

LEGISLATIVE COUNCIL

MINUTES

No. 21

Minutes of the meeting held on Wednesday 14 March 2007 at 11:00 am

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, 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 CHEUNG Man-kwong

The Hon Bernard CHAN, GBS, JP

The Hon CHAN Kam-lam, SBS, JP

The Hon LEUNG Yiu-chung

The Hon SIN Chung-kai, JP

The Hon WONG Yung-kan, 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 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 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 James TIEN Pei-chun, GBS, JP

The Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP

The Hon James TO Kun-sun

The Hon CHAN Yuen-han, JP

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

Dr the Hon Philip WONG Yu-hong, GBS

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon LAU Wong-fat, GBM, GBS, JP

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon MA Lik, GBS, JP

Public officers attending:

Prof the Hon Arthur LI Kwok-cheung, GBS, JP
Secretary for Education and Manpower

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

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)

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Land Registration (Amendment) Regulation 2007 (gazetted on 9.3.2007)	36/2007
2. Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2007 (gazetted on 9.3.2007)	37/2007
3. Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2007 (gazetted on 9.3.2007)	38/2007

Other Papers

- No.76 - Report by the Controller, Government Flying Service on the Administration of the Government Flying Service Welfare Fund, together with the Director of Audit's Report, for the year ended 31 March 2006 (published on 7.3.2007)
- No.77 - Report of changes to the approved Estimates of Expenditure approved during the third quarter of 2006-2007 (Public Finance Ordinance : Section 8) (published on 8.3.2007)
- No.78 - The Lord Wilson Heritage Trust Annual Report 2005-2006 (published on 8.3.2007)

Questions

1. Prof Hon Patrick LAU Sau-shing asked Question 1.

The Secretary for Commerce, Industry and Technology replied.

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

2. Hon Emily LAU asked Question 2.

The Secretary for Education and Manpower replied.

Five Members asked supplementary questions and the Secretary for Education and Manpower replied.

3. Hon CHEUNG Man-kwong asked Question 3.

The Secretary for Education and Manpower replied.

Six Members asked supplementary questions and the Secretary for Education and Manpower replied.

4. Hon LI Kwok-ying 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 Albert CHAN asked Question 5.

The Secretary for Security replied.

Five Members asked supplementary questions and the Secretary for Security replied.

6. Hon WONG Kwok-hing asked Question 6.

The Secretary for Security replied.

Five Members asked supplementary questions and the Secretary for Security replied.

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

Members' Motions

Air Pollution Control (Volatile Organic Compounds) Regulation

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

That this Council notes the Air Pollution Control (Volatile Organic Compounds) Regulation which was published in the Gazette as Legal Notice No. 20 of 2007 and laid on the table of the Legislative Council on 28 February 2007.

While Hon Audrey EU was addressing the Council, the President left the chair at 1:02 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

Four Members and Dr Hon Fernando CHEUNG spoke on the motion.

At 2:02 pm, while Dr Hon Fernando CHEUNG was speaking, the President resumed the chair.

Two other Members and the Secretary for the Environment, Transport and Works spoke on the motion.

Hon Audrey EU replied.

Question on the motion put and agreed to.

Legislating against the use of artificial trans fats in food production

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

That, as cardiovascular disease is the second leading cause of deaths in Hong Kong, and medical research also reveals that consumption of food containing trans fats will increase the risk of contracting coronary heart disease, and given that some countries such as Denmark have legislated as early as 2003 to prescribe the permissible maximum level of trans fats in food, the use of artificial trans fats in food production in restaurants will also be gradually banned in places such as New York, Chicago and Massachusetts to safeguard public health, this Council urges the Government to follow the practice of these places to expeditiously legislate against the use of artificial trans fats in food production in local restaurants, to prescribe the permissible maximum level of trans fats for all imported and locally produced food, and to require the trans fats contents in food to be listed on the package labels for identification by consumers.

Question on Hon Albert Jinghan CHENG'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 Fred LI and Hon Vincent FANG Kang, 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.

Hon Albert Jinghan CHENG spoke on the amendments.

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

Hon Fred LI moved the following amendment to Hon Albert Jinghan CHENG's motion:

To add "the health problems caused by trans fats in food have increasingly aroused international concern, and" after "That, as"; to delete "and" after "Hong Kong," and substitute with "with"; to delete "reveals" after "medical research also" and substitute with "revealing"; and to add "expeditiously legislate for the Labelling Scheme on Nutrition Information and, when implementing Phase I of the Scheme," after "and to".

Question on Hon Fred LI's amendment to Hon Albert Jinghan CHENG's motion proposed and put.

Hon Fred LI 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, 19 were present, 13 were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections, 19 were present, 16 were in favour of the amendment and two against it. (Voting record in Appendix I) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amendment was agreed.

The President stated that Hon Vincent FANG Kang had indicated that he would withdraw his amendment if Hon Fred LI's amendment was agreed. Hon Vincent FANG Kang had therefore withdrawn his amendment.

Hon Albert Jinghan CHENG replied.

Question on Hon Albert Jinghan CHENG's motion as amended by Hon Fred LI put.

Hon Tommy CHEUNG 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, 20 were present, 14 were in favour of the motion as amended, five against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present and 18 were in favour of the motion as amended. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion as amended was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 28 March 2007 at 11:00 am.

The Council was adjourned at 5:17 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 14/03/2007
時間 TIME: 05:03:24 下午

動議 MOTION: 李華明議員對鄭經翰議員的「立法禁止使用人造反式脂肪製造食物」議案，作出的修正案
AMENDMENT BY HON FRED LI TO HON ALBERT CHENG'S MOTION ON "LEGISLATING AGAINST THE USE OF ARTIFICIAL TRANS FATS IN FOOD PRODUCTION"

動議人 MOVED BY: 李華明 Fred LI

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	19	19	
投票 Vote	19	18	
贊成 Yes	13	16	
反對 No	6	2	
棄權 Abstain	0	0	
結果 Result	通過 Passed	通過 Passed	通過 Passed

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	
吳靄儀 Margaret NG	贊成 YES	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	贊成 YES	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	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	
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		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	贊成 YES	劉江華 LAU Kong-wah	贊成 YES
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	贊成 YES
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	
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	Albert CHAN	反對 NO
林偉強 Daniel LAM		馮偉業 Frederick FUNG	贊成 YES
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	贊成 YES
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong	贊成 YES	梁家傑 Alan LEONG	
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	反對 NO
劉秀成 Prof Patrick LAU	贊成 YES	張學明 CHEUNG Hok-ming	
鄭志堅 KWONG Chi-kin		湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man		鄭經翰 Albert CHENG	贊成 YES

Vivian Chan

投票 VOTE: 2
 日期 DATE: 14/03/2007
 時間 TIME: 05:16:39 下午

動議 MOTION: 由鄭經翰議員動議，經李華明議員／方剛議員修正的「立法禁止使用人造反式脂肪製造食物」議案
 MOTION MOVED BY HON ALBERT CHENG ON "LEGISLATING AGAINST THE USE OF ARTIFICIAL TRANS FATS IN FOOD PRODUCTION" AS AMENDED BY HON FRED LI / HON VINCENT FANG

動議人 MOVED BY: 鄭經翰 Albert CHENG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	20	19	
投票 Vote	20	18	
贊成 Yes	14	18	
反對 No	5	0	
棄權 Abstain	1	0	
結果 Result	通過 Passed	通過 Passed	通過 Passed

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	
吳靄儀 Margaret NG	贊成 YES	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	贊成 YES	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	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	
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		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	贊成 YES	劉江華 LAU Kong-wah	贊成 YES
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	贊成 YES
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	
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	贊成 YES
林偉強 Daniel LAM		馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	棄權 ABSTAIN	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	贊成 YES	梁家傑 Alan LEONG	
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	贊成 YES
劉秀成 Prof Patrick LAU	贊成 YES	張學明 CHEUNG Hok-ming	
鄭志堅 KWONG Chi-kin		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

Edrian Lam