

LEGISLATIVE COUNCIL

MINUTES

No. 17

Minutes of the meeting held on Wednesday 31 January 2007 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 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 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

Member absent:

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

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

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

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

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. Market (Cessation of Application of the Public Health and Municipal Services Ordinance) Declaration 2007 (gazetted on 26.1.2007)	10/2007
2. Public Health and Municipal Services (Cessation of Designation as Public Market) Order 2007 (gazetted on 26.1.2007)	11/2007
3. Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) Order 2007 (gazetted on 26.1.2007)	12/2007
4. Fugitive Offenders (Republic of Korea) Order (Commencement) Notice (gazetted on 26.1.2007)	13/2007

Other Paper

Report of the Bills Committee on Safety of United Nations and Associated Personnel Bill (published on 26.1.2007)

Questions

1. Hon Mrs Sophie LEUNG asked Question 1.

The Secretary for Health, Welfare and Food replied.

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

2. Hon Albert Jinghan CHENG asked Question 2.

The Secretary for Health, Welfare and Food replied.

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

3. Hon Jeffrey LAM Kin-fung asked Question 3.

The Secretary for the Environment, Transport and Works replied.

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

4. Hon CHOY So-yuk asked Question 4.

The Secretary for Health, Welfare and Food replied.

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

5. Hon TSANG Yok-sing asked Question 5.

The Secretary for Health, Welfare and Food replied.

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

6. Hon TAM Heung-man asked Question 6.

The Secretary for Health, Welfare and Food replied.

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

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

Bills

First Reading

Housing (Amendment) Bill 2007

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

Housing (Amendment) Bill 2007

The Secretary for Housing, Planning and Lands 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.

Safety of United Nations and Associated Personnel Bill

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 17 May 2006 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Safety of United Nations and Associated Personnel Bill, addressed the Council on the Committee's Report.

The Secretary for Security 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 **Safety of United Nations and Associated Personnel Bill**.

Question that clauses 1, 3, 4 and 6 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 5 and 7 stand part of the Bill proposed.

The Secretary for Security moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2, 5 and 7, as amended, stand part of the Bill proposed, put and agreed to.

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

The Secretary for Security moved an amendment to the long title and addressed the Committee.

Question on the amendment put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the **Safety of United Nations and Associated Personnel Bill**

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

Assisting in the transformation of factory buildings

Hon Mrs Selina CHOW moved the following motion and addressed the Council:

That, as factories have been relocated to the north in large numbers and the economy of Hong Kong has totally shifted towards being dominated by service industries, which has resulted in a high vacancy rate of local factory buildings and has turned some traditional industrial districts into "stricken areas", which is a tremendous waste of social resources, this Council urges the Government to adopt in a timely and appropriate manner more flexible policies to assist in the transformation of traditional factory buildings, so as to adapt to the present economic and commercial development situation, which include:

- (a) reviewing afresh and amending the definitions of "industrial use" and "factory" in the relevant legislation and policies;
- (b) on the premise of meeting building safety requirements, enhancing the coordination among relevant departments to provide one-stop services, so as to streamline and expedite the processing and approval of applications by factory building owners for changing the use of land or factory buildings; and
- (c) at town planning level, encouraging overall planning for vacated factory buildings in old industrial areas, such as developing theme areas for creative industries, electrical appliance cities and merchandizing cities,

so that trades other than the traditional industries can also make use of factory buildings for their development, with a view to revitalizing old industrial areas, reviving community economy and creating more employment opportunities.

While Hon Mrs Selina CHOW was addressing the Council, the President left the chair at 1:40 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

Two Members spoke on the motion.

After declaring his interest that his company was involved in real estate business which also included business relating to factory buildings, industrial buildings and land regrant premiums, Hon James TIEN spoke on the motion.

Another eight Members and Hon LAU Wong-fat spoke on the motion.

At 3:05 pm, while Hon LAU Wong-fat was speaking, the President resumed the chair.

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

Hon Mrs Selina CHOW replied.

Question on the motion put and agreed to.

A comprehensive review on mental health policy

Dr Hon KWOK Ka-ki moved the following motion and addressed the Council:

That, as the number of consultations by psychiatric patients in Hong Kong increases significantly every year and the annual number of consultations and first consultations at the psychiatric specialist out-patient service of public hospitals also rises drastically, but the Government fails to provide adequate support in this respect, resulting in a serious shortage of resources and health care personnel in psychiatric services at present and dire challenges for diagnosis, treatment, medication, hospitalization and rehabilitation services, as well as patients being denied more suitable medicines and better treatment, this Council urges the Government to:

- (a) expeditiously conduct a comprehensive review on Hong Kong's mental health policy to cause the public to pay proper attention to mental health;
- (b) allocate more resources to psychiatric services for recruiting more health care and other specialist personnel, strengthening relevant training for health care personnel across the board, enhancing the ability of family doctors to treat relevant illnesses and improving the existing psychiatric services in such areas as diagnosis, treatment, medication, hospitalization and rehabilitation;

- (c) integrate and coordinate the territory's medical and social services in mental health, and explore a new funding mechanism, so that the public can enjoy more comprehensive mental health services;
- (d) invite people concerned across the community, including frontline health care personnel, patients and their family members, social workers, social welfare organizations, academics and other people who are concerned about mental health in Hong Kong, to jointly take part in the formulation and review of the overall mental health policy;
- (e) enhance public education on mental health, so as to deepen the public's understanding of mental health and reduce discrimination of the community against mental patients and ex-mental patients; and
- (f) conduct regular studies on the situation of and policy on mental health in Hong Kong, so that corresponding measures can be taken to upgrade the mental health services in Hong Kong.

Question on Dr Hon KWOK Ka-ki'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.

Dr Hon Fernando CHEUNG and Dr Hon Joseph LEE Kok-long, who would move amendments to the motion, spoke on the motion and their own amendments.

11 other Members spoke on the motion and the amendments.

Dr Hon KWOK Ka-ki spoke on the amendments.

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

Dr Hon Fernando CHEUNG moved the following amendment to Dr Hon KWOK Ka-ki's motion:

To add "currently Hong Kong attaches little importance to mental health," after "That, as"; to add "," after "every year"; to add "not to mention those patients with hidden symptoms in the community," after "rises drastically,"; to add "and suitable rehabilitation services to help them integrate into the community" after "better treatment"; to add "set up a mental health council to" after "(a) expeditiously"; to delete "to cause the public to pay proper attention to mental health" after "Hong Kong's mental health policy" and substitute with "and coordinate mental health services to enhance inter-

departmental cooperation and cause the public to attach greater importance to mental health"; to add "(c) improve the facilities in acute wards and closed wards for psychiatric services and implement a triage system, so as to provide patients with a more suitable environment for treatment; (d) comprehensively enhance the quality of rehabilitation services, which includes reforming sheltered workshops and implementing a case management system, so that ex-mental patients can obtain adequate and comprehensive services in the community;" after "hospitalization and rehabilitation;"; to delete the original "(c)" and substitute with "(e)"; to delete the original "(d)" and substitute with "(f)"; to add ", educators" after "academics"; to delete the original "(e)" and substitute with "(g)"; to delete "public education on mental health, so as to deepen" after "enhance"; to add "through formal education and public education," after "understanding of mental health"; and to delete the original "(f)" and substitute with "(h)".

Question on Dr Hon Fernando CHEUNG's amendment to Dr Hon KWOK Ka-ki's motion proposed and put.

Hon Mrs Sophie LEUNG 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, 17 were present, eight were in favour of the amendment and nine abstained; while among the Members returned by geographical constituencies through direct elections, 21 were present, 13 were in favour of the amendment 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.

Dr Hon Joseph LEE Kok-long moved the following amendment to Dr Hon KWOK Ka-ki's motion:

To add "prevention," after "dire challenges for"; to delete "to cause the public to pay proper attention to mental health" after "Hong Kong's mental health policy" and substitute with "and regularly conduct studies and reviews, as well as make appropriate adjustments in the light of the relevant results, so as to support and upgrade mental health services"; to add "prevention," after "in such areas as"; to add "(c) strengthen community psychiatric services, enhance the functions of community psychiatric health care teams and provide primary mental health services in areas such as prevention, education and assessment;" after "hospitalization and rehabilitation;"; to delete the original "(c)" and substitute with "(d)"; to delete "social" after "the territory's medical and" and substitute with "community rehabilitation"; to delete the original "(d)" and substitute with "(e)"; to add "and" after

"overall mental health policy;" to delete the original "(e)" and substitute with "(f)"; to add ", cause them to pay proper attention to the importance of mental health" after "understanding of mental health"; and to delete "; and (f) conduct regular studies on the situation of and policy on mental health in Hong Kong, so that corresponding measures can be taken to upgrade the mental health services in Hong Kong" after "ex-mental patients".

Question on Dr Hon Joseph LEE Kok-long's amendment to Dr Hon KWOK Ka-ki's motion proposed, put and agreed to.

Dr Hon KWOK Ka-ki replied.

Question on Dr Hon KWOK Ka-ki's motion as amended by Dr Hon Joseph LEE Kok-long put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 7 February 2007 at 11:00 am.

The Council was adjourned at 6:19 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 31/01/2007
時間 TIME: 06:16:29 下午

動議 MOTION: 張超雄議員對郭家麒議員的「全面檢討精神健康政策」議案，作出的修正案
AMENDMENT BY DR HON FERNANDO CHEUNG TO DR HON KWOK KA-KI'S MOTION ON
"A COMPREHENSIVE REVIEW ON MENTAL HEALTH POLICY"

動議人 MOVED BY: 張超雄 Dr Fernando CHEUNG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	17	21	
投票 Vote	17	20	
贊成 Yes	8	13	
反對 No	0	0	
棄權 Abstain	9	7	
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	贊成 YES	田北俊 James TIEN	棄權 ABSTAIN
呂明華 Dr LUI Ming-wah	棄權 ABSTAIN	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		李柱銘 Martin LEE	贊成 YES
陳智思 Bernard CHAN		李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	棄權 ABSTAIN	周梁淑怡 Mrs Selina CHOW	棄權 ABSTAIN
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	
黃容根 WONG Yung-kan	棄權 ABSTAIN	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
楊孝華 Howard YOUNG	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	棄權 ABSTAIN
劉健儀 Miriam LAU	棄權 ABSTAIN	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	棄權 ABSTAIN
方剛 Vincent FANG		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	贊成 YES	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM		馮檢基 Frederick FUNG	
林健鋒 Jeffrey LAM	棄權 ABSTAIN	余若薇 Audrey EU	贊成 YES
梁君彥 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		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 Prof Patrick LAU	棄權 ABSTAIN	張學明 CHEUNG Hok-ming	
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	