

## LEGISLATIVE COUNCIL

### MINUTES

No. 33

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Minutes of the meeting held on Wednesday 18 June 2008 at 11:00 am  
and Thursday 19 June 2008 at 9:00 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 (absent on 19.6.2008)

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 (absent on 18.6.2008)

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-yea, GBS, JP

The Hon CHEUNG Man-kwong

The Hon CHAN Yuen-han, SBS, JP

The Hon Bernard CHAN, GBS, JP (absent on 19.6.2008)

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 (absent on 18.6.2008)  
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 (absent on 19.6.2008)  
The Hon WONG Kwok-hing, MH  
The Hon LEE Wing-tat (absent on 19.6.2008)  
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

Dr the Hon KWOK Ka-ki

Dr the Hon Fernando CHEUNG Chiu-hung (absent on 19.6.2008)

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 (absent on 18.6.2008)

The Hon KWONG Chi-kin

The Hon TAM Heung-man

The Hon Mrs Anson CHAN, GBM, JP

**Members absent:**

The Hon James TO Kun-sun

The Hon LEUNG Kwok-hung

**Public officers attending:**

On 18.6.2008 and 19.6.2008

Prof the Hon K C CHAN, SBS, JP  
Secretary for Financial Services and the Treasury

On 18.6.2008

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

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

The Hon Eva CHENG, JP  
Secretary for Transport and Housing

On 19.6.2008

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

**Clerks in attendance:**

On 18.6.2008 and 19.6.2008

Mr Ricky FUNG Choi-cheung, JP, Secretary General

On 18.6.2008

Mrs Constance LI TSOI Yeuk-lin, Assistant Secretary General (1)

Mrs Vivian KAM NG Lai-man, Assistant Secretary General (2)

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

On 19.6.2008

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:

#### **Other Papers**

Report of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2007 (published on 13.6.2008)

Report of the Bills Committee on Trade Descriptions (Amendment) Bill 2007 (published on 10.6.2008)

Report of the Bills Committee on Domestic Violence (Amendment) Bill 2007 (published on 16.6.2008)

Report of the Bills Committee on Buildings (Amendment) Bill 2007 (published on 13.6.2008)

### **Addresses**

Hon Margaret NG addressed the Council on seven items of subsidiary legislation relating to the Civil Justice Reform, which were laid on the table of the Council on 11 June 2008.

### **Questions**

1. Hon Andrew CHENG asked Question 1.

The Secretary for Transport and Housing replied.

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

2. Hon Jeffrey LAM Kin-fung asked Question 2.

The Secretary for the Civil Service replied.

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

3. Hon TAM Heung-man asked Question 3.

The Secretary for Constitutional and Mainland Affairs replied.

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

4. Dr Hon KWOK Ka-ki asked Question 4.

The Secretary for Food and Health replied.

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

5. Dr Hon Fernando CHEUNG asked Question 5.

The Secretary for the Civil Service replied.

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

Written replies to Questions 6 to 19 were tabled for Members' information.

## **Bills**

### **First Reading**

#### **Mandatory Provident Fund Schemes (Amendment) Bill 2008**

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**

#### **Mandatory Provident Fund Schemes (Amendment) 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.

**Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2007**

**Resumption of Second Reading debate**

The debate on the Second Reading which was moved on 9 January 2008 resumed.

Hon James TIEN, Chairman of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2007, addressed the Council on the Committee's Report. After the address, he spoke on the Bill in his personal capacity as a Member.

While Hon James TIEN was addressing the Council, the President left the chair at 1:06 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Two Members spoke on the Bill.

Hon LI Fung-ying declared that she was a non-executive director of the Management Board of the Mandatory Provident Fund Schemes Authority. Hon LI Fung-ying then spoke on the Bill.

Two other Members and Hon Ronny TONG ka-wah spoke on the Bill.

While Hon Ronny TONG Ka-wah was speaking, Hon James TIEN requested Hon Ronny TONG Ka-wah to elucidate a point raised by him in his speech. Hon Ronny TONG Ka-wah elucidated and continued to speak.

At 2:03 pm, while Hon Ronny TONG Ka-wah was speaking, the President resumed the chair.

Another Member and Hon Albert HO spoke on the Bill.

With the President's permission, Hon CHAN Kam-lam explained certain part of his speech which had been misunderstood by Hon Albert HO. Hon Albert HO then explained the part of his speech which he considered to have been misunderstood by Hon CHAN Kam-lam.

Two more Members spoke on the Bill.

The Secretary for Financial Services and the Treasury 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 **Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2007**.

Question that clauses 1, 2, 6 to 9, 13 to 16, 18, 19, 21, 23, 24, 26 to 30 and 33 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 4, 5, 10, 11, 12, 17, 20, 22, 25, 31 and 32 stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 3, 4, 5, 10, 11, 12, 17, 20, 22, 25, 31 and 32, as amended, stand part of the Bill proposed, put and agreed to.

New clause 12A read the first time.

Hon CHAN Kam-lam moved the Second Reading of new clause 12A and addressed the Committee.

Question on the Second Reading of new clause 12A proposed.

Eight Members spoke on the motion.

Two Members spoke again.

The Secretary for Financial Services and the Treasury spoke on the motion.

Two other Members spoke again.

A Member spoke for the third time and another Member spoke again.

Another Member spoke on the motion.

The Secretary for Financial Services and the Treasury spoke again.

A Member spoke for the fourth time.

Another Member spoke on the motion.



The Secretary for Financial Services and the Treasury spoke for the third time.

A Member spoke for the fifth time.

Question on the Second Reading of new clause 12A put.

Hon LEE Cheuk-yan claimed a division. The Chairman then ordered the Committee to proceed to a division under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 26 were present, eight were in favour of the motion, 16 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 16 were in favour of the motion, two against it and six 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 motion was negatived.

New clause 12B read the first time.

Hon CHAN Kam-lam moved the Second Reading of new clause 12B and addressed the Committee.

Question on the Second Reading of new clause 12B proposed.

Five Members and the Secretary for Financial Services and the Treasury spoke on the motion.

Three other Members spoke again.

Question on the Second Reading of new clause 12B put.

Hon Andrew LEUNG Kwan-yuen claimed a division. The Chairman then ordered the Committee to proceed to a division under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 24 were present, eight were in favour of the motion, 14 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 15 were in favour of the motion, two against it and six 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.

New clauses 18A and 24A read the first time.

The Secretary for Financial Services and the Treasury moved the Second Reading of the aforesaid clauses and addressed the Committee.

Question on the Second Reading of the aforesaid clauses proposed, put and agreed to.

New clauses 18A and 24A read the second time.

The Secretary for Financial Services and the Treasury moved the addition of the aforesaid clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Financial Services and the Treasury reported that

the **Mandatory Provident Fund Schemes (Amendment)  
(No. 2) 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.

### **Trade Descriptions (Amendment) Bill 2007**

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

The debate on the Second Reading which was moved on 9 January 2008 resumed.

Hon Fred LI, Chairman of the Bills Committee on Trade Descriptions (Amendment) Bill 2007, addressed the Council on the Committee's Report. After the address, he spoke on the Bill in his personal capacity as a Member.

Three 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 **Trade Descriptions (Amendment) Bill 2007**.

Question that clauses 1, 2, 5, 6, 8 and 9 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 4, 7 and 10 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 3, 4, 7 and 10, 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 **Trade Descriptions (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.

### **Domestic Violence (Amendment) Bill 2007**

#### Resumption of Second Reading debate

The debate on the Second Reading which was moved on 27 June 2007 resumed.

Dr Hon Fernando CHEUNG, Chairman of the Bills Committee on Domestic Violence (Amendment) Bill 2007, addressed the Council on the Committee's Report. After the address, he spoke on the Bill in his personal capacity as a Member.

Two Members and Hon CHOY So-yuk spoke on the Bill.

While Hon CHOY So-yuk was speaking, the President left the chair at 6:56 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Five other Members and Dr Hon YEUNG Sum spoke on the Bill.

At 8:00 pm, while Dr Hon YEUNG Sum was speaking, the President resumed the chair.

The Secretary for Labour and Welfare 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 **Domestic Violence (Amendment) Bill 2007**.

Question that clauses 1, 3, 6, 9, 11 to 16 and 18 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 4, 5, 7, 8, 10 and 17 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 2, 4, 5, 7, 8, 10 and 17, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### Third Reading

The Secretary for Labour and Welfare reported that

the **Domestic Violence (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.

## **Buildings (Amendment) Bill 2007**

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

The debate on the Second Reading which was moved on 5 December 2007 resumed.

Hon KWONG Chi-kin, Chairman of the Bills Committee on Buildings (Amendment) Bill 2007, addressed the Council on the Committee's Report.

Two Members spoke on the Bill.

The Secretary for 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 **Buildings (Amendment) Bill 2007**.

Question that clauses 1, 2, 4, 5, 8, 10, 11, 12, 14, 17, 19, 20, 23, 25, 29 to 41 and 43 to 47 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 6, 7, 9, 13, 15, 16, 18, 21, 22, 24, 26, 27, 28 and 42 stand part of the Bill proposed.

The Secretary for Development moved the deletion of clause 18 and amendments to the other clauses and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 18, which dealt with deletion, had been agreed, clause 18 was therefore deleted from the Bill.

Question that clauses 3, 6, 7, 9, 13, 15, 16, 21, 22, 24, 26, 27, 28 and 42, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 23A, 23B, 41A and 44A, and the new heading before new clause 44A read the first time.

The Secretary for Development moved the Second Reading of the aforesaid clauses and heading and addressed the Committee.

Question on the Second Reading of the aforesaid clauses and heading proposed, put and agreed to.

New clauses 23A, 23B, 41A and 44A, and the new heading before new clause 44A read the second time.

The Secretary for Development moved the addition of the aforesaid clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Development reported that

the **Buildings (Amendment) Bill 2007**

had passed through the Committee with amendments. She 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. The Building (Planning) (Amendment) Regulation 2008**

Hon Emily LAU moved the following motion and addressed the Council:

RESOLVED that in relation to the Building (Planning) (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 124 of 2008 and laid on the table of the Legislative Council on 21 May 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 9 July 2008.

Question on the motion proposed, put and agreed to.

The President suspended the meeting at 9:05 pm.

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The Council resumed at 9:00 am on 19 June 2008.

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

**2. The Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008**

Hon CHOY So-yuk moved the following motion and addressed the Council:

RESOLVED that in relation to the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 125 of 2008 and laid on the table of the Legislative Council on 21 May 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 9 July 2008.

Question on the motion proposed, put and agreed to.

**3. The Telecommunications (Carrier Licences) (Amendment) Regulation 2008 and the Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2008**

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

RESOLVED that in relation to the –

- (a) Telecommunications (Carrier Licences) (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 132 of 2008; and
- (b) Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 133 of 2008,

and laid on the table of the Legislative Council on 21 May 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 9 July 2008.

Question on the motion proposed, put and agreed to.

**Legislating to regulate debt collection practices**

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

That, as debt collection practices are a serious harassment to many members of the public, and some people even committed suicide out of fear, and for many years in the past, tens of thousands of cases relating to debt collection malpractices were reported every year, and the Law Reform Commission (LRC) also recommended to the Government in 2002 to make harassment of debtors a criminal offence and to set up a statutory licensing system to monitor debt collection agencies; given that many people are harassed by debt collection practices, and some even feel that their lives and safety are threatened by such practices, this Council strongly requests that the Government should adopt the LRC's recommendations and expeditiously regulate, by way of legislation, debt collection agencies and their debt collection practices, so as to protect the public against such harassment and threat in their daily life.

Question on the motion proposed.

The Secretary for Security spoke on the motion.

Six Members spoke on the motion.

The Secretary for Security spoke again.

While the Secretary for Security was speaking, Hon Albert HO and Hon Martin LEE separately requested the Secretary to elucidate some points raised by him in his speech. The Secretary of Security elucidated and continued to speak.

Hon Albert CHAN replied.

Question on the motion put and agreed to.

**Reducing the duties on motor vehicle fuels**

Hon LAU Kong-wah moved the following motion and addressed the Council:



That, as international oil prices have repeatedly reached record highs, this Council urges the SAR Government to reduce the duties on unleaded petrol and Euro V diesel by half, so as to relieve the pressure of inflation and persistently high oil prices on the public and the relevant industries.

Question on Hon LAU Kong-wah's motion proposed.

The President stated that five Members intended to move amendments to the motion. In accordance with the Rules of Procedure, the motion and the five amendments would be debated together in a joint debate.

Hon WONG Kwok-hing, Hon Frederick FUNG, Hon CHAN Kam-lam, Hon Miriam LAU and Hon SIN Chung-kai, who intended to move amendments to the motion, spoke on the motion and their amendments.

One Member spoke on the motion and the amendments.

The Secretary for Financial Services and the Treasury spoke on the motion and the amendments.

Seventeen Members spoke on the motion and the amendments.

Hon LAU Kong-wah spoke on the amendments.

The Secretary for Financial Services and the Treasury spoke again.

Hon WONG Kwok-hing moved the following amendment to Hon LAU Kong-wah's motion:

To delete "as" after "That," and substitute with "owing to the weak US dollar and rapid growth in global oil demand in recent years,"; to delete "duties" after "to reduce the" and substitute with "duty"; to delete "and Euro V diesel" after "unleaded petrol"; and to add "and completely abolish diesel duties, as well as provide subsidies on diesel prices to the more seriously affected industries" after "by half".

Question on Hon WONG Kwok-hing's amendment to Hon LAU Kong-wah's motion proposed and put.

Hon WONG Kwok-hing 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, three were in favour of the amendment, 13 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, one was in favour of the amendment, 11 against it and seven abstained. (Voting record in Appendix III.) 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 Miriam LAU rose to move the following motion without notice:

That in the event of further divisions in relation to the motion on "Reducing the duties on motor vehicle fuels" or amendments thereto, the Council do proceed to each of such divisions after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Hon Frederick FUNG moved the following amendment to Hon LAU Kong-wah's motion:

To delete "as" after "That," and substitute with "given that"; to add "and will remain at a high level" after "record highs"; to delete "duties" after "to reduce the" and substitute with "duty"; to delete "and Euro V diesel" after "unleaded petrol"; and to add "and remit all diesel duties" after "by half".

Question on Hon Frederick FUNG's amendment to Hon LAU Kong-wah's motion proposed and put.

Hon SIN Chung-Kai claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) 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, one against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 11 were in favour of the amendment, three against it and seven abstained. (Voting record in Appendix IV.) 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 CHAN Kam-lam moved the following amendment to Hon LAU Kong-wah's motion:

To delete "as" after "That," and substitute with "owing to the weak US dollar and rapid growth in global oil demand in recent years,"; to delete "duties" after "to reduce the" and substitute with "duty"; to delete "and Euro V diesel" after "unleaded petrol"; and to add "and completely abolish diesel duties" after "by half".

Question on Hon CHAN Kam-lam's amendment to Hon LAU Kong-wah's motion proposed and put.

Hon SIN Chung-kai claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 19 were present, 15 were in favour of the amendment, one against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 11 were in favour of the amendment, three against it and seven abstained. (Voting record in Appendix V.) 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 Miriam LAU moved the following amendment to Hon LAU Kong-wah's motion:

To delete "as" after "That," and substitute with "the Government has, since 1 December last year, lowered the concessionary duty rate for Euro V diesel to \$0.56 per litre, yet"; to add "thereby substantially increasing the cost of the transportation industry and the burden on people's livelihood," after "record highs,"; to delete "duties" after "to reduce the" and substitute with "duty"; to delete "and Euro V diesel" after "unleaded petrol"; and to add "and completely remit the duty on Euro V diesel, and at the same time ensure that oil companies will fully reflect the duty concessions in the retail prices" after "by half".

Question on Hon Miriam LAU's amendment to Hon LAU Kong-wah's motion proposed, put and agreed to.

The President stated that Hon SIN Chung-kai had indicated that he would withdraw his amendment to Hon LAU Kong-wah's motion if Hon Miriam LAU's amendment was agreed. Hon SIN Chung-kai had therefore withdrawn his amendment.

Hon LAU Kong-wah replied.

Question on Hon LAU Kong-wah's motion as amended by Hon Miriam LAU put and agreed to.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 25 June 2008 at 11:00 am.

The Council was adjourned at 1:32 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

投票 VOTE: 1  
日期 DATE: 18/06/2008  
時間 TIME: 04:26:26 下午pm

動議 MOTION: 《2007年強制性公積金計劃（修訂）（第2號）條例草案》- 全體委員會審議階段 - 新訂的  
第12A條，予以二讀  
MANDATORY PROVIDENT FUND SCHEMES (AMENDMENT) (NO. 2) BILL 2007 -  
COMMITTEE STAGE - NEW CLAUSE 12A BE READ THE SECOND TIME

動議人 MOVED BY: 陳鑑林 CHAN Kam-lam

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	26	25	
投票 Vote	26	24	
贊成 Yes	8	16	
反對 No	16	2	
棄權 Abstain	2	6	
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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
何鍾泰 Dr Raymond HO	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國賢 Dr David LI		田北俊 James TIEN	反對 NO
呂明華 Dr LUI Ming-wah	反對 NO	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	
陳智思 Bernard CHAN		李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	反對 NO
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	棄權 ABSTAIN	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
楊孝華 Howard YOUNG	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	曾鈺成 TSANG Yok-sing	棄權 ABSTAIN
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK		劉千石 LAU Chin-shek	贊成 YES
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
李國麟 Dr Joseph LEE	反對 NO	Albert CHAN	贊成 YES
林偉強 Daniel LAM	反對 NO	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	反對 NO	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	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	贊成 YES	梁家傑 Alan LEONG	贊成 YES
黃定光 WONG Ting-kwong	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	
詹培忠 CHIM Pui-chung	反對 NO	張學明 CHEUNG Hok-ming	棄權 ABSTAIN
劉秀成 Prof Patrick LAU	反對 NO	湯家驊 Ronny TONG	贊成 YES
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

秘書 CLERK

投票 VOTE: 2  
 日期 DATE: 18/06/2008  
 時間 TIME: 05:07:02 下午pm

動議 MOTION: 《2007年強制性公積金計劃（修訂）（第2號）條例草案》- 全體委員會審議階段 - 新訂的  
 第12B條，予以二讀  
 MANDATORY PROVIDENT FUND SCHEMES (AMENDMENT) (NO. 2) BILL 2007 -  
 COMMITTEE STAGE - NEW CLAUSE 12B BE READ THE SECOND TIME

動議人 MOVED BY: 陳鑑林 CHAN Kam-lam

	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	8	15	
反對 No	14	2	
棄權 Abstain	2	6	
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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	反對 NO
呂明華 Dr LUI Ming-wah	反對 NO	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	
陳智思 Bernard CHAN		李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	反對 NO
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	棄權 ABSTAIN	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
楊孝華 Howard YOUNG	反對 NO	LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	曾鈺成 TSANG Yok-sing	棄權 ABSTAIN
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK		劉千石 LAU Chin-shek	贊成 YES
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
李國麟 Dr Joseph LEE	反對 NO	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM	反對 NO	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	反對 NO	李永達 LEE Wing-tat	
郭家麒 Dr KWOK Ka-ki	贊成 YES	李國英 LI Kwok-ying	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	贊成 YES	梁家傑 Alan LEONG	贊成 YES
黃定光 WONG Ting-kwong	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	
詹培忠 CHIM Pui-chung		張學明 CHEUNG Hok-ming	棄權 ABSTAIN
劉秀成 Prof Patrick LAU	反對 NO	湯家驊 Ronny TONG	贊成 YES
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

秘書 CLERK

*Visian Chan*

投票 VOTE: 3  
 日期 DATE: 19/06/2008  
 時間 TIME: 01:24:41 下午pm

動議 MOTION: 王國興議員對劉江華議員的「削減車用燃油稅」議案，作出的修正案  
 AMENDMENT BY HON WONG KWOK-HING TO HON LAU KONG-WAH'S MOTION ON  
 "REDUCING THE DUTIES ON MOTOR VEHICLE FUELS"

動議人 MOVED BY: 王國興 WONG Kwok-hing

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	19	20	
投票 Vote	19	19	
贊成 Yes	3	1	
反對 No	13	11	
棄權 Abstain	3	7	
結果 Result	否決 Negatived	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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	
呂明華 Dr LUI Ming-wah		何俊仁 Albert HO	反對 NO
吳靄儀 Margaret NG		李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	反對 NO	李柱銘 Martin LEE	反對 NO
陳智思 Bernard CHAN		李華明 Fred LI	反對 NO
梁柔佛 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai	反對 NO	涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
楊孝華 Howard YOUNG	反對 NO	梁耀忠 LEUNG Yiu-chung	棄權 ABSTAIN
劉皇發 LAU Wong-fat	反對 NO	曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	棄權 ABSTAIN	楊森 Dr YEUNG Sum	反對 NO
霍震霆 Timothy FOK	反對 NO	劉千石 LAU Chin-shek	棄權 ABSTAIN
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	反對 NO
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG		鄭家富 Andrew CHENG	反對 NO
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
李國麟 Dr Joseph LEE		陳偉業 Albert CHAN	反對 NO
林偉強 Daniel LAM	反對 NO	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	余若薇 Audrey EU	反對 NO
梁君彥 Andrew LEUNG	反對 NO	李永達 LEE Wing-tat	
郭家麒 Dr KWOK Ka-ki	棄權 ABSTAIN	李國英 Li Kwok-ying	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG		梁家傑 Alan LEONG	反對 NO
黃定光 WONG Ting-kwong	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	
詹培忠 CHIM Pui-chung		張學明 CHEUNG Hok-ming	棄權 ABSTAIN
劉秀成 Prof Patrick LAU	反對 NO	湯家驊 Ronny TONG	反對 NO
鄭志堅 KWONG Chi-kin	贊成 YES	鄭經翰 Albert CHENG	
譚香文 TAM Heung-man	反對 NO	陳方安生 Mrs Anson CHAN	

秘書 CLERK

投票 VOTE: 4  
 日期 DATE: 19/06/2008  
 時間 TIME: 01:27:45 下午pm

動議 MOTION: 馮檢基議員對劉江華議員的「削減車用燃油稅」議案，作出的修正案  
 AMENDMENT BY HON FREDERICK FUNG TO HON LAU KONG-WAH'S MOTION ON  
 "REDUCING THE DUTIES ON MOTOR VEHICLE FUELS"

動議人 MOVED BY: 馮檢基 Frederick FUNG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	19	22	
投票 Vote	19	21	
贊成 Yes	16	11	
反對 No	1	3	
棄權 Abstain	2	7	
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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	
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	贊成 YES
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	棄權 ABSTAIN	涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		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	
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	棄權 ABSTAIN
霍震霆 Timothy FOK	贊成 YES	劉千石 LAU Chin-shek	贊成 YES
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	贊成 YES	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG		鄭家富 Andrew CHENG	棄權 ABSTAIN
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
李國麟 Dr Joseph LEE		陳偉業 Albert CHAN	棄權 ABSTAIN
林偉強 Daniel LAM	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	反對 NO
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		Alan LEONG	反對 NO
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	贊成 YES
劉秀成 Prof Patrick LAU	贊成 YES	湯家驊 Ronny TONG	反對 NO
鄭志堅 KWONG Chi-kin	贊成 YES	鄭經翰 Albert CHENG	
譚香文 TAM Heung-man	反對 NO	陳方安生 Mrs Anson CHAN	

秘書 CLERK



投票 VOTE: 5  
 日期 DATE: 19/06/2008  
 時間 TIME: 01:30:09 下午pm

動議 MOTION: 陳鑑林議員對劉江華議員的「削減車用燃油稅」議案，作出的修正案  
 AMENDMENT BY HON CHAN KAM-LAM TO HON LAU KONG-WAH'S MOTION ON  
 "REDUCING THE DUTIES ON MOTOR VEHICLE FUELS"

動議人 MOVED BY: 陳鑑林 CHAN Kam-lam

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	19	22	
投票 Vote	19	21	
贊成 Yes	15	11	
反對 No	1	3	
棄權 Abstain	3	7	
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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	
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	贊成 YES
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	棄權 ABSTAIN	涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		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	
劉健儀 Miriam LAU	贊成 YES	楊森 Dr YEUNG Sum	棄權 ABSTAIN
霍震霆 Timothy FOK	贊成 YES	劉千石 LAU Chin-shek	贊成 YES
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	贊成 YES	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG		鄭家富 Andrew CHENG	棄權 ABSTAIN
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
李國麟 Dr Joseph LEE		陳偉業 Albert CHAN	棄權 ABSTAIN
林偉強 Daniel LAM	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	余若薇 Audrey EU	反對 NO
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		梁家傑 Alan LEONG	反對 NO
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	贊成 YES
劉秀成 Prof Patrick LAU	贊成 YES	湯家驊 Ronny TONG	反對 NO
鄭志堅 KWONG Chi-kin	贊成 YES	鄭經翰 Albert CHENG	
譚香文 TAM Heung-man	反對 NO	陳方安生 Mrs Anson CHAN	

秘書 CLERK