

# LEGISLATIVE COUNCIL

## MINUTES

No. 11

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Minutes of the meeting held on Wednesday 13 December 2006 at 11:00 am

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### 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 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, 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 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 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 Timothy FOK Tsun-ting, GBS, JP

The Hon Vincent FANG Kang, JP

The Hon Andrew LEUNG Kwan-yuen, SBS, 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

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

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

Mrs Vivian KAM NG Lai-man, Assistant Secretary General (2)

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (3)

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

### 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.

Air Pollution Control (Emission Reduction Devices for Vehicles) (Amendment) Regulation 2006 (gazetted on 8.12.2006)	270/2006
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#### Other Papers

- No.34 - Queen Elizabeth Foundation for the Mentally Handicapped Report and Accounts 2005-2006 (published on 6.12.2006)
- No.35 - Audited Statement of Accounts of the Director of Social Welfare Incorporated together with the Director of Audit's Report for the year ended 31 March 2006 (published on 7.12.2006)
- No.36 - Forty-fifth Annual Report on the Social Work Training Fund by the Trustee of the Fund for the year ending on 31 March 2006 (published on 7.12.2006)
- No.37 - Estate Agents Authority Annual Report 2005-2006 (published on 11.12.2006)
- No.38 - Police Welfare Fund Annual Report 2005-2006 (published on 11.12.2006)
- No.39 - Annual Report on the Police Children's Education Trust and the Police Education and Welfare Trust for the year 2005-2006 (published on 11.12.2006)

### Questions

1. Hon WONG Kwok-hing asked Question 1.

The Secretary for Health, Welfare and Food replied.

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

2. Hon CHEUNG Hok-ming asked Question 2.

The Secretary for Home Affairs replied.

One Member asked a supplementary question and the Secretary for Home Affairs replied.

Hon LEUNG Kwok-hung asked a supplementary question. The President pointed out that the supplementary question he asked was unrelated to the original question and he should ask one which was related. As Hon LEUNG Kwok-hung did not pay heed to the President's repeated advice, the President ordered him to sit down and warned him that if he did not comply, she would order him to withdraw from the meeting.

As Hon LEUNG Kwok-hung continued to stand up and speak in defiance of the President's order, the President suspended the meeting at 11:33 am and ordered Hon LEUNG Kwok-hung not return to the Chamber for the remainder of the meeting when the Council resumed later.

The Council resumed at 11:39 am.

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

Five other Members asked supplementary questions and the Secretary for Home Affairs replied.

3. Hon TSANG Yok-sing asked Question 3.

The Secretary for Commerce, Industry and Technology replied.

Five Members asked supplementary questions and the Secretary for Commerce, Industry and Technology replied.

4. Hon CHOY So-yuk asked Question 4.

The Secretary for the Environment, Transport and Works replied.

Five Members asked supplementary questions and the Secretary for the Environment, Transport and Works replied.

5. Dr Hon Fernando CHEUNG asked Question 5.

The Secretary for Health, Welfare and Food replied.

Three Members asked supplementary questions and the Secretary for Health, Welfare and Food replied.

6. Ir Dr Hon HO Chung-tai asked Question 6.

The Secretary for the Environment, Transport and Works replied.

Five Members asked supplementary questions 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**

#### **Race Discrimination 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**

#### **Race Discrimination Bill**

The Secretary for Home Affairs 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.

## **Motions**

### **Proposed resolution under the Dutiable Commodities Ordinance**

The Secretary for Financial Services and the Treasury moved the following motion and addressed the Council:

RESOLVED that Schedule 1 to the Dutiable Commodities Ordinance (Cap. 109) be amended, in paragraph 1A of Part III -

- (a) in subparagraph (a), by repealing "31 December 2006" and substituting "31 December 2008";
- (b) in subparagraph (b), by repealing "1 January 2007" and substituting "1 January 2009".

Question on the motion proposed.

Six Members spoke on the motion.

The Secretary for Financial Services and the Treasury replied.

Question on the motion put and agreed to.

### **Motion on Adjournment**

Dr Hon Fernando CHEUNG rose to seek the President's permission for him to move, without notice, a motion for adjournment of the Council under Rule 16(2) of the Rules of Procedure for the purpose of debating "the demolition of the clock tower at the Star Ferry Pier".

The President stated that under Rule 16(2) of the Rules of Procedure, Members may move, without notice, a motion for adjournment of the Council provided that the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance. As such, she would suspend the meeting to consider the Member's request. The President suspended the meeting at 1:44 pm.

The Council resumed at 2:08 pm.

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

The President stated that after perusing Dr Hon Fernando CHEUNG's written explanation for his request, she was satisfied that issue was of public importance. Regarding whether or not the issue was urgent, she pointed out that Dr CHEUNG had stated that while the demolition works were currently in progress, the Administration had not yet provided the findings of the investigation survey. The demolition would result in an irreversible situation, and an immediate debate was imperative. The President also stated that she had seen, on the Internet, a photograph showing the condition of the clock tower at the Star Ferry Pier. She considered that if Members did not have an opportunity to debate and express views on the issue at the current Council meeting, it would be meaningless for them to discuss the issue the week after



because by then the clock tower at the Star Ferry Pier might no longer exist. Under the circumstances, she was satisfied that the issue was urgent. She therefore gave permission for Dr Hon Fernando CHEUNG to move the motion.

The President also stated that according to Rule 16(2) of the Rules of Procedure, she had no authority to request the Government to designate a public officer to reply at the adjournment debate. She had, however, notified the relevant Bureau. The relevant Bureau very much hoped to take part in the debate, but the Secretary concerned had to chair a meeting and he had to finish his work at hand before he could come over. Staff in his Bureau would listen to the speeches made by Members through direct broadcast. The Secretary had promised to come over without delay to respond to the views expressed by the Members.

**That this Council do now adjourn**

Dr Hon Fernando CHEUNG moved the following motion and addressed the Council:

That this Council do now adjourn for the purpose of debating the following issue: Demolition of the clock tower at the Star Ferry Pier.

While Dr Hon Fernando CHEUNG was addressing the Council, the President left the chair at 2:18 pm temporarily and the President's Deputy, Hon Miriam LAU took the chair.

Question on the motion proposed.

Three Members and Hon WONG Kwok-hing spoke on the motion.

At 3:06 pm, while Hon WONG Kwok-hing was speaking, the President resumed the chair.

Another 13 Members and the Secretary for Housing, Planning and Lands spoke on the motion.

While the Secretary for Housing, Planning and Lands was speaking, Hon Margaret NG, Dr Hon KWOK Ka-ki and Dr Hon Fernando CHEUNG separately sought, with the President's permission, elucidation of some matters raised by him in the course of his speech. The Secretary for Housing, Planning and Lands elucidated.

Question on the motion put and negatived.

## Members' Motions

### Release of CHING Cheong

Hon James TO moved the following motion and addressed the Council:

That this Council urges the Hong Kong Special Administrative Region Government and other persons to make every effort to assist in bringing about the early release of CHING Cheong.

Question on Hon James TO's motion proposed.

The President stated that Hon Howard YOUNG 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 Howard YOUNG moved the following amendment to Hon James TO's motion and addressed the Council:

To delete "in bringing about the early release of" after "to make every effort to assist"; and to add "in obtaining medical parole on humanitarian grounds" immediately before the full stop.

Question on Hon Howard YOUNG's amendment to Hon James TO's motion proposed.

Six Members and Hon Emily LAU spoke on the motion and the amendment.

While Hon Emily LAU was speaking, the President left the chair at 6:40 pm temporarily and the President's Deputy, Hon Miriam LAU took the chair.

Another four Members and Hon Albert HO spoke on the motion and the amendment.

At 7:15 pm, while Hon Albert Ho was speaking, the President resumed the chair.

Four other Members spoke on the motion and the amendment.

Hon James TO spoke on the amendment.

The Secretary for Security spoke on the motion and the amendment.

Question on Hon Howard YOUNG's amendment to Hon James TO's motion put and agreed to.

Hon James TO replied.

Question on Hon James TO's motion as amended by Hon Howard YOUNG put and agreed to.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 20 December 2006 at 11:00 am.

The Council was adjourned at 7:51 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong