

LEGISLATIVE COUNCIL

MINUTES

No. 6

Minutes of the meeting held on Wednesday 7 November 2007 at 11:00 am

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBM, 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, GBM, 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, SBS, JP

The Hon Bernard CHAN, GBS, JP

The Hon CHAN Kam-lam, SBS, JP

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

The Hon LEUNG Yiu-chung

The Hon SIN Chung-kai, SBS, JP

Dr the Hon Philip WONG Yu-hong, GBS

The Hon WONG Yung-kan, SBS, JP

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Howard YOUNG, SBS, JP

Dr the Hon YEUNG Sum, 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 LI Fung-ying, BBS, JP

The Hon Tommy CHEUNG Yu-yan, SBS, 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 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 Ronny TONG Ka-wah, SC

The Hon CHIM Pui-chung

Prof the Hon Patrick LAU Sau-shing, SBS, JP

The Hon Albert Jinghan CHENG, JP

The Hon KWONG Chi-kin

The Hon TAM Heung-man

Members absent:

The Hon LAU Chin-shek, JP

The Hon Abraham SHEK Lai-him, SBS, JP

The Hon Jeffrey LAM Kin-fung, SBS, JP

The Hon WONG Ting-kwong, BBS

Public officers attending:

The Hon Henry TANG Ying-yen, GBS, JP

The Chief Secretary for Administration

The Hon Stephen LAM Sui-lung, JP

Secretary for Constitutional and Mainland Affairs

Dr the Hon York CHOW Yat-ngok, SBS, JP

Secretary for Food and Health

The Hon TSANG Tak-sing, JP

Secretary for Home Affairs

The Hon Matthew CHEUNG Kin-chung, GBS, JP

Secretary for Labour and Welfare

The Hon Eva CHENG, JP

Secretary for Transport and Housing

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)

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. Medical Laboratory Technologists (Registration and Disciplinary Procedure) (Amendment) Regulation 2007 (gazetted on 2.11.2007)	203/2007
2. Tax Reserve Certificates (Rate of Interest) (No. 5) Notice 2007 (gazetted on 2.11.2007)	204/2007

Other Papers

- No.25 - Hong Kong Productivity Council Annual Report 2006-2007 (published on 1.11.2007)
- No.26 - Hong Kong Science and Technology Parks Corporation Annual Report 2006-2007 (published on 1.11.2007)

Addresses

Hon Miriam LAU, Hon WONG Yung-kan and Hon SIN Chung-kai consecutively addressed the Council on the Merchant Shipping (Prevention of Air Pollution) Regulation, which was subsidiary legislation laid on the table of the Council on 11 July 2007.

Questions

1. Hon Fred LI asked Question 1.

The Secretary for Food and Health replied.

Two Members asked supplementary questions and the Secretary for Food and Health replied.

Hon Tommy CHEUNG asked a supplementary question and the Secretary for Food and Health replied. While the Secretary for Food and Health was replying to the supplementary question, a man in the Public Gallery shouted loudly. The President ordered that the man be removed. The security staff removed the man from the Chamber accordingly.

Another Member asked a supplementary question and the Secretary for Food and Health replied.

2. Hon Margaret NG asked Question 2.

The Secretary for Labour and Welfare replied.

Six Members asked supplementary questions and the Secretary for Labour and Welfare replied.

3. Hon James TO asked Question 3.

The Secretary for Constitutional and Mainland Affairs replied.

Eight Members asked supplementary questions and the Secretary for Constitutional and Mainland Affairs replied.

4. Hon Miriam LAU asked Question 4.

The Secretary for Labour and Welfare replied.

Six Members asked supplementary questions and the Secretary for Labour and Welfare replied.

5. Hon Mrs Selina CHOW asked Question 5.

The Secretary for Transport and Housing replied.

Five Members asked supplementary questions and the Secretary for Transport and Housing replied.

6. Hon LEUNG Yiu-chung asked Question 6.

The Secretary for Labour and Welfare replied.

Five Members asked supplementary questions and the Secretary for Labour and Welfare replied.

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

Motions

Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Food and Health moved the following motion and addressed the Council:

RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 17 October 2007, be approved -

- (a) the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2007; and
- (b) the Poisons List (Amendment) (No. 4) Regulation 2007.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Home Affairs moved the following motion and addressed the Council:

RESOLVED that the Building Management (Third Party Risks Insurance) Regulation, published in the Gazette as Legal Notice No. 146 of 2007 and laid on the table of the Legislative Council on 11 July 2007, be amended -

- (a) in section 2, by repealing the definition of "statutory instrument" and substituting -
 - " "statutory instrument" (法定文書), in relation to a building, means -
 - (a) an order, notice or direction issued under an Ordinance requiring -
 - (i) any maintenance, improvement, alteration, repair or demolition work to be carried out in relation to the building;
 - (ii) any fire safety installation or improvement work to be carried out in relation to the building; or
 - (iii) any relevant person to be appointed to carry out investigation in relation to the building; or

- (b) a notice or direction issued under an Ordinance specifying that the notice or direction will be registered in the Land Registry if any maintenance, improvement, alteration, repair or demolition work, or any fire safety installation or improvement work, is not carried out in relation to the building before a particular date;";
- (b) in section 5(4), by repealing "issued to it";
- (c) in section 5(7), by repealing "level 2" and substituting "level 1";
- (d) in section 6(1), by repealing "Subject to subsection (3), so" and substituting "So";
- (e) by repealing section 6(3) and (4);
- (f) by renumbering section 6(5), (6), (7) and (8) as section 6(3), (4), (5) and (6) respectively;
- (g) in section 6(6), by repealing "(7)" and substituting "(5)".

Question on the motion proposed.

Hon James TO spoke on the motion as the Chairman of the Subcommittee on Building Management (Third Party Risks Insurance) Regulation.

Three Members spoke on the motion.

The Secretary for Home Affairs replied.

Question on the motion put and agreed to.

Members' Motions

Enhancing co-operation with Macao in developing the tourism industry

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

That, in view of the rapid development of the tourism industry in Hong Kong and Macao in recent years, indicating that there is immense room for co-operation between the two places, this Council urges the Government to expeditiously adopt measures to enhance the co-operation with Macao on the tourism front, with a view to fostering the long-term development of Hong Kong's tourism industry and achieving a win-win situation with Macao; such measures should include:

- (a) appealing to the Central Government for the issuance of a single exit endorsement for visiting Hong Kong and Macao under the Individual Visit Scheme, so as to facilitate Mainland travellers in visiting the two places on the same trip;
- (b) using an automated clearance system to shorten the immigration clearance time for Hong Kong people at the Macao control point, so as to make available more space to facilitate immigration clearance of other travellers; and
- (c) collaborating with the relevant authorities in Macao and Guangdong Province in training middle and senior management professionals for the hotel and tourism sectors.

While Hon James TIEN was addressing the Council, the President left the chair at 1:50 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon James TIEN'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.

Hon WONG Kwok-hing and Hon SIN Chung-kai, who would move amendments to the motion, spoke on the motion and their amendments.

The Secretary for Labour and Welfare spoke on the motion and the amendments.

Three Members and Hon Audrey EU spoke on the motion and the amendments.

At 2:54 pm, while Hon Audrey EU was speaking, the President resumed the chair.

Twelve other Members spoke on the motion and the amendments.

Hon James TIEN spoke on the amendments.

The Secretary for Labour and Welfare spoke again.

Hon WONG Kwok-hing moved the following amendment to Hon James TIEN's motion:

To add "and sharing of experience" after "to enhance the co-operation"; to delete "and" after "to facilitate immigration clearance of other travellers"; to delete "collaborating" after "(c)" and substitute with "strengthening co-operation"; to add "sharing the advanced management expertise of the hotel and tourism sectors, as well as" after "relevant authorities in Macao and Guangdong Province in"; and to delete "hotel and tourism sectors" after "middle and senior management professionals for the" and substitute with "two sectors, so as to enable the professionals of Guangdong, Hong Kong and Macao to develop at the same pace and serve the tourism industry of their respective regions, in order to meet the development needs of the tourism industry in the three places; and (d) vigorously advocating and promoting honest tourism, as well as enhancing the professional management in various areas such as hotel, tourism, catering, retailing, etc, thereby boosting the attractiveness of Hong Kong and Macao tours and increasing travellers' duration of stay and spending in Hong Kong".

Question on Hon WONG Kwok-hing's amendment to Hon James TIEN's motion proposed, put and agreed to.

As Hon WONG Kwok-hing's amendment had been agreed, the President granted leave for Hon SIN Chung-kai to revise the terms of his amendment and explain them to the Council.

Hon SIN Chung-kai moved the following further amendment to Hon James TIEN's motion as amended by Hon WONG Kwok-hing, and explained the revised terms of his amendment to the Council:

To add "; and (e) increasing the number of middle and senior management professionals trained locally for the hotel sector and upgrading the quality of training, in order to enhance the service quality of the tourism industry while meeting the regional demand" immediately before the full stop.

Question on Hon SIN Chung-kai's amendment to Hon James TIEN's motion as amended by Hon WONG Kwok-hing proposed, put and agreed to.

Hon James TIEN replied.

Question on Hon James TIEN's motion as amended by Hon WONG Kwok-hing and Hon SIN Chung-kai put and agreed to.

Strengthening support for Tin Shui Wai

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

That, as family tragedies have occurred time and again in Tin Shui Wai in recent years and to prevent similar tragedies from happening, this Council urges the Government to comprehensively improve the community facilities and services in the district, give suitable support to the needy families and provide family services on all fronts to create a harmonious community, and at the same time inject more economic activities into the district, and increase facilities and business opportunities for cultural and recreational enterprises, so as to enhance employment opportunities and promote a balanced community development in the district.

Question on Hon Mrs Selina CHOW's motion proposed.

The President stated that three Members would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

Hon Albert CHAN, Hon LEE Cheuk-yan and Hon Albert HO, who would move amendments to the motion, spoke on the motion and their amendments.

The Secretary for Labour and Welfare and the Secretary for Home Affairs spoke on the motion and the amendments.

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

While Hon WONG Kwok-hing was speaking, the President left the chair at 6:47 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three other Members and Hon Alan LEONG Kah-kit spoke on the motion and the amendments.

At 7:11 pm, while Hon Alan LEONG Kah-kit was speaking, the President resumed the chair.

Three more Members spoke on the motion and the amendments.

Hon Mrs Selina CHOW spoke on the amendments.

The Secretary for Labour and Welfare and the Secretary for Home Affairs spoke again.

Hon Albert CHAN moved the following amendment to Hon Mrs Selina CHOW's motion:

To add "this Council expresses deep regret at the Government's disregard for the needs of Tin Shui Wai residents over the years and its delay in making progress in a number of public works projects in that district, resulting in a deterioration of the local residents' quality of life; moreover," after "That,"; and to add "and set up a grass-roots livelihood improvement fund to improve the life of the grass-roots people," after "a harmonious community,".

Question on Hon Albert CHAN's amendment to Hon Mrs Selina CHOW's motion proposed and put.

Hon Mrs Selina CHOW 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, seven were in favour of the amendment and 12 abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, 12 were in favour of the amendment and seven abstained. (Voting record in the Appendix.) 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 Miriam LAU rose to move the following motion without notice:

That in the event of further divisions in relation to the motion on "Strengthening support for Tin Shui Wai" or amendments thereto, 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 LEE Cheuk-yan moved the following amendment to Hon Mrs Selina CHOW's motion:

To add "the Government's faulty planning has caused" after "That, as"; to add "to" after "family tragedies"; to add ":(a) expeditiously implement the various recommendations put forward in the Report of Review Panel on Family Services in Tin Shui Wai and" after "urges the Government to"; and to delete ", and at the same time" after "a harmonious community" and substitute with "; (b) cooperate with the stakeholders, such as the residents, community organizations, non-governmental organizations and relevant professional bodies in the locality, to map out the town planning and community development strategies for the district afresh, improve its population structure, better the neighbourhood relations and perfect the transport support, medical services, and arts, recreational and sports facilities for the area; (c) solve the problem of working poverty and formulate a family-friendly labour policy to alleviate the troubles faced by grass-roots families in the district due to work and financial pressure; and (d)".

Question on Hon LEE Cheuk-yan's amendment to Hon Mrs Selina CHOW's motion proposed, put and agreed to.

As Hon LEE Cheuk-yan's amendment had been agreed, the President granted leave for Hon Albert HO to revise the terms of his amendment and explain them to the Council.

Hon Albert HO moved the following further amendment to Hon Mrs Selina CHOW's motion as amended by Hon LEE Cheuk-yan, and explained the revised terms of his amendment to the Council:

To add "; and (e) set up an investigation committee to find out the causes of the problems in Tin Shui Wai; recruit more social workers to clear case backlogs and strengthen the coordination mechanism, and create Family Service Case Manager posts; establish Community Practice Centres to support residents' organizations and enhance mutual aid among neighbours; develop wetland resort hotels, 'riverside markets' and recovery parks; enhance employment counselling service and relax restrictions on the cross-district transport allowance to allow a family to be a unit in making applications; assist social enterprises in real terms, and suggest that the Housing Department provide rent concession to social enterprises" immediately before the full stop.

Question on Hon Albert HO's amendment to Hon Mrs Selina CHOW's motion as amended by Hon LEE Cheuk-yan proposed, put and agreed to.

Hon Mrs Selina CHOW replied.

Question on Hon Mrs Selina CHOW's motion as amended by Hon LEE Cheuk-yan and Hon Albert HO put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 14 November 2007 at 11:00 am.

The Council was adjourned at 8:04 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 07/11/2007
 時間 TIME: 07:59:13 下午pm

動議 MOTION: 陳偉業議員對周梁淑怡議員的「加強支援天水圍」議案，作出的修正案
 AMENDMENT BY HON ALBERT CHAN TO HON MRS SELINA CHOW'S MOTION ON
 "STRENGTHENING SUPPORT FOR TIN SHUI WAI"

動議人 MOVED BY: 陳偉業Albert CHAN

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	19	20	
投票 Vote	19	19	
贊成 Yes	7	12	
反對 No	0	0	
棄權 Abstain	12	7	
結果 Result	否決 Negated	通過 Passed	否決 Negated

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			
何鍾泰 Dr Raymond HO	棄權 ABSTAIN	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	棄權 ABSTAIN	何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李柱銘 Martin LEE	
陳智思 Bernard CHAN	棄權 ABSTAIN	李華明 Fred LI	
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	贊成 YES
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lam	
楊孝華 Howard YOUNG	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	棄權 ABSTAIN	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	棄權 ABSTAIN	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	棄權 ABSTAIN	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	棄權 ABSTAIN	鄭家富 Andrew CHENG	
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	棄權 ABSTAIN
李國麟 Dr Joseph LEE	棄權 ABSTAIN	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		余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG		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	梁家傑 Alan LEONG	
黃定光 WONG Ting-kwong		梁國雄 LEUNG Kwok-hung	贊成 YES
詹培忠 CHIM Pui-chung		張學明 CHEUNG Hok-ming	棄權 ABSTAIN
劉秀成 Prof Patrick LAU		湯家驥 Ronny TONG	贊成 YES
鄭志堅 KWONG Chi-kin	贊成 YES	鄭經翰 Albert CHENG	
譚香文 TAM Heung-man			