

LEGISLATIVE COUNCIL

MINUTES

No. 7

**Minutes of the meeting held on Wednesday 12 November 2008 at 11:00 am
and Thursday 13 November 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 LAU Wong-fat, GBM, GBS, JP

(absent on 13.11.2008)

The Hon Miriam LAU Kin-yea, 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 12.11.2008)

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, 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

The Hon Andrew LEUNG Kwan-yuen, SBS, JP

The Hon Alan LEONG Kah-kit, SC

The Hon LEUNG Kwok-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 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 13.11.2008)

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

Public officers attending:

On 12.11.2008

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

Dr the Hon York CHOW Yat-ngok, SBS, JP
Secretary for Food and Health

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

Dr Kitty POON Kit, 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

On 13.11.2008

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

Mr Gregory SO KAM-leung, JP
Secretary for Commerce and Economic Development

Clerks in attendance:

On 12.11.2008

Ms Pauline NG Man-wah, Secretary General

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

Mrs Percy MA, Assistant Secretary General (Special Duties)

On 13.11.2008

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

On 12.11.2008 and 13.11.2008

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. Allowances to Jurors (Amendment) Order 2008 (gazetted on 7.11.2008)	240/2008
2. Antiquities and Monuments (Declaration of Historical Buildings) (No. 3) Notice 2008 (gazetted on 7.11.2008)	241/2008
3. Employees Retraining Ordinance (Amendment of Schedule 3) (No. 2) Notice 2008 (gazetted on 11.11.2008)	244/2008
4. Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences (gazetted on 7.11.2008)	S.S. No. 5 to Gazette No. 45/2008

Other Papers

- No. 26 - Construction Workers Registration Authority Annual Report 2007-2008 (published on 5.11.2008)
- No. 27 - Report of changes to the approved Estimates of Expenditure approved during the second quarter of 2008-2009 Public Finance Ordinance : Section 8 (published on 5.11.2008)

Questions

1. Hon Mrs Regina IP asked Question 1.

The Secretary for Transport and Housing replied.

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

2. Hon WONG Sing-chi asked Question 2.

The Secretary for Food and Health replied.

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

3. Hon Albert HO asked Question 3.

The Secretary for Financial Services and the Treasury replied.

Four Members asked supplementary questions and the Secretary for Financial Services and the Treasury replied.

4. Hon KAM Nai-wai asked Question 4.

The Secretary for the Environment replied.

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

5. Hon WONG Yuk-man asked Question 5.

The Financial Secretary replied.

Seven Members asked supplementary questions and the Financial Secretary replied.

6. Hon WONG Kwok-kin asked Question 6.

The Secretary for Financial Services and the Treasury replied.

Six Members asked supplementary questions and the Secretary for Financial Services and the Treasury replied.

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

Members' Motions

Proposed resolution under the Legislative Council (Powers and Privileges) Ordinance

Ir Dr Hon Raymond HO moved the following motion and addressed the Council as the Chairman of the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products, and then in his personal capacity as a Member:

That the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of the Ordinance for the purpose of studying issues arising from Lehman Brothers-related minibonds and structured financial products and making recommendations where necessary.

Question on Ir Dr Hon Raymond HO's motion proposed.

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

Hon KAM Nai-wai spoke on the motion. While he was speaking, the President left the chair at 1:30 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another Member spoke on the motion.

Dr Hon David LI declared that he was the Chairman and Chief Executive of The Bank of East Asia Limited, which was one of the banks that acted as a distributor for Lehman Brothers-related financial products. He personally did not hold any Lehman Brothers-related financial products. Dr Hon David LI then spoke on the motion.

Another Member and Hon LEE Cheuk-yan spoke on the motion.

While Hon LEE Cheuk-yan was speaking, some people in the Public Gallery clapped their hands. The President's Deputy asked them to keep quiet.

Another Member and Hon James TO spoke on the motion.

At 2:35 pm, while Hon James TO was speaking, the President resumed the chair.

Dr Hon LEUNG Ka-lau spoke on the motion. While he was speaking, some people in the Public Gallery clapped their hands. The President asked them to keep quiet.

Two more Members spoke on the motion.

Hon Audrey EU declared that she held Lehman Brothers-related financial products. She had not purchased them herself. She had not lodged any complaint and the products were not related to the 20 banks under complaint. She then spoke on the motion.

While Hon Audrey EU was speaking, some people in the Public Gallery clapped their hands. The President told them to keep quiet, and if they wished to stay, they should not make any noise again.

Another Member spoke on the motion.

Dr Hon LAM Tai-fai declared that he did not hold any Lehman Brothers-related minibonds or directly purchase any Lehman Brothers-related financial products. However, he was told by his bank's private investment consultant that part of his investment was related to the Lehman Brothers Holdings Inc.

Hon IP Wai-ming spoke on the motion. While he was speaking, some people in the Public Gallery clapped their hands. The President stated that he was warning them for the last time that he would ask them to leave the Chamber, if they made any noise again.

Hon Albert HO declared that although he did not hold any Lehman Brothers-related products, he currently and for a future period represented a group of victims holding Lehman Brothers-related products to make claims.

Seven more Members and Hon WONG Yuk-man spoke on the motion.

While Hon WONG Yuk-man was speaking, he played a tape which recorded a speech delivered by Hon LAU Kong-wah on 8 October 2008. The President asked him to turn off the tape recorder which he did and continued to speak.

Three more Members spoke on the motion.

Hon Paul CHAN declared that he was a non-executive director of an investment bank and a bank. Both banks were not associated with any Lehman Brothers-related products. In addition, he had not invested in any Lehman Brothers-related products. Hon Paul CHAN then spoke on the motion.

While Hon Paul CHAN was speaking, the President left the chair at 6:32 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Four more Members and Hon Vincent FANG spoke on the motion.

At 7:25 pm, while Hon Vincent FANG was speaking, the President resumed the chair.

Four more Members spoke on the motion.

Hon LEE Wing-tat spoke on the motion and sought the President's ruling on whether Dr Hon David LI, being the Chairman of The Bank of East Asia, Limited which sold Lehman Brothers-related minibonds, had a direct pecuniary interest in the subject matter of the motion and therefore should not vote.

Hon CHEUNG Hok-ming declared that he and his wife jointly held some Lehman Brothers-related products.

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

Ir Dr Hon Raymond HO replied.

Hon LEUNG Kwok-hung raised a point of order on whether it was in order for Ir Dr Hon Raymond HO, who moved the motion on behalf of the Subcommittee, not to vote for the motion.

The President said that the Rules of Procedure did not stipulate that the chairman of a committee, who moved a motion on its behalf, must vote for the motion.

Responding to Hon LEE Wing-tat's earlier request for his ruling, the President pointed out that according to Rule 84 of the Rules of Procedure, whether a Member should withdraw and not cast his vote, because of direct pecuniary interest, was not a matter for the President to rule, but to be decided by the Council upon voting on a motion for the withdrawal of the Member concerned. If a Member considered that another Member should, for the above reason, withdraw and not cast his vote, the Member should, after he had put the question on the original motion, move a motion for the withdrawal of the Member concerned. The Member should explain why he considered that the Member concerned had a direct pecuniary interest and should therefore withdraw. He would let the Member concerned explain and other Members speak before the vote was taken. The matter would be decided according to the voting result.

Dr Hon Margaret NG raised a point of order on whether the President's permission was required for the moving of a motion under Rule 84 and, if so, whether such permission or otherwise was not to be given after the motion had been debated.

The President stated that a motion under Rule 84 of the Rules of Procedure could be moved by a Member without notice after he had put the question on the original motion. It was for him to decide whether or not to propose the question on the motion moved under Rule 84. In making the decision, he was required to comply with the requirements stipulated in Rule 84(5) which provided that the President should have regard to the nature of the question upon which the vote was taken and to the consideration whether the interest therein of the Member concerned was direct and pecuniary and not an interest in common with the rest of the population of Hong Kong or a sector thereof and whether the vote was on a matter of Government policy. After considering these factors, he would decide whether to propose the question on the motion.

The President further stated that if the Member concerned had already cast his vote, but another Member considered that the vote should be disallowed, that other Member should move a motion to disallow the vote after the voting result had been shown on the plasma but before he declared whether or not the motion was passed.

Question on Ir Dr Hon Raymond HO's motion put.

Hon LEE Wing-tat moved without notice, under Rule 84(3A) of the Rules of Procedure, a motion for the withdrawal of Dr Hon David LI on the ground of his failure to withdraw as required by Rule 84(1A) of the Rules of Procedure.

Question on Hon LEE Wing-tat's motion proposed.

Dr Hon David LI was heard in his place under Rule 84(5A) of the Rules of Procedure.

Five more Members spoke on the motion.

Hon LEE Cheuk-yan raised a point of order on the basis on which the President exercised his discretion to propose the question for the withdrawal of Dr Hon David LI.

The President stated that his interpretation of Rule 84 was that, unless he very much believed that all Members agreed that there was no issue of direct pecuniary interest, the Council should, so long as there were doubts on whether there was such an issue, let Members debate the matter and vote on it. The President added that it was, in fact, beneficial to both the Council and the public for holding the debate as Members had very clearly expressed their views on the matter and Dr Hon David LI had also very clearly disclosed his association with it.

One more Member spoke on the motion.

Dr Hon Margaret NG asked the President to explain whether the issue of direct pecuniary interest that he referred to earlier was a question of law regarding the definition of "direct pecuniary interest" or a question of fact as to whether the Member concerned had a direct pecuniary interest.

The President stated that the current debate was not about examining the definition of "direct pecuniary interest". It aimed at letting Members know whether Dr Hon David LI had, as a matter of fact, a direct pecuniary interest in the question on the original motion be voted on. He believed that if he had decided not to propose the question on Hon LEE Wing-tat's motion, at least some Members would have had doubts on whether Dr Hon David LI and his bank had, as a matter of fact, a direct pecuniary interest. Hence, there were merits in allowing Members to debate the matter. For this reason, he decided to propose the question on Hon LEE Wing-tat's motion.

Hon LEE Wing-tat said that as those Members who had spoken did not consider that Dr Hon David LI had direct pecuniary interest, he wished to withdraw the motion.

The President asked whether any Member had objection. As there was no dissenting voice, the motion was withdrawn by leave of the Council.

Hon Albert HO sought the President's view on whether he, being the lawyer representing some of the victims of the Lehman Brothers' case, had a direct pecuniary interest.

The President said that it was a point of order. Unless a Member moved a motion for the withdrawal of Hon Albert HO under Rule 84, he would not deal with the matter.

The Council proceeded to vote on the question on Ir Dr Hon Raymond HO's motion.

Hon Albert HO 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 reminded Ir Dr Hon Raymond HO that he should press the "Present" button to indicate his presence.

Ir Dr Hon Raymond HO said that even if he merely pressed the "Present" button, it would be equivalent to voting against the motion. He withdrew from Chamber.

The President announced that among the Members returned by functional constituencies, 27 were present, 20 were in favour of the motion, three against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 27 were in favour of the motion and one against it. (Voting record in Appendix I.) Since the question was agreed by a majority of each of the two groups of Members present, he declared that the motion was passed.

Some people exclaimed in excitement and clapped their hands in the Public Gallery. The President asked them to keep quiet.

Alleviating the burden of fuel costs on the public and relevant trades

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

That, as the drop in international oil prices has accelerated recently, yet the local fuel retail prices have only been reduced to a limited extent, resulting in fuel prices remaining persistently high, which causes people to query whether oil companies are 'quick in raising prices but slow in reducing them' and engaging in 'price cheating'; in order to safeguard the interests of the public and relevant trades, and to alleviate their burden of fuel costs, this Council urges the Government to:

- (a) press oil companies to immediately reduce the local fuel prices according to the level of reductions in international oil prices;
- (b) introduce a fair competition law to enhance the monitoring and effective regulation of the auto-fuel market, so as to prevent market monopoly and ensure that fuel retail prices are fair and reasonable;
- (c) request oil companies to re-introduce petrol of 95 octane rating, so as to provide more choices for consumers and reduce their unnecessary burden;
- (d) strive to explore more supply sources of processed oil to enable real competition in the market;
- (e) publish more detailed data on the prices of international oil products and the import prices of local oil products, so that the public can more effectively monitor the changes in oil prices;
- (f) actively consider implementing the introduction of price regulation in the tendering of petrol filling station sites; and
- (g) reduce the duty on unleaded petrol to alleviate the burden on car owners.

Question on Hon Miriam LAU's motion proposed.

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

Hon CHAN Hak-kan, Hon WONG Kwok-hing and Hon Fred LI, who would move amendments to the motion, spoke on the motion and their own amendments.

The Secretary for the Environment spoke on the motion and the amendments.

The President suspended the meeting at 10:05 pm.

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The Council resumed at 9:00 am on 13 November 2008.

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

Nine Members spoke on the motion and the amendments.

Hon Miriam LAU spoke on the amendments.

The Secretary for the Environment spoke again.

Hon CHAN Hak-kan moved the following amendment to Hon Miriam LAU's motion:

To add "oil and gaseous fuel" after "yet the local fuel"; to add "oil and gaseous fuel" after "resulting in fuel"; to add "oil and gaseous fuel" after "burden of fuel"; to delete "fuel" after "reduce the local"; to add "of auto-fuel, marine fuel and industrial fuel as well as gaseous fuel" before "according to the level of reductions"; to delete "auto-fuel" after "effective regulation of the" and substitute with "fuel oil and gaseous fuel"; to add "oil and gaseous fuel" after "ensure that fuel"; to add "and assist the development of the local biofuel industry" after "processed oil"; to add "and gaseous fuel" after "the prices of international oil"; to add "and gaseous fuel" after "import prices of local oil"; and to add "and gaseous fuel" after "the changes in oil".

Question on Hon CHAN Hak-kan's amendment to Hon Miriam LAU's motion proposed, put and agreed to.

As Hon CHAN Hak-kan's amendment had been passed, the President granted leave for Hon WONG Kwok-hing to revise the terms of his amendment.

Hon WONG Kwok-hing moved the following further amendment to Hon Miriam LAU's motion as amended by Hon CHAN Hak-kan:

To add "; and (h) increase the number of dedicated liquefied petroleum gas (LPG) filling stations to alleviate the burden on drivers of LPG taxis and public light buses, and increase the number of auto LPG filling nozzles to shorten the queuing time for drivers to refill their LPG vehicles" immediately before the full stop.

Question on Hon WONG Kwok-hing's amendment to Hon Miriam LAU's motion as amended by Hon CHAN Hak-kan proposed, put and agreed to.

As Hon CHAN Hak-kan's and Hon WONG Kwok-hing's amendments had been passed, the President granted leave for Hon Fred LI to revise the terms of his amendment.

Hon Fred LI moved the following further amendment to Hon Miriam LAU's motion as amended by Hon CHAN Hak-kan and Hon WONG Kwok-hing, and explained the revised terms of his amendment to the Council:

To add "; and (i) request oil companies to publish the pricing criteria for central LPG and domestic cylinder LPG, and review their prices once a month, so as to increase the transparency of the prices of LPG products" immediately before the full stop.

Question on Hon Fred LI's amendment to Hon Miriam LAU's motion as amended by Hon CHAN Hak-kan and Hon WONG Kwok-hing proposed, put and agreed to.

Hon Miriam LAU replied.

Question on Hon Miriam LAU's motion as amended by Hon CHAN Hak-kan, Hon WONG Kwok-hing and Hon Fred LI put and agreed to.

Supporting small and medium enterprises to tide over the financial tsunami

Hon Vincent FANG moved the following motion and addressed the Council:

That, being struck by the global financial tsunami, many small and medium enterprises ("SMEs") and small shop operators in Hong Kong have to face diminishing consumers' confidence and shrinking business turnover, as well as the banks' recent substantial tightening of credit and delayed reimbursement of payment for customers' purchases, resulting in many SMEs and small shop operators which have been operating soundly and steadily being pushed to the brink of collapse; and in particular, for those non-exporting local consumption industries not supported by government policy, including the wholesale, retail, catering and service industries which employ over 1.2 million of the local workforce, should they close down because of the banks' tightening of credit, a severe domino effect will definitely be triggered; hence this Council urges the Government to provide SMEs with more appropriate support, so as to enable them to tide over this difficult period; and the relevant measures should include:

- (a) establishing an inter-departmental task force on sustainable development for supporting SMEs and revitalizing the economy to take charge of the study and implementation of policies on supporting SMEs, as well as the formulation of measures to stimulate the economy, so as to enable SMEs to sustain their business;
- (b) in addition to the existing "SME Funding Schemes" which primarily aim at supporting export enterprises, formulating long-term plans to support the development of the industries engaging in local consumption, including the wholesale, retail, catering and service industries;
- (c) strengthening the liaison between the Government and the banks with a view to encouraging the banks to provide robust credit facilities and credit card payment services to enterprises which have been operating soundly and steadily, so that they can continue their operation;

- (d) providing guarantee for SMEs' trust receipts and accounts receivables by the Government, so as to enable them to continue utilizing the relevant financing arrangements;
- (e) increasing the loan guarantee provided by the Government under the "SME Loan Guarantee Scheme" from the current 50% to 70% or above;
- (f) extending the insurance coverage of the Hong Kong Export Credit Insurance Corporation to include local sales enterprises;
- (g) waiving the rentals of all food markets, government markets and shopping arcades for one quarter and waiving the hawkers' licence fees for one year to reduce the operational expenses of staple food operators, so as to curb inflation; and
- (h) holding over SMEs' provisional payment of profits tax for one year.

Question on Hon Vincent FANG's motion proposed.

The President stated that Hon James TO, Hon Tanya CHAN, Hon WONG Ting-kwong and Hon Jeffrey LAM intended to move amendments to the motion. Also, Hon Miriam LAU intended to move an amendment to Hon WONG Ting-kwong's amendment. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Hon James TO, Hon Tanya CHAN, Hon WONG Ting-kwong, Hon Jeffrey LAM and Hon Miriam LAU, who intended to move the amendments, spoke on the motion and their own amendments.

The Secretary for Commerce and Economic Development spoke on the motion and the amendments.

Four Members and Dr Hon LAM Tai-fai spoke on the motion and the amendments.

While Dr Hon LAM Tai-fai was speaking, the President left the chair at 12:12 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three Members and Hon IP Kwok-him spoke on the motion and the amendments.

At 12:39 pm, while Hon IP Kwok-him was speaking, the President resumed the chair.

Ten Members spoke on the motion and the amendments.

Hon Vicent FANG spoke on the amendments.

The Secretary for Commerce and Economic Development spoke again.

Hon James TO moved the following amendment to Hon Vincent FANG's motion:

To add "in anticipation of" after "That,,"; to add "the Hong Kong economy is about to enter into recession; and" after "financial tsunami,,"; to delete "providing guarantee for SMEs' trust receipts and accounts receivables by the Government, so as to enable them to continue utilizing the relevant financing arrangements; (e) increasing the loan guarantee provided by the Government under the 'SME Loan Guarantee Scheme' from the current 50% to 70% or above; (f) extending the insurance coverage of the Hong Kong Export Credit Insurance Corporation to include local sales enterprises; (g)" after "(d)"; to delete "and (h)" after "inflation" and substitute with "(e)"; and to add "; (f) formulating performance pledges to streamline procedures of government departments for making payments to SMEs which have been awarded government outsourced contracts so that payments will be settled within 30 days upon receipt of demand notes; and (g) repealing the provision that requires SMEs to pay deposits when they bid for government contracts" immediately before the full stop.

Question on Hon James TO's amendment to Hon Vincent FANG's motion proposed and put.

Hon IP Kwok-him 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, 23 were present, five were in favour of the amendment, 17 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 12 were in favour of the amendment and nine against it. (Voting record in Appendix II.) 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 rose to move the following motion without notice:

That in the event of further divisions in relation to the motion on "Supporting small and medium enterprises to tide over the financial tsunami" 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 Tanya CHAN moved the following amendment to Hon Vincent FANG's motion:

To add “small and medium enterprises (“SMEs”), which employ a large number of workers, are the important pillars of Hong Kong economy, and” after “That,”; to delete “small and medium enterprises (“SMEs”)” after “financial tsunami, many” and substitute with “SMEs”; to delete “and” after “inflation;”; and to add “; (i) discussing with the Central Government and governments of those provinces and municipalities where there is a relatively large number of factories set up by Hong Kong SMEs, with a view to encouraging them to provide more support and concessions to SMEs; (j) providing more support for SMEs, including consultancy services and designated loan schemes, so as to assist them in complying with newly passed legislation and regulations amid the difficult business environment; and (k) further extending the scope of assistance provided under the SME Export Marketing Fund to enable SMEs to launch various types of promotional campaigns with greater flexibility” immediately before the full stop.

Question on Hon Tanya CHAN’s amendment to Hon Vincent FANG’s motion proposed, put and agreed to.

As Hon Tanya CHAN’s amendment had been passed, the President granted leave for Hon WONG Ting-kwong to revise the terms of his amendment.

Hon WONG Ting-kwong moved the following further amendment to Hon Vincent FANG’s motion as amended by Hon Tanya CHAN, and explained the revised terms of his amendment to the Council:

To add “; (l) drawing reference from the practice adopted during the SARS outbreak in 2003 for the Government to provide 100% credit guarantee for industries with difficulties; and (m) reflecting to the Mainland Government to urge mainland banks to provide Hong Kong’s SMEs with the same credit terms and interest rates as those granted to mainland enterprises, extend the domestic sales of Hong Kong’s SMEs in the mainland market, reduce tax and tariff, and hold over the implementation of certain provisions of the ‘Labour Contract Law’” immediately before the full stop.

Question on Hon WONG Ting-kwong’s amendment to Hon Vincent FANG’s motion as amended by Hon Tanya CHAN proposed.

Hon Miriam LAU moved the following amendment to Hon WONG Ting-kwong’s amendment:

To delete “for the Government to provide” after “2003” and substitute with “to launch a series of new relief measures, including reducing government fees and charges, providing”; and to add “by the Government and extending the period for credit applications by at least one year, and allowing revolving loans for enterprises, at the same time, broadening the definitions of SMEs under the SME Funding Schemes to cover more enterprises and small shop operators, and striving for the Central Government to further expand the Individual Visit Scheme at an early date so as to attract more mainland tourists to spend money in Hong Kong” after “difficulties”.

Question on Hon Miriam LAU's amendment to Hon WONG Ting-kwong's amendment proposed and put.

Hon Fred LI 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, 23 were present, 18 were in favour of the amendment and five against it; while among the Members returned by geographical constituencies through direct elections, 23 were present, five were in favour of the amendment and 17 against it. (Voting record in Appendix III.) 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.

Question on Hon WONG Ting-kwong's amendment to Hon Vincent FANG's motion as amended by Hon Tanya CHAN put.

Hon WONG Ting-kwong 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, 23 were present, 18 were in favour of the amendment and five against it; while among the Members returned by geographical constituencies through direct elections, 24 were present, five were in favour of the amendment and 18 against it. (Voting record in Appendix IV.) 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.

As Hon Tanya CHAN's amendment had been passed, the President granted leave for Hon Jeffrey LAM to revise the terms of his amendment.

Hon Jeffrey LAM moved the following further amendment to Hon Vincent FANG's motion as amended by Hon Tanya CHAN, and explained the revised terms of his amendment to the Council:

To add “; (l) following the approach of the United Kingdom whereby the Government injects funds into banks and designates such funds as loans for enterprises; and (m) reducing various types of business license fees across the board” immediately before the full stop.

Question on Hon Jeffrey LAM's amendment to Hon Vincent FANG's motion as amended by Hon Tanya CHAN proposed, put and agreed to.

Hon Vincent FANG replied.

Question on Hon Vincent FANG's motion as amended by Hon Tanya CHAN and Hon Jeffrey LAM proposed, put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 19 November 2008 at 11:00 am.

The Council was adjourned at 2:34 pm.

(Jasper TSANG Yok-sing)
President
2 February 2009

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 12/11/2008
時間 TIME: 09:17:01 下午pm

動議 MOTION: 根據《立法會（權力及特權）條例》動議決議案
PROPOSED RESOLUTION UNDER THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE

動議人 MOVED BY: 何鍾泰 Dr Raymond HO

	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	20	27	
反對 No	3	1	
棄權 Abstain	4	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		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	棄權 ABSTAIN	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳鑑林 CHAN Kam-lam	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	贊成 YES	劉江華 LAU Kong-wah	
劉健儀 Miriam LAU	贊成 YES	劉慧卿 Emily LAU	贊成 YES
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	陳偉業 Albert CHAN	贊成 YES
張宇人 Tommy CHEUNG	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
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	棄權 ABSTAIN	李永達 LEE Wing-tat	贊成 YES
梁君彥 Andrew LEUNG		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	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	棄權 ABSTAIN	何秀蘭 Cyd HO	贊成 YES
陳健波 CHAN Kin-por	棄權 ABSTAIN	李慧琼 Starry LEE	贊成 YES
梁家驩 Dr LEUNG Ka-lau	贊成 YES	陳克勤 CHAN Hak-kan	贊成 YES
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 CHAN Tanya	贊成 YES
葉偉明 IP Wai-ming	贊成 YES	Dr Priscilla LEUNG	贊成 YES
葉國謙 IP Kwok-him	贊成 YES	黃成智 WONG Sing-chi	贊成 YES
潘佩琴 Dr PAN Pey-chyou	贊成 YES	黃國健 WONG Kwok-kin	贊成 YES
謝偉俊 Paul TSE	贊成 YES	黃毓民 WONG Yuk-man	贊成 YES
譚偉豪 Dr Samson TAM	贊成 YES	葉劉淑儀 Mrs Regina IP	反對 NO

秘書 CLERK

投票 VOTE: 2
日期 DATE: 13/11/2008
時間 TIME: 02:19:05 下午pm

動議 MOTION: 涂謹申議員對方剛議員的「支援中小企業渡過金融海嘯」議案，作出的修正案
AMENDMENT BY HON JAMES TO TO HON VINCENT FANG'S MOTION ON "SUPPORTING SMALL AND MEDIUM ENTERPRISES TO TIDE OVER THE FINANCIAL TSUNAMI"

動議人 MOVED BY: 涂謹申 James TO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	22	
投票 Vote	23	21	
贊成 Yes	5	12	
反對 No	17	9	
棄權 Abstain	1	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	
何鑑泰 Dr Raymond HO	反對 NO	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國寶 Dr David LI		何俊仁 Albert HO	贊成 YES
吳靄儀 Dr Margaret NG	反對 NO	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	反對 NO
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	
李鳳英 LI Fung-ying	贊成 YES	陳偉業 Albert CHAN	贊成 YES
張宇人 Tommy CHEUNG		馮檢基 Frederick FUNG	
方剛 Vincent FANG	反對 NO	余若薇 Audrey EU	反對 NO
李國麟 Dr Joseph LEE		王國興 WONG Kwok-hing	
林健鋒 Jeffrey LAM	反對 NO	李永達 LEE Wing-tat	
梁君彥 Andrew LEUNG	反對 NO	梁家傑 Alan LEONG	
黃定光 WONG Ting-kwong	反對 NO	梁國雄 LEUNG Kwok-hung	贊成 YES
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	張學明 CHEUNG Hok-ming	反對 NO
劉秀成 Prof Patrick LAU	反對 NO	湯家驊 Ronny TONG	反對 NO
林大輝 Dr LAM Tai-fai	反對 NO	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	反對 NO	李慧琼 Starry LEE	
梁家驩 Dr LEUNG Ka-lau		陳克勤 CHAN Hak-kan	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 CHAN Tanya	反對 NO
葉偉明 IP Wai-ming	贊成 YES	梁美芬 Dr Priscilla LEUNG	
葉國謙 IP Kwok-him	反對 NO	黃成智 WONG Sing-chi	贊成 YES
潘佩璆 Dr PAN Pey-chyou		黃國健 WONG Kwok-kin	贊成 YES
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	贊成 YES
譚偉豪 Dr Samson TAM	反對 NO	葉劉淑儀 Mrs Regina IP	

秘書 CLERK

投票 VOTE: 3
日期 DATE: 13/11/2008
時間 TIME: 02:25:21 下午pm

動議 MOTION: 劉健儀議員就黃定光議員對方剛議員的「支援中小企業渡過金融海嘯」議案所提修正案，作出的修正案
HON MIRIAM LAU'S AMENDMENT TO HON WONG TING-KWONG'S AMENDMENT TO HON VINCENT FANG'S MOTION ON "SUPPORTING SMALL AND MEDIUM ENTERPRISES TO TIDE OVER THE FINANCIAL TSUNAMI"

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	23	23	
投票 Vote	23	22	
贊成 Yes	18	5	
反對 No	5	17	
棄權 Abstain	0	0	
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
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		何俊仁 Albert HO	反對 NO
吳靄儀 Dr Margaret NG	反對 NO	李卓人 LEE Cheuk-yan	反對 NO
張文光 CHEUNG Man-kwong	反對 NO	李華明 Fred LI	反對 NO
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	涂謹申 James TO	反對 NO
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	反對 NO
石禮謙 Abraham SHEK	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	反對 NO	陳偉業 Albert CHAN	反對 NO
張宇人 Tommy CHEUNG		馮檢基 Frederick FUNG	
方剛 Vincent FANG	贊成 YES	余若薇 Audrey EU	反對 NO
李國麟 Dr Joseph LEE		王國興 WONG Kwok-hing	
林健鋒 Jeffrey LAM	贊成 YES	李永達 LEE Wing-tat	
梁君彥 Andrew LEUNG	贊成 YES	梁家傑 Alan LEONG	
黃定光 WONG Ting-kwong	贊成 YES	梁國雄 LEUNG Kwok-hung	反對 NO
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	反對 NO
林大輝 Dr LAM Tai-fai	贊成 YES	甘乃威 KAM Nai-wai	反對 NO
陳茂波 Paul CHAN	贊成 YES	何秀蘭 Cyd HO	反對 NO
陳健波 CHAN Kin-por	贊成 YES	李慧琼 Starry LEE	
梁家驊 Dr LEUNG Ka-lau		陳克勤 CHAN Hak-kan	贊成 YES
張國柱 CHEUNG Kwok-che	反對 NO	陳淑莊 CHAN Tanya	反對 NO
葉偉明 IP Wai-ming	反對 NO	梁美芬 Dr Priscilla LEUNG	
葉國謙 IP Kwok-him	贊成 YES	黃成智 WONG Sing-chi	反對 NO
潘佩璆 Dr PAN Pey-chyau		黃國健 WONG Kwok-kin	反對 NO
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	反對 NO
譚偉豪 Dr Samson TAM	贊成 YES	葉劉淑儀 Mrs Regina IP	

Wai Man Lam

秘書 CLERK

投票 VOTE: 4
 日期 DATE: 13/11/2008
 時間 TIME: 02:27:32 下午pm

動議 MOTION: 黃定光議員對方剛議員就「支援中小企業渡過金融海嘯」所提，經陳淑莊議員修正的議案，作出的修正案
 AMENDMENT BY HON WONG TING-KWONG TO HON VINCENT FANG'S MOTION ON "SUPPORTING SMALL AND MEDIUM ENTERPRISES TO TIDE OVER THE FINANCIAL TSUNAMI" AS AMENDED BY HON CHAN TANYA

動議人 MOVED BY: 黃定光 WONG Ting-kwong

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	24	
投票 Vote	23	23	
贊成 Yes	18	5	
反對 No	5	18	
棄權 Abstain	0	0	
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
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		何俊仁 Albert HO	反對 NO
吳靄儀 Dr Margaret NG	反對 NO	李卓人 LEE Cheuk-yan	反對 NO
張文光 CHEUNG Man-kwong	反對 NO	李華明 Fred LI	反對 NO
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	徐謹申 James TO	反對 NO
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	反對 NO
石禮謙 Abraham SHEK	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	反對 NO	陳偉業 Albert CHAN	反對 NO
張宇人 Tommy CHEUNG		馮檢基 Frederick FUNG	
方剛 Vincent FANG	贊成 YES	余若薇 Audrey EU	反對 NO
李國麟 Dr Joseph LEE		王國興 WONG Kwok-hing	
林健鋒 Jeffrey LAM	贊成 YES	李永達 LEE Wing-tat	
梁君彥 Andrew LEUNG	贊成 YES	梁家傑 Alan LEONG	反對 NO
黃定光 WONG Ting-kwong	贊成 YES	梁國雄 LEUNG Kwok-hung	反對 NO
詹培忠 CHIM Pui-chung	贊成 YES	CHEUNG Hok-ming	贊成 YES
劉秀成 Prof Patrick LAU	贊成 YES	湯家驊 Ronny TONG	反對 NO
林大輝 Dr LAM Tai-fai	贊成 YES	甘乃威 KAM Nai-wai	反對 NO
陳茂波 Paul CHAN	贊成 YES	何秀蘭 Cyd HO	反對 NO
陳健波 CHAN Kin-por	贊成 YES	李慧琼 Starry LEE	
梁家驛 Dr LEUNG Ka-lau		陳克勤 CHAN Hak-kan	贊成 YES
張國柱 CHEUNG Kwok-che	反對 NO	陳淑莊 CHAN Tanya	反對 NO
葉偉明 IP Wai-ming	反對 NO	梁美芬 Dr Priscilla LEUNG	
葉國謙 IP Kwok-him	贊成 YES	黃成智 WONG Sing-chi	反對 NO
潘佩璆 Dr PAN Pey-chyou		黃國健 WONG Kwok-kin	反對 NO
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	反對 NO
譚偉豪 Dr Samson TAM	贊成 YES	葉劉淑儀 Mrs Regina IP	

秘書 CLERK