

# LEGISLATIVE COUNCIL

## MINUTES

No. 8

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Minutes of the meeting held on Wednesday 21 November 2007 at 11:00 am

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### 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-ye, 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 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 Timothy FOK Tsun-ting, GBS, JP  
The Hon TAM Yiu-chung, GBS, JP  
The Hon Abraham SHEK Lai-him, SBS, 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 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 KWONG Chi-kin

The Hon TAM Heung-man

**Members absent:**

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

The Hon Albert Jinghan CHENG, JP

**Public officers attending:**

The Hon Henry TANG Ying-yen, GBS, JP  
The Chief Secretary for Administration

The Hon Michael SUEN Ming-yeung, GBS, JP  
Secretary for Education

The Hon Frederick MA Si-hang, JP  
Secretary for Commerce and Economic Development

The Hon Stephen LAM Sui-lung, JP  
Secretary for Constitutional and Mainland Affairs

The Hon Ambrose LEE Siu-kwong, IDSM, JP  
Secretary for Security

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

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

The Hon Matthew CHEUNG Kin-chung, GBS, JP  
Secretary for Labour and Welfare

The Hon Edward YAU Tang-wah, JP  
Secretary for the Environment

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)

**Tabling of Papers**

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
1. Merchant Shipping (Prevention and Control of Pollution) (Fees) (Amendment) Regulation 2007 (gazetted on 16.11.2007)	211/2007
2. Fugitive Offenders (Australia) (Amendment) Order 2007 (gazetted on 16.11.2007)	212/2007
3. Designation of Libraries Order 2007 (gazetted on 16.11.2007)	213/2007
4. Electronic Transactions Ordinance (Amendment of Schedule 3) Order 2007 (gazetted on 16.11.2007)	214/2007
5. Electronic Transactions (Exclusion) (Amendment of Schedules) Order 2007 (gazetted on 16.11.2007)	215/2007
6. Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2007 (gazetted on 16.11.2007)	216/2007
7. Non-local Higher and Professional Education (Regulation) Ordinance (Amendment of Schedule 1) Notice 2007 (gazetted on 16.11.2007)	217/2007
8. Chinese Medicine Ordinance (Commencement) Notice 2007 (gazetted on 16.11.2007)	218/2007
9. Chinese Medicines Regulation (Commencement) Notice 2007 (gazetted on 16.11.2007)	219/2007

**Other Papers**

No.29 - Audited Financial Statements of the Customs and Excise Service Welfare Fund for the year ended 31 March 2007 and its Summary, together with the Director of Audit's Report (published on 15.11.2007)

Report of the Bills Committee on Patents (Amendment) Bill 2007 (published on 16.11.2007)

**Questions**

1. Hon SIN Chung-kai asked Question 1.

The Secretary for Transport and Housing replied.

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

2. Hon Audrey EU asked Question 2.

The Secretary for the Environment replied.

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

3. Hon Emily LAU asked Question 3.

The Secretary for Constitutional and Mainland Affairs replied.

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

4. Hon CHEUNG Hok-ming asked Question 4.

The Secretary for Security replied.

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

5. Hon Martin LEE asked Question 5.

The Secretary for Constitutional and Mainland Affairs replied.

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

6. Hon TAM Heung-man asked Question 6.

The Secretary for the Civil Service replied.

Three Members asked supplementary questions and the Secretary for the Civil Service replied.

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

## Bills

### **Patents (Amendment) Bill 2007**

#### **Resumption of Second Reading debate**

The debate on the Second Reading which was moved on 18 April 2007 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee on Patents (Amendment) Bill 2007, addressed the Council on the Committee's Report.

Two Members spoke on the Bill.

The Secretary for Commerce and Economic Development 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 **Patents (Amendment) Bill 2007**.

Question that clauses 1, 4, 6 and 7 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 3 and 5 stand part of the Bill proposed.

The Secretary for Commerce and Economic Development moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2, 3 and 5, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Commerce and Economic Development reported that

#### **the Patents (Amendment) Bill 2007**

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**

#### **Proposed resolutions under the Interpretation and General Clauses Ordinance**

##### **1. Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007**

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

RESOLVED that in relation to the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007, published in the Gazette as Legal Notice No. 198 of 2007 and laid on the table of the Legislative Council on 31 October 2007, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 19 December 2007.

Question on the motion proposed, put and agreed to.

##### **2. Unsolicited Electronic Messages Regulation (Commencement) Notice**

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



RESOLVED that in relation to the Unsolicited Electronic Messages Regulation (Commencement) Notice, published in the Gazette as Legal Notice No. 202 of 2007 and laid on the table of the Legislative Council on 31 October 2007, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 19 December 2007.

Question on the motion proposed, put and agreed to.

### **Preventing cancer**

Hon LI Kwok-ying moved the following motion and addressed the Council:

That, as cancer has become the number one cause of death of Hong Kong people, but they generally know very little about cancer and neglect the importance of improving their life style, taking injections of effective vaccines and undergoing regular screening tests to prevent and detect cancer at an early stage, thus causing delay in treating the disease and affecting the efficacy of treatment, this Council urges the Government to:

- (a) launch a community-wide cancer screening programme for colorectal and breast cancers, etc, and encourage people to undergo regular screening tests;
- (b) introduce a vaccination programme for cervical cancer to reduce its incidence rate;
- (c) promote education on different types of cancers, in order to change people's life style and achieve results in prevention; and
- (d) expedite the collation of data on cancer to effectively monitor the development trend of this disease, and research on the cancer-causing risk factors so that the Government, the medical sector and the general public can grasp in a timely manner the relevant information, which may serve as reference in the formulation of policies and enhance public awareness of cancer.

While Hon LI Kwok-ying was addressing the Council, the President left the chair at 1:42 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon LI Kwok-ying's motion proposed.

The President's Deputy stated that Dr Hon KWOK Ka-ki, Hon Andrew CHENG and Hon CHOY So-yuk would move amendments to the motion. Also, Hon CHEUNG Hok-ming would move an amendment to Dr Hon KWOK Ka-ki's amendment. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Dr Hon KWOK Ka-ki, Hon Andrew CHENG, Hon CHOY So-yuk and Hon CHEUNG Hok-ming spoke on the motion and their own amendments.

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

Another Member and Hon Vincent FANG Kang spoke on the motion and the amendments.

At 2:51 pm, while Hon Vincent FANG Kang was speaking, the President resumed the chair.

Five more Members spoke on the motion and the amendments.

Hon LI Kwok-ying spoke on the amendments.

The President said that while Hon LI Kwok-ying was speaking, Hon CHAN Yuen-han indicated that she wished to speak. She would allow Hon CHAN Yuen-han to do so, but hoped that she would return to the meeting earlier next time. Hon CHAN Yuen-han spoke on the motion and the amendments.

Another Member spoke on the motion and the amendments.

The Secretary for Food and Health spoke again.

Dr Hon KWOK Ka-ki moved the following amendment to Hon LI Kwok-ying's motion:

To add "early diagnosis can reduce the death rates of cancer, yet" after "That, as"; to delete "but" after "number one cause of death of Hong Kong people," and substitute with "and"; to delete ", and encourage people to undergo regular screening tests" after "colorectal and breast cancers, etc"; to add "study the offer of financial incentives, such as tax concessions, to encourage and help people to undergo regular medical check-ups; (c)" after "(b)"; to delete the original "(c)" and substitute with "(d)"; to delete "and (d)" after "achieve results in prevention;" and substitute with "(e)"; and to add "; and (f) allocate more resources to train family doctors and enhance the promotion of family medicine concept, so that the public can know more about cancer and receive diagnosis at an early stage through family doctors in the community, thereby greatly increasing the chance of curing cancer" immediately before the full stop.

Question on Dr Hon KWOK Ka-ki's amendment to Hon LI Kwok-ying's motion proposed.

Hon CHEUNG Hok-ming moved the following amendment to Dr Hon KWOK Ka-ki's amendment:

To add "medical check-up vouchers and" after "study the offer of financial incentives, such as"; and to add "promote the use of Chinese medicine in preventing and fighting cancer and strengthen the co-operation between Chinese and Western medical fields to enhance the efficacy of cancer prevention, as well as to" after "allocate more resources to".

Question on Hon CHEUNG Hok-ming's amendment to Dr Hon KWOK Ka-ki's amendment proposed, put and agreed to.

Question on Dr Hon KWOK Ka-ki's amendment, as amended by Hon CHEUNG Hok-ming, to Hon LI Kwok-ying's motion put and agreed to.

As Dr Hon KWOK Ka-ki's amendment as amended by Hon CHEUNG Hok-ming had been agreed, the President granted leave for Hon Andrew CHENG to revise the terms of his amendment and explain them to the Council.

Hon Andrew CHENG moved the following further amendment to Hon LI Kwok-ying's motion as amended by Dr Hon KWOK Ka-ki and Hon CHEUNG Hok-ming, and explained the revised terms of his amendment to the Council:

To add "; and (g) comprehensively review the work in cancer prevention, education, screening and reporting, including reviewing the popularity of the existing Cervical Screening Programme, and in light of the relevant experience, launching a community-wide cancer screening programme for colorectal and breast cancers, etc; promoting education on cancer to reduce cancer-causing factors such as smoking and overweight, and educating people on how to detect early symptoms of cancer, so as to achieve results in prevention and early detection of this disease; and improving the statistical information system on cancer and encouraging the participation of the private medical sector" immediately before the full stop.

Question on Hon Andrew CHENG's amendment to Hon LI Kwok-ying's motion as amended by Dr Hon KWOK Ka-ki and Hon CHEUNG Hok-ming proposed, put and agreed to.

As Dr Hon KWOK Ka-ki's amendment as amended by Hon CHEUNG Hok-ming and Hon Andrew CHENG's amendment had been agreed, the President granted leave for Hon CHOY So-yuk to revise the terms of her amendment and explain them to the Council.

Hon CHOY So-yuk moved the following further amendment to Hon LI Kwok-ying's motion as amended by Dr Hon KWOK Ka-ki, Hon CHEUNG Hok-ming and Hon Andrew CHENG, and explained the revised terms of her amendment to the Council:

To add "; and (h) review the policies on drug management and subsidy under the current public medical system, so that people will not be deprived of the chance of receiving timely and proper diagnosis, taking injections of vaccines against cancer, and undergoing medical check-ups, etc, due to the lack of financial means, so as to assist them in preventing cancer" immediately before the full stop.

Question on Hon CHOY So-yuk's amendment to Hon LI Kwok-ying's motion as amended by Dr Hon KWOK Ka-ki, Hon CHEUNG Hok-ming and Hon Andrew CHENG proposed, put and agreed to.

Hon LI Kwok-ying replied.

Question on Hon LI Kwok-ying's motion as amended by Dr Hon KWOK Ka-ki, Hon CHEUNG Hok-ming, Hon Andrew CHENG and Hon CHOY So-yuk put and agreed to.

#### **Consolidating the quality of post-secondary education**

Dr Hon YEUNG Sum moved the following motion and addressed the Council:

That, as the over expansion of sub-degree places in recent years has led to varied programme quality and the qualifications not being given due recognition, which have affected the graduates' further studies and employment, this Council urges the Government to expeditiously implement measures to improve the quality of sub-degree education and increase the articulation opportunities for sub-degree graduates, which include:

- (a) establishing a transparent quality assurance mechanism to ensure that the admission criteria of sub-degree programmes and exit performance of the graduates meet the required standards, so as to enhance the recognition of sub-degree qualifications;
- (b) increasing the number of subsidized articulation places in local universities to eliminate the worsening bottleneck in further studies; and
- (c) improving the Financial Assistance Scheme for Post-secondary Students to enable sub-degree graduates to receive subsidies for enrolment in articulation degree programmes with assured quality and recognized qualifications, so as to increase the articulation opportunities for sub-degree graduates with outstanding performance.

Question on Dr Hon YEUNG Sum's motion proposed.

The President stated that Hon TAM Yiu-chung 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 TAM Yiu-chung moved the following amendment to Dr Hon YEUNG Sum's motion and addressed the Council:

To add "and expeditiously clarifying the level of sub-degree qualifications in the Qualifications Framework and widely publicizing it to the employers," after "meet the required standards,"; to add "and grant scholarships to sub-degree graduates with outstanding performance," after "recognized qualifications,"; to delete "the" after "so as to increase" and substitute with "their"; and to delete "for sub-degree graduates with outstanding performance" immediately before the full stop.

Question on Hon TAM Yiu-chung's amendment to Dr Hon YEUNG Sum's motion proposed.

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

Two Members spoke on the motion and the amendment.

Hon Andrew LEUNG Kwan-yuen declared that he was the Chairman of the Vocation Training Council which was one of the main organizations providing sub-degree programmes. Hon Andrew LEUNG Kwan-yuen then spoke on the motion and the amendment.

Another Member spoke on the motion and the amendment.

Prof Hon Patrick LAU Sau-shing declared that he had been teaching in the University of Hong Kong for more than 30 years. In addition, he was the Chairman of the College Council of the Hong Kong Central College and a member of the Council of The Open University of Hong Kong which also provided sub-degree programmes. Prof Hon Patrick LAU Sau-shing then spoke on the motion and the amendment.

Ten more Members spoke on the motion and the amendment.

Dr Hon YEUNG Sum spoke on the amendment.

The Secretary for Education spoke again.

Question on Hon TAM Yiu-chung's amendment to Dr Hon YEUNG Sum's motion put and agreed to.

Dr Hon YEUNG Sum replied.

Question on Dr Hon YEUNG Sum's motion as amended by Hon TAM Yiu-chung put and agreed to.

**Next Meeting**

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

The Council was adjourned at 6:43 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong