

# LEGISLATIVE COUNCIL

## MINUTES

No. 29

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Minutes of the meeting held on Wednesday 18 May 2005 at 11:00 am

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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

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 Albert Jinghan CHENG

The Hon KWONG Chi-kin

The Hon TAM Heung-man

**Members absent:**

Dr the Hon David LI Kwok-po, GBS, JP

The Hon Patrick LAU Sau-shing, SBS, JP

**Public officers attending:**

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 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

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

The Hon Ambrose LEE Siu-kwong, IDSM, JP  
Secretary for Security

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

**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. Official Languages (Alteration of Text under Section 4D) (Reference to "Alteration" in Entertainment Special Effects Ordinance) Order (gazetted on 13.5.2005)	75/2005
2. Public Health and Municipal Services (Setting Aside Places for Use as Public Pleasure Grounds) Order 2005 (gazetted on 13.5.2005)	76/2005
3. Public Health and Municipal Services Ordinance (Amendment of Fourth Schedule) Order 2005 (gazetted on 13.5.2005)	77/2005
4. Public Health and Municipal Services (Designation of Public Swimming Pools) Order 2005 (gazetted on 13.5.2005)	78/2005
5. Public Health and Municipal Services Ordinance (Amendment of Fourteenth Schedule) Order 2005 (gazetted on 13.5.2005)	79/2005
6. Rules of the High Court (Amendment) Rules 2005 (gazetted on 13.5.2005)	80/2005
7. Companies (Amendment) Ordinance 2004 (Amendment of Schedule 3) Notice 2005 (gazetted on 13.5.2005)	81/2005
8. Companies (Amendment) Ordinance 2004 (Commencement) Notice 2005 (gazetted on 13.5.2005)	82/2005

### **Other Papers**

No. 89 - The Government Minute in response to the Report No. 43 of the Public Accounts Committee dated February 2005 (published on 18.5.2005)

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

## **Addresses**

The Chief Secretary for Administration addressed the Council on the Government Minute in response to Report No. 43 of the Public Accounts Committee dated February 2005.

Hon Alan LEONG Kah-kit, Chairman of the Subcommittee on Town Planning (Amendment) Ordinance 2004 (Commencement) Notice, addressed the Council on the Subcommittee's Report on the Town Planning (Amendment) Ordinance 2004 (Commencement) Notice, which was subsidiary legislation laid on the Table of the Council on 20 April 2005.

## **Questions**

1. Hon LEUNG Yiu-chung asked Question 1.

The Secretary for Economic Development and Labour replied.

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

2. In accordance with Rule 26(6) of the Rules of Procedure, Hon Alan LEONG Kah-kit asked Question 2 on behalf of Hon Audrey EU, who was not present.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

3. Hon James TIEN asked Question 3.

The Secretary for Security replied.

Nine Members asked supplementaries and the Secretary for Security replied.

4. Hon LAU Kong-wah asked Question 4.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

5. Hon Albert CHAN asked Question 5.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

6. Hon LI Kwok-ying asked Question 6.

The Secretary for Housing, Planning and Lands replied.

Six Members asked supplementaries and the Secretary for Housing, Planning and Lands replied.

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

### **Statements**

The Secretary for Education and Manpower made a statement on The New Academic Structure for Senior Secondary and Higher Education - Action Plan for Investing in the Future of Hong Kong.

Five Members sought elucidation on the statement and the Secretary for Education and Manpower replied.

### **Bills**

#### **First Reading**

**Merchant Shipping (Local Vessels and Miscellaneous Amendments)  
Bill 2005**

**Waste Disposal (Amendment) Bill 2005**

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**

**Merchant Shipping (Local Vessels and Miscellaneous Amendments)  
Bill 2005**

The Secretary for Economic Development and Labour 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.

### **Waste Disposal (Amendment) Bill 2005**

The Secretary for the Environment, Transport and Works 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.

### **Members' Motions**

#### **Continuing decline in birth rate**

Hon LEE Cheuk-yan moved the following motion and addressed the Council:

That, in view of the continuing decline in Hong Kong's birth rate, this Council urges the Government to look into the anxieties and obstacles experienced by Hong Kong people in giving birth to children, and formulate measures that are conducive to achieving a balance between work and family life, so that Hong Kong people's childbirth plans will not be affected by their work.

While Hon LEE Cheuk-yan was addressing the Council, the President left the chair at 1:50 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon LEE Cheuk-yan's motion proposed.

The President's Deputy stated that Hon CHAN Kam-lam and Hon Mrs Sophie LEUNG 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 CHAN Kam-lam and Hon Mrs Sophie LEUNG consecutively spoke on the motion and the amendments.

Four Members and Hon Jeffrey LAM Kin-fung spoke on the motion and the amendments.



At 2:43 pm, while Hon Jeffrey LAM Kin-fung was speaking, the President resumed the chair.

Another 10 Members spoke on the motion and the amendments.

Hon LEE Cheuk-yan spoke on the amendments.

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

Hon CHAN Kam-lam moved the following amendment to Hon LEE Cheuk-yan's motion:

To add "formulate a package of comprehensive population policies, including: (a) perfecting the existing Capital Investment Entrant Scheme and the current policies regarding admission of Mainland people to Hong Kong for settlement, etc, so as to prevent the ageing of Hong Kong's population from further worsening as a result of the continuing decline in our birth rate; (b) reviewing the existing policies on housing, education, manpower, welfare and health care, etc, in Hong Kong, in order to cater for the changes brought about by the continuing decline in our birth rate and the ageing of the population; (c) reviewing afresh the present publicity and promotional strategies on family planning in Hong Kong, and formulating measures to encourage childbirth; and (d)" after "this Council urges the Government to"; to delete "look" before "into the anxieties and obstacles" and substitute with "looking"; and to delete "formulate" after "giving birth to children, and" and substitute with "formulating".

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

Hon James TO 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, 25 were present, 23 were in favour of the amendment and two abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 17 were in favour of the amendment, one against it and eight abstained. (Voting record in Appendix I.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amendment was agreed.

The President stated that Hon Mrs Sophie LEUNG had indicated that she would withdraw her amendment if Hon CHAN Kam-lam's

amendment was agreed. Hon Mrs Sophie LEUNG had therefore withdrawn her amendment.

Hon LEE Cheuk-yan replied.

Question on Hon LEE Cheuk-yan's motion as amended by Hon CHAN Kam-lam put.

Hon SIN Chung-kai 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, 24 were present, 21 were in favour of the motion and three abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 19 were in favour of the motion, one against it and seven abstained. (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 Hon LEE Cheuk-yan's motion as amended by Hon CHAN Kam-lam was carried.

#### **Display of the national flag**

Hon MA Lik moved the following motion and addressed the Council:

That, to promote patriotic education in Hong Kong and in order that Hong Kong people attach greater importance to the display of the national flag, this Council urges the Government to require the display of the national flag at government buildings, primary and secondary schools as well as the University Grants Committee-funded institutions on National Day, Hong Kong Special Administrative Region Establishment Day and New Year's Day, and to require schools to organize the national flag-raising ceremony on a regular basis with full participation by all teachers and students; furthermore, the Government should strengthen education to enhance public understanding of the national flag and the regional flag.

Question on the motion proposed.

Eight Members and the Secretary for Home Affairs spoke on the motion.

Hon MA Lik replied.

With the President's permission, Hon James TO elucidated on a point he had made earlier which had been misunderstood by Hon MA Lik.

Question on the motion put and agreed to.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 25 May 2005 at 11:00 am.

The Council was adjourned at 5:53 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

投票 VOTE: 1  
 日期 DATE: 18/05/2005  
 時間 TIME: 04:20:48 下午

動議 MOTION: 陳鑑林議員對李卓人議員就「出生率持續下降」所提議案作出的修正案  
 AMENDMENT BY HON CHAN KAM-LAM TO HON LEE CHEUK-YAN'S MOTION ON  
 "CONTINUING DECLINE IN BIRTH RATE"

動議人 MOVED BY: 陳鑑林 CHAN Kam-lam

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	25	27	
投票 Vote	25	26	
贊成 Yes	23	17	
反對 No	0	1	
棄權 Abstain	2	8	
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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
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	
呂明華 Dr LUI Ming-wah	贊成 YES	何俊仁 Albert HO	棄權 ABSTAIN
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	棄權 ABSTAIN	李柱銘 Martin LEE	棄權 ABSTAIN
陳智思 Bernard CHAN	贊成 YES	李華明 Fred LI	棄權 ABSTAIN
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	周梁淑怡 Mrs Selina CHOW	
單仲偕 SIN Chung-kai	棄權 ABSTAIN	涂謹申 James TO	棄權 ABSTAIN
黃宜弘 Dr Philip WONG	贊成 YES	陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	陳鑑林 CHAN Kam-lam	贊成 YES
楊孝華 Howard YOUNG		梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	贊成 YES	曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	棄權 ABSTAIN
霍震霆 Timothy FOK	贊成 YES	劉千石 LAU Chin-shek	贊成 YES
石禮謙 Abraham SHEK	贊成 YES	劉江華 LAU Kong-wah	贊成 YES
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	贊成 YES
方剛 Vincent FANG	贊成 YES	鄭家富 Andrew CHENG	棄權 ABSTAIN
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	棄權 ABSTAIN
林偉強 Daniel LAM	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	
梁君彥 Andrew LEUNG	贊成 YES	李永達 LEE Wing-tat	棄權 ABSTAIN
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	贊成 YES
黃定光 WONG Ting-kwong	贊成 YES	梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	贊成 YES	梁國雄 LEUNG Kwok-hung	贊成 YES
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	贊成 YES
鄭志堅 KWONG Chi-kin		湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	反對 NO

投票 VOTE: 2  
日期 DATE: 18/05/2005  
時間 TIME: 04:27:45 下午

動議 MOTION: 由李卓人議員動議，經陳鑑林議員／梁劉柔芬議員修正的「出生率持續下降」議案  
MOTION MOVED BY HON LEE CHEUK-YAN ON "CONTINUING DECLINE IN BIRTH RATE" AS AMENDED BY HON CHAN KAM-LAM / HON MRS SOPHIE LEUNG

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	24	28	
投票 Vote	24	27	
贊成 Yes	21	19	
反對 No	0	1	
棄權 Abstain	3	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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
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	
呂明華 Dr LUI Ming-wah	贊成 YES	何俊仁 Albert HO	棄權 ABSTAIN
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	棄權 ABSTAIN	李柱銘 Martin LEE	棄權 ABSTAIN
陳智思 Bernard CHAN	贊成 YES	李華明 Fred LI	棄權 ABSTAIN
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	棄權 ABSTAIN	涂謹申 James TO	棄權 ABSTAIN
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	贊成 YES
楊孝華 Howard YOUNG		梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	贊成 YES	曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	棄權 ABSTAIN
霍震霆 Timothy FOK	贊成 YES	劉千石 LAU Chin-shek	贊成 YES
石禮謙 Abraham SHEK	贊成 YES	劉江華 LAU Kong-wah	贊成 YES
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	贊成 YES
方剛 Vincent FANG	贊成 YES	鄭家富 Andrew CHENG	棄權 ABSTAIN
王國興 WONG Kwok-hing	贊成 YES	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	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	
梁君彥 Andrew LEUNG	贊成 YES	李永達 LEE Wing-tat	棄權 ABSTAIN
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	贊成 YES
黃定光 WONG Ting-kwong	贊成 YES	梁家傑 Alan LEONG	贊成 YES
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	贊成 YES
鄭志堅 KWONG Chi-kin		湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	反對 NO