

LEGISLATIVE COUNCIL

MINUTES

No. 10

Minutes of the meeting held on Wednesday 5 December 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 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 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 Albert Jinghan CHENG, JP

The Hon KWONG Chi-kin

The Hon TAM Heung-man

The Hon Mrs Anson CHAN, GBM, 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 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 TSANG Tak-sing, JP
Secretary for Home Affairs

The Hon Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

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)

Taking of Legislative Council Oath

Hon Mrs Anson CHAN took the Legislative Council Oath.

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. Unsolicited Electronic Messages (Amendment) Regulation 2007 (gazetted on 30.11.2007)	225/2007
2. Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2007 (gazetted on 30.11.2007)	226/2007

Other Papers

- No.36 - 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 2007 (published on 29.11.2007)
- No.37 - Report by the Trustee of the Emergency Relief Fund for the year ending 31 March 2007, together with the Audited Statement of Accounts and the Director of Audit's Report (published on 29.11.2007)

Questions

1. Hon Albert Jinghan CHENG asked Question 1.

The Secretary for Transport and Housing replied.

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

2. Hon CHOY So-yuk asked Question 2.

The Secretary for Commerce and Economic Development replied.

Seven Members asked supplementary questions and the Secretary for Commerce and Economic Development replied.

3. Hon LI Kwok-ying asked Question 3.

The Secretary for Education replied.

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

4. Dr Hon David LI asked Question 4.

The Secretary for Commerce and Economic Development replied.

Two Members and Hon Emily LAU asked supplementary questions and the Secretary for Commerce and Economic Development replied.

Hon Emily LAU sought elucidation of a remark made by the Secretary for Commerce and Economic Development. The Secretary elucidated the remark.

Four other Members asked supplementary questions and the Secretary for Commerce and Economic Development replied.

5. Hon Frederick FUNG asked Question 5.

The Secretary for Home Affairs replied.

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

6. Hon Alan LEONG Kah-kit asked Question 6.

The Secretary for Food and Health replied.

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

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

Bills

First Reading

Buildings (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

Buildings (Amendment) Bill 2007

The Secretary for Development 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 Organized and Serious Crimes Ordinance

The Secretary for Security moved the following motion and addressed the Council:

RESOLVED that the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007, made by the Chief Executive in Council on 22 May 2007, be approved.

Question on the motion proposed.

Hon Margaret NG spoke on the motion as the Chairman of the Subcommittee on Subsidiary Legislation to Implement the Obligations under the United Nations Convention Against Corruption.

The Secretary for Security replied.

Question on the motion put and agreed to.

Proposed resolution under the Mutual Legal Assistance in Criminal Matters Ordinance

The Secretary for Security moved the following motion and addressed the Council:

RESOLVED that the Mutual Legal Assistance in Criminal Matters (Corruption) Order, made by the Chief Executive in Council on 22 May 2007, be approved.

Question on the motion proposed.

Hon Margaret NG spoke on the motion as the Chairman of the Subcommittee on Subsidiary Legislation to Implement the Obligations under the United Nations Convention Against Corruption.

The Secretary for Security replied.

Question on the motion put and agreed to.

Promoting social enterprises

Hon CHAN Yuen-han moved the following motion and addressed the Council:

That, although the unemployment rate has come down to a new low, elementary workers still face the plight of low wages, long working hours and even difficulties in securing employment; to alleviate the hardship of elementary workers, the Administration should implement various policies on facilitating the employment of labour in order to improve the employment situation and narrow the gap between the rich and the poor; one of such policies is to "promote the development of social enterprises and boost employment" as proposed by the Chief Executive in his Policy Address; this Council urges the Government to formulate the following policies to effectively promote social enterprises:

- (a) making rules and regulations on social enterprises to clarify the definition of such enterprises;
- (b) providing various financing channels for social enterprises, including setting up a public or private seed fund and encouraging financial institutions to offer low-interest loans, etc;
- (c) providing loan guarantee and setting up marketing, training and development funds, etc, for social enterprises, with reference to the modes of the funding schemes implemented by the Government for small and medium enterprises;
- (d) providing a profits tax exemption period for and offering profits tax concession to newly established social enterprises;
- (e) establishing a social enterprises operation support centre to provide free business information, consultation and support services on the setting up and operation of business as well as market news, etc;
- (f) the Government and private organizations providing shops, properties and venues with rent exemption/concession to social enterprises; and
- (g) reserving a certain percentage of the procurement of government goods and services for social enterprises, in order to provide room for the development of such enterprises.

While Hon CHAN Yuen-han was addressing the Council, the President left the chair at 1:25 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon CHAN Yuen-han's motion proposed.

The President's Deputy stated that Hon Frederick FUNG, Hon Mrs Sophie LEUNG and Hon Albert HO would move amendments to the motion. Also, Hon WONG Kwok-hing would move an amendment to Hon Mrs Sophie LEUNG's amendment. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Hon Frederick FUNG, Hon Mrs Sophie LEUNG, Hon Albert HO and Hon WONG Kwok-hing spoke on the motion and their own amendments.

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

Three Members and Hon KWONG Chi-kin spoke on the motion and the amendments.

At 2:41 pm, while Hon KWONG Chi-kin was speaking, the President resumed the chair.

Four other Members and Hon Ronny TONG Ka-wah spoke on the motion and the amendments.

With the permission of the President, Hon Mrs Sophie LEUNG elucidated a point she had made earlier which she considered to be misunderstood by Hon Ronny TONG Ka-wah.

Five more Members and Hon LEUNG Kwok-hung spoke on the motion and the amendments.

The President stated that she had told Hon LEUNG Kwok-hung before that the public address system in the Chamber was very good, and he could speak in a normal tone. Some Members had reminded her that she might be too subjective in saying that a Member had made his speech in a loud voice or in a low voice. She had therefore placed a small equipment in the Chamber, which indicated that the noise level of the last two minutes of Hon LEUNG Kwok-hung's speech had exceeded 80 decibels. Hon LEUNG Kwok-hung apologized for that.

Another three Members spoke on the motion and the amendments.

Hon CHAN Yuen-han spoke on the amendments.

The Secretary for Home Affairs spoke again.

Hon Frederick FUNG moved the following amendment to Hon CHAN Yuen-han's motion:

To add "as the mission of social enterprises is to pursue both social and economic objectives, and social objectives may include various aspects such as environmental protection, cultural education and facilitating employment, etc; and" after "That,"; to add "gradually" after "the unemployment rate has"; to delete "to a new low" after "come down"; to delete ", the Administration should implement various policies on facilitating the employment of labour in order to improve the employment situation" after "hardship of elementary workers"; to delete "; one of such policies is to 'promote the development of social enterprises and boost employment' as proposed by the Chief Executive in his Policy Address;" after "the rich and the poor" and substitute with ",,"; to delete "effectively promote social enterprises" after "the following policies to" and substitute with "promote the development of social enterprises as one of the policies to facilitate and improve employment"; to add "establishing a high-level cross-bureau task force to formulate overall strategies for developing social enterprises; (b)" after "(a)"; to delete ";" after "the definition of such enterprises" and substitute with ", and at the same time encouraging social enterprises to employ a certain proportion of unemployed persons and people with disabilities in the light of their modes of operation; (c) enhancing the awareness of the business sector about social enterprises and encouraging the sector to make use of their professional knowledge to participate in the development of social enterprises, and at the same time enhancing public awareness about social enterprises in order to remove their misunderstanding that social enterprises will lead to unfair competition; (d) introducing more social enterprises in areas where the poverty problem is more serious, such as Sham Shui Po and Tin Shui Wai, etc, so as to increase employment opportunities in these districts;"; to delete the original "(b)" and substitute with "(e)"; to delete the original "(c)" and substitute with "(f)"; to delete the original "(d)" and substitute with "(g)"; to add ", as well as offering further tax concession to social enterprises which employ a certain proportion of unemployed persons and people with disabilities" after "newly established social enterprises"; to delete the original "(e)" and substitute with "(h)"; to delete the original "(f)" and substitute with "(i)"; and to delete the original "(g)" and substitute with "(j) lowering the tender threshold for social enterprises and".

Question on Hon Frederick FUNG's amendment to Hon CHAN Yuen-han's motion proposed, put and agreed to.

The President stated that Hon Albert HO had indicated that he would withdraw his amendment to Hon CHAN Yuen-han's motion if Hon Frederick FUNG's amendment was agreed. Hon Albert HO had therefore withdrawn his amendment.

As Hon Frederick FUNG's amendment had been agreed, the President granted leave for Hon Mrs Sophie LEUNG to revise the terms of her amendment and explain them to the Council. As the terms of Hon Mrs Sophie LEUNG's revised amendment did not include the part of her original amendment which Hon WONG Kwok-hing's amendment sought to amend, Hon WONG Kwok-hing might not move his amendment to Hon Mrs Sophie LEUNG's revised amendment.

Hon Mrs Sophie LEUNG moved the following further amendment to Hon CHAN Yuen-han's motion as amended by Hon Frederick FUNG, and explained the revised terms of her amendment to the Council:

To add "; and (k) promoting cross-sector collaboration and developing a platform for participation in different aspects, as well as facilitating the establishment of partnership, so that various sectors can expand the scope for collaboration among social enterprises in a complementary and mutually beneficial environment; (l) establishing the value and raising public awareness of social enterprises through publicity and education programmes in schools and the community; (m) eliminating administrative and policy barriers which may hinder the development of social enterprises, so as to create an environment conducive to the growth of such enterprises; and (n) breaking away from the confines of the pure social work sector by encouraging and embracing the participation of willing and capable talents from the business sector, so that social enterprises can possess such management elements as professionalism and market sensitivity" immediately before the full stop.

Question on Hon Mrs Sophie LEUNG's amendment to Hon CHAN Yuen-han's motion as amended by Hon Frederick FUNG proposed, put and agreed to.

Hon CHAN Yuen-han replied.

Question on Hon CHAN Yuen-han's motion as amended by Hon Frederick FUNG and Hon Mrs Sophie LEUNG put and agreed to.

Comprehensively reviewing subsidized home ownership schemes

Hon CHAN Kam-lam moved the following motion and addressed the Council:

That this Council urges the Government to expeditiously review afresh the various subsidized home ownership schemes, including the Home Ownership Scheme, Tenants Purchase Scheme and Home Assistance Loan Scheme, with a view to more effectively utilizing housing resources and alleviating the burden of housing on the public.

Question on Hon CHAN Kam-lam'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 LEE Wing-tat and Hon WONG Kwok-hing, who would move amendments to the motion, spoke on the motion and their own amendments.

The Secretary for Transport and Housing spoke on the motion and the amendments.

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

While Hon Alan LEONG Kah-kit was speaking, the President left the chair at 6:17 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Four more Members spoke on the motion and the amendments.

Hon CHAN Kam-lam spoke on the amendments.

At 6:54 pm, while Hon CHAN Kam-lam was speaking, the President resumed the chair.

The Secretary for Transport and Housing spoke again.

Hon LEE Wing-tat moved the following amendment to Hon CHAN Kam-lam's motion:

To add ", as the private property market has become prosperous again and property prices continue to rise, which puts pressure on the burden of housing on the public," after "That"; to add "(HOS)" after "Home Ownership Scheme"; to add "and proactively consider resuming the construction of an appropriate number of HOS flats and the sale of an appropriate number of public rental housing flats, and the number may be adjusted according to the needs of the community, land available to the Housing Authority and its financial situation," after "Home Assistance Loan Scheme,"; and to add "as well as allowing the public to meet their housing needs through various channels" immediately before the full stop.

Question on Hon LEE Wing-tat's amendment to Hon CHAN Kam-lam's motion proposed and put.

Hon Abraham SHEK 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, 24 were present, 22 were in favour of the amendment and two against it; while among the Members returned by geographical constituencies through direct elections, 24 were present, 23 were in favour of the amendment. (Voting record in the Appendix.) 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 WONG Kwok-hing had indicated that he would withdraw his amendment to Hon CHAN Kam-lam's motion if Hon LEE Wing-tat's amendment was agreed. Hon WONG Kwok-hing had therefore withdrawn his amendment.

Hon CHAN Kam-lam replied.

Question on Hon CHAN Kam-lam's motion as amended by Hon LEE Wing-tat put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 12 December 2007 at 11:00 am.

The Council was adjourned at 7:16 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 05/12/2007
 時間 TIME: 07:13:52 下午pm

動議 MOTION: 李永達議員對陳鑑林議員的「全面檢討資助置業計劃」議案，作出的修正案
 AMENDMENT BY HON LEE WING-TAT TO HON CHAN KAM-LAM'S MOTION ON
 "COMPREHENSIVELY REVIEWING SUBSIDIZED HOME OWNERSHIP SCHEMES"

動議人 MOVED BY: 李永達LEE Wing-tat

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	24	24	
投票 Vote	24	23	
贊成 Yes	22	23	
反對 No	2	0	
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	贊成 YES
呂明華 Dr LUI Ming-wah	贊成 YES	何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	贊成 YES	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	贊成 YES	周梁淑怡 Mrs Selina CHOW	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	涂謹申 James TO	
黃宜弘 Dr Philip WONG	反對 NO	陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	陳鑑林 CHAN Kam-lam	贊成 YES
楊孝華 Howard YOUNG	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	贊成 YES	曾鈺成 TSANG Yok-sing	贊成 YES
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK		劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK	反對 NO	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		蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG	贊成 YES	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	TAM Yiu-chung	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	
林偉強 Daniel LAM		馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	贊成 YES	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	梁家傑 Alan LEONG	贊成 YES
黃定光 WONG Ting-kwong	贊成 YES	梁國雄 LEUNG Kwok-hung	贊成 YES
詹培忠 CHIM Pui-chung		張學明 CHEUNG Hok-ming	贊成 YES
劉秀成 Prof Patrick LAU	贊成 YES	湯家驊 Ronny TONG	
鄺志堅 KWONG Chi-kin	贊成 YES	鄭經翰 Albert CHENG	
譚香文 TAM Heung-man	贊成 YES	陳方安生 Anson CHAN	贊成 YES