

LEGISLATIVE COUNCIL

MINUTES

No. 33

Minutes of the meeting held on Wednesday 15 June 2005 at 11:00 am

Members present:

President

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

The Hon James TIEN Pei-chun, GBS, JP

The Hon Albert HO Chun-yan

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

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

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

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon CHAN Yuen-han, JP

The Hon Bernard CHAN, JP

The Hon CHAN Kam-lam, JP

The Hon LEUNG Yiu-chung

The Hon SIN Chung-kai, JP
Dr the Hon Philip WONG Yu-hong, GBS
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 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 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

Members absent:

The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

The Hon WONG Yung-kan, JP

The Hon Abraham SHEK Lai-him, JP

The Hon Andrew LEUNG Kwan-yuen, SBS, JP

Public officers attending:

The Hon Elsie LEUNG Oi-sie, GBM, JP

The Secretary for Justice

The Hon Michael SUEN Ming-yeung, GBS, JP

Secretary for Housing, Planning and Lands

The Hon Stephen IP Shu-kwan, GBS, JP

Secretary for Economic Development and Labour

Dr the Hon Sarah LIAO Sau-tung, JP

Secretary for the Environment, Transport and Works

The Hon Frederick MA Si-hang, JP

Secretary for Financial Services and the Treasury

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Prisons (Amendment) Order 2005 (gazetted on 10.6.2005)	92/2005
2. Tate's Cairn Tunnel Ordinance (Replacement of Schedule) Notice 2005 (gazetted on 10.6.2005)	93/2005

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 LUI Ming-wah asked Question 1.

The Secretary for the Environment, Transport and Works replied.

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

2. Hon CHAN Yuen-han asked Question 2.

The Secretary for Housing, Planning and Lands replied.

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

3. Hon SIN Chung-kai asked Question 3.

The Secretary for Housing, Planning and Lands replied.

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

4. In accordance with Rule 26(6) of the Rules of Procedure, Dr Hon Fernando CHEUNG Chiu-hung asked Question 4 on behalf of Hon LEUNG Kwok-hung, who was not present.

The Secretary for Financial Services and the Treasury replied.

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

5. Hon WONG Ting-kwong asked Question 5.

The Secretary for Commerce, Industry and Technology replied.

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

6. Hon KWONG Chi-kin asked Question 6.

The Secretary for Economic Development and Labour replied.

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

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

Bills

First Reading

Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005

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

Certification for Employee Benefits (Chinese Medicine) (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.

Members' Motions

Nature conservation policy

Hon CHEUNG Hok-ming moved the following motion and addressed the Council:

That, as the two measures, namely management agreements and public-private partnership, introduced by the Government under the new nature conservation policy implemented last year have failed to truly achieve the objective of conserving ecologically important sites under private ownership in a sustainable manner, and have even given rise to landowners' dissatisfaction about the infringement of their rights and interests as well as the public's doubt about the effectiveness of such measures, this Council urges the Government to review the policy, including:

- (a) establishing policy objectives and strategies which genuinely accord priority to conservation;
- (b) reviewing the existing fragmented legislation relating to nature conservation, and considering the enactment of legislation which specifically deals with the conservation of nature and ecology;
- (c) the Government assuming a more proactive role by undertaking conservation and management work on the 12 priority sites for enhanced conservation ("priority sites");
- (d) exploring afresh practicable and reasonable options to make reasonable compensation or arrangements for owners of private land in the priority sites, so as to ensure that there is more effective conservation and management of the lands concerned;
- (e) enhancing the training for the personnel responsible for managing and supervising conservation work so as to upgrade their professionalism, and promoting public awareness of nature conservation; and
- (f) the relevant government departments taking the lead in co-ordinating exchanges on conservation matters among the Administration, green groups, the private sector, rural organizations, universities, research institutions, etc, and in uniting the efforts of the various parties in promoting the conservation of the ecology.

While Hon CHEUNG Hok-ming was speaking, the President left the chair at 1:16 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

Two Members and Hon Martin LEE spoke on the motion.

At 1:38 pm, while Hon Martin LEE was speaking, the President resumed the chair.

Another four Members and the Secretary for the Environment, Transport and Works spoke on the motion.

Hon CHEUNG Hok-ming replied.

Question on the motion put.

Hon Albert HO 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, 14 were present, 12 were in favour of the motion and two abstained; while among the Members returned by geographical constituencies through direct elections, 21 were present, 13 were in favour of the motion and seven abstained. (Voting record in the Appendix.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Deepening the Mainland and Hong Kong Closer Economic Partnership Arrangement

Hon WONG Ting-kwong moved the following motion and addressed the Council:

That, as the SAR Government has just completed its study on the economic benefits of the first phase of the Mainland and Hong Kong Closer Economic Partnership Arrangement ("CEPA I"), and the business sector and professional organizations have respectively expressed their views on ways to improve CEPA, this Council urges the Government to take proactive measures to respond to the aspirations expressed by various sectors in the review of CEPA I, including:

- (a) strengthening its promotion efforts to attract Mainland enterprises to set up offices in Hong Kong for developing the international market, and pursuing with the Central Authorities the relaxation of the control of capital flows, with a view to implementing the investment

facilitation policy for Mainland enterprises to invest in Hong Kong and Macao;

- (b) assisting Hong Kong businessmen in overcoming the trade barriers they encounter in various Mainland provinces and cities, improving the customs clearance facilities, and promoting the trading of goods, so as to assist the development of local industries and to create local job opportunities;
- (c) stepping up its promotion efforts to encourage low-skilled people of Hong Kong to start their businesses in the Mainland by setting up individually owned stores; and
- (d) pursuing with the Central Authorities the admittance of Hong Kong professionals to the Mainland to set up their businesses and practise there, so as to facilitate the trade in services.

Question on Hon WONG Ting-kwong's motion proposed.

The President stated that Hon SIN Chung-kai 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 SIN Chung-kai moved the following amendment to Hon WONG Ting-kwong's motion and addressed the Council:

To delete "and" after "setting up individually owned stores;" and to add "; (e) enhancing its support for those Hong Kong people who work and operate businesses in the Mainland, e.g. by strengthening the functions of the Office of the Government of the Hong Kong Special Administrative Region in Beijing and the Hong Kong Economic and Trade Office in Guangdong, so as to render assistance to Hong Kong residents who encounter in the Mainland such difficulties as trade or legal disputes and threats to personal safety; (f) discussing with the Central Authorities the early implementation of the Qualified Domestic Institutional Investors scheme for promoting Mainlanders' investments in Hong Kong; and (g) discussing with the Central Authorities according national treatment to Hong Kong companies operating in the Mainland" after "to facilitate the trade in services".

Question on Hon SIN Chung-kai's amendment to Hon WONG Ting-kwong's motion proposed.

11 Members spoke on the motion and the amendment.

Hon WONG Ting-kwong spoke on the amendment.

The Secretary for Commerce, Industry and Technology spoke on the motion and the amendment.

Question on Hon SIN Chung-kai's amendment to Hon WONG Ting-kwong's motion put and agreed to.

Hon WONG Ting-kwong replied.

Question on Hon WONG Ting-kwong's motion as amended by Hon SIN Chung-kai put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 22 June 2005 at 11:00 am.

The Council was adjourned at 4:24 pm.

(Mrs Rita FAN HSU Lai-tai)
President
7 July 2005

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 15/06/2005
 時間 TIME: 02:30:47 下午

動議 MOTION: 「自然保育政策」議案
 MOTION "NATURE CONSERVATION POLICY"

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	14	21	
投票 Vote	14	20	
贊成 Yes	12	13	
反對 No	0	0	
棄權 Abstain	2	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	贊成	YES	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			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			李華明	Fred LI	棄權	ABSTAIN
梁劉柔芬	Mrs Sophie LEUNG			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			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		
劉健儀	Miriam LAU	贊成	YES	楊森	Dr YEUNG Sum	棄權	ABSTAIN
霍震霆	Timothy FOK			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			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			鄭家富	Andrew CHENG	棄權	ABSTAIN
王國興	WONG Kwok-hing	贊成	YES	譚耀宗	TAM Yiu-chung		
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		
林健鋒	Jeffrey LAM			余若薇	Audrey EU	贊成	YES
梁君彥	Andrew LEUNG			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		
黃定光	WONG Ting-kwong	贊成	YES	梁家傑	Alan LEONG		
詹培忠	CHIM Pui-chung			梁國雄	LEUNG Kwok-hung		
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	贊成	YES
譚香文	TAM Heung-man			鄭經翰	Albert CHENG	贊成	YES

秘書 CLERK