

LEGISLATIVE COUNCIL

MINUTES

No. 36

Minutes of the meeting held on Wednesday 29 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

Dr the Hon LUI Ming-wah, JP

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-ye, 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

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 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 Fred LI Wah-ming, JP

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

Dr the Hon Philip WONG Yu-hong, GBS

Public officers attending:

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

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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

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:

Other Papers

No.95 - Report of the Independent Police Complaints Council 2004 (published on 29.6.2005)

No.96 - Report by the Commissioner of Correctional Services on the administration of the Prisoners' Welfare Fund for the year ended 31 March 2005 (published on 23.6.2005)

No.97 - Airport Authority Hong Kong Annual Report 2004/2005 (published on 29.6.2005)

No.98 - Hong Kong Trade Development Council Annual Report 2004/05 (published on 24.6.2005)

Report of the Finance Committee on the examination of the Estimates of Expenditure 2005-06 (published on 27.6.2005)

Report of the Panel on Information Technology and Broadcasting 2004/2005 (published on 27.6.2005)

Report of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2005 (published on 24.6.2005)

Report of the Bills Committee on Companies (Amendment) Bill 2004 (published on 27.6.2005)

Report of the Bills Committee on Transfer of Sentenced Persons (Amendment) (Macau) Bill (published on 23.6.2005)

Report of the Bills Committee on Aviation Security (Amendment) Bill 2005 (published on 23.6.2005)

Report of the Bills Committee on Child Care Services (Amendment) Bill 2005 (published on 23.6.2005)

Report of the Bills Committee on Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004 (published on 27.6.2005)

Addresses

Hon Alan LEONG Kah-kit addressed the Council on the Report of the Independent Police Complaints Council 2004.

Hon Emily LAU, Chairman of the Finance Committee, addressed the Council on the Committee's report on the examination of the Estimates of Expenditure 2005-06.

Hon SIN Chung-kai, Chairman of the Panel on Information Technology and Broadcasting, addressed the Council on the Panel's report 2004/2005.

As Hon Miriam LAU, who was next to address the Council on four items of subsidiary legislation concerning the Road Traffic Ordinance, was not present in the Chamber, the President called upon Hon Martin LEE to ask Question 1.

Questions

1. Hon Martin LEE asked Question 1.

The Chief Secretary for Administration replied.

Seven Members asked supplementaries and the Chief Secretary for Administration replied.

2. Hon LEUNG Kwok-hung asked Question 2.

The Secretary for Financial Services and the Treasury replied.

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

Hon James TO asked a supplementary concerning details about a complaint case mentioned in the main question. The Secretary for Financial Services and the Treasury sought the President's ruling on whether specific cases should be discussed at question time.

The President stated that there were no rules on whether or not details of specific cases could be mentioned at question time. Government officials normally would not give replies regarding specific cases and the Secretary for Financial Services and the Treasury might consider whether to give a general reply or not to Hon James TO's supplementary.

The Secretary for Financial Services and the Treasury then gave a general reply to Hon James TO's supplementary.

Hon James TO sought the President's ruling on whether or not the Secretary could refuse to give reply regarding a specific case.

The President stated that public officers normally did not speak on individual cases even if they were mentioned in the main question. Therefore, she ruled that it was in order if the Secretary, in replying to the supplementary, chose not to disclose details of the case.

Another Member asked a supplementary and the Secretary for Financial Services and the Treasury replied.

3. Hon Emily LAU asked Question 3.

The Secretary for Security replied.

10 Members asked supplementaries and the Secretary for Security replied.

4. Hon Albert CHAN asked Question 4.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

5. Hon LEUNG Yiu-chung asked Question 5.

The Secretary for Health, Welfare and Food replied.

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

6. Hon CHEUNG Hok-ming asked Question 6.

The Secretary for the Environment, Transport and Works replied.

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

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

Bills

First Reading

Financial Reporting Council 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

Financial Reporting Council Bill

The Secretary for Financial Services and the Treasury 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.

Statute Law (Miscellaneous Provisions) Bill 2005

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 9 March 2005 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2005, addressed the Council on the Report of the Bills Committee on the Bill.

The Secretary for Justice 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 **Statute Law (Miscellaneous Provisions) Bill 2005**.

Question that clauses 1 to 14, 16 to 33, 39 to 65, 67 to 197 and 199 to 224 stand part of the Bill proposed, put and agreed to.

Question that the heading of Division 5 of Part 2, the heading and subheading before clause 34, the subheading before clause

198, and clauses 15, 34 to 38, 66 and 198 stand part of the Bill proposed.

The Secretary for Justice moved amendments to the heading of Division 5 of Part 2, clauses 15, 35 to 38 and 66, and the deletion of the heading and subheading before clause 34, the subheading before clause 198, and clauses 34 and 198, and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to the heading and subheading before clause 34, the subheading before clause 198, and clauses 34 and 198, which dealt with deletions, had been agreed, the aforesaid heading, subheadings and clauses were therefore deleted from the Bill.

Question that the heading of Division 5 of Part 2, clauses 15, 35 to 38 and 66, as amended, stand part of the Bill proposed, put and agreed to.

New subheadings before new clauses 10A, 14A, 14C, 14D and 34A and new clauses 10A, 14A, 14B, 14C, 14D, 34A, 34B, 36A and 36B read the first time.

The Secretary for Justice moved the Second Reading of the aforesaid subheadings and clauses and addressed the Committee.

Question on the Second Reading of the aforesaid subheadings and clauses proposed, put and agreed to.

The aforesaid subheadings and clauses read the second time.

The Secretary for Justice moved the addition of the aforesaid subheadings and clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Justice reported that

the **Statute Law (Miscellaneous Provisions) Bill 2005**

had passed through the Committee with amendments. She 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.

Supplementary Appropriation (2004-2005) Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 8 June 2005 resumed.

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 **Supplementary Appropriation (2004-2005) Bill**.

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

Question that the schedule stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services and the Treasury reported that

the **Supplementary Appropriation (2004-2005) Bill**

had passed through the Committee without amendment. 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.

Companies (Amendment) Bill 2004

Resumption of Second Reading debate

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

Hon Audrey EU, Chairman of the Bills Committee on Companies (Amendment) Bill 2004, addressed the Council on the Report of the Bills Committee on the Bill.

One Member spoke on the Bill.

The Secretary for Financial Services and the Treasury 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 **Companies (Amendment) Bill 2004**.

Question that clauses 1, 6, 9, 11 to 17 and 21 stand part of the Bill proposed, put and agreed to.

Question that clauses 2 to 5, 7, 8, 10, 18, 19 and 20 stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved amendments to clauses 2, 3, 5, 7, 8, 10, 18, 19 and 20 and the deletion of clause 4 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 4, which dealt with deletion, had been agreed, clause 4 was therefore deleted from the Bill.

Question that clauses 2, 3, 5, 7, 8, 10, 18, 19 and 20, as amended, stand part of the Bill proposed, put and agreed to.

New clause 1A read the first time.

The Secretary for Financial Services and the Treasury moved the Second Reading of new clause 1A and addressed the Committee.

Question on the Second Reading of new clause 1A proposed, put and agreed to.

New clause 1A read the second time.

The Secretary for Financial Services and the Treasury moved the addition of new clause 1A to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services and the Treasury reported that

the Companies (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.

Transfer of Sentenced Persons (Amendment) (Macau) Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 5 January 2005 resumed.

Hon James TO, Chairman of the Bills Committee on Transfer of Sentenced Persons (Amendment) (Macau) Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Two Members spoke on the Bill.

The Secretary for Security 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 **Transfer of Sentenced Persons (Amendment) (Macau) Bill**.

Question that clauses 1 to 6 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

**the Transfer of Sentenced Persons (Amendment)
(Macau) Bill**

had passed through the Committee without amendment. 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.

Aviation Security (Amendment) Bill 2005

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 9 March 2005 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Aviation Security (Amendment) Bill 2005, addressed the Council on the Report of the Bills Committee on the Bill.

After declaring his interest as the General Manager, Industry and Hong Kong Affairs of Cathay Pacific Airways and an executive committee member of the Board of Airline Representative, Hong Kong, Hon Howard YOUNG spoke on the Bill.

Another two Members spoke on the Bill.

The Secretary for Security 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 **Aviation Security (Amendment) Bill 2005**.

Question that clauses 1 to 10 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the Aviation Security (Amendment) Bill 2005

had passed through the Committee without amendment. 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.

Child Care Services (Amendment) Bill 2005

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 27 April 2005 resumed.

Dr Hon YEUNG Sum, Chairman of the Bills Committee on Child Care Services (Amendment) Bill 2005, addressed the Council on the Report of the Bills Committee on the Bill.

While Dr Hon YEUNG Sum was speaking, the President left the chair at 3:33 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

After the address on the Report of the Bills Committee on the Bill, Dr Hon YEUNG Sum spoke on the Bill in his personal capacity as a Member.

Another seven Members spoke on the Bill.

The Secretary for Health, Welfare and Food replied.

At 4:34 pm, while the Secretary for Health, Welfare and Food was speaking, the President resumed the chair.

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 **Child Care Services (Amendment) Bill 2005**.

Question that clauses 1, 3 to 10, 15, 16, 17 and 21 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 11 to 14, 18, 19, 20, 22 and 23 stand part of the Bill proposed.

The Secretary for Health, Welfare and Food moved amendments to clauses 2, 11, 12, 14, 18, 19, 20, 22 and 23 and the deletion of clause 13 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 13, which dealt with deletion, had been agreed, clause 13 was therefore deleted from the Bill.

Question that clauses 2, 11, 12, 14, 18, 19, 20, 22 and 23, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Health, Welfare and Food reported that

the Child Care Services (Amendment) Bill 2005

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.

Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004

Resumption of Second Reading debate

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

Hon Mrs Selina CHOW, Chairman of the Bills Committee on Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004, addressed the Council on the Report of the Bills Committee on the Bill. After the address, she spoke on the Bill in her personal capacity as a Member.

Another six Members spoke on the Bill.

The Secretary for Health, Welfare and Food 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 **Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004**.

Question that clauses 1, 2, 3, 6, 7, 9, 11 and 12 stand part of the Bill proposed, put and agreed to.

Question that clauses 4, 5, 8 and 10 stand part of the Bill proposed.

The Secretary for Health, Welfare and Food moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 4, 5, 8 and 10, as amended, stand part of the Bill proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Health, Welfare and Food reported that

the **Undesirable Medical Advertisements (Amendment)
(No. 2) 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.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that -

(a) the Road Traffic (Traffic Control)(Amendment) Regulation 2005, published in the Gazette as Legal Notice No. 66 of 2005 and laid on the table of the Legislative Council on 11 May 2005, be amended in section 3 by repealing the new regulation 53A(6)(b) and substituting -

"(b) the Commissioner may impose such other conditions of the exemption relating to -

(i) the regulation of road traffic;

(ii) the use of vehicles; or

(iii) the use of roads,

as he considers necessary.";

(b) the Road Traffic (Registration and Licensing of Vehicles)(Amendment)(No. 2) Regulation 2005, published in the Gazette as Legal Notice No. 67 of 2005 and laid on the table of the Legislative Council on 11 May 2005, be amended in section 2(b) by repealing the new regulation 53(3A)(b) and substituting -

"(b) such other conditions relating to -

(i) the regulation of road traffic;

(ii) the use of vehicles; or

(iii) the use of roads,

as the Commissioner considers necessary.".

Question on the motion proposed.

Two Members spoke on the motion.

Question on the motion put and agreed to.

Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Health, Welfare and Food moved the following motion and addressed the Council:

Resolved that the following Regulations, made by the Pharmacy and Poisons Board on 4 June 2005, be approved -

(a) the Pharmacy and Poisons (Amendment)(No. 2) Regulation 2005; and

(b) the Poisons List (Amendment)(No. 2) Regulation 2005.
Question on the motion proposed, put and agreed to.

Members' Bills

The Methodist Church, Hong Kong, Incorporation (Amendment) Bill 2005

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 1 June 2005 resumed.

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 Methodist Church, Hong Kong, Incorporation (Amendment) Bill 2005**.

Question that clauses 1 to 4 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

Hon LAU Chin-shek reported that

The Methodist Church, Hong Kong, Incorporation (Amendment) Bill 2005

had passed through the Committee without amendment. 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.

Members' Motions

Enhancing the regulation of commercial marketing practices

Hon CHAN Kam-lam moved the following motion and addressed the Council:

That, as the practice of direct marketing has become increasingly prevalent in commercial activities and has given rise to such problems as consumers receiving lots of nuisance telephone calls and obstruction of access by on-street promotional activities, and as the number of consumers' complaints about being misled or deceived by salespersons are also on the increase, in order to safeguard consumers' rights and interests, this Council urges the Government to adopt measures to enhance the regulation of commercial marketing practices, including:

- (a) establishing a system for "blocking promotional calls";
- (b) requiring telecommunication companies to provide customers with services to filter spam promotional calls or short messages;
- (c) requiring the departments concerned to strictly enforce the relevant legislative provisions, so as to prevent excessive nuisance to the public caused by on-street promotional activities;
- (d) encouraging commercial clients to simplify the provisions of their contracts with customers, so as to make the provisions more explicit and enhance their transparency; and
- (e) raising penalties in order to impose severe punishments against misleading or deceptive marketing behaviours.

Question on Hon CHAN Kam-lam's motion proposed.

The President stated that Hon James TO 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 James TO moved the following amendment to Hon CHAN Kam-lam's motion and addressed the Council:

To add "conducting a study on" before "requiring telecommunication companies"; to add "including defining the term 'spam' " after "short messages"; to delete "and" after "enhance their transparency;" and substitute with "(e) exploring the provision of a cooling-off period in the contracts, so as to allow time for consumers to consider the features of the service plans and decide whether or not ultimately to accept the services; and"; and to delete the original "(e)" and substitute with "(f)".

Question on Hon James TO's amendment to Hon CHAN Kam-lam's motion proposed.

Nine Members spoke on the motion and the amendment.

Hon CHAN Kam-lam spoke on the amendment.

The Secretary for Economic Development and Labour spoke on the motion and the amendment.

Question on Hon James TO's amendment to Hon CHAN Kam-lam's motion put.

Hon CHAN Kam-lam 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, 19 were present, 11 were in favour of the amendment and eight abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present and 18 were in favour of the amendment. (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.

Hon CHAN Kam-lam replied.

Question on Hon CHAN Kam-lam's motion as amended by Hon James TO put and agreed to.

Immediate resumption of sale of Home Ownership Scheme flats

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

That, since the beginning of this year, the local economy is showing signs of revival and the property market is also regaining vitality, the Government should no longer freeze the sale of Home Ownership Scheme ("HOS") flats to boost the property market, and as the HOS flats are mainly targeted at public rental housing ("PRH") tenants and low-income households who cannot afford private housing, the resumption of sale of HOS flats will have minimal impact on the private housing market, and it is only a waste of public resources to allow some HOS flats to remain unoccupied; as such, this Council urges the Government to immediately put up the surplus HOS flats for sale by phases, including the more than 3 000 flats which have never been offered for sale in the market as well as the over 10 000 unsold flats in existing HOS courts and returned HOS flats, and to consider the construction of new HOS estates as well as to consult the public on its

overall housing strategy, including the policies on HOS flats and PRH rent, etc.

While Hon Albert Jinghan CHENG was speaking, the President left the chair at 8:13 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Albert Jinghan CHENG's motion proposed.

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

Three Members and Hon Alan LEONG Kah-kit spoke on the motion and the amendments.

At 9:02 pm, while Hon Alan LEONG Kah-kit was speaking, the President resumed the chair.

Another 11 Members spoke on the motion and the amendments.

Hon Albert Jinghan CHENG spoke on the amendments.

The Secretary for Housing, Planning and Lands spoke on the motion and the amendments.

Hon Frederick FUNG moved the following amendment to Hon Albert Jinghan CHENG's motion:

To add "given that the Home Ownership Scheme ('HOS') helps improve the living environment of the grass-roots people, releases more public rental housing ('PRH') units for those in need and relieves the deficit situation of the Hong Kong Housing Authority, and" after "That, "; to delete "Home Ownership Scheme ('HOS')" after "no longer freeze the sale of" and substitute with "HOS"; to delete "public rental housing ('PRH')" after "the HOS flats are mainly targeted at" and substitute with "PRH"; to delete "as such" after "some HOS flats to remain unoccupied;" and substitute with "therefore"; to delete "consider" after "returned HOS flats, and to" and substitute with "resume"; and to delete "HOS flats and" after "including the policies on".

Question on Hon Frederick FUNG's amendment to Hon Albert Jinghan CHENG's motion proposed and put.

Hon Frederick FUNG 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, 23 were present, eight were in favour of the amendment, 13 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 11 were in favour of the amendment, one against it and six abstained. (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 amendment was negatived.

Hon CHAN Kam-lam moved the following amendment to Hon Albert Jinghan CHENG's motion:

To add "as" after "That,"; to delete "the Government should no longer freeze the sale of Home Ownership Scheme ('HOS') flats to boost the property market, and as the HOS flats are mainly targeted at public rental housing ('PRH') tenants and low-income households who cannot afford private housing, the resumption of sale of HOS flats will have minimal impact on the private housing market, and it is only a waste of public resources to allow some HOS flats to remain unoccupied; as such, this Council urges the Government to immediately put up the surplus HOS flats for sale by phases" after "the property market is also regaining vitality," and substitute with "this Council urges that, in the light of the actual market situation and having regard to the views from various sectors of the community, the Government should expeditiously formulate and announce to the public the specific arrangements for the sale of surplus Home Ownership Scheme ('HOS') flats"; to delete "to consider the construction of new HOS estates as well as to" after "returned HOS flats, and" and substitute with "should specify the timetable and the target buyers, with a view to enhancing the transparency of its housing policy and the housing supply to facilitate the market and the public in making plans for the future; the Government should also"; and to delete "PRH" after "including the policies on HOS flats and" and substitute with "public rental housing".

Question on Hon CHAN Kam-lam's amendment to Hon Albert Jinghan CHENG's motion proposed and put.

Hon Tommy CHEUNG 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, nine were in favour of the amendment and 15 against it; while among the Members returned by geographical constituencies through direct elections, 22 were present, 10 were in favour of the amendment and 11 against it. (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 Albert Jinghan CHENG replied.

Question on Hon Albert Jinghan CHENG's 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, 22 were present, eight were in favour of the motion, 12 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 11 were in favour of the motion, one against it and six 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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 6 July 2005 at 11:00 am.

The Council was adjourned at 10:57 pm.

(Mrs Rita FAN HSU Lai-tai)
President
19 August 2005

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 29/06/2005
時間 TIME: 08:07:28 下午

動議 MOTION: 涂謹申議員對陳鑑林議員就「加強規管商業促銷手法」所提議案作出的修正案
AMENDMENT BY HON JAMES TO TO HON CHAN KAM-LAM'S MOTION ON "ENHANCING THE REGULATION OF COMMERCIAL MARKETING PRACTICES"

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	19	19	
投票 Vote	19	18	
贊成 Yes	11	18	
反對 No	0	0	
棄權 Abstain	8	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	棄權 ABSTAIN	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	棄權 ABSTAIN	何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	贊成 YES	李柱銘 Martin LEE	贊成 YES
陳智思 Bernard CHAN	棄權 ABSTAIN	李華明 Fred LI	
梁劉柔芬 Mrs Sophie LEUNG		周梁淑怡 Mrs Selina CHOW	
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	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	贊成 YES
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	棄權 ABSTAIN	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK		劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	棄權 ABSTAIN	劉江華 LAU Kong-wah	贊成 YES
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	
方剛 Vincent FANG	棄權 ABSTAIN	鄭家富 Andrew CHENG	贊成 YES
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	
林偉強 Daniel LAM		馮檢基 Frederick FUNG	贊成 YES
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	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	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	
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: 2
 日期 DATE: 29/06/2005
 時間 TIME: 10:41:47 下午

動議 MOTION: 馮檢基議員對鄭經翰議員就「立即恢復出售居者有其屋單位」所提議案作出的修正案
 AMENDMENT BY HON FREDERICK FUNG TO HON ALBERT CHENG'S MOTION ON
 "IMMEDIATE RESUMPTION OF SALE OF HOME OWNERSHIP SCHEME FLATS"

動議人 MOVED BY: 馮檢基 Frederick FUNG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	19	
投票 Vote	23	18	
贊成 Yes	8	11	
反對 No	13	1	
棄權 Abstain	2	6	
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		何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG		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	
梁劉柔芬 Mrs Sophie LEUNG		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		陳婉嫻 CHAN Yuen-han	
黃容根 WONG Yung-kan	棄權 ABSTAIN	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
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	
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	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	反對 NO	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	反對 NO	陳偉業 Albert CHAN	
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	
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	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	
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	棄權 ABSTAIN
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	贊成 YES

秘書 CLERK

投票 VOTE: 3
 日期 DATE: 29/06/2005
 時間 TIME: 10:46:15 下午

動議 MOTION: 陳鑑林議員對鄭經翰議員就「立即恢復出售居者有其屋單位」所提議案作出的修正案
 AMENDMENT BY HON CHAN KAM-LAM TO HON ALBERT CHENG'S MOTION ON
 "IMMEDIATE RESUMPTION OF SALE OF HOME OWNERSHIP SCHEME FLATS"

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	24	22	
投票 Vote	24	21	
贊成 Yes	9	10	
反對 No	15	11	
棄權 Abstain	0	0	
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	
呂明華 Dr LUI Ming-wah		何俊仁 Albert HO	反對 NO
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	
梁劉柔芬 Mrs Sophie LEUNG		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		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	反對 NO	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat	反對 NO	曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	反對 NO
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	贊成 YES	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	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	贊成 YES	陳偉業 Albert CHAN	
林偉強 Daniel LAM	反對 NO	馮檢基 Frederick FUNG	反對 NO
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	反對 NO
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	反對 NO	馬力 MA Lik	
黃定光 WONG Ting-kwong	贊成 YES	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	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	贊成 YES	鄭經翰 Albert CHENG	反對 NO

秘書 CLERK

投票 VOTE: 4
 日期 DATE: 29/06/2005
 時間 TIME: 10:56:33 下午

動議 MOTION: 「立即恢復出售居者有其屋單位」議案
 MOTION "IMMEDIATE RESUMPTION OF SALE OF HOME OWNERSHIP SCHEME FLATS"

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	22	19	
投票 Vote	22	18	
贊成 Yes	8	11	
反對 No	12	1	
棄權 Abstain	2	6	
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		何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG		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	
梁劉柔芬 Mrs Sophie LEUNG		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		陳婉嫻 CHAN Yuen-han	
黃容根 WONG Yung-kan	棄權 ABSTAIN	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
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	
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	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	反對 NO	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	反對 NO	陳偉業 Albert CHAN	
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	
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	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	
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	棄權 ABSTAIN
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	贊成 YES

秘書 CLERK _____