

LEGISLATIVE COUNCIL

MINUTES

No. 1

Minutes of the meeting held on Wednesday 6 October 2004 at 2:30 pm

Members present:

President

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

The Hon James TIEN Pei-chun, GBS, JP

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, S.B.St.J., JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, 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 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 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, JP

Dr the Hon Philip WONG Yu-hong, GBS

The Hon WONG Yung-kan, JP

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Howard YOUNG, SBS, JP

Dr the Hon YEUNG Sum

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, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon CHOY So-yuk

The Hon Andrew CHENG Kar-foo

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon Abraham SHEK Lai-him, JP

The Hon LI Fung-ying, BBS, JP

The Hon Tommy CHEUNG Yu-yan, JP

The Hon Albert CHAN Wai-yip

The Hon Frederick FUNG Kin-kee, JP

The Hon Audrey EU Yuet-mee, SC, JP

The Hon Vincent FANG Kang, JP

The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

The Hon LI Kwok-ying, MH

Dr the Hon Joseph LEE Kok-long

The Daniel LAM Wai-keung, BBS, JP
The Hon Jeffrey LAM Kin-fung, SBS, JP
The Hon MA Lik, JP
The Hon Andrew LEUNG Kwan-yuen, SBS, JP
The Hon Alan LEONG Kah-kit, SC
The Hon LEUNG Kwok-hung
Dr the Hon KWOK Ka-ki
Dr the Hon Fernando CHEUNG Chiu-hung
The Hon CHEUNG Hok-ming, SBS, JP
The Hon WONG Ting-kwong, BBS
The Hon TONG Ka-wah, SC
The Hon CHIM Pui-chung
The Hon Patrick LAU Sau-shing, SBS, JP
The Hon Albert Jinghan CHENG
The Hon KWONG Chi-kin
The Hon TAM Heung-man

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General
Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Taking of Legislative Council Oath

Hon James TIEN Pei-chun and Hon Albert HO Chun-yan made the Legislative Council (LegCo) Affirmation, Ir Dr Hon Raymond HO Chung-tai, Hon LEE Cheuk-yan, Hon Martin LEE Chu-ming, Dr Hon David LI Kwok-po, Hon Fred LI Wah-ming, Dr Hon LUI Ming-wah, Hon Margaret NG, Hon Mrs Selina CHOW LIANG Shuk-yee, Hon Mrs Rita FAN HSU Lai-tai and Hon James TO Kun-sun took the LegCo Oath, Hon CHEUNG Man-kwong made the LegCo Affirmation, Hon CHAN Yuen-han, Hon Bernard CHAN, Hon CHAN Kam-lam and Hon Mrs Sophie LEUNG LAU Yau-fun took the LegCo Oath, Hon LEUNG Yiu-chung made the LegCo Affirmation, Hon SIN Chung-kai, Dr Hon Philip WONG Yu-hong, Hon WONG Yung-kan, Hon Jasper TSANG Yok-sing, Hon Howard YOUNG, Dr Hon YEUNG Sum, Hon LAU Chin-shek, Hon LAU Kong-wah, Hon LAU Wong-fat and Hon Miriam LAU Kin-yee took the LegCo Oath, Hon Emily LAU Wai-hing made the LegCo Affirmation, Hon CHOY So-yuk, Hon Andrew CHENG Kar-foo, Hon Timothy FOK Tsun-ting, Hon TAM Yiu-chung, Hon Abraham SHEK Lai-him, Hon LI Fung-ying, Hon Tommy CHEUNG Yu-yan, Hon Albert CHAN Wai-yip, Hon Frederick FUNG Kin-kee, Hon Audrey EU Yuet-mee, Hon Vincent FANG Kang and Hon WONG Kwok-hing took the LegCo Oath, Hon LEE Wing-tat made the LegCo Affirmation, Hon LI Kwok-ying, Dr Hon Joseph LEE Kok-long and Hon Daniel LAM Wai-keung took the LegCo Oath, Hon Jeffrey LAM Kin-fung made the LegCo Affirmation, Hon MA Lik took the LegCo Oath, Hon Andrew LEUNG Kwan-yuen made the LegCo Affirmation, Hon Alan LEONG Kah-kit took the LegCo Oath, Hon LEUNG Kwok-hung made the LegCo Affirmation, Dr Hon KWOK Ka-ki, Dr Hon Fernando CHEUNG Chiu-hung, Hon CHEUNG Hok-ming and Hon WONG Ting-kwong took the LegCo Oath, Hon TONG Ka-wah and Hon CHIM Pui-chung made the LegCo Affirmation, Hon Patrick LAU Sau-shing took the LegCo Oath, Hon Albert Jinghan CHENG made the LegCo Affirmation and Hon KWONG Chi-kin and Hon TAM Heung-man took the LegCo Oath.

Election of President

In accordance with Rule 1A of the Rules of Procedure, Hon James TIEN presided over the election of the President of the LegCo.

Hon James TIEN stated that two valid nominations for the office of President had been received by the Clerk. The nominees, in the order of receipt of the nominations, were Hon Albert HO and Hon Mrs Rita FAN. Hon Albert HO was nominated by Hon Andrew CHENG and the nomination was seconded by Hon Audrey EU, Hon Margaret NG, Hon Fred LI, Hon Albert Jinghan CHENG, Hon LEUNG Kwok-hung and Hon LEE Cheuk-yan. Hon Mrs

Rita FAN was nominated by Dr Hon David LI and the nomination was seconded by Hon TSANG Yok-sing, Dr Hon Philip WONG, Hon James TIEN, Ir Dr Hon Raymond HO Chung-tai and Hon Abraham SHEK Lai-him. In accordance with the election procedure, Hon James TIEN ordered a vote by secret ballot.

Each Member present, including Hon James TIEN, was then given a ballot paper.

Hon Jasper TSANG Yok-sing raised a question on whether Hon LEUNG Kwok-hung had completed the oath-taking procedure as Hon LEUNG Kwok-hung, after making the LegCo Affirmation, had not signed on the affirmation. The Clerk replied that there was no legal requirement for Members to sign on the written oath or affirmation after subscribing to them, although Members had been doing so in the oath-taking ceremony as a matter of practice.

After the ballot papers had been collected from Members, Hon James TIEN invited Hon Andrew CHENG and Dr Hon David LI, who made the nominations, to join him in overseeing the counting of votes.

After counting the ballot papers in front of all the Members present, the Clerk reported the voting results to Hon James TIEN. After checking, Hon James TIEN announced that Hon Albert HO received 25 votes and Hon Mrs Rita FAN received 34 votes, and there was one invalid vote. He then declared Hon Mrs Rita FAN elected the President of the LegCo.

The President then took the chair and addressed the Council.

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. Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) (No. 2) Order 2004 (gazetted on 16.7.2004)	137/2004
2. Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) (No. 2) Order 2004 (gazetted on 16.7.2004)	138/2004
3. Import and Export (General) Regulations	141/2004

- (Amendment of Seventh Schedule) (No. 3) Notice 2004 (gazetted on 23.7.2004)
4. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2004 (gazetted on 30.7.2004) 142/2004
 5. Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 2) Order 2004 (gazetted on 27.8.2004) 143/2004
 6. Declaration of Markets Notice (Amendment) (No. 2) Declaration 2004 (gazetted on 27.8.2004) 144/2004
 7. Clearing and Settlement Systems Ordinance (20 of 2004) (Commencement) Notice 2004 (gazetted on 27.8.2004) 145/2004
 8. Tax Reserve Certificates (Rate of Interest) (No. 5) Notice 2004 (gazetted on 3.9.2004) 146/2004
 9. Construction Workers Registration Ordinance (18 of 2004) (Commencement) Notice 2004 (gazetted on 17.9.2004) 147/2004
 10. Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) Notice 2004 (Repeal) Notice (gazetted on 24.9.2004) 148/2004
 11. Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) (No. 2) Notice 2004 (gazetted on 24.9.2004) 149/2004
 12. Federation of Hong Kong Industries (Addition of a Scheduled Group) (No. 2) Notice 2004 (gazetted on 24.9.2004) 150/2004
 13. Hong Kong Sports Development Board (Repeal) Ordinance (11 of 2004) (Commencement) Notice 2004 (gazetted on 30.9.2004) 151/2004
 14. Professional Accountants (Amendment) Ordinance 2004 (23 of 2004) (Commencement) Notice 2004 (gazetted on 30.9.2004) 152/2004
 15. Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2004 (gazetted on 30.9.2004) 153/2004

Next Meeting

The President declared that the next meeting of the Council would be held on 13 October 2004 at 2:30 pm.

The Council was adjourned at 3:37 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong