LEGISLATIVE COUNCIL

MINUTES

No. 33

Minutes of the meeting held on Wednesday 28 June 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 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 Hon 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

Public officers attending:

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

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

The Hon Stephen IP Shu-kwan, GBS, JP Secretary for Economic Development and Labour

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:

Subsidiary Legislation / Instruments L.N. No. Electronic Transactions Ordinance (Amendment of Schedule 3) Order 2006 (gazetted on 23.6.2006) Electronic Transactions (Exclusion) (Amendment of Schedules) Order 2006 (gazetted on 23.6.2006)

Other Papers

No.94 - Annual Report 2004-2005 Hong Kong Broadcasting Authority (published on 22.6.2006)

Report of the Finance Committee on the examination of the Estimates of Expenditure 2006-07 (published on 26.6.2006)

Report of the Bills Committee on Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 (published on 22.6.2006)

Addresses

Hon Emily LAU, Chairman of the Finance Committee, addressed the Council on the Committee's report on the examination of the Estimates of Expenditure 2006-07.

Questions

1. Hon James TIEN asked Question 1.

The Secretary for Economic Development and Labour replied.

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

Hon WONG Yung-kan asked Question 2.

The Secretary for Health, Welfare and Food replied.

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

3. Hon LAU Kong-wah asked Question 3.

The Secretary for Home Affairs replied.

Five Members asked supplementaries and the Secretary for Home Affairs replied.

4. Hon CHEUNG Hok-ming asked Question 4.

The Secretary for Education and Manpower replied.

Five Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for Home Affairs replied.

5. Hon Fred LI asked Ouestion 5.

The Secretary for Health, Welfare and Food replied.

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

6. Dr Hon KWOK Ka-ki asked Question 6.

The Secretary for Health, Welfare and Food replied.

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

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

Bills

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

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 15 June 2005 resumed.

Hon LI Kwok-ying, Chairman of the Bills Committee on Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005, addressed the Council on

the Report of the Bills Committee on the Bill. After the address, he spoke on the Bill in his personal capacity as a Member.

While Hon LI Kwok-ying was speaking, the President left the chair at 1:08 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

One Member and Hon James TIEN spoke on the Bill.

At 1:38 pm, while Hon James TIEN was speaking, the President resumed the chair.

Another 14 Members spoke on the Bill.

The Secretary for Economic Development and Labour 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 Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005.

Question that clauses 1 to 6, 8 to 11, 21 and 28 to 32 stand part of the Bill proposed, put and agreed to.

Question that clauses 7, 12 to 20 and 22 to 27 stand part of the Bill proposed.

The Secretary for Economic Development and Labour moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 7, 12 to 20 and 22 to 27, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 18A and 25A read the first time.

The Secretary for Economic Development and Labour moved the Second Reading of the aforesaid new clauses and addressed the Committee.

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

New clauses 18A and 25A read the second time.

The Secretary for Economic Development and Labour moved the addition of the aforesaid new clauses to the Bill.

Question on the addition proposed, put and agreed to.

Question that the long title stand part of the Bill proposed.

The Secretary for Economic Development and Labour moved amendments to the long title and addressed the Committee.

Question on the amendments put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Development and Labour reported that

the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) 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.

Members' Motions

Policy on care for the elderly

Dr Hon Joseph LEE Kok-long moved the following motion and addressed the Council:

That, in view of the ageing of Hong Kong's population, this Council urges the Government to expeditiously implement a policy on care for the elderly which is geared to "healthy ageing", to help them enjoy their old age peacefully and comfortably.

Question on Dr Hon Joseph LEE Kok-long's motion proposed.

The President stated that two Members 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 LI Kwok-ying, Dr Hon Fernando CHEUNG and 11 other Members spoke on the motion and the amendments.

Dr Hon Joseph LEE Kok-long spoke on the amendments.

While Dr Hon Joseph LEE Kok-long was speaking, the President left the chair at 6:01 pm temporarily and the President's Deputy, Hon Fred LI, took the chair.

The Secretary for Health, Welfare and Food spoke on the motion and the amendments.

Hon LI Kwok-ying moved the following amendment to Dr Hon Joseph LEE Kok-long's motion:

To delete "in view of" after "That," and substitute with "in order to enhance the quality of life of Hong Kong's elderly people, and to make preparations for"; to add "in the future" after "the ageing of Hong Kong's population"; and to add "and take measures to improve the existing health care, medical and long-term care services for the elderly, enhance the monitoring and quality of service of homes for the aged, help the elderly participate actively in community activities, improve their living environment and strengthen the prevention of abuse of the elderly, so as" after "which is geared to 'healthy ageing',".

Question on Hon LI Kwok-ying's amendment to Dr Hon Joseph LEE Kok-long's motion proposed, put and agreed to.

Dr Hon Fernando CHEUNG moved the following further amendment to Dr Hon Joseph LEE Kok-long's motion as amended by Hon LI Kwok-ying:

"; specific measures include: add (a) formulating comprehensive long-term care policy, taking into account the population structure, and establishing a mechanism long-term care services in the planning future; (b) implementing a 'community-based' policy on care for the elderly, injecting more resources to home care services, so as to shorten the waiting time for such services; (c) increasing the places in subvented care-and-attention homes in order to shorten the waiting time and, at the same time, enhancing the monitoring of private homes for the aged; (d) enhancing the services for carers of support elderly, including increasing the places in day-care centres and extending their service hours, so as to alleviate carers' stress from caring frail elderly; (e) making coordinated discharge the arrangements for elderly in-patients, and providing information and support to enable them to obtain the necessary rehabilitation and care services; (f) drawing up a long-term policy to address the shortage of nursing staff in the social welfare sector to ensure the professional standard of longterm care services; (g) reviewing the existing medical fee waiver mechanism and expeditiously reducing the waiting time

for general and specialist out-patient services to ensure that the elderly are not denied adequate medical services due to lack of means; (h) expanding the membership of elderly health centres to provide medical and health services to more elderly people; (i) enhancing the Chinese medicine services in the public sector for the elderly, and bringing Chinese medicine of Comprehensive the coverage Social Assistance; (j) providing 'end of life' support services for those elderly with relatively weaker support network to allay their worry; (k) amending the Domestic Violence Ordinance to expand its application to cover parents, so that the elderly suffering from abuse will be protected under the Ordinance; and (1) providing sufficient financial assistance to the elderly in poverty, and implementing a universal retirement protection scheme so as to safeguard the basic livelihood of the elderly" after "peacefully and comfortably".

Question on Dr Hon Fernando CHEUNG's amendment to Dr Hon Joseph LEE Kok-long's motion as amended by Hon LI Kwok-ying proposed, put and agreed to.

Dr Hon Joseph LEE Kok-long replied.

Question on Dr Hon Joseph LEE Kok-long's motion as amended by Hon LI Kwok-ying and Dr Hon Fernando CHEUNG put and agreed to.

Facilitating urban development

Hon Patrick LAU Sau-shing moved the following motion and addressed the Council:

That, while countries and places around the world all consider urban development as the essential element to enhancing competitiveness and are vigorously expediting their pace of urban development, many barriers that hinder urban development still exist in Hong Kong, the competitive edge of which is gradually diminishing; as such, this Council urges the Government to expeditiously review its policies affecting urban development and implement improvement measures, including:

- on the premise of sustainable development, commissioning a (a) comprehensive consultancy study on such issues as planning enhancement, optimum land use, adjustment of development intensity, promotion of urban design, environment-friendly construction, infrastructures, community facilities, redevelopment of old areas, urban revitalization, preservation of cultural heritage, urban greening and air improvement, etc, as well as expeditiously implementing various works projects to resolve unemployment problem in the construction industry;
- (b) setting up a high-level ad hoc committee to co-ordinate the various efforts in facilitating urban development,

including extensively and efficiently soliciting public views, complementing the Eleventh Five-year Plan as well as the Shenzhen 2030 Development Strategy in the Mainland, and expeditiously publishing reports on the different stages of Hong Kong 2030: Planning Vision and Strategy; and

(c) streamlining the approval procedures of the Town Planning Board, Lands Department and Buildings Department to shorten the construction time of works projects and improve the business environment,

with a view to expediting urban development, improving the public's quality of life, beautifying the environment, promoting tourism, creating job opportunities, attracting investment and boosting economic development, so as to develop Hong Kong into a beautiful and vibrant world city in Asia, thereby enhancing its competitiveness.

Question on Hon Patrick LAU Sau-shing's motion proposed.

The President's Deputy stated that two Members 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.

Dr Hon YEUNG Sum and Hon Albert HO spoke on the motion and the amendments.

At 6:47 pm, while Hon Albert HO was speaking, the President resumed the chair.

Another seven Members spoke on the motion and the amendments.

Hon Patrick LAU Sau-shing spoke on the amendments.

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

Dr Hon YEUNG Sum moved the following amendment to Hon Patrick LAU Sau-shing's motion:

To delete "and" after "Hong Kong 2030: Planning Vision and Strategy;"; and to add "; and (d) introducing changes to the Town Planning Board by appointing an unofficial member as its Chairman and setting up an independent secretariat, so as to enhance its independence and credibility," after "improve the business environment".

Question on Dr Hon YEUNG Sum's amendment to Hon Patrick LAU Sau-shing's motion proposed and put.

Dr Hon YEUNG Sum 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, 16 were present, five were in favour of the amendment, nine against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 15 were present, 10 were in favour of the amendment, three against it and one abstained. (Voting record in Appendix I) 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 Fred LI rose to move the following motion without notice:

That in the event of further divisions in relation to the motion or amendments thereto on "Facilitating urban development", the Council do proceed to each of such divisions after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Hon Albert HO moved the following amendment to Hon Patrick LAU Sau-shing's motion:

To delete "and" after "Hong Kong 2030: Planning Vision and Strategy;"; and to add "; and (d) enhancing public participation in and the transparency of the approval procedures of the Town Planning Board by, for instance, making public the proceedings of its meetings, and appointing members who are broadly and diversely representative of the community, so that the Town Planning Board can better reflect the public's expectations and interests in the planning intent" after "improve the business environment".

Question on Hon Albert HO's amendment to Hon Patrick LAU Saushing's motion proposed and put.

Hon LAU Kong-wah claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 18 were present, seven were in favour of the amendment, two against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 16 were present, 12 were in favour of the amendment and three 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 Patrick LAU Sau-shing replied.

Question on Hon Patrick LAU Sau-shing's motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on $5~{\rm July}~2006$ at $11:00~{\rm am}$.

The Council was adjourned at 8:06 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber Hong Kong 投票 VOTE: 日期 DATE:

時間 TIME:

28/06/2006 08:02:32 下午

動議 MOTION:

楊森議員對劉秀成議員就「促進城市發展」所提議案作出的修正案 AMENDMENT BY DR HON YEUNG SUM TO HON PATRICK LAU'S MOTION ON "FACILITATING URBAN DEVELOPMENT"

動議人 MOVED BY: 楊森Dr YEUNG Sum

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	16	15	
投票 Vote	16	14	
贊成 Yes	 5	10	
反對 No	9	13	
棄權 Abstain	2	11	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

		. 0120	TELEVISION OF STATE	t.			
議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
				地方選區 Geographical Constituencies			
何鍾泰	Dr Raymond HO			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
吳鶴儀	Margaret NG	贊成	YES	李卓人	LEE Cheuk-yan		
張文光	CHEUNG Man-kwong			李柱銘	Martin LEE		
陳智思	Bernard CHAN			李華明	Fred LI	贊成	YES
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
黄宜弘	Dr Philip WONG	反對	NO	陳婉嫻	CHAN Yuen-han	棄權	ABSTAIN
黄容根	WONG Yung-kan	反對	NO	陳鑑林	CHAN Kam-lam		
楊孝華	Howard YOUNG	反對	NO	梁耀忠	LEUNG Yiu-chung		
劉皇發	LAU Wong-fat			曾鈺成	TSANG Yok-sing		
劉健儀	Miriam LAU			楊森	Dr YEUNG Sum	贊成	YES
霍震霆	Timothy FOK			劉千石	LAU Chin-shek		
石禮謙	Abraham SHEK			劉江華	LAU Kong-wah	反對	NO
李鳳英	LI Fung-ying	棄權	ABSTAIN	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	贊成	YES
王國興	WONG Kwok-hing	棄權	ABSTAIN	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	反對	NO	馮檢基	Frederick FUNG		
林健鋒	Jeffrey LAM	反對	NO	余若薇	Audrey EU		
梁君彦	Andrew LEUNG	反對	NO	李永達	LEE Wing-tat		
郭家麒	Dr KWOK Ka-ki			李國英	LI Kwok-ying	反對	NO
張超雄	Dr Fernando CHEUNG	贊成	YES	馬力	MA Lik		
黄定光	WONG Ting-kwong	反對	NO	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	贊成	YES	張學明	CHEUNG Hok-ming	反對	NO
鄭志堅	KWONG Chi-kin			湯家驊	Ronny TONG		
譚香文	TAM Heung-man			鄭經翰	Albert CHENG	贊成	YES

秘書 CLERK

投票 VOTE: 日期 DATE: 時間 TIME:

2 28/06/2006 08:05:36 下午

動議 MOTION:

何俊仁議員對劉秀成議員就「促進城市發展」所提議案作出的修正案 AMENDMENT BY HON ALBERT HO TO HON PATRICK LAU'S MOTION ON "FACILITATING URBAN DEVELOPMENT"

動議人 MOVED BY: 何俊仁Albert HO

	功能 團體	地方選區	最後結果
	Functional Constituencies	Geographical Constituencies	Final Result
出席 Present	18	16	
投票 Vote	18	15	
贊成 Yes 反對 No	7	12	
	9 否決 Negatived	3 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
HAZY C					也方選區 Geographical Constituencies		
何鍾泰	Dr Raymond HO			范徐麗泰	Mrs Rita FAN	出席	PRESENT
李國寶	Dr David LI			田北俊	James TIEN	100.077 (4	1 TODAY 1
呂明華	Dr LUI Ming-wah			何俊仁	Albert HO	贊成	YES
吳鶴儀	Margaret NG	贊成	YES	李卓人	LEE Cheuk-yan	34,54	120
張文光	CHEUNG Man-kwong			李柱銘	Martin LEE		
陳智思	Bernard CHAN	棄權	ABSTAIN	李華明	Fred LI	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG			周梁淑怡	Mrs Selina CHOW	23/23	
單仲偕	SIN Chung-kai	贊成	YES	涂謹申	James TO	贊成	YES
黄宜弘	Dr Philip WONG	反對	NO	陳婉嫻	CHAN Yuen-han	贊成	YES
黃容根	WONG Yung-kan	棄權	ABSTAIN	陳鑑林	CHAN Kam-lam	22/24	
楊孝華	Howard YOUNG	棄權	ABSTAIN	梁耀忠	LEUNG Yiu-chung		
劉皇發	LAU Wong-fat			曾鈺成	TSANG Yok-sing		
劉健儀	Miriam LAU			楊森	Dr YEUNG Sum	贊成	YES
霍震霆	Timothy FOK			劉千石	LAU Chin-shek		
石禮謙	Abraham SHEK			劉江華	LAU Kong-wah	棄權	ABSTAIN
李鳳英	LI Fung-ying	贊成	YES	劉慧卿	Emily LAU	贊成	YES
張宇人	Tommy CHEUNG	棄權	ABSTAIN	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	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	反對	NO	馮檢基	Frederick FUNG	贊成	YES
林健鋒	Jeffrey LAM	棄權	ABSTAIN	余若薇	Audrey EU		
梁君彦	Andrew LEUNG	棄權	ABSTAIN	李永達	LEE Wing-tat		
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	贊成	YES
詹培忠	CHIM Pui-chung			梁國雄	LEUNG Kwok-hung	贊成	YES
劉秀成	Patrick LAU	棄權	ABSTAIN	張學明	CHEUNG Hok-ming	棄權	ABSTAIN
鄭志堅	KWONG Chi-kin			湯家驊	Ronny TONG		
譚香文	TAM Heung-man			鄭經翰	Albert CHENG	贊成	YES

秘書 CLERK