

LEGISLATIVE COUNCIL

MINUTES

No. 23

Minutes of the meeting held on Wednesday 6 April 2005 at 11:00 am and
Thursday 7 April 2005 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 (absent on 7.4.2005)

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-yea, GBS, JP

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong (absent on 7.4.2005)

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 (absent on 7.4.2005)

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 Kong-wah, JP

The Hon LAU Wong-fat, GBS, JP (absent on 7.4.2005)

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 (absent on 7.4.2005)

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

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 6.4.2005

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

The Hon Henry TANG Ying-yen, GBS, JP
The Financial Secretary

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

Prof the Hon Arthur LI Kwok-cheung, GBS, JP
Secretary for Education and Manpower

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

The Hon Stephen IP Shu-kwan, GBS, JP
Secretary for Economic Development and Labour

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

On 6.4.2005 and 7.4.2005

Dr the Hon Sarah LIAO Sau-tung, JP
Secretary for the Environment, Transport and Works

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

Clerks in attendance:

On 6.4.2005 and 7.4.2005

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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

On 6.4.2005

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

On 7.4.2005

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

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. Dangerous Drugs Ordinance (Replacement of Fourth Schedule) Order 2005 (gazetted on 18.3.2005)	36/2005
2. Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005 (gazetted on 18.3.2005)	37/2005
3. Swimming Pools (Amendment) Regulation 2005 (gazetted on 1.4.2005)	39/2005
4. Designation of Libraries Order 2005 (gazetted on 1.4.2005)	40/2005
5. Air Navigation (Flight Prohibition) Order (Commencement) Notice 2005 (gazetted on 1.4.2005)	41/2005
6. Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002 (Commencement) Notice 2005 (gazetted on 1.4.2005)	42/2005
7. Shipping and Port Control (Amendment) (No. 3) Regulation 2000 (Commencement) Notice 2005 (gazetted on 1.4.2005)	43/2005
8. Tax Reserve Certificates (Rate of Interest) (No. 2) Notice 2005 (gazetted on 1.4.2005)	44/2005

Other Papers

- No.76 - Audited Statement of Accounts of the Quality Education Fund together with the Director of Audit's Report for the year ended 31 August 2004 (published on 22.3.2005)
- No.77 - Hong Kong Tourism Board 2003/2004 Annual Report (published on 1.4.2005)
- No.78 - Audited Financial Statements and Report on Activities of the Hong Kong Examinations and Assessment Authority for the year ending 31 August 2004 (published on 1.4.2005)
- No.79 - Report of changes to the approved Estimates of Expenditure approved during the third quarter of 2004-05 (Public Finance Ordinance : Section 8) (published on 1.4.2005)

No.80 - Summary and Revenue Analysis by Head,
General Revenue Account,
Estimates for the year ending 31 March 2006
(published on 1.4.2005)

Report of the Bills Committee on Vocational Training Council
(Amendment) Bill 2004 (published on 23.3.2005)

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

Questions

1. Dr Hon David LI asked Question 1.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

2. Hon LEE Cheuk-yan raised a point of order on whether he should defer asking his question as he had not yet been provided with a copy of the Administration's draft main reply to the question.

The President stated that the Rules of Procedure did not require the public officer answering a question to provide his/her draft reply in advance. She then directed Hon LEE Cheuk-yan to ask his question.

Hon LEE Cheuk-yan asked Question 2.

The Secretary for Home Affairs replied.

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

3. Hon Miriam LAU asked Question 3.

The Secretary for Economic Development and Labour replied.

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

4. Hon Bernard CHAN asked Question 4.

The Secretary for Health, Welfare and Food replied.

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

5. Hon Albert CHAN asked Question 5.

The Secretary for the Environment, Transport and Works replied.

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

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

The Secretary for Economic Development and Labour replied.

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

After declaring her interest as the Chairman of Hong Kong Tourism Board, Hon Mrs Selina CHOW asked a supplementary. The Secretary for Economic Development and Labour and the Secretary for Housing, Planning and Lands replied.

Another two Members asked supplementaries. The Secretary for Economic Development and Labour and the Secretary for Housing, Planning and Lands replied.

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

Statements

The Chief Secretary for Administration made a statement on the term of office of a new Chief Executive.

16 Members put questions to the Chief Secretary for Administration for the purpose of elucidating the statement and the Chief Secretary for Administration replied.

Hon Martin LEE raised a point of order on whether Members could be allowed to ask another round of questions on the statement.

The President stated that in accordance with the Rules of Procedure, Members were allowed to put short questions to the public officer for the purpose of elucidating the latter's statement only. She suggested that Members consider convening a committee meeting as early as possible or use other occasions to exchange views with the Administration on the issue.

Bills

First Reading

Banking (Amendment) Bill 2005

Securities and Futures (Amendment) Bill 2005

Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill

The Bills were 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

Banking (Amendment) Bill 2005

The Secretary for Financial Services and the Treasury moved the Second Reading and addressed the Council.

While the Secretary for Financial Services and the Treasury was addressing the Council, the President left the chair at 2:01 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the Second Reading proposed. The President's Deputy 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.

Securities and Futures (Amendment) Bill 2005

The Secretary for Financial Services and the Treasury moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President's Deputy 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.

Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill

The Secretary for Constitutional Affairs moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President's Deputy 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.

Vocational Training Council (Amendment) Bill 2004

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 October 2004 resumed.

Ir Dr Hon HO Chung-tai, Chairman of the Bills Committee on Vocational Training Council (Amendment) Bill 2004, addressed the Council on the Report of the Bills Committee on the Bill.

Two Members spoke on the Bill.

After declaring his interest as a member of the Council of Vocational Training Council, Hon Howard YOUNG spoke on the Bill.

At 2:38 pm, while Hon Howard YOUNG was speaking, the President resumed the chair.

Hon CHAN Yuen-han declared her interest as a member of the Council of Vocational Training Council and spoke on the Bill.

After declaring his interest as a member of the Council of Vocational Training Council and the Federation of Hong Kong Industries, Hon Andrew LEUNG spoke on the Bill.

One more Member spoke on the Bill.

The Secretary for Education and Manpower replied.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Vocational Training Council (Amendment) Bill 2004**.

Question that clauses 1, 2, 3 and 5 stand part of the Bill proposed, put and agreed to.

Question that clause 4 stand part of the Bill proposed.

The Secretary for Education and Manpower moved amendments to clause 4 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 4, as amended, stand part of the Bill proposed, put and agreed to.

Question that the long title stand part of the Bill proposed.

The Secretary for Education and Manpower moved an amendment to the long title and addressed the Committee.

Question on the amendment put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Vocational Training Council (Amendment) Bill
2004**

had passed through the Committee with amendments. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

Motion on Adjournment

The President stated that Hon Albert HO had sought her permission to move a motion for adjournment of the Council under Rule 16(2) of the Rules of Procedure for the purpose of debating the Government's decision to seek an interpretation of the Basic Law by the Standing Committee of the National People's Congress (NPCSC) concerning the term of office of the new Chief Executive. The President stated that as the Government would submit a report to the State Council later that day, she was satisfied that the issue was of urgency and importance, and therefore gave permission for Hon Albert HO to move the motion.

That this Council do now adjourn

Hon Albert HO moved the following motion and addressed the Council:

That this Council do now adjourn for the purpose of debating the following issue: The Chief Executive's Office will submit to the State Council later today a Report, proposing that the NPCSC interpret, at their meeting to be held at the end of April, Article 53 of the Basic Law concerning the term of office of the new Chief Executive.

Question on the motion proposed.

12 Members and Hon LEUNG Kwok-hung spoke on the motion.

While Hon LEUNG Kwok-hung was speaking, he tore out pages from a copy of the Basic Law, which he said belonged to him, in protest of the Government's decision to seek an interpretation of the Basic Law by the NPCSC.

The President stated that she considered tearing apart a copy of a piece of legislation in force in Hong Kong during a Council meeting was an improper act. However, as she had not forewarned Members of her view, she would not take action on this occasion. However, if any Member committed such an act in future during a Council meeting, she would regard the act as disorderly conduct and would reprimand the offender.

Hon LEE Wing-tat spoke on the motion. While he was speaking, the President left the chair at 6:19 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another four Members and Hon Alan LEONG spoke on the motion.

At 7:24 pm, while Hon Alan LEONG was speaking, the President resumed the chair.

Six other Members, the Secretary for Justice and the Secretary for Constitutional Affairs spoke on the motion.

Question on the motion put and negatived.

Members' Bills

First Reading

Citibank (Hong Kong) Limited (Merger) 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.

The President stated that as the Citibank (Hong Kong) Limited (Merger) Bill presented by Dr Hon David LI related to Government policies, in accordance with Rule 54(1) of the Rules of Procedure, the signification of the written consent of the Chief Executive by a designated public officer was required before the Council entered upon consideration of the second reading of the Bill.

The Secretary for Financial Services and the Treasury confirmed that the Acting Chief Executive had given his written consent for the Citibank (Hong Kong) Limited (Merger) Bill to be introduced into this Council.

Second Reading

Citibank (Hong Kong) Limited (Merger) Bill

Dr Hon David LI 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.

The President suspended the meeting at 9:28 pm.

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The Council resumed at 2:30 pm on 7 April 2005.

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

Members' Motions

Proposed resolution under the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

Hon Mrs Sophie LEUNG moved the following motion and addressed the Council:

Resolved that having considered the report of the Committee on Members' Interests made to this Council on 9 March 2005 under Rule 73(1)(e) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region, Honourable James TO Kun-sun be admonished for failing to furnish to the Clerk to the Legislative Council the particular of a registrable interest, namely the name of Target Link Limited, during the period from 1 July 1998 to 25 August 2004, contrary to Rule 83 of the aforesaid Rules.

Question on Hon Mrs Sophie LEUNG's motion proposed.

The President stated that Hon LAU Kong-wah 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 LAU Kong-wah moved the following amendment to Hon Mrs Sophie LEUNG's motion and addressed the Council:

To delete "admonished" after "Honourable James TO Kun-sun be" and substitute with "reprimanded".

Question on Hon LAU Kong-wah's amendment to Hon Mrs Sophie LEUNG's motion proposed.

James TO and seven Members spoke on the motion and the amendment.

With the President's permission, Hon LAU Kong-wah elucidated on some points he had made earlier which had been misunderstood by Hon Margaret NG.

After declaring her interest as a member of Committee on Members' Interests, Hon Emily LAU spoke on the motion and the amendment.

Another three Members spoke on the motion and the amendment.

Hon Mrs Sophie LEUNG spoke on the amendment.

Question on Hon LAU Kong-wah's amendment to Hon Mrs Sophie LEUNG's motion put.

Hon Emily LAU 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, 17 were present, two were in favour of the amendment, nine against it and six abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, six were in favour of the amendment, 16 against it and three abstained. (Voting

record in Appendix I.) 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.

Question on Hon Mrs Sophie LEUNG's motion put.

Hon Emily LAU 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, 17 were present, 15 were in favour of the motion and two against it; while among the Members returned by geographical constituencies through direct elections, 27 were present, 20 were in favour of the motion and six against it. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Perfecting the policy on protection of trees

Hon CHOY So-yuk moved the following motion and addressed the Council:

That, as currently the Government does not have a set of effective administrative measures or legislation to protect trees, and as co-ordination is lacking because the responsibilities are scattered among various departments, which may result in trees in the territory being destroyed, damaged or removed due to urban development, negligence or other reasons, this Council urges the Government to expeditiously formulate an effective policy on protection of trees, and at the same time perfect existing relevant legislation, administrative measures as well as administrative framework, so as to effectively protect and preserve various kinds of trees, especially those that are exceptionally old and large, rare and valuable, of historical, cultural or memorial significance, and of special ecological or scientific research value.

Question on Hon CHOY So-yuk's motion proposed.

The President stated that Hon Martin LEE 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 Martin LEE moved the following amendment to Hon CHOY So-yuk's motion and addressed the Council:

To add ", poor management, vandalism" after "negligence"; to delete "various kinds of trees" after "so as to effectively protect and preserve" and substitute with "mature trees

outside country parks, as well as urban woods"; and to delete "those" after "especially" and substitute with "trees".

Question on Hon Martin LEE's amendment to Hon CHOY So-yuk's motion proposed.

Six Members spoke on the motion and the amendment.

Hon CHOY So-yuk spoke on the amendment.

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

Another three Members spoke on the motion and the amendment.

Question on Hon Martin LEE's amendment to Hon CHOY So-yuk's motion put.

Hon CHOY So-yuk 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, 16 were present, six were in favour of the amendment and 10 abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, 10 were in favour of the amendment and nine 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 CHOY So-yuk replied.

Question on Hon CHOY So-yuk's motion put and agreed to.

Policy on assisting women in poverty

Hon CHAN Yuen-han moved the following motion and addressed the Council:

That, as the problem of poverty among women in Hong Kong is worsening, this Council urges the Government to face up to the feminization of poverty and formulate concrete policies and measures in various policy areas to assist the women in poverty.

While Hon CHAN Yuen-han was addressing the Council, the President left the chair at 6:28 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon CHAN Yuen-han's motion proposed.

The President's Deputy stated that Hon Albert HO and Hon LEE Cheuk-yan would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Hon Albert HO and Hon LEE Cheuk-yan respectively spoke on the motion and the amendments.

10 Members and Hon WONG Yung-kan spoke on the motion and the amendments.

At 8:10 pm, while Hon WONG Yung-kan was speaking, the President resumed the chair.

Another three Members spoke on the motion and the amendments.

Hon CHAN Yuen-han spoke on the amendments.

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

Hon Albert HO moved the following amendment to Hon CHAN Yuen-han's motion:

To add "whereas the Government has often overlooked the gender perspectives in formulating public policies and the Commission on Poverty and the Women's Commission have not shown adequate concern about gender-oriented poverty problems," after "women in Hong Kong is worsening,"; to delete "feminization" after "this Council urges the Government to face up to the" and substitute with "problem"; to delete "and" before "formulate concrete policies" and substitute with "among women,"; and to add ", and, in response to the comments and recommendations made by the United Nations Committee on Economic, Social and Cultural Rights when examining the Report of Hong Kong in 2001, adopt corresponding measures, which should include: (a) taking into account gender perspectives in the formulation of policies; (b) providing the Women's Commission with sufficient powers and resources to ensure that gender perspectives are taken into account in the policy-making process; (c) prohibiting age discrimination; (d) enacting legislation for the implementation of equal pay for work of equal value as provided for in the International Covenant on Economic, Social and Cultural Rights; and (e) introducing a comprehensive pension scheme with a view to providing adequate protection for housewives in Hong Kong" after "to assist the women in poverty".

Question on Hon Albert HO's amendment to Hon CHAN Yuen-han's motion proposed and put.

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

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

The President announced that among the Members returned by functional constituencies, 15 were present, seven were in favour of the amendment and eight against it; while among the Members returned by geographical constituencies through direct elections, 18 were present, 15 were in favour of the amendment and two 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 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 "Policy on assisting women in poverty", the Council do proceed to each of such divisions after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Hon LEE Cheuk-yan moved the following amendment to Hon CHAN Yuen-han's motion:

To add ", which should include: (a) enhancing women's financial independence through vocational and skills training and development of community economy; (b) prescribing a minimum wage and implementing the principle of equal pay for work of equal value to alleviate the problem of working poverty among women; (c) strengthening support for single-parent families; and (d) introducing an old age pension system to protect the retirement life of non-working women" after "to assist the women in poverty".

Question on Hon LEE Cheuk-yan's amendment to Hon CHAN Yuen-han's motion proposed and put.

Hon LEE Cheuk-yan 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, 16 were present, seven were in favour of the amendment and nine against it; while among the Members returned by geographical constituencies through direct elections, 18 were present, 15 were in favour of the amendment and two 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 amendment was negatived.

Hon CHAN Yuen-han replied.

Question on Hon CHAN Yuen-han's motion 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, 16 were present and 16 were in favour of the motion; while among the Members returned by geographical constituencies through direct elections, 18 were present and 17 were in favour of the motion. (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 the motion was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 20 April 2005 at 11:00 am.

The Council was adjourned at 9:17 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 07/04/2005
 時間 TIME: 04:45:17 下午

動議 MOTION: 劉江華議員對梁劉柔芬議員根據《香港特別行政區立法會議事規則》動議的決議案作出的修正案
 AMENDMENT BY HON LAU KONG-WAH TO HON MRS SOPHIE LEUNG'S PROPOSED RESOLUTION UNDER THE RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

動議人 MOVED BY: 劉江華 LAU Kong-wah

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	17	26	
投票 Vote	17	25	
贊成 Yes	2	6	
反對 No	9	16	
棄權 Abstain	6	3	
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	反對 NO	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	反對 NO
吳靄儀 Margaret NG	反對 NO	李卓人 LEE Cheuk-yan	反對 NO
張文光 CHEUNG Man-kwong		李柱銘 Martin LEE	反對 NO
陳智思 Bernard CHAN		李華明 Fred LI	反對 NO
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	棄權 ABSTAIN
單仲偕 SIN Chung-kai	反對 NO	涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	
黃容根 WONG Yung-kan	贊成 YES	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		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		劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	贊成 YES
李鳳英 LI Fung-ying	反對 NO	劉慧卿 Emily LAU	反對 NO
張宇人 Tommy CHEUNG		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	棄權 ABSTAIN	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		李國英 LI Kwok-ying	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	反對 NO	馬力 MA Lik	贊成 YES
黃定光 WONG Ting-kwong	贊成 YES	梁家傑 Alan LEONG	反對 NO
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	反對 NO
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	贊成 YES
鄭志堅 KWONG Chi-kin	棄權 ABSTAIN	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: 2
日期 DATE: 07/04/2005
時間 TIME: 04:49:56 下午

動議 MOTION: 根據《香港特別行政區立法會議事規則》動議決議案
PROPOSED RESOLUTION UNDER THE RULES OF PROCEDURE OF THE LEGISLATIVE
COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

動議人 MOVED BY: 梁劉柔芬 Mrs Sophie LEUNG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	17	27	
投票 Vote	17	26	
贊成 Yes	15	20	
反對 No	2	6	
棄權 Abstain	0	0	
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	贊成 YES	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	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		李柱銘 Martin LEE	贊成 YES
陳智思 Bernard CHAN		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	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	
黃容根 WONG Yung-kan	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
楊孝華 Howard YOUNG	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		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		劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	贊成 YES	劉江華 LAU Kong-wah	反對 NO
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG		蔡素玉 CHOY So-yuk	反對 NO
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	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		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		李國英 LI Kwok-ying	贊成 YES
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	反對 NO
黃定光 WONG Ting-kwong	反對 NO	梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung		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	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: 3
日期 DATE: 07/04/2005
時間 TIME: 06:23:00 下午

動議 MOTION: 李柱銘議員對蔡素玉議員就「完善保護樹木政策」所提議案作出的修正案
AMENDMENT BY HON MARTIN LEE TO HON CHOY SO-YUK'S MOTION ON
"PERFECTING THE POLICY ON PROTECTION OF TREES"

動議人 MOVED BY: 李柱銘 Martin LEE

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	16	20	
投票 Vote	16	19	
贊成 Yes	6	10	
反對 No	0	0	
棄權 Abstain	10	9	
結果 Result	否決 Negated	否決 Negated	否決 Negated

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	棄權 ABSTAIN	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	棄權 ABSTAIN	何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG		李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong		李柱銘 Martin LEE	贊成 YES
陳智思 Bernard CHAN		李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG		周梁淑怡 Mrs Selina CHOW	棄權 ABSTAIN
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan	棄權 ABSTAIN	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
楊孝華 Howard YOUNG	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	棄權 ABSTAIN
劉健儀 Miriam LAU	棄權 ABSTAIN	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	棄權 ABSTAIN	劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG		蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG		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	
林偉強 Daniel LAM	棄權 ABSTAIN	馮檢基 Frederick FUNG	
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	贊成 YES
郭家麒 Dr KWOK Ka-ki		李國英 LI Kwok-ying	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	棄權 ABSTAIN
黃定光 WONG Ting-kwong		梁家傑 Alan LEONG	
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	贊成 YES
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	
譚香文 TAM Heung-man		鄭經翰 Albert CHENG	

投票 VOTE: 4
 日期 DATE: 07/04/2005
 時間 TIME: 09:09:16 下午

動議 MOTION: 何俊仁議員對陳婉嫻議員就「扶助貧窮婦女政策」所提議案作出的修正案
 AMENDMENT BY HON ALBERT HO TO HON CHAN YUEN-HAN'S MOTION ON "POLICY ON ASSISTING WOMEN IN POVERTY"

動議人 MOVED BY: 何俊仁 Albert HO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	15	18	
投票 Vote	15	17	
贊成 Yes	7	15	
反對 No	8	2	
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		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	反對 NO
呂明華 Dr LUI Ming-wah		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		李柱銘 Martin LEE	
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG		周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai		涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	陳鑑林 CHAN Kam-lam	
楊孝華 Howard YOUNG	反對 NO	梁耀忠 LEUNG Yiu-chung	
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK	反對 NO	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	贊成 YES
李鳳英 LI Fung-ying		劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	
王國興 WONG Kwok-hing		譚耀宗 TAM Yiu-chung	贊成 YES
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	反對 NO	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	贊成 YES
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong		梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	
劉秀成 PATRICK LAU		張學明 CHEUNG Hok-ming	
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	

秘書 CLERK _____

投票 VOTE: 5
日期 DATE: 07/04/2005
時間 TIME: 09:12:31 下午

動議 MOTION: 李卓人議員對陳婉嫻議員就「扶助貧窮婦女政策」所提議案作出的修正案
AMENDMENT BY HON LEE CHEUK-YAN TO HON CHAN YUEN-HAN'S MOTION ON
"POLICY ON ASSISTING WOMEN IN POVERTY"

動議人 MOVED BY: 李卓人 LEE Cheuk-yan

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	16	18	
投票 Vote	16	17	
贊成 Yes	7	15	
反對 No	9	2	
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	反對 NO
呂明華 Dr LUI Ming-wah		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		李柱銘 Martin LEE	
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG		周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai		涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	陳鑑林 CHAN Kam-lam	
楊孝華 Howard YOUNG	反對 NO	梁耀忠 LEUNG Yiu-chung	
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK	反對 NO	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	贊成 YES
李鳳英 LI Fung-ying		劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	
王國興 WONG Kwok-hing		譚耀宗 TAM Yiu-chung	贊成 YES
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	反對 NO	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	贊成 YES
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong		梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	

投票 VOTE: 6
日期 DATE: 07/04/2005
時間 TIME: 09:15:57 下午

動議 MOTION: 「扶助貧窮婦女政策」議案
MOTION "POLICY ON ASSISTING WOMEN IN POVERTY"

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	16	18	
投票 Vote	16	17	
贊成 Yes	16	17	
反對 No	0	0	
棄權 Abstain	0	0	
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	贊成 YES	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	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		李柱銘 Martin LEE	
陳智思 Bernard CHAN	贊成 YES	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG		周梁淑怡 Mrs Selina CHOW	贊成 YES
單仲偕 SIN Chung-kai		涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	陳鑑林 CHAN Kam-lam	
楊孝華 Howard YOUNG	贊成 YES	梁耀忠 LEUNG Yiu-chung	
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK	贊成 YES	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	贊成 YES	劉江華 LAU Kong-wah	贊成 YES
李鳳英 LI Fung-ying		劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG	贊成 YES	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG	贊成 YES	鄭家富 Andrew CHENG	
王國興 WONG Kwok-hing		譚耀宗 TAM Yiu-chung	贊成 YES
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	贊成 YES
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong		梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	

秘書 CLERK

