

LEGISLATIVE COUNCIL

MINUTES

No. 16

Minutes of the meeting held on Wednesday 8 February 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 CHEUNG Man-kwong

The Hon CHAN Yuen-han, JP

The Hon Bernard CHAN, JP

The Hon CHAN Kam-lam, 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 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

Members absent:

The Hon James TO Kun-sun

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

The Hon LAU Chin-shek, JP

The Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending:

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

The Hon Joseph WONG Wing-ping, GBS, JP
Secretary for Commerce, Industry and Technology

Dr the Hon Patrick HO Chi-ping, JP
Secretary for Home Affairs

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

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

Ms Pauline NG Man-wah, Assistant Secretary General (1)

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. Undesirable Medical Advertisements (Amendment) Ordinance 2005 (Commencement) Notice 2006 (gazetted on 20.1.2006)	16/2006
2. Employment (Increase in Penalty for Offences under Section 63C) Ordinance 2006 (Commencement) Notice (gazetted on 27.1.2006)	17/2006
3. Road Traffic (Traffic Control) (Amendment) Regulation 2005 (Commencement) Notice (gazetted on 3.2.2006)	18/2006
4. Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 (gazetted on 8.2.2006)	19/2006
5. Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 (gazetted on 8.2.2006)	20/2006

Other Papers

No.60	-	Employees' Compensation Insurance Levies Management Board Annual Report 2004/2005 (published on 26.1.2006)
No.61	-	Employees Compensation Assistance Fund Board Annual Report 2004-2005 (published on 26.1.2006)
No.62	-	Occupational Deafness Compensation Board Annual Report 2004-2005 (published on 26.1.2006)
No.63	-	Pneumoconiosis Compensation Fund Board Annual Report 2004 (published on 26.1.2006)
No.64	-	Report by the Controller, Government Flying Service on the Administration of the Government Flying Service Welfare Fund for the year ended 31 March 2005 (published on 26.1.2006)
No.65	-	Report by the Commissioner of Correctional Services of Hong Kong Incorporated on the Administration of the Correctional Services Department Welfare Fund for the year ended 31 March 2005 (published on 26.1.2006)

Questions

1. Hon Andrew CHENG asked Question 1.

The Secretary for Health, Welfare and Food replied.

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

2. Hon Howard YOUNG asked Question 2.

The Secretary for the Environment, Transport and Works replied.

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

3. Hon Margaret NG asked Question 3.

The Secretary for Health, Welfare and Food replied.

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

4. Hon Jeffrey LAM Kin-fung asked Question 4.

The Secretary for the Environment, Transport and Works replied.

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

5. Hon TAM Yiu-chung asked Question 5.

The Secretary for Health, Welfare and Food replied.

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

6. Hon Patrick LAU Sau-shing 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.

Members' Motions

Reports of the Subcommittee on West Kowloon Cultural District Development

Hon Alan LEONG Kah-kit moved the following motion and addressed the Council:

That this Council endorses the Phase I and Phase II Reports of the Subcommittee on West Kowloon Cultural District Development.

Question on the motion proposed.

Hon CHEUNG Hok-ming spoke on the motion. While he was speaking, the President left the chair at 1:28 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another 11 Members and Hon CHAN Yuen-han spoke on the motion.

At 2:41 pm, while Hon CHAN Yuen-han was speaking, the President resumed the chair.

Seven more Members and the Secretary for Housing, Planning and Lands spoke on the motion.

Hon Alan LEONG Kah-kit replied.

Question on the motion put and agreed to.

Improving the notification mechanism for contamination of potable water supply to Hong Kong and enhancing coordination in the supply of potable water to Hong Kong

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

That, as Hong Kong has to pay a high water price under the current water supply agreement between the HKSAR Government and the Guangdong Provincial Government while there is no assurance of the water quality, and many incidents of contamination of potable water have recently occurred in the Mainland, in which some local officials were even found to have hidden the truth; moreover, with the industrial and economic developments as well as the population growth in the Pearl River Delta ("PRD") region, the demand for potable water in the region has substantially increased, but the water pollution problem has worsened and led to a continuing decrease in clean and potable water; furthermore, as the existing notification mechanism for contamination of potable water supply to Hong Kong still has deficiencies, this Council urges the HKSAR Government, in discussing the finalization of the specific details of a new water supply agreement, to improve jointly with the Guangdong Provincial

Government the existing notification mechanism for contamination of potable water supply to Hong Kong, including imposing a time limit for notification; and to discuss ways to enhance coordination in the supply of potable water to Hong Kong and allow flexibility in determining the supply quantity, so as to avoid drawing unneeded water when there was overflow from local reservoirs and hence resulting in wastage; in addition, if the Guangdong Provincial Government establishes a mechanism for the planning and coordination of water supply in the PRD region, the HKSAR Government should actively take part in the related work.

Question on Hon Albert Jinghan CHENG's motion proposed.

The President stated that Hon WONG Ting-kwong and Hon Fred LI 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 WONG Ting-kwong, Hon Fred LI and 10 Members spoke on the motion and the amendments.

Hon Albert Jinghan CHENG spoke on the amendments.

The Secretary for the Environment, Transport and Works spoke on the motion and the amendments.

Hon WONG Ting-kwong moved the following amendment to Hon Albert Jinghan CHENG's motion:

To delete ", as Hong Kong has to pay a high water price under the current water supply agreement between the HKSAR Government and the Guangdong Provincial Government while there is no assurance of the water quality, and many incidents of contamination of potable water have recently occurred in the Mainland, in which some local officials were even found to have hidden the truth; moreover, with the industrial and economic developments as well as the population growth in the Pearl River Delta ('PRD') region, the demand for potable water in the region has substantially increased, but the water pollution problem has worsened and led to a continuing decrease in clean and potable water; furthermore, as the existing notification mechanism for contamination of potable water supply to Hong Kong still has deficiencies," after "That"; to delete "and" after "time limit for notification;" and substitute with "to formulate a contingency mechanism jointly operated by Guangdong and Hong Kong for dealing with unexpected incidents of water supply;"; and to delete "in addition, if the Guangdong Provincial Government establishes a mechanism for the planning and coordination of water supply in the PRD region, the HKSAR Government should actively take part in the related work" after "resulting in wastage;" and substitute with "and to discuss the further upgrading of the quality standard of potable water supply to Hong Kong".

Question on Hon WONG Ting-kwong's amendment to Hon Albert Jinghan CHENG's motion proposed, put and agreed to.

The President stated that as Hon WONG Ting-kwong's amendment had been agreed, she granted leave for Hon Fred LI to revise the terms of his amendment and explain them to the Council.

Hon Fred LI moved the following further amendment to Hon Albert Jinghan CHENG's motion as amended by Hon WONG Ting-kwong and explained the revised terms of his amendment to the Council:

To add "; the Guangdong Provincial Government and the HKSAR Government should be allowed to review the water supply quantity according to needs on a monthly basis; in addition, the HKSAR Government should also examine expanding the existing reservoirs or further perfecting the interconnection of reservoirs, so as to increase the water storage capacity of local reservoirs" after "the quality standard of potable water supply to Hong Kong".

Question on Hon Fred LI's amendment to Hon Albert Jinghan CHENG's motion as amended by Hon WONG Ting-kwong proposed, put and agreed to.

Hon Albert Jinghan CHENG replied.

Question on Hon Albert Jinghan CHENG's motion as amended by Hon WONG Ting-kwong and Hon Fred LI put and agreed to.

Policy on public service broadcasting

Hon Audrey EU moved the following motion and addressed the Council:

That this Council urges the Government to ensure that public service broadcasting in Hong Kong:

- (a) respects editorial independence;
- (b) defends the freedom of the press and freedom of speech;
- (c) opens up public access channels at an early date;
- (d) provides diversified information; and
- (e) caters for the needs of the minority and the socially disadvantaged groups.

Question on Hon Audrey EU's motion proposed.

The President stated that Hon SIN Chung-kai and Hon LI Kwok-ying 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 SIN Chung-kai, Hon LI Kwok-ying, four Members and Hon LEE Wing-tat consecutively spoke on the motion and the amendments.

While Hon LEE Wing-tat was speaking, the President left the chair at 7:03 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another three Members spoke on the motion and the amendments.

After declaring that he operated a broadcasting station on the Internet, Hon LEUNG Kwok-hung spoke on the motion and the amendments.

Two other Members and Hon Fernando CHEUNG Chiu-hung spoke on the motion and the amendments.

At 7:50 pm, while Hon Fernando CHEUNG Chiu-hung was speaking, the President resumed the chair.

Six more Members and Hon Albert Jinghan CHENG spoke on the motion and the amendments.

While Hon Albert Jinghan CHENG was speaking, Hon Mrs Selina CHOW sought his elucidation on his claim that she had written a letter to his employer demanding the termination of his employment. Hon Albert Jinghan CHENG continued with his speech.

With the President's permission, Hon Mrs Selina CHOW clarified that in the letter mentioned by Hon Albert Jinghan CHENG, she had not asked for termination of his employment.

Hon Audrey EU spoke on the amendments.

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

Hon SIN Chung-kai moved the following amendment to Hon Audrey EU's motion:

To add ", in developing" after "to ensure that"; to add ", it shall" after "Hong Kong"; to delete "respects" after (a) and substitute with "respect and adhere to"; to delete "defends" after (b) and substitute with "defend"; to delete "opens" after (c) and substitute with "open"; to add ", so as to allow public participation" after "at an early date"; to delete "provides" after (d) and substitute with "provide"; to delete "and" after "diversified information;"; to delete "caters" after (e) and substitute with "cater"; and to add "; and (f) allocate adequate resources to expedite the development of digital broadcasting, so as to allow the development of public service broadcasting to sustain in an era of digital convergence" after "disadvantaged groups".

Question on Hon SIN Chung-kai's amendment to Hon Audrey EU's motion proposed, put and agreed to.

The President stated that as Hon SIN Chung-kai's amendment had been agreed, she granted leave for Hon LI Kwok-ying to revise the terms of his amendment and explain them to the Council.

Hon LI Kwok-ying moved the following further amendment to Hon Audrey EU's motion as amended by Hon SIN Chung-kai and explained the revised terms of his amendment to the Council:

To add "; furthermore, the Government should also ensure that such service provides fair, balanced and objective public affairs programmes; and has the responsibility to comprehensively introduce and promote to the public the various public policies of the Government" after "digital convergence".

Question on Hon LI Kwok-ying's amendment to Hon Audrey EU's motion as amended by Hon SIN Chung-kai proposed and 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, 15 were present, nine were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections, 25 were present, eight were in favour of the amendment and 16 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 Audrey EU replied.

Question on Hon Audrey EU'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 15 February 2006 at 11:00 am.

The Council was adjourned at 9:11 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 08/02/2006
時間 TIME: 09:06:19 下午

動議 MOTION: 李國英議員對余若薇議員就「公共廣播服務政策」所提，經單仲偕議員修正的議案，作出的修正案
AMENDMENT BY HON LI KWOK-YING TO HON AUDREY EU'S MOTION ON "POLICY ON PUBLIC SERVICE BROADCASTING" AS AMENDED BY HON SIN CHUNG-KAI

動議人 MOVED BY: 李國英 LI Kwok-ying

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	15	25	
投票 Vote	15	24	
贊成 Yes	9	8	
反對 No	6	16	
棄權 Abstain	0	0	
結果 Result	通過 Passed	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	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	贊成 YES	何俊仁 Albert HO	反對 NO
吳靄儀 Margaret NG	反對 NO	李卓人 LEE Cheuk-yan	反對 NO
張文光 CHEUNG Man-kyong	反對 NO	李柱銘 Martin LEE	反對 NO
陳智思 Bernard CHAN		李華明 Fred LI	反對 NO
梁劉柔芬 Mrs Sophie LEUNG		周梁淑怡 Mrs Selina CHOW	贊成 YES
單仲偕 SIN Chung-kai	反對 NO	涂謹申 James TO	
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	贊成 YES	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	反對 NO
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	贊成 YES	劉慧卿 Emily LAU	反對 NO
張宇人 Tommy CHEUNG		蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG		鄭家富 Andrew CHENG	反對 NO
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
李國麟 Dr Joseph LEE		陳偉業 Albert CHAN	反對 NO
林偉強 Daniel LAM		馮檢基 Frederick FUNG	反對 NO
林健鋒 Jeffrey LAM		余若薇 Audrey EU	反對 NO
梁君彥 Andrew LEUNG		李永達 LEE Wing-tat	反對 NO
郭家麒 Dr KWOK Ka-ki	反對 NO	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-kyong	贊成 YES	梁家傑 Alan LEONG	反對 NO
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	反對 NO
劉秀成 Patrick LAU	贊成 YES	張學明 CHEUNG Hok-ming	贊成 YES
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	反對 NO
譚香文 TAM Heung-man	反對 NO	鄭經翰 Albert CHENG	反對 NO

秘書 CLERK

