

# LEGISLATIVE COUNCIL

## MINUTES

No. 37

---

Minutes of the meeting held on Thursday 16 July 2008 at 3:00 pm

---

### Present:

The Hon Donald TSANG Yam-kuen, GBM  
The Chief Executive of the Hong Kong Special Administrative Region

### 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 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 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 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, SBS, 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

**Members absent:**

The Hon CHEUNG Man-kwong  
The Hon LAU Kong-wah, JP  
The Hon Andrew CHENG Kar-foo

**Public officers attending:**

The Hon Henry TANG Ying-yen, GBS, JP  
The Chief Secretary for Administration  
The Hon John TSANG Chun-wah, JP  
The Financial Secretary

The Hon Michael SUEN Ming-yeung, GBS, JP  
Secretary for Education

The Hon Stephen LAM Sui-lung, JP  
Secretary for Constitutional and Mainland Affairs

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 Denise YUE Chung-yee, GBS, JP  
Secretary for the Civil Service

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 Edward YAU Tang-wah, JP  
Secretary for the Environment

The Hon Eva CHENG, JP  
Secretary for Transport and Housing

The Hon Mrs Rita LAU NG Wai-lan, JP  
Secretary for Commerce and Economic Development

**Clerk in attendance:**

Mr Ricky FUNG Choi-cheung, SBS, JP, Secretary General

### 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. Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 45 Stubbs Road) Notice (gazetted on 11.7.2008)	200/2008
2. Antiquities and Monuments (Declaration of Historical Buildings) (No. 2) Notice 2008 (gazetted on 11.7.2008)	201/2008
3. Prevention and Control of Disease Ordinance (Commencement) Notice (gazetted on 11.7.2008)	202/2008
4. Prevention and Control of Disease Regulation (Commencement) Notice (gazetted on 11.7.2008)	203/2008

### Other Papers

- No. 115 - Report of the J.E. Joseph Trust Fund Trustee, and Audited Statement of Accounts and Auditor's Report for the Fund, for the year from 1 April 2007 to 31 March 2008 (published on 11.7.2008)
- No. 116 - Report of the Kadoorie Agricultural Aid Loan Fund Committee, and Audited Statement of Accounts and Auditor's Report for the Fund, for the year from 1 April 2007 to 31 March 2008 (published on 11.7.2008)

### The Chief Executive's Question and Answer Session

The Chief Executive attended the Council meeting.

When the Chief Executive was about to address the Council, the proceedings were interrupted by Hon LEUNG Kwok-hung and Hon Albert CHAN who remained standing, spoke aloud to the Chief Executive and displayed a placard. The President asked them to observe the Rules of Procedure. Hon LEUNG Kwok-hung tried to pass the placard to the Chief Executive. The President ordered the Clerk to collect the placard and asked Hon LEUNG Kwok-hung to be seated. Hon LEUNG Kwok-hung spoke aloud to the Chief Executive for a while and then left the Chamber.

The Chief Executive addressed the Council.

20 Members and Hon CHOY SO-yuk asked questions and the Chief Executive replied.

After the Chief Executive had replied to Hon CHOY So-yuk's question, Hon Albert CHAN asked whether the Chief Executive would let more Members ask questions. The President said that the Question and Answer Session had reached the time limit of one and a half hours. Forty-four Members wished to ask questions and 21 of them did so, and it would be Hon Albert CHAN's turn, if two more Members were allowed to ask questions. The President asked the Chief Executive for his view. The Chief Executive said that he was running out of time but would answer a question from one more Member. The President pointed out that as the Member before Hon Albert CHAN did not know it was his turn to ask question, he would not be disappointed if he was not able to do so, whereas Hon Albert CHAN was very disappointed.

The Chief Executive responded that he hoped to answer Hon Albert CHAN's question.

Hon Albert CHAN asked his question and the Chief Executive replied.

After the Chief Executive had left the Chamber, the President said that she wanted to put on record her apology that she had not handled Hon Albert CHAN's request appropriately. She pointed out that she should have requested the Chief Executive to answer two more questions, otherwise she should not have requested him to answer any further question. It was not a good precedent that she allowed a Member to ask his question because he had stood up to make his request. She hoped that similar incidents would not happen again.

### **End of Session**

The President announced the end of the last meeting of the Third Legislative Council.

The meeting ended at 4:37 pm.

(Mrs Rita FAN HSU Lai-tai)  
President  
30 September 2008

Council Chamber  
Hong Kong