

# LEGISLATIVE COUNCIL

## MINUTES

### No. 12

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**Minutes of the meeting held on Wednesday 17 December 2008 at 11:00 am**

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#### **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

The Hon Miriam LAU Kin-yee, GBS, JP  
The Hon Emily LAU Wai-hing, JP  
The Hon Andrew CHENG Kar-foo  
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

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-ye, 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 Timothy FOK Tsun-ting, GBS, JP

**Public officers attending:**

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

Prof the Hon K C CHAN, SBS, 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

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 Eva CHENG, JP  
Secretary for Transport and Housing

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

**Clerks in attendance:**

Ms Pauline NG Man-wah, Secretary General

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

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

Mrs Percy MA, Assistant Secretary General (Special Duties)

## **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. Merchant Shipping (Limitation of Shipowners Liability) (Rate of Interest) (Amendment) (No. 3) Order 2008 (gazetted on 12.12.2008)	261/2008
2. Public Health and Municipal Services (Setting Aside Places for Use as Public Pleasure Grounds and Cessation of Setting Aside Places for Use as Public Pleasure Grounds) (No. 2) Order 2008 (gazetted on 12.12.2008)	262/2008
3. Public Health and Municipal Services Ordinance (Amendment of Fourth Schedule) (No. 3) Order 2008 (gazetted on 12.12.2008)	263/2008
4. Trade Descriptions (Amendment) Ordinance 2008 (Commencement) Notice (gazetted on 12.12.2008)	264/2008
5. Trade Descriptions (Definition of Fei Cui and Natural Fei Cui) Regulation (Commencement) Notice (gazetted on 12.12.2008)	265/2008
6. Trade Descriptions (Definition of Diamond) Regulation (Commencement) Notice (gazetted on 12.12.2008)	266/2008
7. Trade Descriptions (Provision of Information on Natural Fei Cui) Order (Commencement) Notice (gazetted on 12.12.2008)	267/2008
8. Trade Descriptions (Provision of Information on Diamond) Order (Commencement) Notice (gazetted on 12.12.2008)	268/2008
9. Trade Descriptions (Provision of Information on Regulated Electronic Products) Order (Commencement) Notice (gazetted on 12.12.2008)	269/2008
10. Trade Descriptions (Marking) (Gold and Gold Alloy) (Amendment) Order 2008 (Commencement) Notice (gazetted on 12.12.2008)	270/2008
11. Trade Descriptions (Marking) (Platinum) (Amendment) Order 2008 (Commencement) Notice (gazetted on 12.12.2008)	271/2008
12. Trade Descriptions (Definition of Platinum) (Amendment) Regulation 2008 (Commencement) Notice (gazetted on	272/2008

- 12.12.2008)
13. Allowances to Jurors (Amendment) Order 2008 273/2008  
(Commencement) Notice (gazetted on 12.12.2008)
  14. Criminal Procedure (Witnesses' Allowances) (Amendment) 274/2008  
Rules 2008 (Commencement) Notice (gazetted on 12.12.2008)
  15. Coroners (Witnesses' Allowances) (Amendment) Rules 2008 275/2008  
(Commencement) Notice (gazetted on 12.12.2008)

Other Papers

- No. 40 - Estate Agents Authority  
Annual Report 2007/08 (published on 10.12.2008)
- No. 41 - Secretary for Home Affairs Incorporated Audited Financial  
Statements together with the Director of Audit's Report for the year  
ended 31 March 2008 (published on 10.12.2008)
- No. 42 - Sir Edward Youde Memorial Fund Signed and audited Financial  
Statements together with the Auditor's Report and the Report of the  
Board of Trustees for the period 1 April 2007 to 31 March 2008  
(published on 10.12.2008)
- No. 43 - The Brewin Trust Fund Audited Financial Statements together with  
the Auditor's Report and Report by the Brewin Trust Fund Committee  
on the Administration of the Fund for the year ended 30 June 2008  
(published on 12.12.2008)
- No. 44 - The Sir Murray MacLehose Trust Fund Signed and Audited Financial  
Statements together with the Auditor's Report and Trustee's Report for  
the year 1 April 2007 to 31 March 2008 (published on 12.12.2008)
- No. 45 - Queen Elizabeth Foundation for the Mentally Handicapped Report  
and Accounts 2007-2008 (published on 12.12.2008)
- No. 46 - Annual Report by the Board of Governors of The Prince Philip Dental  
Hospital and Audited Statement of Accounts 2007/08 (published on  
15.12.2008)
- No. 47 - Grantham Scholarships Fund Audited Financial Statements together  
with the Director of Audit's Report and Report by the Grantham  
Scholarships Fund Committee on the Administration of the Fund for  
the year ended 31 August 2008 (published on 15.12.2008)
- No. 48 - Report by the Chinese Temples Committee on the Chinese Temples  
Fund together with Audited Financial Statements and Director of  
Audit's Report for the year ended 31 March 2008 (published on

- No. 49 - 15.12.2008)  
Report by the Chinese Temples Committee on the General Chinese Charities Fund together with Audited Financial Statements and Director of Audit's Report for the year ended 31 March 2008 (published on 15.12.2008)
- No. 50 - Office of the Privacy Commissioner for Personal Data, Hong Kong Annual Report 2007-08 (published on 16.12.2008)
- No. 51 - Equal Opportunities Commission Annual Report 2007/08 (published on 16.12.2008)
- No. 52 - The Accounts of the Lotteries Fund 2007-08 (published on 17.12.2008)

### **Questions**

1. Dr Hon Margaret NG asked Question 1.

The Secretary for Home Affairs replied.

Five Members asked supplementary questions and the Secretary for Home Affairs replied.

2. Hon Albert CHAN asked Question 2.

The Secretary for Food and Health replied.

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

3. Hon Tommy CHEUNG asked Question 3.

The Secretary for Food and Health replied.

Seven Members asked supplementary questions. The Secretary for Food and Health and the Secretary for the Environment replied.

4. Hon LAU Kong-wah asked Question 4.

The Secretary for Labour and Welfare replied.

Five Members asked supplementary questions and the Secretary for Labour and Welfare replied.

5. Hon Frederick FUNG asked Question 5.

The Financial Secretary replied.

Six Members asked supplementary questions and the Financial Secretary replied.

6. Hon CHEUNG Hok-ming asked Question 6.

The Secretary for Transport and Housing replied.

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

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

### **Motions**

#### Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Food and Health moved the following motion and addressed the Council:

RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 25 November 2008, be approved –

- (a) the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2008; and
- (b) the Poisons List (Amendment) (No. 5) Regulation 2008.

Question on the motion proposed, put and agreed to.

### **Members' Motions**

#### Alleviating the burden of travelling expenses

Hon CHEUNG Hok-ming moved the following motion and addressed the Council:

That, as the people of Hong Kong has long been bearing a heavy burden of travelling expenses and a large number of middle-class and grassroots face further difficulties in life amid continuous layoffs and pay cuts by enterprises under the impact of the financial tsunami, this Council urges the Government to adopt effective measures to alleviate the burden of travelling expenses on the public, including:

- (a) providing subsidies to the MTR Corporation, bus companies and ferry operators so that they will offer half-fare concessions to passengers on Saturdays, Sundays and public holidays, thereby enabling the public to have more opportunities to get together with their families and friends on those days;
- (b) further relaxing the eligibility criteria and subsidy period under the Transport Support Scheme, and expanding the Scheme to cover all districts in the territory;
- (c) discussing with various public transport operators to offer the Free-ride Day for the elderly on Sundays and public holidays on a permanent basis, formulate an implementation timetable for the provision of half-fare concessions to people with disabilities, and study the feasibility of introducing daily, weekly and monthly travel passes that are valid among various public transport operators;
- (d) focusing on the problem of high fares of outlying island ferry services, studying suitable options and allocating resources to alleviate the burden of ferry service expenses on outlying island residents, and offering half-fare concessions on ferry services to students of outlying islands;
- (e) discussing with the MTR Corporation to extend its two-year fare-freeze period, re-launch the 'Ride 10 Get One Free' Promotion, set up more MTR Fare Savers and explore further extension of the existing monthly ticket schemes; and
- (f) discussing with the franchised bus companies ways to improve their existing fare structures, expeditiously revise the scale of fares under the Public Bus Services Ordinance as well as the route groupings under the scale, reformulate the existing guidelines on the setting of fares to provide comprehensive sectional fares and bus-bus interchange concessions, including discounts for interchange among buses of different companies, provide half-fare concessions to all full-time students, as well as introduce daily and monthly ticket schemes for buses.

While Hon CHEUNG Hok-ming was addressing the Council, the President left the chair at 1:07 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon CHEUNG Hok-ming's motion proposed.

The President's Deputy stated that Hon WONG Kwok-hing and Hon Andrew CHENG would move amendments to the motion. Also, Hon WONG Sing-chi would move an amendment to Hon WONG Kwok-hing's amendment. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Hon WONG Kwok-hing, Hon Andrew CHENG and Hon WONG Sing-chi who would move the amendments, spoke on the motion and their own amendments.

The Secretary for Transport and Housing spoke on the motion and the amendments.

A Member spoke on the motion and the amendments.

Hon Paul CHAN declared that he was an independent non-executive Director of the Wharf (Holdings) Limited which owned the “Star” Ferry Company, Limited and Hongkong Tramways Limited. He would therefore not give views on ferry and tram services. Hon Paul CHAN then spoke on the motion and the amendments.

Hon LI Fung-ying spoke on the motion and the amendments.

At 2:02 pm, while Hon LI Fung-ying was speaking, the President resumed the chair.

Seventeen more Members spoke on the motion and the amendments.

Hon CHEUNG Hok-ming spoke on the amendments.

The Secretary for Transport and Housing spoke again.

Hon WONG Kwok-hing moved the following amendment to Hon CHEUNG Hok-ming’s motion:

To delete “, as the people of Hong Kong has long been bearing” after “That” and substitute with “the fares of local public transport are escalating, causing the public to bear”; to delete “and” after “a heavy burden of travelling expenses” and substitute with “for a long time, coupled with the fact that”; to add “further” after “this Council urges the Government to adopt”; to add “, green minibus” after “MTR Corporation, bus companies”; to delete “studying suitable options” after “high fares of outlying island ferry services,” and substitute with “actively studying various suitable options, including substantially increasing the non-fare box revenue of ferry operators or the Government directly operating the services, etc.”; to add “and, according to the request of the residents and using more consistent standards” after “the ‘Ride 10 Get One Free’ Promotion”; to delete “and” after “set up more MTR Fare Savers” and substitute with “as well as”; to delete “and” after “existing monthly ticket schemes;”; and to add “; and (g) on the basis of the above measures, further studying in a proactive manner the utilization of Octopus card which is widely used by the public to provide all people in the territory with concessions on monthly tickets that are valid for use on all types of public transport, hence will provide convenience to the public and not lead to excessively high administrative and operating costs to the various public transport operators, thereby alleviating the burden of travelling expenses on the general public, particularly the working class” immediately before the full stop.

Question on Hon WONG Kwok-hing's amendment to Hon CHEUNG Hok-ming's motion proposed.

Hon WONG Sing-chi moved the following amendment to Hon WONG Kwok-hing's amendment:

To add "and local franchise bus companies have recently announced the cancellation of fare concessions for the elderly on holidays and same day return fare concessions which were provided in the past three years, causing the travelling expenses of the elderly and grassroots to increase, this Council expresses condemnation in this regard; since public transport operators have continued to increase their fares," after "the fares of local public transport are escalating,"; to delete "studying in a proactive manner the utilization of" after "(g) on the basis of the above measures, further" and substitute with "utilizing"; to add "and continuing to provide the current fare concessions for the elderly on holidays and same day return fare concessions provided by local franchise bus companies," after "all types of public transport,"; and to add "the elderly and" after "particularly".

Question on Hon WONG Sing-chi's amendment to Hon WONG Kwok-hing's amendment proposed, put and agreed to.

Question on Hon WONG Kwok-hing's amendment, as amended by Hon WONG Sing-chi, to Hon CHEUNG Hok-ming's motion put and agreed to.

As Hon WONG Kwok-hing's amendment, as amended by Hon WONG Sing-chi had been passed, the President granted leave for Hon Andrew CHENG to revise the terms of his amendment.

Hon Andrew CHENG moved the following further amendment to Hon CHEUNG Hok-ming's motion as amended by Hon WONG Kwok-hing and Hon WONG Sing-chi:

To add "; and (h) discussing with the MTR Corporation to establish a fare stabilization fund to be underpinned by the proceeds from properties and make monthly ticket schemes a permanent arrangement" immediately before the full stop.

Question on Hon Andrew CHENG's amendment to Hon CHEUNG Hok-ming's motion as amended by Hon WONG Kwok-hing and Hon WONG Sing-chi proposed, put and agreed to.

Hon CHEUNG Hok-ming replied.

Question on Hon CHEUNG Hok-ming's motion as amended by Hon WONG Kwok-hing, Hon WONG Sing-chi and Hon Andrew CHENG put and agreed to.

Buying back the shares of The Link

Dr Hon LEUNG Ka-lau moved the following motion and addressed the Council:

That, The Link Real Estate Investment Trust (“The Link”), being the largest landlord of retail shops in Hong Kong, has a total of 11 000 tenants providing services of daily necessities to three million residents in public housing estates, yet since its listing, The Link has deviated from its original principle and philosophy and increased rents every year, causing great burden to the lower class and small shop tenants, and despite the increase in shop rentals by almost 30% in 2007 and the recent economic downturn in Hong Kong, The Link still increases rents against the market trend, thereby reducing room for survival of the grassroots and causing social discontent; hence this Council urges the Government to balance the community interests at large in handling the issue of rental of public housing shopping arcades, and consider various possible means to buy back sufficient shares of The Link to become the major shareholder, so as to influence the management of The Link Management Limited to take into consideration its corporate social responsibility.

Question on Dr Hon LEUNG Ka-lau’s motion proposed.

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

Hon CHAN Kam-lam, Hon Alan LEONG, Hon Vincent FANG and Hon LEUNG Kwok-hung, who intended to move amendments to the motion, spoke on the motion and their own amendments.

The Secretary for Transport and Housing spoke on the motion and the amendments.

Eleven Members spoke on the motion and the amendments.

Dr Hon PAN Pey-chyou declared his interest that he held a small amount of the shares of The Link. Dr PAN then spoke on the motion and the amendments.

Four more Members and Hon LEE Cheuk-yan spoke on the motion and the amendments.

While Hon LEE Cheuk-yan was speaking, the President left the chair at 6:37 pm temporarily and the President’s Deputy, Hon Miriam LAU, took the chair.

Five other Members spoke on the motion and the amendments.

Prof Hon Patrick LAU declared that he was a member of the Hong Kong Housing Authority, and then spoke on the motion and the amendments.

At 7:17 pm, while Prof Hon Patrick LAU was speaking, the President resumed the chair.

Another Member spoke on the motion and the amendments.

Dr Hon LEUNG Ka-lau spoke on the amendments.

The Secretary for Transport and Housing spoke again.

Hon CHAN Kam-lam moved the following amendment to Dr Hon LEUNG Ka-lau's motion:

To add "listed in 2005 and" after "(“The Link”),”; to delete “three million residents in public housing estates” after “necessities to” and substitute with “all people in Hong Kong”; to delete “deviated from its original principle and philosophy and increased rents every year, causing great burden to the lower class and small shop tenants, and despite the increase in shop rentals by almost 30% in 2007 and the recent economic downturn in Hong Kong, The Link still increases rents against the market trend, thereby reducing room for survival of the grassroots and causing social discontent;” after “The Link has” and substitute with “been increasing its rents, adding burden to shop tenants; and despite the impact of the financial tsunami on the economy of Hong Kong recently, The Link has not immediately lowered the rents in response to the market downturn, thereby making the operation of shop tenants more difficult,”; to delete “to buy back sufficient shares of The Link to become the major shareholder, so as to influence” after “means” and substitute with “, such as proactively putting up specific requests to the management of The Link Management Limited or providing policy incentives, etc, to urge”; and to delete “take into consideration” after “The Link Management Limited to” and substitute with “respond to the demands of the community, which include: (a) lowering the rents of shops and car parks, as well as safeguarding the rights of tenancy renewal of existing tenants, so as to tide over the difficult time with the shop tenants and the public; (b) establishing an effective communication channel for shop tenants to give their views, so as to improve the relationship between shop tenants and the management of The Link Management Limited; (c) accelerating the improvement to the facilities of shopping arcades and stepping up publicity and promotion work to boost customer flows; and (d) providing concessionary rents to more service organizations for renting shops in the shopping arcades of The Link, so as to fulfil”.

Question on Hon CHAN Kam-lam's amendment to Dr Hon LEUNG Ka-lau's motion proposed and put.

Dr Hon LEUNG Ka-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, 22 were present, 15 were in favour of the amendment, four against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, four were in favour of the amendment and 18 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 negated.

Hon Miriam LAU rose to move the following motion without notice:

That in the event of further divisions in relation to the motion on “Buying back the shares of The Link” 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 Alan LEONG moved the following amendment to Dr Hon LEUNG Ka-lau’s motion:

To add “as” after “That,”; to add “completely failed to discharge its corporate social responsibility and its operation has even” after “The Link has”; to delete “balance” after “the Government to” and substitute with “properly protect”; to delete “to buy back sufficient” after “means” and substitute with “, including buying back all”; to delete “major” after “become the” and substitute with “sole”; and to delete “influence the management of The Link Management Limited to take into consideration its corporate social responsibility” immediately before the full stop and substitute with “discharge the responsibilities stipulated in section 4 of the Housing Ordinance”.

Question on Hon Alan LEONG’s amendment to Dr Hon LEUNG Ka-lau’s motion proposed and put.

Hon Alan LEONG 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, 22 were present, four were in favour of the amendment, 16 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 18 were in favour of the amendment and four 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 negated.

Hon Vincent FANG moved the following amendment to Dr Hon LEUNG Ka-lau's motion:

To add "being listed by the authority in November 2005," after "That,,"; to delete "being" after "(“The Link”)," and substitute with "has become"; to delete ", has a total of" after "retail shops in Hong Kong" and substitute with "with over"; to add "almost" after "necessities to"; and to delete "to" after "means" and substitute with ", which include, in response to the substantial rental reduction and continual increase in vacancy rate of shops in the market resulting from the worsening business environment, as well as the current situation under which local consumption has been seriously struck by the financial tsunami and business turnover of shops has dropped drastically, proactively negotiating with The Link Management Limited about various rental reduction and rental freeze options, providing better ancillary facilities for existing shop tenants, and stepping up promotion to attract customer flows, with a view to helping shop tenants tide over the economic recession; and if so warranted, may even".

Question on Hon Vincent FANG's amendment to Dr Hon LEUNG Ka-lau's motion proposed and put.

Hon Ronny TONG 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, 22 were present, seven were in favour of the amendment, eight against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 10 were in favour of the amendment, seven against it and five abstained. (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.

Hon LEUNG Kwok-hung moved the following amendment to Dr Hon LEUNG Ka-lau's motion:

To add "this Council expresses deep regret at the Government's disregard for the interests of public housing residents, shop tenants and the general public at that time;" after "social discontent,,"; to delete "sufficient" after "buy back" and substitute with "no less than 25% of the"; and to add "or sole" after "the major".

Question on Hon LEUNG Kwok-hung's amendment to Dr Hon LEUNG Ka-lau'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 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 22 were present, five were in favour of the amendment, 13 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 18 were in favour of the amendment and four 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 negated.

Dr Hon LEUNG Ka-lau replied.

Question on Dr Hon LEUNG Ka-lau's motion put.

Dr Hon LEUNG Ka-lau 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, 22 were present, nine were in favour of the motion and 13 against it; while among the Members returned by geographical constituencies through direct elections, 23 were present, 18 were in favour of the motion and four against it. (Voting record in Appendix V.) Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the motion was negated.

#### Motion for the adjournment of the Council

The President said that in accordance with Rule 16(6) and (7) of the Rules of Procedure, he had determined that if at the expiration of 75 minutes from the moving of this motion, there were Members who still wished to speak, he would extend the period of the debate to the time when all Members who wished to speak had spoken, and the designated public officer had replied. As regards the speaking time, each Member might not speak in excess of five minutes, and the designated public officer making a reply might speak up to 15 minutes.

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

That this Council do now adjourn for the purpose of debating the following issue: Predicament faced by the small and medium enterprises due to tightened credit facility from banks.

Question on the motion proposed.

Eleven Members spoke on the motion.

The Secretary for Commerce and Economic Development replied.

Question on the motion put and agreed to.

**Next meeting**

The President declared that the next meeting of the Council would be held on 7 January 2009 at 11:00 am.

The Council was adjourned at 9:18 pm.

(Jasper TSANG Yok-sing)

President

26 February 2009

Council Chamber  
Hong Kong

投票 VOTE: 1  
 日期 DATE: 17/12/2008  
 時間 TIME: 07:50:07 下午pm

動議 MOTION: 陳鑑林議員對梁家騷議員的「回購領匯股份」議案，作出的修正案  
 AMENDMENT BY HON CHAN KAM-LAM TO DR HON LEUNG KA-LAU'S MOTION ON  
 "BUYING BACK THE SHARES OF THE LINK"

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	22	23	
投票 Vote	22	22	
贊成 Yes	15	4	
反對 No	4	18	
棄權 Abstain	3	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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
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		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	贊成 YES	劉江華 LAU Kong-wah	贊成 YES
劉健儀 Miriam LAU	棄權 ABSTAIN	劉慧卿 Emily LAU	反對 NO
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	反對 NO
石禮謙 Abraham SHEK	贊成 YES	譚耀宗 TAM Yiu-chung	
李鳳英 LI Fung-ying	贊成 YES	陳偉業 Albert CHAN	反對 NO
張宇人 Tommy CHEUNG	棄權 ABSTAIN	馮檢基 Frederick FUNG	反對 NO
方剛 Vincent FANG	棄權 ABSTAIN	余若薇 Audrey EU	反對 NO
李國麟 Dr Joseph LEE	贊成 YES	王國興 WONG Kwok-hing	反對 NO
林健鋒 Jeffrey LAM	贊成 YES	李永達 LEE Wing-tat	反對 NO
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		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	
陳茂波 Paul CHAN	贊成 YES	何秀蘭 Cyd HO	
陳健波 CHAN Kin-por	贊成 YES	李慧琼 Starry LEE	贊成 YES
梁家騷 Dr LEUNG Ka-lau	反對 NO	陳克勤 CHAN Hak-kan	
張國柱 CHEUNG Kwok-che		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	
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	反對 NO
譚偉豪 Dr Samson TAM		葉劉淑儀 Mrs Regina IP	

投票 VOTE: 2  
 日期 DATE: 17/12/2008  
 時間 TIME: 07:53:11 下午pm

動議 MOTION: 梁家傑議員對梁家駒議員的「回購領匯股份」議案，作出的修正案  
 AMENDMENT BY HON ALAN LEONG TO DR HON LEUNG KA-LAU'S MOTION ON  
 "BUYING BACK THE SHARES OF THE LINK"

動議人 MOVED BY: 梁家傑 Alan LEONG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	23	
投票 Vote	22	22	
贊成 Yes	4	18	
反對 No	16	4	
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
<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	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	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		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	反對 NO	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 Abraham FOK		鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abrahm SHEK	反對 NO	譚耀宗 TAM Yiu-chung	
李鳳英 LI Fung-ying	棄權 ABSTAIN	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	贊成 YES
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	贊成 YES
詹培忠 CHIM Pui-chung		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	
陳茂波 Paul CHAN	反對 NO	何秀蘭 Cyd HO	
陳健波 CHAN Kin-por	反對 NO	李慧琼 Starry LEE	反對 NO
梁家駒 Dr LEUNG Ka-lau	棄權 ABSTAIN	陳克勤 CHAN Hak-kan	
張國柱 CHEUNG Kwok-che		陳淑莊 CHAN Tanya	贊成 YES
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-chyau		黃國健 WONG Kwok-kin	
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	贊成 YES
譚偉豪 Dr Samson TAM		葉劉淑儀 Mrs Regina IP	

投票 VOTE: 3  
 日期 DATE: 17/12/2008  
 時間 TIME: 07:55:31 下午pm

動議 MOTION: 方剛議員對梁家騮議員的「回購領匯股份」議案，作出的修正案  
 AMENDMENT BY HON VINCENT FANG TO DR HON LEUNG KA-LAU'S MOTION ON  
 "BUYING BACK THE SHARES OF THE LINK"

動議人 MOVED BY: 方剛Vincent FANG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	23	
投票 Vote	22	22	
贊成 Yes	7	10	
反對 No	8	7	
棄權 Abstain	7	5	
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	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	反對 NO
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		陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
黃容根 WONG Yung-kan	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat	反對 NO	劉江華 LAU Kong-wah	棄權 ABSTAIN
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	
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	反對 NO
方剛 Vincent FANG	贊成 YES	余若薇 Audrey EU	反對 NO
李國麟 Dr Joseph LEE	贊成 YES	王國興 WONG Kwok-hing	棄權 ABSTAIN
林健鋒 Jeffrey LAM	棄權 ABSTAIN	李永達 LEE Wing-tat	贊成 YES
梁君彥 Andrew LEUNG	棄權 ABSTAIN	梁家傑 Alan LEONG	反對 NO
黃定光 WONG Ting-kwong	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	贊成 YES
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
林大輝 Dr LAM Tai-fai	反對 NO	甘乃威 KAM Nai-wai	
陳茂波 Paul CHAN	反對 NO	何秀蘭 Cyd HO	
陳健波 CHAN Kin-por	反對 NO	李慧琼 Starry LEE	棄權 ABSTAIN
梁家騮 Dr LEUNG Ka-lau	贊成 YES	陳克勤 CHAN Hak-kan	
張國柱 CHEUNG Kwok-che		陳淑莊 CHAN Tanya	反對 NO
葉偉明 IP Wai-ming	棄權 ABSTAIN	梁美芬 Dr Priscilla LEUNG	
葉國謙 IP Kwok-him	棄權 ABSTAIN	黃成智 WONG Sing-chi	贊成 YES
潘佩璆 Dr PAN Pey-chyou		黃國健 WONG Kwok-kin	
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	贊成 YES
譚偉豪 Dr Samson TAM		葉劉淑儀 Mrs Regina IP	

投票 VOTE: 4  
 日期 DATE: 17/12/2008  
 時間 TIME: 07:57:53 下午pm

動議 MOTION: 梁國雄議員對梁家驩議員的「回購領匯股份」議案，作出的修正案  
 AMENDMENT BY HON LEUNG KWOK-HUNG TO DR HON LEUNG KA-LAU'S MOTION ON  
 "BUYING BACK THE SHARES OF THE LINK"

動議人 MOVED BY: 梁國雄 LEUNG Kwok-hung

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	23	
投票 Vote	22	22	
贊成 Yes	5	18	
反對 No	13	4	
棄權 Abstain	4	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
<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	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	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		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	反對 NO	劉江華 LAU Kong-wah	反對 NO
劉健儀 Miriam LAU	棄權 ABSTAIN	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	
李鳳英 LI Fung-ying	棄權 ABSTAIN	陳偉業 Albert CHAN	贊成 YES
張宇人 Tommy CHEUNG	棄權 ABSTAIN	馮檢基 Frederick FUNG	贊成 YES
方剛 Vincent FANG	棄權 ABSTAIN	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	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	贊成 YES
詹培忠 CHIM Pui-chung		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	
陳茂波 Paul CHAN	反對 NO	何秀蘭 Cyd HO	
陳健波 CHAN Kin-por	反對 NO	李慧琼 Starry LEE	反對 NO
梁家驩 Dr LEUNG Ka-lau	贊成 YES	陳克勤 CHAN Hak-kan	
張國柱 CHEUNG Kwok-che		陳淑莊 CHAN Tanya	贊成 YES
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
潘佩珍 Dr PAN Pey-chyou		黃國健 WONG Kwok-kin	
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	贊成 YES
譚偉豪 Dr Samson TAM		葉劉淑儀 Mrs Regina IP	

投票 VOTE: 5  
 日期 DATE: 17/12/2008  
 時間 TIME: 08:06:02 下午pm

動議 MOTION: 「回購領匯股份」議案  
 MOTION ON "BUYING BACK THE SHARES OF THE LINK"

動議人 MOVED BY: 梁家驊 Dr LEUNG Ka-lau

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	23	
投票 Vote	22	22	
贊成 Yes	9	18	
反對 No	13	4	
棄權 Abstain	0	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
<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	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	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		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	反對 NO	劉江華 LAU Kong-wah	反對 NO
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	
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	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	贊成 YES
詹培忠 CHIM Pui-chung		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	
陳茂波 Paul CHAN	反對 NO	何秀蘭 Cyd HO	
陳健波 CHAN Kin-por	反對 NO	李慧琼 SHARRY LEE	反對 NO
梁家驊 Dr LEUNG Ka-lau	贊成 YES	陳克勤 CHAN Hak-kan	
張國柱 CIIEUNG Kwok-che		陳淑莊 CHAN Tanya	贊成 YES
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	
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	贊成 YES
譚偉豪 Dr Samson TAM		葉劉淑儀 Mrs Regina IP	