

LEGISLATIVE COUNCIL

MINUTES

No. 5

Minutes of the meeting held on Wednesday 1 November 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, SBS, S.B.St.J., JP

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, GBS, 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, SBS, 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, JP
Dr the Hon Joseph LEE Kok-long, JP
The Hon Daniel LAM Wai-keung, SBS, 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

Prof 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 LEE Cheuk-yan

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

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

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

The Hon Denise YUE Chung-yee, GBS, JP
Secretary for the Civil Service

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 (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. Banking (Capital) Rules (gazetted on 27.10.2006)	228/2006
2. Banking (Disclosure) Rules (gazetted on 27.10.2006)	229/2006
3. Banking (Specification of Multilateral Development Bank) Notice (gazetted on 27.10.2006)	230/2006
4. Banking (Specification of Public Sector Entity in Hong Kong) Notice (gazetted on 27.10.2006)	231/2006
5. Banking (Amendment) Ordinance 2005 (Commencement) Notice 2006 (gazetted on 27.10.2006)	232/2006
6. Prevention of Bribery Ordinance (Amendment of Schedule 1) (Hong Kong IEC Limited) Order (gazetted on 27.10.2006)	233/2006
7. Specification of Arrangements (The Mainland of China) (Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income) Order (gazetted on 27.10.2006)	234/2006
8. Land Survey (Fees Revision) Regulation 2006 (gazetted on 27.10.2006)	235/2006
9. Public Health and Municipal Services (Fees and Charges) (Museums) (Amendment) Regulation 2006 (gazetted on 27.10.2006)	236/2006
10. Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2006 (gazetted on 27.10.2006)	237/2006
11. Places of Detention (Juvenile Offenders) Appointment (Consolidation) (Amendment) Order 2006 (gazetted on 27.10.2006)	238/2006
12. Probation of Offenders (Approved Institution) (Consolidation) (Amendment) Order 2006 (gazetted on 27.10.2006)	239/2006

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| 13. | Reformatory School (Establishment)
(Consolidation) (Amendment) Order 2006
(gazetted on 27.10.2006) | 240/2006 |
| 14. | Immigration (Places of Detention) (Amendment)
Order 2006 (gazetted on 27.10.2006) | 241/2006 |
| 15. | Remand Home (Amendment) Rules 2006 (gazetted
on 27.10.2006) | 242/2006 |

Questions

1. Hon Albert CHAN 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 Tommy CHEUNG asked Question 2.

The Secretary for Financial Services and the Treasury replied.

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

3. Hon Frederick FUNG asked Question 3.

The Secretary for Financial Services and the Treasury replied.

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

4. Hon Alan LEONG Kah-kit asked Question 4.

The Secretary for the Environment, Transport and Works replied.

Five Members asked supplementaries. The Secretary for the Environment, Transport and Works and the Secretary for Housing, Planning and Lands replied.

5. Ir Dr Hon HO Chung-tai asked Question 5.

The Secretary for Housing, Planning and Lands replied.

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

6. Hon CHOY So-yuk asked Question 6.

The Secretary for Housing, Planning and Lands replied.

Five Members asked supplementaries. The Secretary for Housing, Planning and Lands and the Secretary for the Environment, Transport and Works replied.

Written replies to Questions 7 to 19 were tabled for Members' information.

Members' Motions

Public service broadcasting for Hong Kong

Hon SIN Chung-kai moved the following motion and addressed the Council:

That this Council notes the Report on the Study of Public Service Broadcasting for Hong Kong and urges the Government to consider the findings therein.

While Hon SIN Chung-kai was addressing the Council, the President left the chair at 12:59 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

Five Members and Hon LEE Wing-tat spoke on the motion.

At 1:47 pm, while Hon LEE Wing-tat was speaking, the President resumed the chair.

Another five Members and the Secretary for Commerce, Industry and Technology spoke on the motion.

Hon SIN Chung-kai replied.

Question on the motion put and agreed to.

Minimum wage, standard working hours

Hon WONG Kwok-hing moved the following motion and addressed the Council:

That, as the 2006-2007 Policy Address proposes to launch a Wage Protection Movement for employees in the cleansing and guarding services sectors, but participation in the movement is entirely voluntary and employers who do not participate are not bound by it, this Council urges the Government to expeditiously:

- (a) apply the Trade Boards Ordinance to specify a minimum wage level and the rates of overtime pay, starting with the cleansing and guarding services sectors; and
- (b) regulate the number of working hours, reasonable rest breaks during working hours and the rates of overtime pay, so as to ensure that employees have sufficient time for rest and studies.

Question on Hon WONG Kwok-hing'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 LEUNG Yiu-chung and Hon Andrew CHENG, who were to move amendments to the motion, spoke on the motion and their own amendments.

25 other Members spoke on the motion and the amendments.

Hon WONG Kwok-hing spoke on the amendments.

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

Hon LEUNG Yiu-chung moved the following amendment to Hon WONG Kwok-hing's motion:

To add "while polarization of the job market has occurred," after "That, as"; to add "only" after "the 2006-2007 Policy Address"; to delete ", starting with the cleansing and guarding services sectors" after "the rates of overtime pay" and substitute with "for all trades and industries in Hong Kong"; and to add ", family life" after "sufficient time for rest".

Question on Hon LEUNG Yiu-chung's amendment to Hon WONG Kwok-hing's motion proposed and put.

Hon LEUNG Yiu-chung claimed a division. The President then ordered the Council to proceed to a division under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, eight were in favour of the amendment, 15 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, nine were in favour of the amendment, eight against it and seven 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 Andrew CHENG moved the following amendment to Hon WONG Kwok-hing's motion:

To add "introduce legislation to" after "(b)".

Question on Hon Andrew CHENG's amendment to Hon WONG Kwok-hing's motion proposed and put.

Hon Andrew CHENG claimed a division. The President then ordered the Council to proceed to a division under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, 10 were in favour of the amendment, 15 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 16 were in favour of the amendment, two against 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 WONG Kwok-hing replied.

Question on Hon WONG Kwok-hing's motion put.

Hon WONG Kwok-hing claimed a division. The President then ordered the Council to proceed to a division under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, 11 were in favour of the motion and 15 against it; while among the Members returned by geographical constituencies through direct elections, 25 were present, 20 were in favour of the motion, two against it and two abstained. (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 motion was negatived.

Next Meeting

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

The Council was adjourned at 6:25 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 01/11/2006
 時間 TIME: 06:09:59 下午

動議 MOTION: 梁耀忠議員對王國興議員就「最低工資、標準工時」所提議案作出的修正案
 AMENDMENT BY HON LEUNG YIU-CHUNG TO HON WONG KWOK-HING'S MOTION ON
 "MINIMUM WAGE, STANDARD WORKING HOURS"

動議人 MOVED BY: 梁耀忠 LEUNG Yiu-chung

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	26	25	
投票 Vote	26	24	
贊成 Yes	8	9	
反對 No	15	8	
棄權 Abstain	3	7	
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		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI	反對 NO	田北俊 James TIEN	反對 NO
呂明華 Dr LUI Ming-wah	反對 NO	何俊仁 Albert HO	棄權 ABSTAIN
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	棄權 ABSTAIN	李柱銘 Martin LEE	棄權 ABSTAIN
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	棄權 ABSTAIN
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	棄權 ABSTAIN	James TO	棄權 ABSTAIN
黃宜弘 Dr Philip WONG	反對 NO	涂謹申 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lam	反對 NO
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	棄權 ABSTAIN
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	反對 NO
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	棄權 ABSTAIN
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	反對 NO
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	贊成 YES
梁君彥 Andrew LEUNG	反對 NO	李永達 LEE Wing-tat	棄權 ABSTAIN
郭家麒 Dr KWOK Ka-ki	贊成 YES	李國英 LI Kwok-ying	反對 NO
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong		梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	贊成 YES
劉秀成 Patrick LAU	反對 NO	張學明 CHEUNG Hok-ming	反對 NO
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

投票 VOTE: 2
 日期 DATE: 01/11/2006
 時間 TIME: 06:14:30 下午

動議 MOTION: 鄭家富議員對王國興議員就「最低工資、標準工時」所提議案作出的修正案
 AMENDMENT BY HON ANDREW CHENG TO HON WONG KWOK-HING'S MOTION ON
 "MINIMUM WAGE, STANDARD WORKING HOURS"

動議人 MOVED BY: 鄭家富 Andrew CHENG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	26	25	
投票 Vote	26	24	
贊成 Yes	10	16	
反對 No	15	2	
棄權 Abstain	1	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		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI	反對 NO	田北俊 James TIEN	反對 NO
呂明華 Dr LUI Ming-wah	反對 NO	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	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	贊成 YES
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	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	贊成 YES
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	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	贊成 YES
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		梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	贊成 YES
劉秀成 Patrick LAU	反對 NO	張學明 CHEUNG Hok-ming	棄權 ABSTAIN
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: 3
 日期 DATE: 01/11/2006
 時間 TIME: 06:24:47 下午

動議 MOTION: 「最低工資、標準工時」議案
 MOTION "MINIMUM WAGE, STANDARD WORKING HOURS"

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	26	25	
投票 Vote	26	24	
贊成 Yes	11	20	
反對 No	15	2	
棄權 Abstain	0	2	
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		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI	反對 NO	田北俊 James TIEN	反對 NO
呂明華 Dr LUI Ming-wah	反對 NO	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	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	贊成 YES
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	
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張宇人 Tomy 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	贊成 YES
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	棄權 ABSTAIN
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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	贊成 YES
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong		梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung	贊成 YES	梁國雄 LEUNG Kwok-hung	棄權 ABSTAIN
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	贊成 YES	鄭經翰 Albert CHENG	贊成 YES

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