

# LEGISLATIVE COUNCIL

## MINUTES

No. 33

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Minutes of the meeting held on Wednesday 15 June 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

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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
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	Dr YEUNG Sum	棄權 ABSTAIN
霍震霆 Timothy FOK		劉千石 LAU Chin-shek	贊成 YES
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