

LEGISLATIVE COUNCIL

MINUTES

No. 29

Minutes of the meeting held on Wednesday 21 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
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
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

Members absent:

The Hon Howard YOUNG, SBS, JP

The Hon LI Kwok-ying, MH, JP

Public officers attending:

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

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 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

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. International Organizations (Privileges and Immunities) (Bank for International Settlements) Order (gazetted on 16.5.2008)	116/2008
2. International Organizations (Privileges and Immunities) (International Monetary Fund) Order (gazetted on 16.5.2008)	117/2008
3. International Organizations (Privileges and Immunities) (International Bank for Reconstruction and Development and International Finance Corporation) Order (gazetted on 16.5.2008)	118/2008
4. Legislative Council Ordinance (Amendment of Schedule 5) Order 2008 (gazetted on 16.5.2008)	119/2008
5. Maximum Amount of Election Expenses (Legislative Council Election) Regulation (gazetted on 16.5.2008)	120/2008
6. Securities and Futures (Levy) (Amendment) Order 2008 (gazetted on 16.5.2008)	121/2008
7. Securities and Futures (Investor Compensation – Levy) (Amendment) Rules 2008 (gazetted on 16.5.2008)	122/2008
8. Air Pollution Control (Fuel Restriction) (Amendment) Regulation 2008 (gazetted on 16.5.2008)	123/2008
9. Building (Planning) (Amendment) Regulation 2008 (gazetted on 16.5.2008)	124/2008
10. Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008 (gazetted on 16.5.2008)	125/2008
11. Control of Chemicals (Amendment) Regulation 2008 (gazetted on 16.5.2008)	126/2008
12. Dutiable Commodities (Amendment) Regulation 2008 (gazetted on 16.5.2008)	127/2008
13. Firearms and Ammunition (Amendment) Regulation 2008 (gazetted on 16.5.2008)	128/2008

14. Firearms and Ammunition (Storage Fees) (Amendment) Order 2008 (gazetted on 16.5.2008)	129/2008
15. Pawnbrokers (Amendment) Regulation 2008 (gazetted on 16.5.2008)	130/2008
16. Massage Establishments (Amendment) Regulation 2008 (gazetted on 16.5.2008)	131/2008
17. Telecommunications (Carrier Licences) (Amendment) Regulation 2008 (gazetted on 16.5.2008)	132/2008
18. Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2008 (gazetted on 16.5.2008)	133/2008
19. Registration of Persons (Invalidation of Identity Cards) Order 2008 (gazetted on 16.5.2008)	134/2008
20. Antiquities and Monuments (Declaration of Historical Buildings) Notice 2008 (gazetted on 16.5.2008)	135/2008
21. Noise Control (Construction Work Designated Areas) (Amendment) Notice 2008 (gazetted on 16.5.2008)	136/2008
22. Companies Ordinance (Amendment of Eighth Schedule) Order 2008 (gazetted on 16.5.2008)	137/2008
23. Companies (Amendment) Ordinance 2003 (Commencement) Notice 2008 (gazetted on 16.5.2008)	138/2008
24. Companies (Amendment) Ordinance 2004 (Commencement) Notice 2008 (gazetted on 16.5.2008)	139/2008
25. Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006 (Commencement) Notice 2008 (gazetted on 16.5.2008)	140/2008
26. Copyright (Amendment) Ordinance 2007 (Commencement) (No. 3) Notice 2008 (gazetted on 16.5.2008)	141/2008
27. Copyright (Amendment) Ordinance 2007 (Commencement) (No. 4) Notice 2008 (gazetted on 16.5.2008)	142/2008

28. Mandatory Provident Fund Schemes (Amendment) Ordinance 2008 (Commencement) Notice (gazetted on 16.5.2008) 143/2008

Other Papers

- No. 95 - Report of changes to the approved Estimates of Expenditure approved during the fourth quarter of 2007-2008 (Public Finance Ordinance : Section 8) (published on 15.5.2008)
- No. 96 - The Government Minute in response to the Report No. 49 of the Public Accounts Committee dated February 2008 (published on 21.5.2008)

Address

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the Report No. 49 of the Public Accounts Committee dated February 2008.

Questions

1. Hon Fred LI asked Question 1.

The Secretary for Commerce and Economic Development replied.

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

2. Hon Ronny TONG Ka-wah asked Question 2.

The Secretary for Commerce and Economic Development replied.

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

3. Hon CHOY So-yuk asked Question 3.

The Secretary for the Environment replied.

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

4. Hon Audrey EU asked Question 4.

The Secretary for Constitutional and Mainland Affairs replied.

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

5. Hon Mrs Selina CHOW asked Question 5.

The Secretary for the Environment replied.

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

6. Ir Dr Hon HO Chung-tai asked Question 6.

The Secretary for Transport and Housing replied.

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

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

Members' Motions

Proposed resolution under the Fugitive Offenders Ordinance

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

RESOLVED that in relation to the Fugitive Offenders (Transnational Organized Crime) Order, published in the Gazette as Legal Notice No. 78 of 2008 and laid on the table of the Legislative Council on 23 April 2008, the period for repealing an order referred to in section 3(3) of the Fugitive Offenders Ordinance (Cap. 503) be extended under section 3(5) of that Ordinance to the meeting of 11 June 2008.

Question on the motion proposed, put and agreed to.

Inclusion of general holidays as statutory holidays

Hon LEE Cheuk-yan moved the following motion and addressed the Council:

That this Council urges the Government to amend the Employment Ordinance to progressively include all general holidays other than Sundays as paid statutory holidays.

Question on the motion proposed.

The Secretary for Labour and Welfare spoke on the motion.

A Member and Hon LAU Chin-shek spoke on the motion.

While Hon LAU Chin-shek was speaking, the President left the chair at 1:31 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Nine other Members and Hon LEUNG Kwok-hung spoke on the motion.

At 2:33 pm, while Hon LEUNG Kwok-hung was speaking, the President resumed the chair.

The President reminded Members that they should avoid using foul language in their speeches. As the proceedings of Council meetings were broadcast live on television and many members of the public were watching, she therefore hoped that Members would, even in repeating other people's remarks, be mindful of the choice of words.

Five more Members spoke on the motion.

The Secretary for Labour and Welfare spoke again.

Hon LEE Cheuk-yan replied.

Question on the motion put.

Hon Tommy CHEUNG 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, 26 were present, 11 were in favour of the motion, one against it and 14 abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 23 were in favour of the motion and three 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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 28 May 2008 at 11:00 am.

The Council was adjourned at 3:20 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 21/05/2008
 時間 TIME: 03:19:42 下午pm

動議 MOTION: 「將公眾假期納入為法定假日」議案
 MOTION ON "INCLUSION OF GENERAL HOLIDAYS AS STATUTORY HOLIDAYS"

動議人 MOVED BY: 李卓人 LEE Cheuk-yan

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	26	27	
投票 Vote	26	26	
贊成 Yes	11	23	
反對 No	1	0	
棄權 Abstain	14	3	
結果 Result	否決 Negatived	通過 Passed	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	棄權 ABSTAIN	范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	棄權 ABSTAIN
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	贊成 YES
陳智思 Bernard CHAN	棄權 ABSTAIN	李華明 Fred LI	贊成 YES
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	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		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	贊成 YES
石禮謙 Abraham SHEK	棄權 ABSTAIN	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	棄權 ABSTAIN	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG	棄權 ABSTAIN	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM	棄權 ABSTAIN	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	棄權 ABSTAIN	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	棄權 ABSTAIN	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	
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	棄權 ABSTAIN	湯家驊 Ronny TONG	
鄭志堅 KWONG Chi-kin	贊成 YES	鄭經翰 Albert CHENG	
譚香文 TAM Heung-man		陳方安生 Mrs Anson CHAN	贊成 YES