

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 6 October 2004

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.ST.J., J.P.

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE MARTIN LEE CHU-MING, S.C., J.P.

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.S., J.P.

THE HONOURABLE FRED LI WAH-MING, J.P.

DR THE HONOURABLE LUI MING-WAH, J.P.

THE HONOURABLE MARGARET NG

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE BERNARD CHAN, J.P.

THE HONOURABLE CHAN KAM-LAM, J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, J.P.

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE HOWARD YOUNG, S.B.S., J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.S., J.P.

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE TIMOTHY FOK TSUN-TING, G.B.S., J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, J.P.

THE HONOURABLE LI FUNG-YING, B.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LI KWOK-YING, M.H.

DR THE HONOURABLE JOSEPH LEE KOK-LONG

THE HONOURABLE DANIEL LAM WAI-KEUNG, B.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.B.S., J.P.

THE HONOURABLE MA LIK, J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, S.B.S., J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE CHEUNG HOK-MING, S.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S.

THE HONOURABLE TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

CLERKS IN ATTENDANCE:

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TAKING OF LEGISLATIVE COUNCIL OATH

CLERK (in Cantonese): Honourable Members will now proceed to take the Oath.

CLERK (in Cantonese): Members will take the Oath in accordance with the order stated on the Agenda. When the name of a Member is called, will the Member please come forward to the table to take the Oath, and then sign on the printed version of the Oath.

CLERK (in Cantonese): Will Members please rise and remain standing until the end of the Oath-taking.

The Honourable James TIEN Pei-chun took the Legislative Council Affirmation

The Honourable Albert HO Chun-yan took the Legislative Council Affirmation

Ir Dr The Honourable Raymond HO Chung-tai took the Legislative Council Oath

The Honourable LEE Cheuk-yan took the Legislative Council Oath

The Honourable Martin LEE Chu-ming took the Legislative Council Oath

Dr The Honourable David LI Kwok-po took the Legislative Council Oath

The Honourable Fred LI Wah-ming took the Legislative Council Oath

Dr The Honourable LUI Ming-wah took the Legislative Council Oath

The Honourable Margaret NG took the Legislative Council Oath

The Honourable Mrs Selina CHOW LIANG Shuk-ye took the Legislative Council Oath

The Honourable Mrs Rita FAN HSU Lai-tai took the Legislative Council Oath

The Honourable James TO Kun-sun took the Legislative Council Oath

The Honourable CHEUNG Man-kwong took the Legislative Council Affirmation

The Honourable CHAN Yuen-han took the Legislative Council Oath

The Honourable Bernard CHAN took the Legislative Council Oath

The Honourable CHAN Kam-lam took the Legislative Council Oath

The Honourable Mrs Sophie LEUNG LAU Yau-fun took the Legislative Council Oath

The Honourable LEUNG Yiu-chung took the Legislative Council Affirmation

The Honourable SIN Chung-kai took the Legislative Council Oath

Dr The Honourable Philip WONG Yu-hong took the Legislative Council Oath

The Honourable WONG Yung-kan took the Legislative Council Oath

The Honourable Jasper TSANG Yok-sing took the Legislative Council Oath

The Honourable Howard YOUNG took the Legislative Council Oath

Dr The Honourable YEUNG Sum took the Legislative Council Oath

The Honourable LAU Chin-shek took the Legislative Council Oath

The Honourable LAU Kong-wah took the Legislative Council Oath

The Honourable LAU Wong-fat took the Legislative Council Oath

The Honourable Miriam LAU Kin-yeek took the Legislative Council Oath

The Honourable Emily LAU Wai-hing took the Legislative Council Affirmation

The Honourable CHOY So-yuk took the Legislative Council Oath

The Honourable Andrew CHENG Kar-foo took the Legislative Council Oath

The Honourable Timothy FOK Tsun-ting took the Legislative Council Oath

The Honourable TAM Yiu-chung took the Legislative Council Oath

The Honourable Abraham SHEK Lai-him took the Legislative Council Oath

The Honourable LI Fung-ying took the Legislative Council Oath

The Honourable Tommy CHEUNG Yu-yan took the Legislative Council Oath

The Honourable Albert CHAN Wai-yip took the Legislative Council Oath

The Honourable Frederick FUNG Kin-kee took the Legislative Council Oath

The Honourable Audrey EU Yuet-mee took the Legislative Council Oath

The Honourable Vincent FANG Kang took the Legislative Council Oath

The Honourable WONG Kwok-hing took the Legislative Council Oath

The Honourable LEE Wing-tat took the Legislative Council Affirmation

The Honourable LI Kwok-ying took the Legislative Council Oath

Dr The Honourable Joseph LEE Kok-long took the Legislative Council Oath

The Honourable Daniel LAM Wai-keung took the Legislative Council Oath

The Honourable Jeffrey LAM Kin-fung took the Legislative Council Affirmation

The Honourable MA Lik took the Legislative Council Oath

The Honourable Andrew LEUNG Kwan-yuen took the Legislative Council Affirmation

The Honourable Alan LEONG Kah-Kit took the Legislative Council Oath

The Honourable LEUNG Kwok-hung took the Legislative Council Affirmation

Dr The Honourable KWOK Ka-ki took the Legislative Council Oath

Dr The Honourable Fernando CHEUNG Chiu-hung took the Legislative Council Oath

The Honourable CHEUNG Hok-ming took the Legislative Council Oath

The Honourable WONG Ting-kwong took the Legislative Council Oath

The Honourable TONG Ka-wah took the Legislative Council Affirmation

The Honourable CHIM Pui-chung took the Legislative Council Affirmation

The Honourable Patrick LAU Sau-shing took the Legislative Council Oath

The Honourable Albert Jinghan CHENG took the Legislative Council Affirmation

The Honourable KWONG Chi-kin took the Legislative Council Oath

The Honourable TAM Heung-man took the Legislative Council Oath

CLERK (in Cantonese): That concludes the Oath-taking by Members. Please be seated.

ELECTION OF PRESIDENT

CLERK (in Cantonese): Council will now proceed to elect the President of the Council.

The election procedure has been set out in the Schedule to the Rules of Procedure. In accordance with Rule 1A, I now invite Mr James TIEN to preside at the election.

MR JAMES TIEN (in Cantonese): The Clerk to the Legislative Council issued a Notice on 30 September 2004 notifying Members that two valid nominations for the office of President had been received by him by the close of the nomination period on 28 September 2004. The nominees, in the order of receipt of the nominations by the Clerk, are Mr Albert HO and Mrs Rita FAN. Mr Albert

HO is nominated by Mr Andrew CHENG and seconded by Ms Audrey EU, Ms Margaret NG, Mr Fred LI, Mr Albert CHENG, Mr LEUNG Kwok-hung and Mr LEE Cheuk-yan. Mrs Rita FAN is nominated by Dr David LI and seconded by Mr Jasper TSANG, Dr Philip WONG, myself, Dr Raymond HO and Mr Abraham SHEK. In accordance with the election procedure, I hereby order a vote by secret ballot. Each Member present, including myself, will receive a ballot paper.

Do Members have any questions? If not, I now order that the ballot papers be distributed.

Honourable Members, on the ballot paper the names of the two candidates have been listed. A Member taking part in voting shall mark a "✓" only in the box opposite the name of the candidate of his/her choice on the paper. There is no need to write anything else on the ballot paper. Any ballot paper not marked, not properly marked or marked with more than a "✓" shall be discarded.

Then, will Members please fold the marked ballot papers once before dropping them into the ballot box.

Members may now mark a "✓" on the ballot paper and drop it in Mr Jasper TSANG.

MR JASPER TSANG (in Cantonese): May I ask whether the procedure of Mr LEUNG Kwok-hung taking affirmation could be deemed to have completed for he has not signed on the Affirmation? If the procedure is not completed, should we complete the procedure before we proceed to vote?

MR JAMES TIEN (in Cantonese): Secretary General.

CLERK (in Cantonese): Mr TSANG, it is not bound by any legislation that a Member must sign on the Affirmation or Oath he/she has taken. It is only an established practice over the past years that Members would sign on the Affirmation or Oath they have taken during the ceremony, which carries no legal effect.

MR JASPER TSANG (in Cantonese): Thank you.

MR JAMES TIEN (in Cantonese): Have Members marked a "✓" in the box already? Ballot papers will now be collected.

(After the collection of ballot papers)

MR JAMES TIEN (in Cantonese): I now order that the ballot papers be counted. Will Mr Andrew CHENG and Dr David LI, the Members who made the nominations, please come forward to supervise the counting of ballot papers.

As no seats are available, you may have to stand and watch. *(Laughter)*

(Mr Andrew CHENG and Dr David LI stood before the table to supervise the counting of ballot papers. The Clerk then reported the result to Mr James TIEN who checked the result for confirmation.)

MR JAMES TIEN (in Cantonese): Will Mr Andrew CHENG and Dr David LI please return to their seats.

Honourable Members, I now announce the result of the election: Mr Albert HO has received 25 votes; Mrs Rita FAN 34 votes, with one invalidated vote. I now declare Mrs Rita FAN President of the Legislative Council. *(Members clapped)*

Mrs Rita FAN, will you please take the Chair.

PRESIDENT (in Cantonese): Honourable Members, I think this is the first time that the press manages to make such an accurate projection of the election result. Over the next four years, this Legislative Council will face many sensitive issues which are both difficult to handle and complicated. Certainly, as Members all know, these include the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008.

In handling these issues which are relatively difficult to deal with, will the Legislative Council of this term be able to pool the wisdom of all Members for

concerted efforts together, so as to let the people of Hong Kong feel that this Legislative Council is capable of achieving something for them? I think it requires largely the efforts of all Members. As the President, the only undertaking I can make is that I will, as I have in the past, chair meetings without fear, without bias and without self-interest, and enforce the Rules of Procedure.

I hope the Legislative Council of this term can really enhance Hong Kong's people recognition of the legislature, inspire confidence in them. However, this is certainly not an achievement that I, assuming the humble role as President, can attain all by myself; rather it relies on the effort of all Members. I hope that Members will express their views to me and discuss them with me at any time. I also hope that I can get Members' co-operation.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) (No. 2) Order 2004	137/2004
Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) (No. 2) Order 2004.....	138/2004
Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 3) Notice 2004	141/2004
Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2004	142/2004
Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 2) Order 2004	143/2004
Declaration of Markets Notice (Amendment) (No. 2) Declaration 2004	144/2004

Clearing and Settlement Systems Ordinance (20 of 2004) (Commencement) Notice 2004.....	145/2004
Tax Reserve Certificates (Rate of Interest) (No. 5) Notice 2004	146/2004
Construction Workers Registration Ordinance (18 of 2004) (Commencement) Notice 2004.....	147/2004
Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) Notice 2004 (Repeal) Notice	148/2004
Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) (No. 2) Notice 2004	149/2004
Federation of Hong Kong Industries (Addition of a Scheduled Group) (No. 2) Notice 2004	150/2004
Hong Kong Sports Development Board (Repeal) Ordinance (11 of 2004) (Commencement) Notice 2004.....	151/2004
Professional Accountants (Amendment) Ordinance 2004 (23 of 2004) (Commencement) Notice 2004.....	152/2004
Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2004	153/2004

NEXT MEETING

PRESIDENT (in Cantonese): Members still have many important issues to deal with, so in accordance with Rule 14(1) of the Rules of Procedure, I now determine Wednesday, 13 October 2004 at 2.30 pm as the date and time for holding the next meeting. In accordance with Rule 14(5) of the Rules of Procedure, I now adjourn the Council until 2.30 pm next Wednesday.

Adjourned accordingly at twenty-three minutes to Four o'clock.