

LEGISLATIVE COUNCIL

MINUTES

No. 13

Minutes of the meeting held on Wednesday 5 January 2005,
Thursday 6 January 2005 at 2:30 pm respectively

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 (absent on 6.1.2005)

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 (absent on 6.1.2005)

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Howard YOUNG, SBS, JP

Dr the Hon YEUNG Sum

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 (absent on 6.1.2005)

The Hon Andrew LEUNG Kwan-yuen, SBS, JP (absent on 6.1.2005)

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 (absent on 5.1.2005)

The Hon Albert Jinghan CHENG

The Hon KWONG Chi-kin

The Hon TAM Heung-man

Member absent:

The Hon LAU Chin-shek, JP

Public officers attending:

On 5.1.2005 and 6.1.2005

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

The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Housing, Planning and Lands

Dr the Hon Patrick HO Chi-ping, JP
Secretary for Home Affairs

The Hon Ambrose LEE Siu-kwong, IDSM, JP

Secretary for Security

On 5.1.2005

The Hon Elsie LEUNG Oi-sie, GBM, JP
The Secretary for Justice

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

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

Clerks in attendance:

On 5.1.2005 and 6.1.2005

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

On 5.1.2005

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

Obituary tribute

The Council observed one minute's silence for the victims of the tsunami which occurred in South Asia on 26 December 2004.

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. Air Transport (Licensing of Air Services) (Amendment) (No. 2) Regulation 2004 (gazetted on 17.12.2004)	215/2004
2. Lai Chi Wo (Special Area) Order 2004 (gazetted on 17.12.2004)	216/2004
3. Designation of Libraries (No. 2) Order 2004 (gazetted on 17.12.2004)	217/2004
4. Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) (Amendment) Regulation 2004 (gazetted on 24.12.2004)	218/2004
5. Deposit Protection Scheme Ordinance (Commencement) (No. 3) Notice 2004 (gazetted on 24.12.2004)	219/2004
6. Companies Ordinance (Amendment of Eighth Schedule) Order 2004 (Commencement) Notice 2004 (gazetted on 24.12.2004)	220/2004
7. Building (Administration) (Amendment) Regulation 2004 (gazetted on 31.12.2004)	221/2004
8. Building (Oil Storage Installations) (Amendment) Regulation 2004 (gazetted on 31.12.2004)	222/2004
9. Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) (No. 3) Order 2004 (gazetted on 31.12.2004)	223/2004
10. Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) (No. 3) Order 2004 (gazetted on 31.12.2004)	224/2004

Other Papers

- No.47 - Report of changes to the approved Estimates of Expenditure approved during the second quarter of 2004-05 (Public Finance Ordinance : Section 8)

(published on 28.12.2004)

- No.48 - Employees Retraining Board
Annual Report 2003-2004 (published on 29.12.2004)
- No.49 - Consumer Council
Annual Report 2003-2004 (published on 3.1.2005)
- No.50 - Hong Kong Council on Smoking and Health
Annual Report 2003-2004 (published on 4.1.2005)

Addresses

Hon CHOY So-yuk addressed the Council on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 and Waste Disposal (Charges for Disposal of Construction Waste) Regulation, which were subsidiary legislation laid on the Table of the Council on 3 November 2004.

Questions

1. Hon Jeffrey LAM Kin-fung asked Question 1.

The Secretary for Housing, Planning and Lands replied.

Seven Members asked supplementaries. The Secretary for Housing, Planning and Lands and the Secretary for Financial Services and the Treasury replied.

2. Hon Mrs Selina CHOW asked Question 2.

The Secretary for Financial Services and the Treasury replied.

Six Members asked supplementaries and the Secretary for Financial Services and the Treasury replied.

3. Hon TAM Heung-man asked Question 3.

The Secretary for Financial Services and the Treasury replied.

Four Members asked supplementaries and the Secretary for Financial Services and the Treasury replied.

4. Hon Albert Jinghan CHENG asked Question 4.

The Secretary for Commerce, Industry and Technology replied.

Nine Members asked supplementaries and the Secretary for Commerce, Industry and Technology replied.

5. Hon Emily LAU asked Question 5.

The Secretary for Health, Welfare and Food replied.

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

6. Hon Alan LEONG Kah-kit asked Question 6.

The Secretary for Housing, Planning and Lands replied.

A Member asked a supplementary and the Secretary for Housing, Planning and Lands replied.

After declaring their interest as Board Members of Urban Renewal Authority, Hon CHAN Kam-lam and Hon Fred LI asked supplementaries and the Secretary for Housing, Planning and Lands replied.

Another Member asked a supplementary and the Secretary for Housing, Planning and Lands replied.

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

Bills

First Reading

Transfer of Sentenced Persons (Amendment) (Macau) Bill

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

Transfer of Sentenced Persons (Amendment) (Macau) Bill

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 resolutions under the Interpretation and General Clauses Ordinance

1. Waste Disposal (Charges for Disposal of Construction Waste) Regulation

The Secretary for the Environment, Transport and Works moved the motion in Appendix I and addressed the Council.

Question on the motion proposed.

Four Members spoke on the motion.

Question on the motion put and agreed to.

2. Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004

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

Resolved that the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2004, published in the Gazette as Legal Notice No. 165 of 2004 and laid on the table of the Legislative Council on 3 November 2004, be amended -

(a) in section 3, in the new section 3A, by adding -

“(3) The Director shall give notice in the Gazette of the criteria adopted from time to time to determine, for the purposes of subsections (1) and (2), whether any waste falls within a type of construction waste specified in column 3 of Schedule 2.

(4) A notice under subsection (3) is not subsidiary legislation.”;

(b) in section 4(7), in the new section 4(4A)(c), by adding “temporarily” after “close”.

Question on the motion proposed, put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Miriam LAU moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2004, published in the Gazette as Legal Notice No. 208 of 2004;
- (b) Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) (Amendment) Regulation 2004, published in the Gazette as Legal Notice No. 209 of 2004;
- (c) Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) Regulation, published in the Gazette as Legal Notice No. 210 of 2004;
- (d) Employees' Compensation Ordinance (Amendment of Second Schedule) Order 2004, published in the Gazette as Legal Notice No. 213 of 2004; and
- (e) Occupational Safety and Health Ordinance (Amendment of Schedule 2) Order 2004, published in the Gazette as Legal Notice No. 214 of 2004,

and laid on the table of the Legislative Council on 15 December 2004, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 2 February 2005.

Question on the motion proposed, put and agreed to.

The Fourth Report of the Constitutional Development Task Force

Hon Albert Jinghan CHENG moved the following motion and addressed the Council:

That this Council expresses deep regret that, in the Fourth Report of the Constitutional Development Task Force published recently, the Government has disregarded public opinion and rejected the demand of the majority of Hong Kong people for the election of the Chief Executive and all Members of the Legislative Council for the next term by universal and equal suffrage, but has failed to put forward a specific proposal; furthermore, as the Government has an unshirkable constitutional duty to answer, as far as possible, the public's strong demand for universal suffrage, this Council

urges the Government to expeditiously present to the Council a constitutional reform proposal, which includes the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008, to facilitate discussion by the public and this Council.

While Hon Albert Jinghan CHENG was addressing the Council, the President left the chair at 5:33 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Albert Jinghan CHENG's motion proposed.

The Secretary for Justice spoke on the motion.

Seven Members and Dr Hon KWOK Ka-ki spoke on the motion.

While Dr Hon KWOK Ka-ki was speaking, the Chief Secretary for Administration drew the attention of the President's Deputy to the absence of a quorum. The President's Deputy directed the Clerk to summon Members to the meeting.

At 6:44 pm, the President resumed the chair. A quorum was then present and Dr Hon KWOK Ka-ki continued to speak.

Another six Members spoke on the motion.

Hon CHIM Pui-chung drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Eight more Members and the Secretary for Constitutional Affairs spoke on the motion.

Hon Albert Jinghan CHENG replied.

Question on the motion put.

Hon Albert Jinghan CHENG 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, 27 were present, seven were in favour of the motion and 20 against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 17 were in favour of the motion and eight against it. (Voting record in Appendix II.) 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.

Development of the West Kowloon Cultural District

Hon Alan LEONG Kah-kit moved the following motion and addressed the Council:

That, as the Administration has decided to award the development of the 40-hectare West Kowloon Cultural District ("the WKCD development") to a single consortium in one go and allows the public only 15 weeks to comment on the three proposals selected in the first stage, such course of action has failed to ensure the optimal use of precious land resources in Hong Kong and safeguard public interests while nurturing arts and culture, this Council strongly asks the Administration to:

- (a) extend the consultation period to six months to allow sufficient time for public participation;
- (b) make public all the proposals submitted to the Government by persons interested in participating in the WKCD development, including information on financial arrangements, so as to enable the public to fully grasp the details of the development proposals during the consultation period;
- (c) remove the requirement that the canopy, which requires huge funds to construct, be a mandatory component of the WKCD development;
- (d) withdraw the decision to award the entire piece of land together with the WKCD development by way of one single tender, and break the lot into smaller pieces of land for public tender or auction in the market by batches so that small and medium developers in Hong Kong can participate in the development, with a view to maximizing the proceeds from the land sale; and
- (e) formulate long-term and sustainable policies on Hong Kong's arts and culture, use the proceeds from the sale of the 40 hectares of land to support and promote the related policies and, in drawing up the specific details and implementing the policies, allow institutionalized participation of the civil society and, in particular, solicit and adopt the views of the local art and cultural sectors.

Question on Hon Alan LEONG Kah-kit's motion proposed.

The President stated that Hon CHEUNG Hok-ming, Hon CHAN Yuen-han and Hon James TO would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

Hon CHEUNG Hok-ming, Hon CHAN Yuen-han and Hon James TO respectively spoke on the motion and the amendments.

Two Members and Dr Hon LUI Ming-wah spoke on the motion and the amendments.

While Dr Hon LUI Ming-wah was speaking, the Chief Secretary for Administration drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting.

Whilst the summoning bell was ringing, the President stated that as she had advised Members that she would suspend the meeting at about 10:00 pm and as it was already 9:59 pm, she deemed it appropriate to suspend the meeting at that point. She then suspended the meeting at 9:59 pm.

* * * * *

The Council resumed at 2:30 pm on 6 January 2005 and continued to debate the motion on "Development of the West Kowloon Cultural District" moved by Hon Alan LEONG Kah-kit and the amendments to the motion moved by Hon CHEUNG Hok-ming, Hon CHAN Yuen-han and Hon James TO.

Dr Hon LUI Ming-wah continued to speak on the motion and the amendments.

Another 13 Members spoke on the motion and the amendments.

Hon Patrick LAU declared his interest as Vice Chairman of Town Planning Board and spoke on the motion and the amendments.

Hon LEUNG Yiu-chung spoke on the motion and the amendments. While he was speaking, the Chief Secretary for Administration sought elucidation on a remark which he just made.

Hon LEUNG Yiu-chung elucidated on the point and continued to speak on the motion and the amendments.

Another two Members and Hon Frederick FUNG spoke on the motion and the amendments.

While Hon Frederick FUNG was speaking, the President left the chair at 4:31 pm temporarily and the President's Deputy, Hon Fred LI, took the chair.

Four other Members and Dr Hon Fernando CHEUNG spoke on the motion and the amendments.

At 4:58 pm, while Dr Hon Fernando CHEUNG was speaking, the President resumed the chair.

Three more Members spoke on the motion and the amendments.

Hon Alan LEONG Kah-kit spoke on the amendments.

The Chief Secretary for Administration spoke on the motion and the amendments.

Hon CHEUNG Hok-ming moved the following amendment to Hon Alan LEONG Kah-kit's motion:

To delete "the Administration has decided to award" after "That, as"; to delete "40-hectare" after "the development of the"; to add "has aroused extensive discussions and concerns of various sectors of the community, and such concerns include the Administration's decision to award the WKCD development" after "(the WKCD development)"; to delete "allows the public" after "in one go and" and substitute with "the provision of"; to delete "to comment on the three proposals selected in the first stage, such course of action has failed to ensure the optimal use of precious land resources in Hong Kong and safeguard public interests while nurturing arts and culture" after "only 15 weeks" and substitute with "for public consultation"; to delete "remove the requirement that" after "(c)" and substitute with "after fully consulting the public and summing up their views expressed during the consultation period, evaluate whether it is necessary to make"; to delete ", which requires huge funds to construct, be" after "the canopy"; to delete ";" after "mandatory component of the WKCD development" and substitute with ", review"; to delete "(d) withdraw"; to delete "break" after "one single tender, and" and substitute with "examine whether"; to add "should be broken down" after "the lot"; to add ", and consider setting up a statutory body with broad representation to further promote and take forward the WKCD development" after "proceeds from the land sale"; to delete the original "(e)" and substitute with "(d)"; to add "lest the WKCD development become a property-oriented project" after "the related policies"; and to add "take into account the blend of eastern and western arts and culture to highlight the edge of Hong Kong as the meeting point of East and West, as well as" after "implementing the policies,".

Question on Hon CHEUNG Hok-ming's amendment to Hon Alan LEONG Kah-kit's motion proposed and put.

Hon LEE Wing-tat 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, 22 were present, five were in favour of the amendment, eight against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present,

seven were in favour of the amendment, 16 against it and two abstained. (Voting record in Appendix III.) 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 Miriam LAU rose to move the following motion without notice:

That in the event of further divisions in relation to the motion or amendments thereto on "Development of the West Kowloon Cultural District", the Council do proceed to each of such divisions after the division bell has been rung for one minute.

Question on the motion proposed and put and agreed to.

Hon CHAN Yuen-han moved the following amendment to Hon Alan LEONG Kah-kit's motion:

To add "Hong Kong does not have a culture and heritage commission at present and" after "That, as"; to delete "and" after "proceeds from the land sale;" and add "(e) re-establish a culture and heritage commission dedicated to the planning of cultural development projects; and" thereafter; and to delete the original "(e)" and substitute with "(f)".

Question on Hon CHAN Yuen-han's amendment to Hon Alan LEONG Kah-kit's motion proposed and put.

Hon CHAN Yuen-han claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 22 were present, five were in favour of the amendment, four against it and 13 abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, four were in favour of the amendment, 11 against it and 10 abstained. (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 moved the following amendment to Hon Alan LEONG Kah-kit's motion:

To delete "and" after "proceeds from the land sale;"; to add "part of" after "Hong Kong's arts and culture, use"; and to add "; and (f) set up a West Kowloon Cultural District development authority, which should be a statutory body comprising members from various sectors, to take up the

planning, development and management of the West Kowloon Cultural District" after "the local art and cultural sectors".

Question on Hon James TO's amendment to Hon Alan LEONG Kah-kit's motion proposed and put.

Hon James TO claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 23 were present, 18 were in favour of the amendment, one against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 17 were in favour of the amendment, one against it and seven abstained. (Voting record in Appendix V.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amendment was agreed.

Hon Alan LEONG Kah-kit replied.

Question on Hon Alan LEONG Kah-kit's motion as amended by Hon James TO put.

Hon Alan LEONG Kah-kit claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 23 were present, 17 were in favour of the motion, two against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 17 were in favour of the motion, one against it and seven abstained. (Voting record in Appendix VI.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that Hon Alan LEONG Kah-kit's motion as amended by Hon James TO was carried.

That this Council do now adjourn

Hon LEE Wing-tat moved the following motion and addressed the Council:

That this Council do now adjourn for the purpose of enabling Members to debate the following issue: Measures taken by the Government of the Hong Kong Special Administrative Region in regard to tsunami victims in South Asia, as well as the Hong Kong people whose whereabouts remain unknown or who are still stranded in the disaster-stricken areas.

Question on the motion proposed.

15 Members and the Chief Secretary for Administration spoke on the motion.

Question on the motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 12 January 2005 at 2:30 pm.

The Council was adjourned at 6:59 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General
Clauses Ordinance (Cap. 1))

WASTE DISPOSAL (CHARGES FOR DISPOSAL OF CONSTRUCTION
WASTE) REGULATION

- RESOLVED that the Waste Disposal (Charges for Disposal of
Construction Waste) Regulation, published in the Gazette
as Legal Notice No. 166 of 2004 and laid on the table of
the Legislative Council on 3 November 2004, be amended -
- (a) in section 2, by repealing the definition of
"contract" and substituting -
 ""contract" (合約) means a contract in writing
 or a contract supported by sufficient
 evidence in writing;"
 - (b) in section 3(4)(c), by adding "all" before "the
 conditions of use";
 - (c) by repealing section 7(1) and substituting -

"(1) If the Director is satisfied that the construction waste intended to be delivered by a person or on his behalf to a prescribed facility for disposal is generated from construction work undertaken under a contract, the Director may, on application, give approval for that person to establish an exemption account solely in respect of that contract if -

(a) that contract has been awarded before the commencement of this section; or

(b) the closing date (if any) for submitting a tender for that contract is earlier than the commencement of this section.";

(d) by repealing section 9(2) and substituting -

"(2) Where the Director has approved the application to establish a billing account solely in respect of that contract, the main contractor shall ensure that -

(a) that billing account is used for paying any prescribed charge payable in respect of construction waste generated from construction work

undertaken under that contract;

and

- (b) that billing account is not used for paying any prescribed charge payable in respect of any other construction waste.”;

(e) in section 10 -

- (i) by repealing subsections (4) and (5) and substituting -

“(4) The Director shall refund to an account-holder the deposit or, if it has been applied under subsection (3), the balance (if any) -

- (a) upon the closure, at the account-holder's request, of the billing account; or

- (b) upon the revocation of the billing account.

(5) The Director may, on his own initiative or at an account-holder's request, refund to the account-holder the deposit or part of it if the Director is satisfied

that the deposit or that part is no longer required.”;

(ii) by renumbering subsection (6) as subsection (7);

(iii) by adding -

“(6) In making a decision under subsection (5), the Director shall have regard to the factors that he considers relevant to the use of the billing account, including the amount of construction waste that the account-holder proposes to dispose of at any prescribed facility.”;

(f) in section 18(2), by repealing “30 days” and substituting “45 days”.

投票 VOTE: 1
 日期 DATE: 05/01/2005
 時間 TIME: 08:54:11 下午

動議 MOTION: 「政制發展專責小組第四號報告」議案
 MOTION "THE FOURTH REPORT OF THE CONSTITUTIONAL DEVELOPMENT TASK FORCE"

動議人 MOVED BY: 鄭經翰 Albert CHENG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	27	26	
投票 Vote	27	25	
贊成 Yes	7	17	
反對 No	20	8	
棄權 Abstain	0	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:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
何鍾泰 Dr Raymond HO	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	
呂明華 Dr LUI Ming-wah	反對 NO	何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李柱銘 Martin LEE	贊成 YES
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳婉嫻 CHAN Yuen-han	反對 NO
黃容根 WONG Yung-kan	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
楊孝華 Howard YOUNG	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK		劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	反對 NO
李鳳英 LI Fung-ying	反對 NO	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM	反對 NO	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	反對 NO	李永達 LEE Wing-tat	贊成 YES
郭家麒 Dr KWOK Ka-ki	贊成 YES	李國英 LI Kwok-ying	反對 NO
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong	反對 NO	Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	反對 NO	梁國雄 LEUNG Kwok-hung	贊成 YES
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	反對 NO
鄭志堅 KWONG Chi-kin	反對 NO	湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	贊成 YES

投票 VOTE: 2
日期 DATE: 06/01/2005
時間 TIME: 06:00:02 下午

動議 MOTION: 張學明議員對梁家傑議員就「西九龍文娛藝術區發展計劃」所提議案作出的修正案
AMENDMENT BY HON CHEUNG HOK-MING TO HON ALAN LEONG'S MOTION ON
"DEVELOPMENT OF THE WEST KOWLOON CULTURAL DISTRICT"

動議人 MOVED BY: 張學明CHEUNG Hok-ming

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	26	
投票 Vote	22	25	
贊成 Yes	5	7	
反對 No	8	16	
棄權 Abstain	9	2	
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	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	棄權 ABSTAIN
呂明華 Dr LUI Ming-wah		何俊仁 Albert HO	
吳靄儀 Margaret NG	反對 NO	李卓人 LEE Cheuk-yan	反對 NO
張文光 CHEUNG Man-kwong	反對 NO	李柱銘 Martin LEE	反對 NO
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	反對 NO
梁劉柔芬 Mrs Sophie LEUNG	棄權 ABSTAIN	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai	反對 NO	涂謹申 James TO	反對 NO
黃宜弘 Dr Philip WONG	棄權 ABSTAIN	陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lam	贊成 YES
楊孝華 Howard YOUNG	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat	棄權 ABSTAIN	曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	棄權 ABSTAIN	楊森 Dr YEUNG Sum	反對 NO
霍震霆 Timothy FOK	贊成 YES	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK		劉江華 LAU Kong-wah	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	反對 NO
張宇人 Tommy CHEUNG	棄權 ABSTAIN	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG	棄權 ABSTAIN	鄭家富 Andrew CHENG	反對 NO
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李國麟 Dr Joseph LEE	反對 NO	陳偉業 Albert CHAN	反對 NO
林偉強 Daniel LAM		馮檢基 Frederick FUNG	反對 NO
林健鋒 Jeffrey LAM	棄權 ABSTAIN	余若薇 Audrey EU	反對 NO
梁君彥 Andrew LEUNG		李永達 LEE Wing-tat	反對 NO
郭家麒 Dr KWOK Ka-ki	反對 NO	李國英 LI Kwok-ying	贊成 YES
張超雄 Dr Fernando CHEUNG	反對 NO	馬力 MA Lik	
黃定光 WONG Ting-kwong	贊成 YES	梁家傑 Alan LEONG	反對 NO
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	棄權 ABSTAIN
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	贊成 YES
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	反對 NO
譚香文 TAM Heung-man	反對 NO	鄭經翰 Albert CHENG	反對 NO

秘書 CLERK

投票 VOTE: 3
日期 DATE: 06/01/2005
時間 TIME: 06:03:27 下午

動議 MOTION: 陳婉嫻議員對梁家傑議員就「西九龍文娛藝術區發展計劃」所提議案作出的修正案
AMENDMENT BY HON CHAN YUEN-HAN TO HON ALAN LEONG'S MOTION ON
"DEVELOPMENT OF THE WEST KOWLOON CULTURAL DISTRICT"

動議人 MOVED BY: 陳婉嫻 CHAN Yuen-han

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	26	
投票 Vote	22	25	
贊成 Yes	5	4	
反對 No	4	11	
棄權 Abstain	13	10	
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	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	棄權 ABSTAIN
呂明華 Dr LUI Ming-wah		何俊仁 Albert HO	
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	反對 NO
張文光 CHEUNG Man-kwong	反對 NO	李柱銘 Martin LEE	反對 NO
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	反對 NO
梁劉柔芬 Mrs Sophie LEUNG	棄權 ABSTAIN	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai	反對 NO	涂謹申 James TO	反對 NO
黃宜弘 Dr Philip WONG	棄權 ABSTAIN	陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
楊孝華 Howard YOUNG	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat	棄權 ABSTAIN	曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	棄權 ABSTAIN	楊森 Dr YEUNG Sum	反對 NO
霍震霆 Timothy FOK	棄權 ABSTAIN	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK		劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	棄權 ABSTAIN
張宇人 Tommy CHEUNG	棄權 ABSTAIN	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	棄權 ABSTAIN	鄭家富 Andrew CHENG	反對 NO
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	棄權 ABSTAIN
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	棄權 ABSTAIN
林偉強 Daniel LAM		馮檢基 Frederick FUNG	反對 NO
林健鋒 Jeffrey LAM	棄權 ABSTAIN	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG		李永達 LEE Wing-tat	反對 NO
郭家麒 Dr KWOK Ka-ki	棄權 ABSTAIN	李國英 LI Kwok-ying	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	反對 NO	馬力 MA Lik	
黃定光 WONG Ting-kwong	棄權 ABSTAIN	梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	棄權 ABSTAIN
劉秀成 Patrick LAU	棄權 ABSTAIN	張學明 CHEUNG Hok-ming	棄權 ABSTAIN
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man	棄權 ABSTAIN	鄭經翰 Albert CHENG	反對 NO

秘書 CLERK

投票 VOTE: 4
日期 DATE: 06/01/2005
時間 TIME: 06:05:50 下午

動議 MOTION: 涂謹申議員對梁家傑議員就「西九龍文娛藝術區發展計劃」所提議案作出的修正案
AMENDMENT BY HON JAMES TO TO HON ALAN LEONG'S MOTION ON "DEVELOPMENT OF THE WEST KOWLOON CULTURAL DISTRICT"

動議人 MOVED BY: 涂謹申 James TO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	26	
投票 Vote	23	25	
贊成 Yes	18	17	
反對 No	1	1	
棄權 Abstain	4	7	
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
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	贊成 YES
呂明華 Dr LUI Ming-wah		何俊仁 Albert HO	
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李柱銘 Martin LEE	贊成 YES
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	棄權 ABSTAIN	陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lan	棄權 ABSTAIN
楊孝華 Howard YOUNG	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	贊成 YES	曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK	棄權 ABSTAIN	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	贊成 YES	劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	贊成 YES	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	贊成 YES	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	棄權 ABSTAIN
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM		馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG		李永達 LEE Wing-tat	贊成 YES
郭家麒 Dr KWOK Ka-ki	贊成 YES	李國英 LI Kwok-ying	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong	棄權 ABSTAIN	梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	棄權 ABSTAIN
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	棄權 ABSTAIN
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	贊成 YES

秘書 CLERK

投票 VOTE: 5
日期 DATE: 06/01/2005
時間 TIME: 06:10:15 下午

動議 MOTION: 由梁家傑議員動議，經張學明議員及郭家麒議員及陳婉嫻議員及涂謹申議員修正的「西九龍文娛藝術區發展計劃」議案
MOTION MOVED BY HON ALAN LEONG ON "DEVELOPMENT OF THE WEST KOWLOON CULTURAL DISTRICT" AS AMENDED BY HON CHEUNG HOK-MING, /AND/ DR HON KWOK KA-KI /AND/ HON CHAN YUEN-HAN /AND/ HON JAMES TO

動議人 MOVED BY: 梁家傑 Alan LEONG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	26	
投票 Vote	23	25	
贊成 Yes	17	17	
反對 No	2	1	
棄權 Abstain	4	7	
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
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	贊成 YES
呂明華 Dr LUI Ming-wah	反對 NO	何俊仁 Albert HO	
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李柱銘 Martin LEE	贊成 YES
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	棄權 ABSTAIN	陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
楊孝華 Howard YOUNG	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	贊成 YES	曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK	棄權 ABSTAIN	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK		劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	贊成 YES	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	贊成 YES	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	棄權 ABSTAIN
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM		馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG		李永達 LEE Wing-tat	贊成 YES
郭家麒 Dr KWOK Ka-ki	贊成 YES	李國英 LI Kwok-ying	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong	棄權 ABSTAIN	梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	棄權 ABSTAIN
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	棄權 ABSTAIN
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	贊成 YES

秘書 CLERK