

LEGISLATIVE COUNCIL

MINUTES

No. 5

Minutes of the meeting held on Wednesday 29 October 2008 at 11:00 am,
Thursday 30 October 2008 at 9:00 am and Friday 31 October 2008 at 9:00 am

Members present:

President

The Hon Jasper TSANG Yok-sing, 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

Dr the Hon David LI Kwok-po, GBM, GBS, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon CHAN Kam-lam, SBS, JP

The Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP

The Hon LEUNG Yiu-chung

Dr the Hon Philip WONG Yu-hong, GBS

The Hon WONG Yung-kan, SBS, JP

The Hon LAU Kong-wah, JP

The Hon Miriam LAU Kin-yee, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon Andrew CHENG Kar-foo

The Hon Timothy FOK Tsun-ting, GBS, JP (absent on 29.10.2008
and 30.10.2008)

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 (absent on 29.10.2008)

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

Dr the Hon Joseph LEE Kok-long, JP

The Hon Jeffrey LAM Kin-fung, SBS, JP (absent on 30.10.2008)

The Hon Andrew LEUNG Kwan-yuen, SBS, JP

The Hon Alan LEONG Kah-kit, SC

The Hon LEUNG Kwok-hung (absent on 31.10.2008)

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 KAM Nai-wai, MH

The Hon Cyd HO Sau-lan

The Hon Starry LEE Wai-king

Dr the Hon LAM Tai-fai, BBS, JP

The Hon CHAN Hak-kan

The Hon Paul CHAN Mo-po, MH, JP

The Hon CHAN Kin-por, JP

The Hon Tanya CHAN

Dr the Hon Priscilla LEUNG Mei-fun

Dr the Hon LEUNG Ka-lau (absent on 30.10.2008)

The Hon CHEUNG Kwok-che

The Hon WONG Sing-chi

The Hon WONG Kwok-kin, BBS

The Hon WONG Yuk-man

The Hon IP Wai-ming, MH

The Hon IP Kwok-him, GBS, JP

The Hon Mrs Regina IP LAU Suk-yee, GBS, JP

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun

Dr the Hon Samson TAM Wai-ho, JP

Member absent:

The Hon LAU Wong-fat, GBM, GBS, JP

Public officers attending:

On 29.10.2008, 30.10.2008 and 31.10.2008

The Hon John TSANG Chun-wah, JP
The Financial Secretary

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

On 29.10.2008 and 31.10.2008

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

On 30.10.2008 and 31.10.2008

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

The Hon Edward YAU Tang-wah, JP
Secretary for the Environment

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

On 31.10.2008

The Hon WONG Yan-lung, SC, JP
The Secretary for Justice

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

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

Prof LAU Siu-kai, JP
Head, Central Policy Unit

Clerks in attendance:

On 29.10.2008, 30.10.2008 and 31.10.2008

Ms Pauline NG Man-wah, Secretary General

On 29.10.2008 and 30.10.2008

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

On 29.10.2008 and 31.10.2008

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

On 30.10.2008

Mrs Percy MA, Assistant Secretary General (Special Duties)

On 30.10.2008 and 31.10.2008

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

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. Airport Authority Ordinance (Map of Restricted Area) (Amendment) Order 2008 (gazetted on 24.10.2008)	228/2008
2. Census and Statistics (Quarterly Survey of Service Industries) (Amendment) Order 2008 (gazetted on 24.10.2008)	229/2008
3. Road Traffic (Traffic Control) (Designation of Prohibited and Restricted Zones) (Amendment) Notice 2008 (gazetted on 24.10.2008)	230/2008
4. Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedules 1 and 2) Notice 2008 (gazetted on 24.10.2008)	231/2008
5. Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2008 (gazetted on 24.10.2008)	232/2008

Other Papers

- No.19 - Traffic Accident Victims Assistance Fund Annual Report for the year from 1 April 2007 to 31 March 2008 (published on 22.10.2008)
- No.20 - Electrical and Mechanical Services Trading Fund Annual Report 2007-2008 (published on 23.10.2008)
- No.21 - Office of the Telecommunications Authority Trading Fund Report 2007-2008 (published on 24.10.2008)
- No.22 - Hong Kong Post Annual Report 2007-2008 (published on 28.10.2008)

Questions

Written replies to Questions 1 to 20 were tabled for Members' information.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Fred LI moved the following motion and addressed the Council:

RESOLVED that in relation to the Harmful Substances in Food (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 215 of 2008 and laid on the table of the Legislative Council on 8 October 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 26 November 2008.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

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

RESOLVED that in relation to the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 219 of 2008 and laid on the table of the Legislative Council on 8 October 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 26 November 2008.

Question on the motion proposed, put and agreed to.

Motion of Thanks

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

That this Council thanks the Chief Executive for his address.

Question on the motion proposed.

The President stated that Hon Emily LAU would move an amendment to the motion, and that the motion and the amendment would be debated together in a joint debate.

According to the arrangements endorsed by the House Committee, Members should confine their speeches in a session to the policy areas specified for that session, so that the debate would be more focused, and the designated public officers concerned could immediately respond to Members' views within the session.

The President further stated that some Members had indicated that they did not wish to confine their speeches in a particular session to the policy areas specified for that session. He did not intend to strictly enforce the above requirement but would like to remind Members that if they did not follow the House Committee's arrangements in making their speeches, the designated public officers concerned would not be able to listen to their views on the relevant policy areas and then respond in that session. He hoped that Members would speak according to the original arrangements.

The President announced the commencement of the first debate session, which covered the policy areas of commerce and industry, economic development (other than energy), financial affairs (financial services), housing, information technology and broadcasting (other than creative industry), development (planning, lands and works) and transport.

Nine Members and Hon Emily LAU spoke.

While Hon Emily LAU was speaking, the President left the chair at 1:34 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Hon Jeffrey LAM spoke and declared that he was the Chairman of the Advisory Board of the Hong Kong Export Credit Insurance Corporation.

Three more Members and Dr Hon LAM Tai-fai spoke.

At 2:54 pm, while Dr Hon LAM Tai-fai was speaking, the President resumed the chair.

Fourteen other Members and Hon Paul TSE spoke.

While Hon Paul TSE was speaking, the President left the chair at 6:33 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three more Members and Hon James TO spoke.

At 7:50 pm, while Hon James TO was speaking, the President resumed the chair.

Another five Members spoke.

The President suspended the meeting at 9:13 pm.

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The Council resumed at 9:00 am on 30 October 2008 to continue the first debate session of the Motion of Thanks.

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

Four Members spoke.

The Financial Secretary and the Secretary for Development spoke.

While the Secretary for Development was speaking, Hon Albert HO requested the Secretary to elucidate a Member's name mentioned in her speech.

The Secretary for Development elucidated and continued to speak.

The Secretary for Transport and Housing and the Secretary for Financial Services and the Treasury spoke.

The President announced the end of the first debate session and the commencement of the second debate session, which covered the policy areas of economic development (energy), environmental affairs, food safety and environmental hygiene, home affairs (other than district administration and civic education), information technology and broadcasting (creative industry) and development (heritage conservation).

Ten Members and Hon Albert CHAN spoke.

While Hon Albert CHAN was speaking, the President left the chair at 1:08 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Six other Members and Dr Hon Samson TAM spoke.

At 2:35 pm, while Dr Hon Samson TAM was speaking, the President resumed the chair.

Six more Members spoke.

The Secretary for the Environment, the Secretary for Development, the Secretary for Commerce and Economic Development, the Secretary for Food and Health and the Secretary for Home Affairs spoke.

The President announced the end of the second debate session and the commencement of the third debate session, which covered the policy areas of manpower, welfare services (including social enterprise and family matters) and financial affairs (allocation of public resources).

Six Members and Hon Mrs Sophie LEUNG spoke.

While Hon Mrs Sophie LEUNG was speaking, the President left the chair at 6:28 pm temporarily and the President's Deputy, Hon Fred LI, took the chair.

Six more Members and Hon IP Wai-ming spoke.

At 7:29 pm, while Hon IP Wai-ming was speaking, the President resumed the chair.

Four more Members spoke.

The Secretary for Labour and Welfare, the Secretary for Home Affairs and the Secretary for Financial Services and the Treasury spoke.

The President announced the end of the third debate session and suspended the meeting at 8:39 pm.

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The Council resumed at 9:00 am on 31 October 2008 to commence the fourth debate session of the Motion of Thanks.

The President announced the commencement of the fourth debate session, which covered the policy areas of education, health services and security (immigration policies).

Twenty-three Members spoke.

The Secretary for Education, the Secretary for Food and Health and the Secretary for Security spoke.

The President announced the end of the fourth debate session and the commencement of the fifth debate session, which covered the policy areas of administration of justice and legal services, constitutional affairs, public service, security (other than immigration policies) and home affairs (district administration and civic education).

One Member and Prof Hon Patrick LAU spoke.

While Prof Hon Patrick LAU was speaking, the President left the chair at 12:45 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three other Members and Hon LEE Wing-tat spoke.

At 1:12 pm, while Hon LEE Wing-tat was speaking, the President resumed the chair.

Two more Members and Hon Abraham SHEK spoke.

With the President's permission, Dr Hon Margaret NG elucidated a point she had made earlier which she considered to be misunderstood by Hon Abraham SHEK.

Ten more Members and Hon IP Kwok-him spoke.

While Hon IP Kwok-him was speaking, Hon Emily LAU sought, with the President's permission, elucidation by Hon IP Kwok-him of a point raised in his speech.

Hon WONG Kwok-kin raised a point of order that a Member should not interrupt another Member who was speaking. The President requested Hon WONG Kwok-kin to take his seat and asked Hon IP Kwok-him to continue to speak.

Hon IP Kwok-him elucidated and continued to speak.

Another Member spoke.

Hon Paul CHAN declared that he was the Chairman of the Legal Aid Services Council and spoke.

Two more Members spoke.

The Chief Secretary for Administration, the Secretary for Justice and the Secretary for Constitutional and Mainland Affairs spoke.

While the Secretary for Constitutional and Mainland Affairs was speaking, Hon Emily LAU sought elucidation of a point raised by the Secretary in his speech. The President stated that in accordance with the Rules of Procedure, while another Member or a public officer was speaking, a Member might elucidate, if the Member or public officer speaking was willing to give way. The Secretary for Constitutional and Mainland Affairs continued to speak.

The Secretary for the Civil Service, the Secretary for Security and the Secretary for Home Affairs spoke.

The President announced the end of the fifth debate session.

Hon Miriam LAU spoke on the amendment.

Hon Emily LAU moved the following amendment to Hon Miriam LAU's motion:

To add ", but as many people support the implementation of dual universal suffrage in 2012, this Council expresses deep regret at the Chief Executive's remark that the timetable for universal suffrage set by the Standing Committee of the National People's Congress at the end of 2007 enjoys wide support in the community, which disregarded the request for the implementation of dual universal suffrage in 2012 from the community at large" immediately before the full stop.

Question on Hon Emily LAU's amendment to Hon Miriam LAU's motion proposed and put.

Hon Emily LAU 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, 27 were present, four were in favour of the amendment, 21 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 18 were in favour of the amendment and 10 against it. (Voting record in Appendix I.) Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negatived.

Hon Miriam LAU replied.

Question on the motion put.

Hon Albert CHAN 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, 27 were present, 25 were in favour of the motion, one against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 22 were in favour of the motion and six against it. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, he declared that the motion was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 5 November 2008 at 11:00 am.

The Council was adjourned at 4:34 pm.

(Jasper TSANG Yok-sing)
President
7 January 2009

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 31/10/2008
 時間 TIME: 04:28:03 下午pm

動議 MOTION: 劉慧卿議員對劉健儀議員的「致謝議案」，作出的修正案
 AMENDMENT BY HON EMILY LAU TO HON MIRIAM LAU'S "MOTION OF THANKS"

動議人 MOVED BY: 劉慧卿 Emily LAU

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	27	29	
投票 Vote	27	28	
贊成 Yes	4	18	
反對 No	21	10	
棄權 Abstain	2	0	
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	反對 NO	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國寶 Dr David LI	反對 NO	何俊仁 Albert HO	贊成 YES
吳靄儀 Dr Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	反對 NO
劉健儀 Miriam LAU	反對 NO	劉慧卿 Emily LAU	贊成 YES
霍震霆 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	反對 NO	陳偉業 Albert CHAN	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	馮檢基 Frederick FUNG	贊成 YES
方剛 Vincent FANG	反對 NO	余若薇 Audrey EU	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	王國興 WONG Kwok-hing	反對 NO
林健鋒 Jeffrey LAM	反對 NO	李永達 LEE Wing-tat	贊成 YES
梁君彥 Andrew LEUNG	反對 NO	梁家傑 Alan LEONG	贊成 YES
黃定光 WONG Ting-kwong	反對 NO	梁國雄 LEUNG Kwok-hung	
詹培忠 CHIM Pui-chung	反對 NO	張學明 CHEUNG Hok-ming	反對 NO
劉秀成 Prof Patrick LAU	反對 NO	湯家驊 Ronny TONG	贊成 YES
林大輝 Dr LAM Tai-fai	反對 NO	甘乃威 KAM Nai-wai	贊成 YES
陳茂波 Paul CHAN	反對 NO	何秀蘭 Cyd HO	贊成 YES
陳健波 CHAN Kin-por		李慧琼 Starry LEE	反對 NO
梁家駒 Dr LEUNG Ka-lau	棄權 ABSTAIN	陳克勤 CHAN Hak-kan	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 CHAN Tanya	贊成 YES
葉偉明 IP Wai-ming	反對 NO	梁美芬 Dr Priscilla LEUNG	反對 NO
葉國謙 IP Kwok-him	反對 NO	黃成智 WONG Sing-chi	贊成 YES
潘佩璆 Dr PAN Pey-chyau	反對 NO	黃國健 WONG Kwok-kin	反對 NO
謝偉俊 Paul TSE	棄權 ABSTAIN	黃毓民 WONG Yuk-man	贊成 YES
譚偉豪 Dr Samson TAM		葉劉淑儀 Mrs Regina IP	反對 NO

秘書 CLERK

投票 VOTE: 2
 日期 DATE: 31/10/2008
 時間 TIME: 04:33:26 下午pm

動議 MOTION: 「致謝議案」
 "MOTION OF THANKS"

動議人 MOVED BY: 劉健儀 Miriam LAU

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	27	29	
投票 Vote	27	28	
贊成 Yes	25	22	
反對 No	1	6	
棄權 Abstain	1	0	
結果 Result	通過 Passed	通過 Passed	通過 Passed

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	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國寶 Dr David LI	贊成 YES	何俊仁 Albert HO	贊成 YES
吳靄儀 Dr Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	贊成 YES	陳鑑林 CHAN Kam-lam	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	贊成 YES
劉健儀 Miriam LAU	贊成 YES	劉慧卿 Emily LAU	反對 NO
霍震霆 Timothy FOK	贊成 YES	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	陳偉業 Albert CHAN	反對 NO
張宇人 Tommy CHEUNG	贊成 YES	馮檢基 Frederick FUNG	反對 NO
方剛 Vincent FANG	贊成 YES	余若薇 Audrey EU	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	王國興 WONG Kwok-hing	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	李永達 LEE Wing-tat	贊成 YES
梁君彥 Andrew LEUNG	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	
詹培忠 CHIM Pui-chung	贊成 YES	張學明 CHEUNG Hok-ming	贊成 YES
劉秀成 Prof Patrick LAU	贊成 YES	湯家驊 Ronny TONG	贊成 YES
林大輝 Dr LAM Tai-fai	贊成 YES	甘乃威 KAM Nai-wai	贊成 YES
陳茂波 Paul CHAN	贊成 YES	何秀蘭 Cyd HO	反對 NO
陳健波 CHAN Kin-por		李慧琼 Starry LEE	贊成 YES
梁家駒 Dr LEUNG Ka-lau	贊成 YES	陳克勤 CHAN Hak-kan	贊成 YES
張國柱 CHEUNG Kwok-che	反對 NO	陳淑莊 CHAN Tanya	贊成 YES
葉偉明 IP Wai-ming	贊成 YES	梁美芬 Dr Priscilla LEUNG	贊成 YES
葉國謙 IP Kwok-him	贊成 YES	黃成智 WONG Sing-chi	贊成 YES
潘佩璆 Dr PAN Pey-chyou	贊成 YES	黃國健 WONG Kwok-kin	贊成 YES
謝偉俊 Paul TSE	棄權 ABSTAIN	黃毓民 WONG Yuk-man	反對 NO
譚偉豪 Dr Samson TAM		葉劉淑儀 Mrs Regina IP	贊成 YES

秘書 CLERK 