

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 8 October 2008

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.S.,  
S.B.ST.J., J.P.

THE HONOURABLE LEE CHEUK-YAN

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.M., G.B.S., J.P.

THE HONOURABLE FRED LI WAH-MING, J.P.

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, G.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, S.B.S., J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE TIMOTHY FOK TSUN-TING, G.B.S., J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, S.B.S., J.P.

THE HONOURABLE LI FUNG-YING, B.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE JOSEPH LEE KOK-LONG, J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, S.B.S., J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE CHEUNG HOK-MING, S.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

PROF THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING

DR THE HONOURABLE LAM TAI-FAI, B.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

THE HONOURABLE CHAN TANYA

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE IP WAI-MING, M.H.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

**CLERKS IN ATTENDANCE:**

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

**TAKING OF LEGISLATIVE COUNCIL OATH**

**CLERK** (in Cantonese): Honourable Members will now proceed to take the Oath.

**CLERK** (in Cantonese): Members will take the Oath in accordance with the order printed on the Agenda. When the name of a Member is called, will the Member please come forward to the table to take the Oath, and then sign on the printed version of the Oath or Affirmation.

**CLERK** (in Cantonese): Will Members please stand and remain standing until the end of the Oath-taking.

The Honourable Albert HO Chun-yan took the Legislative Council Affirmation

Ir Dr The Honourable Raymond HO Chung-tai took the Legislative Council Oath

The Honourable LEE Cheuk-yan took the Legislative Council Oath

Dr The Honourable David LI Kwok-po took the Legislative Council Oath

The Honourable Fred LI Wah-ming took the Legislative Council Affirmation

Dr The Honourable Margaret NG took the Legislative Council Oath

The Honourable James TO Kun-sun took the Legislative Council Oath

The Honourable CHEUNG Man-kwong took the Legislative Council Affirmation

The Honourable CHAN Kam-lam took the Legislative Council Oath

The Honourable Mrs Sophie LEUNG LAU Yau-fun took the Legislative Council Affirmation

The Honourable LEUNG Yiu-chung took the Legislative Council Oath

Dr The Honourable Philip WONG Yu-hong took the Legislative Council Oath

The Honourable WONG Yung-kan took the Legislative Council Oath

The Honourable Jasper TSANG Yok-sing took the Legislative Council Oath

The Honourable LAU Kong-wah took the Legislative Council Oath

The Honourable LAU Wong-fat took the Legislative Council Affirmation

The Honourable Miriam LAU Kin-yeek took the Legislative Council Oath

The Honourable Emily LAU Wai-hing took the Legislative Council Affirmation

The Honourable Andrew CHENG Kar-foo took the Legislative Council Oath

The Honourable Timothy FOK Tsun-ting took the Legislative Council Oath

The Honourable TAM Yiu-chung took the Legislative Council Oath

The Honourable Abraham SHEK Lai-him took the Legislative Council Oath

The Honourable LI Fung-ying took the Legislative Council Oath

The Honourable Tommy CHEUNG Yu-yan took the Legislative Council Oath

The Honourable Albert CHAN Wai-yip took the Legislative Council Oath

The Honourable Frederick FUNG Kin-kee took the Legislative Council Oath

The Honourable Audrey EU Yuet-mee took the Legislative Council Oath

The Honourable Vincent FANG Kang took the Legislative Council Oath

The Honourable WONG Kwok-hing took the Legislative Council Affirmation

The Honourable LEE Wing-tat took the Legislative Council Affirmation

Dr The Honourable Joseph LEE Kok-long took the Legislative Council Oath

The Honourable Jeffrey LAM Kin-fung took the Legislative Council Affirmation

The Honourable Andrew LEUNG Kwan-yuen took the Legislative Council Affirmation

The Honourable Alan LEONG Kah-kit took the Legislative Council Oath

The Honourable LEUNG Kwok-hung took the Legislative Council Affirmation

The Honourable CHEUNG Hok-ming took the Legislative Council Oath

The Honourable WONG Ting-kwong took the Legislative Council Oath

The Honourable Ronny TONG Ka-wah took the Legislative Council Affirmation

The Honourable CHIM Pui-chung took the Legislative Council Oath

Prof The Honourable Patrick LAU Sau-shing took the Legislative Council Oath

The Honourable KAM Nai-wai took the Legislative Council Affirmation

The Honourable Cyd HO Sau-lan took the Legislative Council Affirmation

The Honourable Starry LEE Wai-king took the Legislative Council Oath

Dr The Honourable LAM Tai-fai took the Legislative Council Affirmation

The Honourable CHAN Hak-kan took the Legislative Council Oath

The Honourable Paul CHAN Mo-po took the Legislative Council Oath

The Honourable CHAN Kin-por took the Legislative Council Oath

The Honourable CHAN Tanya took the Legislative Council Affirmation

Dr The Honourable Priscilla LEUNG Mei-fun took the Legislative Council Oath

Dr The Honourable LEUNG Ka-lau took the Legislative Council Affirmation

The Honourable CHEUNG Kwok-che took the Legislative Council Oath

The Honourable WONG Sing-chi took the Legislative Council Oath

The Honourable WONG Kwok-kin took the Legislative Council Affirmation

The Honourable WONG Yuk-man took the Legislative Council Oath

The Honourable IP Wai-ming took the Legislative Council Affirmation

The Honourable IP Kwok-him took the Legislative Council Oath

The Honourable Mrs Regina IP LAU Suk-yeek took the Legislative Council Oath

Dr The Honourable PAN Pey-chyou took the Legislative Council Affirmation

The Honourable Paul TSE Wai-chun took the Legislative Council Oath

Dr The Honourable Samson TAM Wai-ho took the Legislative Council Oath

**CLERK** (in Cantonese): That concludes the Oath-taking by Members. Please be seated.

## **ELECTION OF PRESIDENT**

**CLERK** (in Cantonese): Council will now proceed to elect the President of the Council.

The election procedure is set out in the Schedule to the Rules of Procedure. In accordance with Rule 1A, I now invite Mr Albert HO to preside at the election.

**MR ALBERT HO** (in Cantonese): Honourable Members, the Clerk to the Legislative Council issued a Notice on 2 October 2008 informing Members that two valid nominations for the office of President had been received by the close of the nomination period on 30 September 2008.

The nominees, in the order of receipt of the nominations by the Clerk, are Mr Fred LI and Mr Jasper TSANG. Mr Fred LI is nominated by Mr Ronny



TONG and seconded by myself, Ms CHAN Tanya, Ms Audrey EU and Mr CHEUNG Kwok-che. Mr Jasper TSANG is nominated by Dr Raymond HO and seconded by Dr David LI, Mr TAM Yiu-chung, Mrs Regina IP, Mr Abraham SHEK, Mr WONG Kwok-kin, Dr PAN Pey-chyou, Mr IP Wai-ming and Ms Miriam LAU.

In accordance with the election procedure, I hereby order a vote by secret ballot. Each Member present, including myself, will receive a ballot paper and a chop with a "✓".

The names of the two candidates have been listed on the ballot paper. Members taking part in voting shall indicate their choice of candidate by marking on the ballot paper using the chop with a "✓" in the box opposite the name of the candidate. Any ballot paper not marked with a "✓" by the chop, not properly marked or marked with more than one "✓" shall be discarded.

Will Members please fold the ballot papers once before putting them into the ballot box. The Clerk will now demonstrate how the ballot papers should be folded.

**MR ALBERT CHAN** (in Cantonese): President, election is a very solemn and stringent procedure. If there is any misleading information, it will make a mockery or degradation of the election. Will Mr Jasper TSANG be given an opportunity to clarify whether he is an underground member of the Communist Party? I think the election of the President of the Legislative Council is very important. One cannot muddle through like this, deceiving the people of Hong Kong and Members of the Legislative Council.

**MR ALBERT HO** (in Cantonese): Mr Albert CHAN, I think you know clearly that we have had a two-hour question and answer session and I remember Mr LEUNG Kwok-hung had been given two opportunities to ask questions. On that day, only two Members were given two opportunities to ask questions, and Mr Jasper TSANG already gave his responses respectively. As to whether his responses are satisfactory, I think it should be left to Members to decide, right? For even if you pose that question again, he may again give the same response .....

**MR ALBERT CHAN** (in Cantonese): President, I want to give Mr Jasper TSANG the last chance to clarify the case.

**MR ALBERT HO** (in Cantonese): I believe the procedure today .....

**MR ALBERT CHAN** (in Cantonese): I do not wish the Legislative Council be brought into disrepute for this reason.

**MR ALBERT HO** (in Cantonese): I consider that an open process was gone through on that day before the eyes of all the people of Hong Kong, and everyone knows his responses. I think we should not again spend this time today on questions and answers, for questions were answered clearly during that session that day, which lasted for two hours.

**MR LEUNG KWOK-HUNG** (in Cantonese): With regard to the Rules of Procedure, there is no provision on this. If a candidate makes a false statement, will he or she be obliged to resign automatically when the case is discovered? Should this be reported to the Independent Commissioner Against Corruption? Since there is no such provision, I am obliged to seek clarification. If later on, Mr Jasper TSANG comes forward and say, "I am a member of the Chinese Communist Party", it will prove that he has once made a false statement, Buddy.

**MR ALBERT HO** (in Cantonese): Mr LEUNG Kwok-hung .....

**MR LEUNG KWOK-HUNG** (in Cantonese): What? Are you going to throw me out?

**MR ALBERT HO** (in Cantonese): You all know that I am responsible for presiding over the election today and my power is very limited. As far as I understand it, the election is the only procedure to be carried out today and no time has been set aside for questions. Besides, we have already spent two hours

on questions. I know clearly that Members asked a lot of questions during those two hours. I hope Members go ahead with the election direct, will you? It is the decision of individual Members on how they vote. If you have any opinion about the responses on that day and consider that certain follow-up actions have to be taken, you are surely conversant with the relevant procedures.

Fine. The Clerk will now do the demonstration.

**CLERK** (in Cantonese): Let me demonstrate. Each Member will receive a ballot paper and a chop, and Members may mark a stamp against the name of the candidate of your choice. To avoid the ink of the stamp showing on the other side, will Members please fold the ballot paper once like this after marking the stamp, and then put it in the ballot box. Is it clear?

**MR ALBERT HO** (in Cantonese): OK, Members should have no questions about casting the vote, do you? If not, the ballot papers and chops will now be distributed by the staff.

(Each Member present received one ballot paper and one chop)

**MR ALBERT HO** (in Cantonese): I think all of you have marked a stamp on the ballot paper. The ballot papers and the chops will now be collected by the staff. Will Members please fold the ballot papers as demonstrated by the Clerk earlier — I see that a number of Members have already done so — and then put the ballot papers into the ballot box.

(After the ballot papers and chops were collected)

**MR ALBERT HO** (in Cantonese): Fine. May I now ask Members, have you put the ballot papers into the ballot box? If yes, I will now open the ballot box and pour out the ballot papers. After that, will the two nominating Members, Mr Ronny TONG and Dr Raymond HO, please come forward to supervise the counting of ballot papers. The ballot papers will be counted by way of reading them out aloud.

(Mr Ronny TONG and Dr Raymond HO supervised the counting of ballot papers. The reading out of votes was carried out by staff members of the Secretariat. After counting all the ballot papers, the Clerk reported the result to Mr Albert HO. Mr Albert HO then checked and confirmed the result.)

**MR ALBERT HO** (in Cantonese): I thank the two Members for supervising the counting of votes. I now announce the result of the election: Mr Fred LI has received 24 votes, and Mr Jasper TSANG, 36 votes. I now declare Mr Jasper TSANG elected the President of the Legislative Council. Congratulations, Mr Jasper TSANG. Will you please take the Chair?

**PRESIDENT** (in Cantonese): I have to thank Members for expressing their opinions on the work of the President of the Legislative Council over the past period. In discharging my duties of the President of the Legislative Council, I will always bear in mind the requests, expectations and worries expressed by Members.

I have to thank those Members who have voted for me. I will exert my best and fulfil my duties faithfully. I will not disappoint Members who lend me support while striving to win the trust of all the other Members.

In the next four years, this Council will face many challenges and I hope all Members will work together to change these challenges into achievement. Thank you.

## **TABLING OF PAPERS**

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008 .....	208/2008
Import and Export (General) Regulations (Amendment of Seventh Schedule) Notice 2008 .....	209/2008

Admission and Registration (Amendment) (No. 2) Rules 2002 (Commencement) Notice.....	211/2008
Legal Practitioners (Risk Management Education) Rules (Appointment of Commencement Date) Notice 2008 .....	212/2008
Fugitive Offenders (Transnational Organized Crime) Order (Commencement) Notice.....	213/2008
Mutual Legal Assistance in Criminal Matters (Transnational Organized Crime) Order (Commencement) Notice.....	214/2008
Harmful Substances in Food (Amendment) Regulation 2008 .....	215/2008
Child Abduction and Custody (Parties to Convention) (Amendment) (No. 2) Order 2008 .....	216/2008
Building (Planning) (Amendment) Regulation 2008 (Commencement) Notice.....	217/2008
Broadcasting (Licence Fees) (Amendment) Regulation 2008 .....	218/2008
Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008 .....	219/2008
Tate's Cairn Tunnel Ordinance (Replacement of Schedule) Notice 2008 .....	220/2008
Mandatory Provident Fund Schemes (Amendment) (No. 2) Ordinance 2008 (Commencement) Notice .....	221/2008
Race Discrimination Ordinance (Commencement) Notice 2008 .....	222/2008

#### Other Papers

No. 1 — Urban Renewal Authority Annual Report 2007-2008

**NEXT MEETING**

**PRESIDENT** (in Cantonese): In accordance with Rule 14(1) of the Rules of Procedure, I now determine Wednesday, 15 October 2008 at 11.00 am as the date and time for holding the next meeting. In accordance with Rule 14(5) of the Rules of Procedure, I now adjourn the Council until 11.00 am next Wednesday.

*Adjourned accordingly at eleven minutes past Twelve o'clock.*