

# LEGISLATIVE COUNCIL

## MINUTES

No. 12

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Minutes of the meeting held on Wednesday 15 December 2004 at 2:30 pm

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### 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 Ronny 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

**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  
  
The Hon Michael SUEN Ming-yeung, GBS, JP  
Secretary for Housing, Planning and Lands  
  
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 Stephen LAM Sui-lung, JP  
Secretary for Constitutional Affairs

Dr the Hon York CHOW Yat-ngok, SBS  
Secretary for Health, Welfare and Food

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Ms Pauline NG Man-wah, Assistant Secretary General (1)

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. Schedule of Routes (Citybus Limited) Order 2004 (gazetted on 10.12.2004)	201/2004
2. Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2004 (gazetted on 10.12.2004)	202/2004
3. Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2004 (gazetted on 10.12.2004)	203/2004
4. Schedule of Routes (Long Win Bus Company Limited) Order 2004 (gazetted on 10.12.2004)	204/2004
5. Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2004 (gazetted on 10.12.2004)	205/2004
6. Schedule of Routes (New World First Bus Services Limited) Order 2004 (gazetted on 10.12.2004)	206/2004
7. Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2004 (gazetted on 10.12.2004)	207/2004
8. Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2004 (gazetted on 10.12.2004)	208/2004
9. Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) (Amendment) Regulation 2004 (gazetted on 10.12.2004)	209/2004
10. Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) Regulation (gazetted on 10.12.2004)	210/2004
11. Registration of Persons (Application for New Identity Cards) (Amendment) Order 2004 (gazetted on 10.12.2004)	211/2004

12. Application for New Identity Cards (Persons Born in 1943 to 1951 or 1970 to 1973) Order (gazetted on 10.12.2004) 212/2004
13. Employees' Compensation Ordinance (Amendment of Second Schedule) Order 2004 (gazetted on 10.12.2004) 213/2004
14. Occupational Safety and Health Ordinance (Amendment of Schedule 2) Order 2004 (gazetted on 10.12.2004) 214/2004

**Other Papers**

- No.32 - Queen Elizabeth Foundation for the Mentally Handicapped Report and Accounts 2003-2004 (published on 8.12.2004)
- No.33 - Estate Agents Authority Annual Report 2003/2004 (published on 9.12.2004)
- No.34 - The Accounts of the Lotteries Fund 2003-04 (published on 9.12.2004)
- No.35 - Report of the Chinese Temples Committee on the administration of the General Chinese Charities Fund for the year ended 31 March 2004 (published on 13.12.2004)
- No.36 - Grantham Scholarships Fund Annual Report for the year ended 31 August 2004 (published on 13.12.2004)
- No.37 - Report of the Chinese Temples Committee on the administration of the Chinese Temples Fund for the year ended 31 March 2004 (published on 13.12.2004)
- No.38 - The Sir Murray MacLehose Trust Fund Trustee's Report for the period from 1 April 2003 to 31 March 2004 (published on 13.12.2004)
- No.39 - Report of the Brewin Trust Fund Committee on the Administration of the Fund for the year ended 30 June 2004 (published on 13.12.2004)
- No.40 - Audited Statement of Accounts of the Director of Social Welfare Incorporated together with the Director of Audit's Report for the year ended 31 March 2004 (published on 13.12.2004)

- No.41 - Forty-third Annual Report on the Social Work Training Fund by the Trustee of the Fund for the year ending on 31 March 2004 (published on 13.12.2004)
- No.42 - Hong Kong Housing Authority  
Annual Report 2003/2004 (published on 14.12.2004)
- No.43 - Hong Kong Housing Authority  
Financial Statements for the year ended 31 March 2004 (published on 14.12.2004)
- No.44 - Hong Kong Sports Development Board  
Annual Report 2003-2004 (published on 14.12.2004)
- No.45 - Police Welfare Fund  
Annual Report 2003/2004 (published on 15.12.2004)
- No.46 - Annual Report on the Police Children's Education Trust and the Police Education and Welfare Trust for the year 2003/2004 (published on 15.12.2004)

### Questions

1. Hon Abraham SHEK asked Question 1.

The Secretary for the Environment, Transport and Works replied.

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

2. Hon WONG Ting-kwong asked Question 2.

The Secretary for Economic Development and Labour replied.

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

3. Hon LEE Wing-tat asked Question 3.

The Secretary for Housing, Planning and Lands replied.

Seven Members asked supplementaries. The Secretary for Housing, Planning and Lands and the Chief Secretary for Administration replied.

Written replies to Questions 4 to 17 were tabled for Members' information.

### **Statements**

The Chief Secretary for Administration made a statement on the Fourth Report of the Constitutional Development Task Force.

11 Members sought elucidation on the statement and the Chief Secretary for Administration replied.

The Secretary for Constitutional Affairs made a statement on Electoral Affairs Commission Final Report on the 2004 Legislative Council Election.

Five Members sought elucidation on the statement and the Secretary for Constitutional Affairs replied.

### **Members' Motions**

#### **Vigorously reducing air pollution**

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

That, since air pollution remains severe in Hong Kong in recent days, which not only poses a health hazard to Hong Kong people, but also discourages foreign businesses from investing in Hong Kong, this Council urges the Government to expeditiously discuss with the Guangdong authorities the adoption of vigorous tackling measures to improve the situation, including:

- (a) strengthening co-operation with the Guangdong authorities to tighten the emission standards for factories, power plants and motor vehicles, etc, and achieving the emission reduction targets for 2010 at an earlier date;



- (b) endeavouring to unify the emission standards and regulatory systems in Hong Kong and Guangdong;
- (c) expeditiously implementing the emissions trading pilot scheme in collaboration with the Guangdong authorities;
- (d) providing Hong Kong business operators in the Pearl River Delta who have installed air pollution control systems in their plants with tax relief on depreciation of the relevant machinery;
- (e) striving to reduce pollutants such as sulphur dioxide emitted in the process of power generation by the two power companies in Hong Kong, and increasing the use of more environmentally friendly energy;
- (f) further promoting the incentive scheme for liquefied petroleum gas (LPG) light buses and extending it to light goods vehicles;
- (g) considering the provision of additional sites for setting up LPG filling stations;
- (h) actively engaging in research and development on the utilization of renewable energy;
- (i) expediting the introduction of a registration system for vehicle repair technicians and garages; and
- (j) vigorously introducing other types of environmentally friendly vehicles and related incentive measures,

with a view to minimizing emissions, thereby enabling residents of the whole Pearl River Delta to enjoy clean fresh air.

Question on Hon James TIEN's motion proposed.

The President stated that Hon Emily LAU, Hon CHOY So-yuk and Hon LEE Wing-tat would move amendments to the motion and that Hon Andrew LEUNG Kwan-yuen would also move an amendment to Hon LEE Wing-tat's amendment. In accordance with the Rules of Procedure, the motion, the three amendments and the amendment to amendment would be debated together in a joint debate.

Hon Emily LAU spoke on the motion and the amendments.

While Hon Emily LAU was speaking, the President left the chair at 4:43 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Hon CHOY So-yuk, Hon LEE Wing-tat and Hon Andrew LEUNG Kwan-yuen respectively spoke on the motion and the amendments.

Six Members and Hon WONG Kwok-hing spoke on the motion and the amendments.

At 5:52 pm, while Hon WONG Kwok-hing was speaking, the President resumed the chair.

Another 11 Members spoke on the motion and the amendments.

Hon James TIEN spoke on the amendments.

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

Hon Emily LAU moved the following amendment to Hon James TIEN's motion:

To delete "the adoption of" after "discuss with the Guangdong authorities" and substitute with "to jointly draw up a definite timetable for various work items and adopting"; to add "setting the mid-term targets and an interim review timetable in this regard," after "motor vehicles, etc,,"; to add ", formulating a policy on renewable energy, requesting the two power companies to follow this policy, and stipulating in the Scheme of Control Agreements with the power companies the proportion of renewable energy to be used in electricity generation" after "the utilization of renewable energy"; and to add "and offering relief on the first registration tax and licence fee to environmentally friendly vehicles, such as hybrid electric-petroleum vehicles," after "incentive measures,".

Question on Hon Emily LAU's amendment to Hon James TIEN's motion proposed, put and agreed to.

The President stated that as Hon Emily LAU's amendment had been agreed, she granted leave for Hon CHOY So-yuk to revise the terms of her amendment and explain them to the Council.

Hon CHOY So-yuk moved the following further amendment to Hon James TIEN's motion as amended by Hon Emily LAU and explained the revised terms of her amendment to the Council:

To delete "and" after "vehicle repair technicians and garages;"; and to add "; (k) vigorously introducing other types of environmentally friendly fuels and related incentive measures; (l) setting higher utilization targets for renewable energy; (m) requesting franchised bus companies to expeditiously renew their fleets, deploy buses that comply with Euro III emission standards to serve routes along busy roads and introduce additional bus-bus interchange discount schemes; (n) actively studying the feasibility of increasing the fines for smoky vehicles; (o) using such high-technology equipment as satellite imaging and remote surveillance devices to enhance monitoring of air pollution sources and changes in pollution conditions; (p) the HKSAR Government taking the lead in implementing energy conservation measures in various departments, and promoting community-wide involvement in energy conservation; and (q) adopting suitable methods to regulate products for industrial and commercial use that may emit volatile organic compounds" after "such as hybrid electric-petroleum vehicles".

Question on Hon CHOY So-yuk's amendment to Hon James TIEN's motion as amended by Hon Emily LAU proposed, put and agreed to.

The President stated that as Hon Emily LAU's and Hon CHOY So-yuk's amendments had been agreed, she granted leave for Hon LEE Wing-tat to revise the terms of his amendment and explain them to the Council.

Hon LEE Wing-tat moved the following further amendment to Hon James TIEN's motion as amended by Hon Emily LAU and Hon CHOY So-yuk and explained the revised terms of his amendment to the Council:

To delete "and" after "involvement in energy conservation;"; and to add "; (r) stepping up the testing of vehicle emissions and introducing road-side remote sensors to check emissions from vehicles on the roads in the territory and from cross-boundary vehicles, so as to ensure their compliance with Hong Kong's emission standards; (s) establishing a safe and convenient network of pedestrian walkway systems, which should include pedestrian precincts, footbridge networks and automatic escalators, etc, in densely populated areas that have a high pedestrian flow, so as to develop Hong Kong into a 'city of elevated corridors', which will enable vehicle-pedestrian segregation, improve the environment for walking and encourage people to walk; and (t) further promoting the 'Indoor Air Quality Management Programme' and enacting relevant legislation in order to prevent poor indoor air quality from harming the public's health" after "volatile organic compounds".

Question on Hon LEE Wing-tat's amendment to Hon James TIEN's motion as amended by Hon Emily LAU and Hon CHOY So-yuk proposed.

Hon Andrew LEUNG Kwan-yuen moved the following amendment to Hon LEE Wing-tat's amendment:

To add ", as well as joining hands with the industrial and commercial sectors in actively promoting the programme," after "enacting relevant legislation".

Question on Hon Andrew LEUNG Kwan-yuen's amendment to Hon LEE Wing-tat's amendment proposed, put and agreed to.

Question on Hon LEE Wing-tat's amendment as amended by Hon Andrew LEUNG Kwan-yuen, to Hon James TIEN's motion which had been amended by Hon Emily LAU and Hon CHOY So-yuk, put and agreed to.

Hon James TIEN replied.

Question on Hon James TIEN's motion as amended by Hon Emily LAU, Hon CHOY So-yuk, Hon LEE Wing-tat and Hon Andrew LEUNG Kwan-yuen put and agreed to.

### **Formulating a sustainable policy on agriculture and fisheries**

Hon WONG Yung-kan moved the following motion and addressed the Council:

That, as Article 119 of the Basic Law provides that the Government of the Hong Kong Special Administrative Region shall formulate appropriate policies to promote and co-ordinate the development of various trades including agriculture and fisheries, and pay regard to the protection of the environment, this Council urges the Government to formulate a sustainable policy on agriculture and fisheries, including developing offshore fishing, deep-sea purse-seine fishing, leisure agriculture and fisheries, and mariculture; setting up a priority zone for agriculture, and developing quality livestock farming and organic farming; assisting the development of the agricultural and fishery products processing industries, as well as establishing a monitoring system for green agricultural and fishery food products, so as to enable the local agriculture and fisheries industries to develop through further restructuring and to supply quality agricultural and fishery foods to the people of Hong Kong.

While Hon WONG Yung-kan was addressing the Council, the President left the chair at 7:59 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon WONG Yung-kan's motion proposed.

The President's Deputy stated that Hon Emily LAU 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 Emily LAU moved the following amendment to Hon WONG Yung-kan's motion and addressed the Council:

To add "to comprehensively consult members of the industries, green groups and the public" after "this Council urges the Government"; to add ", as well as studying the impact of sustainable development measures on bottom-trawling fishing as well as shallow-water and deep-water purse-seine fishing" after "and mariculture"; to delete "as well as" after "agricultural and fishery products processing industries, "; and to add ", as well as reviewing the monitoring system for marine works involving sand dredging and mud disposal" after "green agricultural and fishery food products".

Question on Hon Emily LAU's amendment to Hon WONG Yung-kan's motion proposed.

Eight Members and Hon WONG Kwok-hing spoke on the motion and the amendment.

At 9:05 pm, while Hon Hon WONG Kwok-hing was speaking, the President resumed the chair.

Another five Members spoke on the motion and the amendment.

Hon WONG Yung-kan spoke on the amendment.

The Secretary for Health, Welfare and Food spoke on the motion and the amendment.

Question on Hon Emily LAU's amendment to Hon WONG Yung-kan's motion put and agreed to.

Hon WONG Yung-kan replied.

Question on Hon WONG Yung-kan's motion as amended by Hon Emily LAU put and agreed to.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 5 January 2004 at 2:30 pm.

The Council was adjourned at 10:20 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong