

LEGISLATIVE COUNCIL

MINUTES

No. 26

Minutes of the meeting held on Wednesday 7 May 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 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 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 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

Members absent:

The Hon TAM Yiu-chung, GBS, JP

The Hon CHEUNG Hok-ming, SBS, JP

The Hon Mrs Anson CHAN, GBM, JP

Public officers attending:

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

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

Prof the Hon K C CHAN, SBS, JP

Secretary for Financial Services and the Treasury
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

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (3)

Ms Pauline NG Man-wah, Assistant Secretary General (SD)

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. Fugitive Offenders (Ireland) Order (gazetted on 2.5.2008)	96/2008
2. Fugitive Offenders (Piracy and Armed Robbery Against Ships) Order (gazetted on 2.5.2008)	97/2008
3. Colouring Matter in Food (Amendment) Regulation 2008 (gazetted on 2.5.2008)	98/2008
4. Merchant Shipping (Prevention and Control of Pollution) (Charges for Discharge of Polluting Waste) (Amendment) Regulation 2008 (gazetted on 2.5.2008)	99/2008
5. Noise Control (General) (Amendment) Regulation 2008 (gazetted on 2.5.2008)	100/2008
6. Noise Control (Air Compressors) (Amendment) Regulation 2008 (gazetted on 2.5.2008)	101/2008
7. Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 2008 (gazetted on 2.5.2008)	102/2008
8. Pensions Ordinance (Established Offices) (Amendment) Order 2008 (gazetted on 2.5.2008)	103/2008
9. Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008 (gazetted on 2.5.2008)	104/2008
10. Foreign Lawyers Practice (Amendment) Rules 2007 (Commencement) Notice (gazetted on 2.5.2008)	105/2008

Other Papers

- No.92 - Audited Statement of Accounts together with the Director of Audit's Report of the Early Retirement Ex-gratia Payment Fund for Aided Primary School Teachers for the year ended 31 August 2007 (published on 2.5.2008)
- No.93 - Audited Statement of Accounts together with the Director of Audit's Report of the Early Retirement Ex-gratia Payment Fund for Aided Secondary School Teachers for the year ended 31 August 2007 (published on 2.5.2008)

Questions

1. Hon CHAN Yuen-han asked Question 1.

The Secretary for Labour and Welfare replied.

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

2. Dr Hon Fernando CHEUNG asked Question 2.

The Secretary for Labour and Welfare replied.

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

3. Hon James TO asked Question 3.

The Secretary for Development replied.

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

4. Hon LAU Wong-fat asked Question 4.

The Secretary for Home Affairs replied.

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

5. Hon SIN Chung-kai asked Question 5.

The Secretary for Development replied.

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

6. Hon James TIEN asked Question 6.

The Secretary for Food and Health replied.

Seven 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

Dutiable Commodities (Amendment) Bill 2008

Dutiable Commodities (Amendment) (No. 2) Bill 2008

Revenue 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

Dutiable Commodities (Amendment) Bill 2008

Dutiable Commodities (Amendment) (No. 2) Bill 2008

The Secretary for Commerce and Economic Development moved the Second Reading and addressed the Council on each of the above two Bills.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debates on the above Bills were adjourned and the Bills were referred to the House Committee.

Revenue Bill 2008

The Secretary for Financial Services and the Treasury 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 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 15 April 2008, be approved-

- (a) the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2008; and
- (b) the Poisons List (Amendment) (No. 2) Regulation 2008.

Question on the motion proposed, put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Bernard CHAN moved the following motion and addressed the Council:

RESOLVED that in relation to the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008, published in the Gazette as Legal Notice No. 69 of 2008 and laid on the table of the Legislative Council on 9 April 2008, 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 28 May 2008.

Question on the motion proposed, put and agreed to.

Strengthening the prevention of communicable diseases for children and the elderly

Hon Andrew CHENG moved the following motion and addressed the Council:

That, as influenza has been prevalent recently and there is also a possibility that a number of communicable diseases may break out in Hong Kong, and given that children and the elderly are high-risk groups whose health may be more seriously affected by these communicable diseases, this Council urges the Government to strengthen the prevention and control of communicable diseases, expand the coverage of immunisation against such diseases, including providing free influenza vaccination for all elderly people, as well as reviewing the Childhood Immunisation Programme and studying the introduction of new vaccines in the light of the development of communicable diseases and vaccines, so as to reduce the risk of the public being infected with communicable diseases.

While Hon Andrew CHENG was addressing the Council, the President left the chair at 1:23 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Andrew CHENG's motion proposed.

The President's Deputy 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 LI Kwok-ying and Dr Hon Joseph LEE Kok-long, who intended to move amendments to the motion, spoke on the motion and their own amendments.

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

Five Members and Hon LEUNG Yiu-chung spoke on the motion and the amendments.

At 2:30 pm, while Hon LEUNG Yiu-chung was speaking, the President resumed the chair.

Two other Members spoke on the motion and the amendments.

Hon Andrew CHENG spoke on the amendments.

The Secretary for Food and Health spoke again.

Hon LI Kwok-ying moved the following amendment to Hon Andrew CHENG's motion:

To delete "as influenza has been prevalent recently and there is" after "That," and substitute with "in the face of continuous threat of influenza and"; to delete "," after "strengthen the prevention and control of communicable diseases" and substitute with ";"; to add "and children" after "all elderly people"; and to add "; review the existing infection control measures in kindergartens, schools, residential care homes for the elderly, medical institutions and public facilities with high pedestrian flow and allocate more resources for these institutions to improve the prevention and control of communicable diseases; improve environmental hygiene, including strengthening anti-rodent and anti-mosquito efforts; and step up education to enhance the awareness of personal hygiene" after "diseases and vaccines".

Question on Hon LI Kwok-ying's amendment to Hon Andrew CHENG's motion proposed, put and agreed to.

The President stated that Dr Hon Joseph LEE Kok-long had indicated that he would withdraw his amendment to Hon Andrew CHENG's motion if Hon LI Kwok-ying's amendment was agreed. Dr Hon Joseph LEE Kok-long had therefore withdrawn his amendment.

Hon Andrew CHENG replied.

Question on Hon Andrew CHENG's motion as amended by Hon LI Kwok-ying put and agreed to.

Implementing co-location of immigration and customs facilities

Hon WONG Ting-kwong moved the following motion and addressed the Council:

That this Council urges the SAR Government to step up its cooperation with the Mainland and expeditiously implement the "co-location of immigration and customs facilities" for clearance at the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong International Airport, so as to enhance the efficiency of passenger and freight transport to and from the Mainland, consolidate the position of Hong Kong as a regional aviation and transportation hub and strengthen the competitiveness of Hong Kong.

Question on Hon WONG Ting-kwong's motion proposed.

The President stated that Hon Jeffrey LAM Kin-fung intended to 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 Jeffrey LAM Kin-fung moved the following amendment to Hon WONG Ting-kwong's motion and addressed the Council:

To add ", as exchanges between Hong Kong and the Mainland have become more frequent and the number of cross-boundary control points has also increased," after "That"; to add "and as far as possible" after "expeditiously"; to add "the various existing and new cross-boundary control points, including" after "clearance at"; to delete "and" after "the Guangzhou-Shenzhen-Hong Kong Express Rail Link" and substitute with ","; and to add "the rail link between the Hong Kong International Airport and the Shenzhen Airport as well as cross-boundary heliports," after "the Hong Kong International Airport,".

Question on Hon Jeffrey LAM Kin-fung's amendment to Hon WONG Ting-kwong's motion proposed.

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

Ten Members spoke on the motion and the amendment.

Hon WONG Ting-kwong spoke on the amendment.

The Secretary for Transport and Housing spoke again.

Question on Hon Jeffrey LAM Kin-fung's amendment to Hon WONG Ting-kwong's motion put.

Hon Ronny TONG Ka-wah 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, 16 were in favour of the amendment and three abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, eight were in favour of the amendment and 10 abstained. (Voting record in Appendix I.) 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 WONG Ting-kwong replied.

Question on Hon WONG Ting-kwong's motion put.

Hon Ronny TONG Ka-wah 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, 18 were in favour of the motion and two abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, nine were in favour of the motion and 10 abstained. (Voting record in Appendix II.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 14 May 2008 at 11:00 am.

The Council was adjourned at 4:59 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 07/05/2008
時間 TIME: 04:51:54 下午pm

動議 MOTION: 林健鋒議員對黃定光議員的「落實一地兩檢」議案，作出的修正案
AMENDMENT BY HON JEFFREY LAM TO HON WONG TING-KWONG'S MOTION ON
"IMPLEMENTING CO-LOCATION OF IMMIGRATION AND CUSTOMS FACILITIES"

動議人 MOVED BY: 林健鋒 Jeffrey LAM

	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	16	8	
反對 No	0	0	
棄權 Abstain	3	10	
結果 Result	通過 Passed	否決 Negatived	否決 Negatived

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		何俊仁 Albert HO	棄權 ABSTAIN
吳靄儀 Margaret NG		李卓人 LEE Cheuk-yan	棄權 ABSTAIN
張文光 CHEUNG Man-kwong	棄權 ABSTAIN	李柱銘 Martin LEE	棄權 ABSTAIN
陳智思 Bernard CHAN		李華明 Fred LI	棄權 ABSTAIN
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		涂謹申 James TO	棄權 ABSTAIN
黃宜弘 Dr Philip WONG	贊成 YES	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	
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	
霍震霆 Timothy FOK	贊成 YES	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	棄權 ABSTAIN
張宇人 Tommy CHEUNG		蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG		鄭家富 Andrew CHENG	
王國興 WONG Kwok-hing		TAM Yiu-chung	
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	棄權 ABSTAIN
林偉強 Daniel LAM	贊成 YES	馮檢基 Frederick FUNG	棄權 ABSTAIN
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	棄權 ABSTAIN
梁君彥 Andrew LEUNG	贊成 YES	李永達 LEE Wing-tat	
郭家麒 Dr KWOK Ka-ki	棄權 ABSTAIN	李國英 LI Kwok-ying	贊成 YES
張超雄 Dr Fernando CHEUNG	棄權 ABSTAIN	梁家傑 Alan LEONG	
黃定光 WONG Ting-kwong	贊成 YES	梁國雄 LEUNG Kwok-hung	
詹培忠 CHIM Pui-chung		張學明 CHEUNG Hok-ming	
劉秀成 Prof Patrick LAU	贊成 YES	湯家驊 Ronny TONG	棄權 ABSTAIN
鄭志堅 KWONG Chi-kin		鄭經翰 Albert CHENG	
譚香文 TAM Heung-man		陳方安生 Mrs Anson CHAN	

秘書 CLERK

投票 VOTE: 2
日期 DATE: 07/05/2008
時間 TIME: 04:59:10 下午pm

動議 MOTION: 「落實一地兩檢」議案
MOTION ON "IMPLEMENTING CO-LOCATION OF IMMIGRATION AND CUSTOMS FACILITIES"

動議人 MOVED BY: 黃定光 WONG Ting-kwong

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	20	20	
投票 Vote	20	19	
贊成 Yes	18	9	
反對 No	0	0	
棄權 Abstain	2	10	
結果 Result	通過 Passed	否決 Negatived	否決 Negatived

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			何俊仁	Albert HO	棄權	ABSTAIN
吳靄儀	Margaret NG			李卓人	LEE Cheuk-yan	棄權	ABSTAIN
張文光	CHEUNG Man-kwong	棄權	ABSTAIN	李柱銘	Martin LEE	棄權	ABSTAIN
陳智思	Bernard CHAN			李華明	Fred LI	棄權	ABSTAIN
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			涂謹申	James TO	棄權	ABSTAIN
黃宜弘	Dr Philip WONG	贊成	YES	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		
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		
霍震霆	Timothy FOK	贊成	YES	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	棄權	ABSTAIN
張宇人	Tommy CHEUNG			蔡素玉	CHOY So-yuk	贊成	YES
方剛	Vincent FANG			鄭家富	Andrew CHENG		
王國興	WONG Kwok-hing			譚耀宗	TAM Yiu-chung		
李國麟	Dr Joseph LEE	贊成	YES	陳偉業	Albert CHAN	贊成	YES
林偉強	Daniel LAM	贊成	YES	馮檢基	Frederick FUNG	棄權	ABSTAIN
林健鋒	Jeffrey LAM	贊成	YES	余若薇	Audrey EU	棄權	ABSTAIN
梁君彥	Andrew LEUNG	贊成	YES	李永達	LEE Wing-tat		
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	棄權	ABSTAIN	梁家傑	Alan LEONG	棄權	ABSTAIN
黃定光	WONG Ting-kwong	贊成	YES	梁國雄	LEUNG Kwok-hung		
詹培忠	CHIM Pui-chung	贊成	YES	張學明	CHEUNG Hok-ming		
劉秀成	Prof Patrick LAU	贊成	YES	湯家驊	Ronny TONG	棄權	ABSTAIN
鄭志堅	KWONG Chi-kin			鄭經翰	Albert CHENG		
譚香文	TAM Heung-man			陳方安生	Mrs Anson CHAN		

秘書 CLERK

