Work* The applicant must satisfy one of the followings:

- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application; or
- (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
- (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
- (iv) He/She must have sat and passed a course-end examination, within 1 year before submitting his/her application, of a security training course that has met the requirements of a scheme for quality assurance that has been endorsed by the Authority and announced in a manner that it thinks fit; or
- (v) He/She must produce a letter of employment from the prospective employer (see Note 5).

(B) Guarding work in respect of any persons, premises or properties, the performance of which does not require the carrying of arms and ammunition and which does not fall within Category A

(a) *Age* The applicant must be 18 years of age or above. The upper age limit for engaging in this type of security work is 65 years.

- (b) *Fitness* The applicant must be physically fit to perform the job. A medical certificate (see Note 2) issued by a registered medical practitioner may be required if the Commissioner of Police reasonably considers necessary.
- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.
- (d) *Proficiency in Security Work* The applicant must satisfy one of the followings:
- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application; or
 - (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
 - (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
 - (iv) He/She must have sat and passed a course-end examination, within 1 year before submitting his/her application, of a security training course that has met the requirements of a scheme for quality assurance that has been endorsed by the Authority and announced in a manner that it thinks fit; or
 - (v) He/She must produce a letter of employment from the prospective employer (see Note 5).

(C) Guarding work, the performance of which requires the carrying of arms and ammunition

- (a) *Age* The applicant must be 18 years of age or above. The upper age limit for engaging in this type of security work is 55 years.
- (b) *Fitness* The applicant must be physically fit to perform the job. A medical certificate (see Note 2) issued by a registered medical practitioner may be required if the Commissioner of Police reasonably considers necessary.
- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.
- (d) *Proficiency in Security Work* The applicant must satisfy one of the followings:
- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application; or
 - (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
 - (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
 - (iv) He/She must have sat and passed a course-end examination, within 1 year before submitting his/her application, of a security training course that has met the requirements of a scheme for quality assurance that has been endorsed by the

Authority and announced in a manner that it thinks fit; or

- (v) He/She must produce a letter of employment from the prospective employer (see Note 5).

(e) *Arms Licence* The applicant must possess a valid arms licence for the arms used on duty issued by the Commissioner of Police.

(D) Installation, maintenance and/or repairing of a security device and/or designing (for any particular premises or place) a system incorporating a security device

(a) *Age* The applicant must be 18 years of age or above.

(b) *Proficiency* The applicant shall have received appropriate training or can demonstrate the capability and proficiency (see Note 6) in the skills/technique required in performing his/her job.

(c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.

(d) *Certification of Employment by Prospective Employer* On his/her first application for a permit, the applicant must produce a letter of employment from the prospective employer.

Notes

(1) A single private residential building means an independent* structure -

- (a) covered by a roof and enclosed by walls extending from the foundation to the roof, and
- (b) used substantially for private residential purpose; and
- (c) with only one main access point⁺.

* A building is considered to be independent from another if on most of the floors, one cannot get access to the quarters on the same floor in the other building without going to an upper/lower floor, roof or the street.

⁺ 'Main access point' means the entrance gate or lift lobby or staircase commonly used by residents to gain access to their flats. This excludes emergency and fire exit.

(2) A standard medical certificate form is available from the Licensing Office of the Hong Kong Police Force.

- (3) The Commissioner of Police shall consider the nature of the criminal offence committed by the applicant and may refer the application to the Security and Guarding Services Industry Authority for decision under section 14(5)(b) of the Security and Guarding Services Ordinance. No person will normally be granted a permit if he/she -
- (a) was convicted of any offence specified in column 2 of Schedule 2 to the Security and Guarding Services Ordinance and the penalty imposed on him/her for that offence is the corresponding penalty specified in column 3 of that Schedule, within 5 years before submitting his/her application; or
 - (b) is currently on probation, bound over, remission or suspended sentence; or
 - (c) is within 3 years of release from a term of imprisonment; or
 - (d) was convicted of 3 or more offences within 5 years before submitting his/her application. Offences involving fixed penalty tickets, traffic summons, illegal hawking, article obstruction, littering, jaywalking and failing to answer Police or Court bail are considered minor and will be excluded.
- (4) Working experience may be substantiated by relevant documentary evidence, certification provided by employers or a statutory declaration of experience by the applicant.
- (5) Item (v) will cease to have effect on 1 October 2004.
- (6) The applicant shall attach copies of certificate of relevant technical training, or record of employment showing his/her experience in this type of security work.

Miriam LAU Kin-ye *Chairman, for and on behalf of the*
Security and Guarding Services Industry Authority

投票 VOTE: 2
 日期 DATE: 17/03/2004
 時間 TIME: 08:46:00 下午

動議 MOTION: 譚耀宗議員對涂謹申議員就「尊重及遵守《基本法》所訂定的原則」所提議案作出的修正案
 AMENDMENT BY HON TAM YIU-CHUNG TO HON JAMES TO'S MOTION ON
 "RESPECTING AND COMPLYING WITH THE PRINCIPLES PRESCRIBED IN THE BASIC
 LAW"

動議人 MOVED BY: 譚耀宗 TAM Yiu-chung

	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	24	26	
投票 Vote	24	25	
贊成 Yes	19	10	
反對 No	5	15	
棄權 Abstain	0	0	
結果 Result	通過 Passed	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	反對	NO
何鍾泰	Dr Raymond HO	贊成	YES	李卓人	LEE Cheuk-yan	反對	NO
李家祥	Dr Eric LI	贊成	YES	李柱銘	Martin LEE	反對	NO
李國寶	Dr David LI			李華明	Fred LI	反對	NO
呂明華	Dr LUI Ming-wah	贊成	YES	涂謹申	James TO	反對	NO
吳靄儀	Margaret NG	反對	NO	陳婉嫻	CHAN Yuen-han		
周梁淑怡	Mrs Selina CHOW	贊成	YES	陳鑑林	CHAN Kam-lam	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	梁耀忠	LEUNG Yiu-chung		
許長青	HUI Cheung-ching	贊成	YES	黃宏發	Andrew WONG	反對	NO
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	反對	NO
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	反對	NO	劉江華	LAU Kong-wah	贊成	YES
黃宜弘	Dr Philip WONG	贊成	YES	劉慧卿	Emily LAU	反對	NO
黃谷根	WONG Yung-kan	贊成	YES	蔡素玉	CHOY So-yuk	贊成	YES
楊孝華	Howard YOUNG	贊成	YES	鄭家富	Andrew CHENG	反對	NO
劉皇發	LAU Wong-fat	贊成	YES	司徒華	SZETO Wah	反對	NO
劉健儀	Miriam LAU	贊成	YES	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	反對	NO	陳偉業	Albert CHAN	反對	NO
石禮謙	Abraham SHEK			黃成智	WONG Sing-chi	反對	NO
李鳳英	LI Fung-ying	贊成	YES	馮檢基	Frederick FUNG		
胡經昌	Henry WU	贊成	YES	余若薇	Audrey EU	反對	NO
張宇人	Tommy CHEUNG			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	贊成	YES	朱幼麟	Dr David CHU		
勞永樂	Dr LO Wing-lok	贊成	YES	吳亮星	NG Leung-sing	贊成	YES
葉國謙	IP Kwok-him	贊成	YES	楊耀忠	YEUNG Yiu-chung	贊成	YES
劉炳章	LAU Ping-cheung			劉漢銓	Ambrose LAU	贊成	YES
				馬逢國	MA Fung kwok	贊成	YES

投票 VOTE: 3
 日期 DATE: 17/03/2004
 時間 TIME: 08:53:24 下午

動議 MOTION: 「尊重及遵守《基本法》所訂定的原則」議案
 MOTION "RESPECTING AND COMPLYING WITH THE PRINCIPLES PRESCRIBED IN THE BASIC LAW"

動議人 MOVED BY: 涂謹申 James TO

	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	24	26	
投票 Vote	24	25	
贊成 Yes	10	15	
反對 No	8	10	
棄權 Abstain	6	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:

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功能團體 Functional Constituencies				地方選區 Geographical Constituencies			
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田北俊	James TIEN			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	贊成	YES	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	贊成	YES	陳婉嫻	CHAN Yuen-han		
周梁淑怡	Mrs Selina CHOW	棄權	ABSTAIN	陳鑑林	CHAN Kam-lam	反對	NO
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梁劉柔芬	Mrs Sophie LEUNG	棄權	ABSTAIN	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
黃容根	WONG Yung-kan	反對	NO	蔡素玉	CHOY So-yuk	反對	NO
楊孝華	Howard YOUNG	棄權	ABSTAIN	鄭家富	Andrew CHENG	贊成	YES
劉皇發	LAU Wong-fat	棄權	ABSTAIN	司徒華	SZETO Wah	贊成	YES
劉健儀	Miriam LAU	棄權	ABSTAIN	譚耀宗	TAM Yiu-chung	反對	NO
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李鳳英	LI Fung-ying	贊成	YES	馮檢基	Frederick FUNG		
胡經昌	Henry WU	反對	NO	余若薇	Audrey EU	贊成	YES
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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	反對	NO
				馬逢國	MA Fung kwok	反對	NO

秘書 CLERK