

LEGISLATIVE COUNCIL

MINUTES

No. 15

Minutes of the meeting held on Wednesday 18 January 2006 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, SBS, 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, SBS, 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, GBM, GBS, JP

The Hon Miriam LAU Kin-yee, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon CHOY So-yuk, JP

The Hon Andrew CHENG Kar-foo

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, GBS, 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

Member absent:

The Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending:

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

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

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Merchant Shipping (Prevention and Control of Pollution) (Charges for Discharge of Polluting Waste) (Charges Revision) Regulation 2006 (gazetted on 13.1.2006)	8/2006
2. Civil Celebrant of Marriages Appointment Appeal Board Regulation (gazetted on 13.1.2006)	9/2006
3. Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance (Commencement) Notice (gazetted on 13.1.2006)	10/2006
4. Application for New Identity Cards (Persons Born in or before 1942, in 1990 to 1992 or 1997 to 2003) Order (gazetted on 13.1.2006)	11/2006
5. Prisons (Amendment) Order 2006 (gazetted on 13.1.2006)	12/2006
6. Official Languages (Alteration of Text under Section 4D) (Reference to "sufficient proof" in the Probate and Administration Ordinance) Order (gazetted on 13.1.2006)	13/2006
7. Revenue (Personalized Vehicle Registration Marks) Ordinance 2005 (Commencement) Notice (gazetted on 13.1.2006)	14/2006

Other Papers

- No.56 - Equal Opportunities Commission Annual Report 2004/05 (published on 11.1.2006)
- No.57 - Report on the Administration of the Fire Services Department Welfare Fund, together with the Director of Audit's Report and Audited Statement of Accounts, for the year ended 31 March 2005 (published on 13.1.2006)
- No.58 - Annual Report 2004-2005 of the Hospital Authority, which contains Statement of Accounts and Auditors' Report (published on 16.1.2006)

- No.59 - Report and Statement of Accounts of the Samaritan Fund, together with the Director of Audit's Report, for the year ended 31 March 2005 (published on 16.1.2006)

Questions

1. Hon WONG Kwok-hing 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. Hon LAU Wong-fat asked Question 2.

The Secretary for Security replied.

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

3. Dr Hon Fernando CHEUNG asked Question 3.

The Secretary for Economic Development and Labour replied.

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

4. Hon CHAN Yuen-han asked Question 4.

The Secretary for Housing, Planning and Lands replied.

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

5. Hon Andrew CHENG asked Question 5.

The Secretary for the Environment, Transport and Works replied.

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

6. Hon CHEUNG Man-kwong asked Question 6.

The Secretary for Education and Manpower replied.

Six Members asked supplementaries. The Secretary for Financial Services and the Treasury and the Secretary for Education and Manpower replied.

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

Members' Motions

Reducing the workload of and mental stress on teachers

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

That this Council urges the Government to formulate effective measures to reduce the workload of and mental stress on teachers, so as to facilitate improvement in the quality of education and promotion of the education reform.

While Hon MA Lik was addressing the Council, the President left the chair at 1:04 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon MA Lik's motion proposed.

The President's Deputy stated that Hon CHEUNG Man-kwong would move an amendment to the motion and that Hon TSANG Yok-sing would move an amendment to Hon CHEUNG Man-kwong's amendment. In accordance with the Rules of Procedure, the motion, the amendment, and the amendment to the amendment would be debated together in a joint debate.

Hon CHEUNG Man-kwong moved the following amendment to Hon MA Lik's motion and addressed the Council:

To add ", as the pressure of work on and the non-teaching duties taken up by teachers have been increasing since the implementation of the education reform by the Education and Manpower Bureau in 2000, which not only impair the effectiveness of teaching but also jeopardize the physical and mental health of teachers," after "That"; to delete "Government to formulate" after "this Council urges the" and substitute with "Administration to face up to the problems of work pressure and suicide among teachers and to formulate"; and to delete "so as to facilitate improvement in the quality of education and promotion of the education reform" after "mental stress on teachers," and substitute with "including:

(a) comprehensively reviewing the pace of education and curriculum reforms, re-examining the priorities of education policies, and abolishing the unreasonable education policies; (b) re-examining each and every education policy to eliminate unnecessary non-teaching duties and to count the administrative work that has to be retained as part of a teacher's workload, so as to enable schools to have sufficient manpower to make appropriate arrangements in adjusting and allocating the non-teaching duties at schools; (c) implementing small class teaching and increasing the number of teachers, so as to improve the teaching environment, maximize the effectiveness of learning and teaching, and upgrade the quality of teaching; (d) providing substitute teachers for those teachers who pursue in-service studies, and implementing a genuine 'paid study leave' scheme to alleviate the stress on teachers arising from their studies; (e) reducing the teaching sessions for teachers, employing additional supporting staff to handle non-teaching and administrative duties, etc, and expanding the establishment of teaching staff as well as including in the establishment those contract teachers who are currently outside the establishment; and (f) caring about the psychological and mental health of teachers by enhancing the pre-service and in-service psychological health training for teachers and setting up a counselling centre for handling their emotional problems".

Question on Hon CHEUNG Man-kwong's amendment to Hon MA Lik's motion proposed.

Hon TSANG Yok-sing moved the following amendment to Hon CHEUNG Man-kwong's amendment and addressed the Council:

To delete "since the implementation of the education reform by the Education and Manpower Bureau in 2000" after "have been increasing"; to delete "comprehensively" after "(a)"; to delete ", re-examining" after "education and curriculum reforms" and substitute with "as well as"; to add "; strengthening communication with front-line teachers, and fully evaluating the impact of various education reform initiatives on the work of teachers and making appropriate adjustments" after "unreasonable education policies"; to delete "re-examining each and every education policy to eliminate" after "(b)" and substitute with "eliminating"; to delete "and to count" after "unnecessary non-teaching duties" and substitute with "at schools and counting"; to delete "implementing small class teaching and increasing the number of teachers" after "(c)" and substitute with "enhancing the teacher-student ratios in schools by reducing the class sizes and increasing the establishment of teaching staff"; to add "expanding the coverage of specialized teaching," after "(e)"; to add "increasing school social workers and resource teachers for supportive educational programmes," after "teaching sessions for teachers, "; to delete "expanding the establishment of teaching staff as well as" after

"administrative duties, etc, and"; and to delete "counselling centre for handling their emotional problems" after "setting up a" and substitute with "teacher health centre".

Question on Hon TSANG Yok-sing's amendment to Hon CHEUNG Man-kwong's amendment proposed.

Eight Members and Hon Margaret NG spoke on the motion and the amendments.

At 2:32 pm, while Hon Margaret NG was speaking, the President resumed the chair.

Another 12 Members spoke on the motion and the amendments.

Hon MA Lik spoke on the amendments.

The Secretary for Education and Manpower spoke on the motion and the amendments.

Question on Hon TSANG Yok-sing's amendment to Hon CHEUNG Man-kwong's amendment put and agreed to.

Question on Hon CHEUNG Man-kwong's amendment, as amended by Hon TSANG Yok-sing, to Hon MA Lik's motion put and agreed to.

Hon MA Lik replied.

Question on Hon MA Lik's motion as amended by Hon CHEUNG Man-kwong and Hon TSANG Yok-sing put and agreed to.

Assisting in the transformation of enterprises which ceased operation due to the Government's new policies

Hon Vincent FANG Kang moved the following motion and addressed the Council:

That, as the Government, when introducing new policies in recent years, has often failed to assess the impacts of the new policies on the economic environment and the affected enterprises, and the assistance given to the trades or enterprises concerned is mostly restricted to ex gratia payments, instead of actively helping them to transform, and as many affected trades have difficulties in transforming their business on their own due to their relatively low technology and capital intensity levels, the new policies have strangled the survival of many enterprises and rendered many people unemployed, this Council urges the Government to:

- (a) conduct risk assessment on the impacts of new policies before introducing them, and to strike a proper balance

after clearly and fully assessing the impacts of the new policies on public interests and the trades;

- (b) fully consult the trades before making any important policy decisions; and
- (c) set up an inter-departmental working committee to provide various kinds of suitable assistance to the operators and employees of the affected enterprises, so as to help them transform.

Question on Hon Vincent FANG Kang's motion proposed.

The President stated that Hon WONG Kwok-hing 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 WONG Kwok-hing moved the following amendment to Hon Vincent FANG Kang's motion and addressed the Council:

To add "and the related trade unions" after "fully consult the trades"; to add "and training" after "suitable assistance"; and to add "and gain employment again" after "help them transform".

Question on Hon WONG Kwok-hing's amendment to Hon Vincent FANG Kang's motion proposed.

12 Members spoke on the motion and the amendment.

Hon Vincent FANG Kang spoke on the amendment.

The Financial Secretary spoke on the motion and the amendment.

Question on Hon WONG Kwok-hing's amendment to Hon Vincent FANG Kang's motion put.

Hon WONG Kwok-hing 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, seven were in favour of the amendment and 15 against it; while among the Members returned by geographical constituencies through direct elections, 18 were present, 16 were in favour of the amendment and one against it. (Voting record in the Appendix.) 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 Vincent FANG Kang replied.

Question on Hon Vincent FANG Kang's motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 8 February 2006 at 11:00 am.

The Council was adjourned at 6:37 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 18/01/2006
時間 TIME: 06:32:59 下午

動議 MOTION: 王國興議員對方剛議員就「協助受政府新政策影響而結業的企業轉型」所提議案作出的修正案
AMENDMENT BY HON WONG KWOK-HING TO HON VINCENT FANG'S MOTION ON "ASSISTING IN THE TRANSFORMATION OF ENTERPRISES WHICH CEASED OPERATION DUE TO THE GOVERNMENT'S NEW POLICIES"

動議人 MOVED BY: 王國興 WONG Kwok-hing

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	18	
投票 Vote	22	17	
贊成 Yes	7	16	
反對 No	15	1	
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	
呂明華 Dr LUI Ming-wah	反對 NO	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	
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	
黃宜弘 Dr Philip WONG	反對 NO	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	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	贊成 YES
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	贊成 YES
李鳳英 LI Fung-ying		劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
李國麟 Dr Joseph LEE	反對 NO	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM		馮檢基 Frederick FUNG	
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	
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	贊成 YES
劉秀成 Patrick LAU	反對 NO	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

