

LEGISLATIVE COUNCIL

MINUTES

No. 18

Minutes of the meeting held on Wednesday 20 February 2008 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 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 TAM Heung-man

Members absent:

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

The Hon KWONG Chi-kin

The Hon Mrs Anson CHAN, GBM, JP

Public officers attending:

The Hon WONG Yan-lung, SC, JP

The Secretary for Justice

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

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

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

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. Specification of Arrangements (Government of the Grand Duchy of Luxembourg) (Avoidance of Double Taxation on Income and Capital and Prevention of Fiscal Evasion) Order (gazetted on 1.2.2008)	18/2008
2. Import and Export (Fees) (Amendment: Fee Revision) Regulation 2008 (gazetted on 1.2.2008)	19/2008
3. Chemical Weapons (Convention) Ordinance (Amendment of Schedule 4: Revision of Permit Fee) Order 2008 (gazetted on 1.2.2008)	20/2008
4. Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 128 Pok Fu Lam Road) Notice (gazetted on 1.2.2008)	21/2008
5. Tax Reserve Certificates (Rate of Interest) Notice 2008 (gazetted on 1.2.2008)	22/2008
6. Accreditation of Academic and Vocational Qualifications (Appeal) Rules (gazetted on 15.2.2008)	25/2008
7. Accreditation of Academic and Vocational Qualifications Ordinance (Commencement) Notice 2008 (gazetted on 15.2.2008)	26/2008
8. Tsing Sha Control Area Ordinance (Commencement) Notice (gazetted on 15.2.2008)	27/2008
9. Tsing Sha Control Area (General) Regulation (Commencement) Notice (gazetted on 15.2.2008)	28/2008
10. Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Commencement) Notice (gazetted on 15.2.2008)	29/2008

Other Papers

- No.68 - The Hong Kong Academy for Performing Arts Annual Report 2006-2007 and the Financial Statements and Auditor's Report for the year ended 30 June 2007 (published on 12.2.2008)
- No.69 - Hong Kong Council for Accreditation of Academic and Vocational Qualifications Annual Report 2006-2007 (published on 12.2.2008)
- No.70 - Audited Statements of Accounts and Report on Activities of the Hong Kong Examinations and Assessment Authority for the year ending 31 August 2007 (published on 15.2.2008)
- No.71 - Li Po Chun Charitable Trust Fund Signed and Audited Financial Statements together with the Auditor's Report and Report by the Trustee on the Administration of the Fund for the year ended 31 August 2007 (published on 15.2.2008)
- No.72 - Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2007 and the Results of Value for Money Audits (Report No. 49) (February 2008 - P.A.C. Report No. 49) (published on 20.2.2008)

Report of the Bills Committee on Domicile Bill (published on 18.2.2008)

Address

Dr Hon Philip WONG, Chairman of the Public Accounts Committee, addressed the Council on the Committee's Report No. 49.

Questions

1. Ir Dr Hon HO Chung-tai asked Question 1.

The Secretary for Food and Health replied.

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

2. Hon Bernard CHAN asked Question 2.

The Secretary for Home Affairs replied.

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

3. Hon Ronny TONG Ka-wah asked Question 3.

The Secretary for Security replied.

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

4. Hon Albert CHAN asked Question 4.

The Secretary for Education replied.

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

Dr Hon KWOK Ka-ki asked another supplementary question. After he had asked the question, a person in the Public Gallery made some noises. The President asked that person to keep quiet and sit down. The Secretary for Education replied.

5. Hon Andrew CHENG asked Question 5.

The Secretary for Transport and Housing replied.

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

6. Dr Hon LUI Ming-wah asked Question 6.

The Secretary for Food and Health replied.

Five 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

Statute Law (Miscellaneous Provisions) Bill 2008
Fixed Penalty (Smoking Offences) Bill
West Kowloon Cultural District Authority Bill
Air Pollution Control (Amendment) Bill 2008
Road Traffic Legislation (Amendment) Bill 2008

The Bills were 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

Statute Law (Miscellaneous Provisions) Bill 2008

The Secretary for Justice 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.

Fixed Penalty (Smoking Offences) Bill

The Secretary for Food and Health 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.

West Kowloon Cultural District Authority Bill

The Secretary for Home Affairs 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.

Air Pollution Control (Amendment) Bill 2008

The Secretary for the Environment 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.

Road Traffic Legislation (Amendment) Bill 2008

The Secretary for Transport and Housing 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.

Domicile Bill

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 7 February 2007 resumed.

Hon James TO, Chairman of the Bills Committee on Domicile Bill, addressed the Council on the Committee's Report.

Two Members spoke on the Bill.

The Secretary for Justice 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 **Domicile Bill**.

Question that clauses 1, 3, 5, 6, 9 to 12, 14 and 15 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 4, 7, 8 and 13 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 2, 4, 7, 8 and 13, as amended, stand part of the Bill proposed, put and agreed to.

New clause 10A read the first time.

The Secretary for Justice moved the Second Reading of new clause 10A and addressed the Committee.

Question on the Second Reading of new clause 10A proposed, put and agreed to.

New clause 10A read the second time.

The Secretary for Justice moved the addition of new clause 10A to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Justice reported that

the **Domicile 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.

Motions

Proposed resolution under the Import and Export Ordinance

The Secretary for Commerce and Economic Development moved the following motion and addressed the Council:

RESOLVED that the Import and Export (Registration) (Amendment) Regulation 2008, made by the Chief Executive in Council on 15 January 2008, be approved.

Question on the motion proposed, put and agreed to.

Members' Motions

Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

Hon TSANG Yok-sing moved the following motion and addressed the Council:

RESOLVED that Rule 28(2) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended by repealing everything after "the President may" and substituting "allow short and succinct questions to be put to the public officer making the statement, if in the opinion of the President the questions are relevant to the statement.".

Question on the motion proposed, put and agreed to.

Report of the Subcommittee on Review of the Comprehensive Social Security Assistance Scheme

Dr Hon Fernando CHEUNG moved the following motion and addressed the Council:

That this Council notes the Report of the Subcommittee on Review of the Comprehensive Social Security Assistance Scheme.

While Dr Hon Fernando CHEUNG was addressing the Council, the President left the chair at 2:29 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

The Secretary for Labour and Welfare spoke on the motion.

Nine Members and Hon Mrs Selina CHOW spoke on the motion.

At 4:02 pm, while Hon Mrs Selina CHOW was speaking, the President resumed the chair.

Nine other Members spoke on the motion.

The Secretary for Labour and Welfare spoke again.

Dr Hon Fernando CHEUNG replied.

Question on the motion put and agreed to.

Transformation of old industrial areas

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

That, as there is an increasing shortage of commercial land available for development and, at the same time, many old industrial areas in Hong Kong have a serious ageing problem and the situation of factory building units being left vacant, converted into warehouses or used for other non-industrial purposes is prevalent, the precious land resources are not fully utilized, this Council urges the Government to take proactive measures to comprehensively re-plan the old industrial areas to provide a basis for compliance in the course of transformation, with a view to fully utilizing their potentials for development and achieving the objective of optimizing the use of land resources; the specific measures include:

- (a) fully relaxing the land uses of industrial land, implementing the payment of extra premium by instalments, as well as re-examining and amending the definition of "industrial use" and "factory";
- (b) strengthening the role of the Urban Renewal Authority to enable it to actively participate in the redevelopment of old industrial areas;
- (c) rationalizing the road layout and increasing transport ancillary facilities in the old industrial areas; and
- (d) increasing leisure and recreational facilities as well as expanding green areas in the old industrial areas.

Question on Hon CHAN Kam-lam's motion proposed.

The President stated that two Members intended to 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 Alan LEONG Kah-kit and Hon SIN Chung-kai, who intended to move amendments to the motion, spoke on the motion and their amendments.

The Secretary for Development spoke on the motion and the amendments.

Fourteen Members spoke on the motion and the amendments.

Hon CHAN Kam-lam spoke on the amendments.

The Secretary for Development spoke again.

Hon Alan LEONG Kah-kit moved the following amendment to Hon CHAN Kam-lam's motion:

To add "Hong Kong is a small place with a large population," after "That, as"; to add ", many communities also need land allocation to enhance and increase community facilities" after "land available for development"; to delete "strengthening" after "(b)" and substitute with "expeditiously reviewing the Urban Renewal Strategy and studying realigning"; to delete "participate in the redevelopment" after "to enable it to actively" and substitute with "complement the renewal"; to delete "and" after "transport ancillary facilities in the old industrial areas;"; and to add "; (e) according to the needs of different communities, studying changing the land uses of old industrial areas to improve the medical, welfare and educational support for the communities; and (f) encouraging re-planning of vacant factory buildings to provide development opportunities for creative industries, cultural industries, social enterprises and various small and medium enterprises" immediately before the full stop.

Question on Hon Alan LEONG Kah-kit's amendment to Hon CHAN Kam-lam's motion proposed, put and agreed to.

As Hon Alan LEONG Kah-kit'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 CHAN Kam-lam's motion as amended by Hon Alan LEONG Kah-kit, and explained the revised terms of his amendment to the Council:

To add "; (g) reducing the Forbearance Fee for Commercial Use in Existing Industrial Buildings in the Metro Area, so as to assist in converting the industrial buildings in the Metro Area to commercial use; (h) relaxing the approval criteria for converting single or multiple industrial building units to commercial use, so that industrial buildings with fragmented ownership can more easily change the use of individual units; (i) expeditiously developing suburban centres in the New Territories to provide cheaper industrial and commercial land as well as to create more job opportunities for the new towns in their vicinity; (j) using footbridges to connect industrial buildings to separate pedestrian and vehicle passages, so as to reduce the chances of people breathing in exhaust air; and (k) in comprehensively re-planning the old industrial areas, allowing more diversified land uses, including land for commercial, cultural, recreational and leisure facilities as well as open space, lowering the density of development, increasing public space and reducing screen effect" immediately before the full stop.

Question on Hon SIN Chung-kai's amendment to Hon CHAN Kam-lam's motion as amended by Hon Alan LEONG Kah-kit proposed, put and agreed to.

Hon CHAN Kam-lam replied.

Question on Hon CHAN Kam-lam's motion as amended by Hon Alan LEONG Kah-kit and Hon SIN Chung-kai put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 27 February 2008 at 11:00 am.

The Council was adjourned at 7:49 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong