

# LEGISLATIVE COUNCIL

## MINUTES

### No. 14

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**Minutes of the meeting held on Wednesday 14 January 2009 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

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 LAU Kong-wah, JP

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

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

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-yee, GBS, JP

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun

Dr the Hon Samson TAM Wai-ho, JP

**Members absent:**

The Hon Fred LI Wah-ming, JP

The Hon WONG Yung-kan, SBS, JP

**Public officers attending:**

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

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

The Hon Ambrose LEE Siu-kwong, IDSM, JP  
Secretary for Security

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

The Hon TSANG Tak-sing, JP  
Secretary for Home Affairs

The Hon Matthew CHEUNG Kin-chung, GBS, JP  
Secretary for Labour and Welfare

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)

## **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. Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedule 1) Order 2009 (gazetted on 9.1.2009)                       | 4/2009          |
| 2. Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) (Amendment) Order 2009 (gazetted on 9.1.2009) | 5/2009          |
| 3. Independent Police Complaints Council Ordinance (Commencement) Notice (gazetted on 9.1.2009)   | 6/2009          |
| 4. Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2008 (Commencement) Notice (gazetted on 9.1.2009)            | 7/2009          |

## **Other Papers**

- No. 54 - Report by the Commissioner of Correctional Services of Hong Kong Incorporated on the Administration of the Correctional Services Department Welfare Fund for the year ended 31 March 2008 (published on 9.1.2009)
- No. 55 - Hospital Authority Annual Report 2007-2008 (published on 12.1.2009)
- No. 56 - Samaritan Fund  
Statement of Accounts, Report of the Director of Audit on the Statement and Report on the Samaritan Fund for the year ended 31 March 2008 (published on 12.1.2009)
- No. 57 - Legal Aid Services Council 2007-2008 Annual Report (published on 14.1.2009)

## **Questions**

1. Hon Emily LAU asked Question 1.

The Secretary for Constitutional and Mainland Affairs replied.

A Member asked a supplementary question and the Secretary for Constitutional and Mainland Affairs replied.

After Hon WONG Yuk-man had asked his supplementary question, the President asked him to sit down and reminded him and other Members that according to the Rules of Procedure, they should not make arguments and use offensive language when asking supplementaries.

The Secretary for Constitutional and Mainland Affairs replied.

Two Members asked supplementary questions and the Secretary for Constitutional and Mainland Affairs replied.

While Hon Albert CHAN was asking his supplementary question, the President asked him not to use derogatory language to address the public officer. Hon Albert CHAN continued to ask his supplementary question. While the Secretary for Constitutional and Mainland Affairs was replying to his supplementary question, Hon Albert CHAN stood up to speak. The President asked him to sit down and stop speaking. Hon Albert CHAN left the Chamber.

The Secretary for Constitutional and Mainland Affairs continued to reply.

2. Dr Hon LAM Tai-fai asked Question 2.

The Secretary for Home Affairs replied.

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

3. Hon Paul TSE asked Question 3.

The Secretary for Commerce and Economic Development replied.

Five Members asked supplementary questions. The Secretary for Home Affairs and the Secretary for Commerce and Economic Development replied.

4. Hon Alan LEONG asked Question 4.

The Secretary for Constitutional and Mainland Affairs replied.

Three Members asked supplementary questions. The Secretary for Constitutional and Mainland Affairs and the Secretary for Security replied.

5. Hon WONG Sing-chi asked Question 5.

The Secretary for Home Affairs replied.

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

6. Dr Hon Joseph LEE asked Question 6.

The Secretary for Security replied.

Dr Hon Joseph LEE declared that he was a member of the Independent Police Complaints Council and then asked a supplementary question. The Secretary for Security replied.

Four other Members asked supplementary questions and the Secretary for Security replied.

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

### **Members' Motions**

#### Formulating a comprehensive elderly policy

Hon CHEUNG Kwok-che moved the following motion and addressed the Council:

That, given the trend of an ageing population, the Government estimates that elderly people aged 65 and above in 2036 will constitute 27% of the total population and amount to over two million; as the services in areas such as welfare, housing, medical and health care as well as life development currently provided by the Government for the elderly are insufficient to cater for the overall needs of the elderly in various aspects, coupled with the fact that at present the majority of the elderly people do not have full retirement protection, this Council urges the Government to consolidate the various existing elderly services and coordinate the relevant bureaux and executive departments to formulate a comprehensive and forward-looking elderly policy which, apart from catering for their physical and psychological needs, provides the elderly with more opportunities to enable them to actively participate in social building and continue to contribute to the community, so as to provide "golden twilight years" for the increasingly sizeable elderly population.

While Hon CHEUNG Kwok-che was addressing the Council, the President left the chair at 1:09 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon CHEUNG Kwok-che's motion proposed.

The President's Deputy stated that four Members would 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 TAM Yiu-chung, Hon WONG Kwok-hing, Hon WONG Sing-chi and Hon Frederick FUNG, who would move amendments to the motion, spoke on the motion and their own amendments.

The Secretary for Labour and Welfare spoke on the motion and the amendments.

Four Members and Hon Tommy CHEUNG spoke on the motion and the amendments.

At 2:37 pm, while Hon Tommy CHEUNG was speaking, the President resumed the chair.

Nine other Members spoke on the motion and the amendments.

Hon CHEUNG Kwok-che spoke on the amendments.

The Secretary for Labour and Welfare spoke again.

Hon TAM Yiu-chung moved the following amendment to Hon CHEUNG Kwok-che's motion:

To delete “, given the trend of an ageing population,” after “That”; to delete “as” after “over two million;” and substitute with “however;”; to delete “overall” after “insufficient to cater for the”; to add “rendering it unable to cope with the trend of an ageing population,” after “retirement protection;”; to delete “, apart from catering” after “forward-looking elderly policy which” and substitute with “includes: (a) reviewing the various measures for elderly healthcare vouchers, including the registration procedure, publicity and promotion, etc; increasing the value of elderly healthcare vouchers to \$1,000 per elderly person per year and lowering the eligible age to 65; (b) urging the MTR Corporation to reinstate fare concessions to the elderly on Sundays and make it a permanent measure; urging franchised bus companies to implement fare concessions to the elderly on holidays on a permanent basis; (c) comprehensively reviewing the policy on Old Age Allowance (“OAA”) and Comprehensive Social Security Assistance (“CSSA”) payments for the elderly, abolishing the absence limit for OAA; introducing an “elderly maintenance grant scheme” for elderly persons aged over 60 who are ineligible for CSSA; allowing the elderly to receive Disability Allowance and OAA concurrently, so as to more comprehensively safeguard the basic needs of the elderly; (d) providing sound primary healthcare services for the elderly, and promoting a positive and healthy lifestyle among them; (e) reducing the burden of medical expenses on the elderly; reducing public medical fees for the elderly by half; establishing an elderly dental care scheme; (f) increasing the places in subvented residential care homes for the elderly, and improving various community-based elderly care services; (g) providing a favourable living environment for the elderly, including implementing “barrier-free” designs for the elderly in public places, and introducing a subsidy scheme for providing additional barrier-free facilities to allow easy access for the elderly; (h) proactively advocating a proper perspective about the elderly, and encouraging public and private organizations to make good use of the knowledge and experience of the elderly; and (i) promoting “lifelong learning” to enrich the lives of the elderly, so as to cater”; to delete “, provides” after “physical and psychological needs” and substitute with “and provide”; to delete “so as to provide” after “contribute to the community,” and substitute with “thus providing”; and to delete “increasingly sizeable elderly population” after ““golden twilight years” for the” and substitute with “elderly”.

Question on Hon TAM Yiu-chung's amendment to Hon CHEUNG Kwok-che's motion proposed, put and agreed to.

As Hon TAM Yiu-chung's amendments 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 CHEUNG Kwok-che's motion as amended by Hon TAM Yiu-chung:

To add “; such a comprehensive elderly policy should also basically cover the following: (a) conducting extensive consultation on the elderly policy by comprehensively collecting the views of the elderly, deputations and service organizations, and formulating a comprehensive and forward-looking elderly policy, improvement measures and implementation timetable on the basis of such consultation; (b) drawing up an integrated retirement protection plan to benefit all the people of Hong Kong; (c) launching various measures to encourage children to live with their elderly parents, such as expanding the schemes to foster harmonious families in public rental housing and providing home purchase assistance and loan schemes, etc, so as to advocate the spirit of respecting and caring for the elderly; (d) relaxing the requirement for elderly persons to apply for CSSA on a household basis, and ensuring that CSSA and allowances can meet the basic needs of the elderly; (e) allocating additional resources to improve elderly services at the community level, including increasing the number of elderly centres across the territory, increasing the places for the Integrated Home Care Services, and providing diversified district services; (f) studying the provision of comprehensive financial planning, management and services for the elderly; and (g) formulating comprehensive, proactive and forward-looking hospice care services” immediately before the full stop.

Question on Hon WONG Kwok-hing's amendment to Hon CHEUNG Kwok-che's motion as amended by Hon TAM Yiu-chung proposed, put and agreed to.

As Hon TAM Yiu-chung's and Hon WONG Kwok-hing's amendments had been passed, the President granted leave for Hon WONG Sing-chi to revise the terms of his amendment.

Hon WONG Sing-chi moved the following further amendment to Hon CHEUNG Kwok-che's motion as amended by Hon TAM Yiu-chung and Hon WONG Kwok-hing:

To add “; in addition, with the post war baby boom generation advancing into old age, the population will start to age rapidly within the next few years, as it is doubtful whether welfare, medical and healthcare services, etc are sustainable in the long run given an ageing population, coupled with the fact that the policies and services concerning retirement and employment fail to take into account those elderly persons who wish to continue to work, this Council urges the Government to adopt the following strategic measures: (a) setting up an “Old Age Reserve Fund” to ensure that there is sufficient public expenditure to maintain various welfare benefits and services for the elderly when the population is aged after 2011; (b) reviewing the employment policy and services, and legislating against age discrimination to safeguard equal employment opportunities for the aged population; and (c) revamping the healthcare financing system, etc to ensure the long-term sustainability of welfare benefits and public services relating to the elderly” immediately before the full stop.

Question on Hon WONG Sing-chi's amendment to Hon CHEUNG Kwok-che's motion as amended by Hon TAM Yiu-chung and Hon WONG Kwok-hing 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, 24 were present, 10 were in favour of the amendment, six against it and eight abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 15 were in favour of the amendment and six abstained. (Voting record in the Appendix.) 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 TAM Yiu-chung's and Hon WONG Kwok-hing's amendments had been passed earlier, the President granted leave for Hon Frederick FUNG to revise the terms of his amendment.

Hon Frederick FUNG moved the following further amendment to Hon CHEUNG Kwok-che's motion as amended by Hon TAM Yiu-chung and Hon WONG Kwok-hing:

To add “; this Council also urges the Government to expeditiously implement the recommendations made by the Legislative Council Subcommittee to Study the Subject of Combating Poverty in its Report on Elderly in Poverty and the recommendations on elderly issues put forward in the Report of the Commission on Poverty” immediately before the full stop.

Question on Hon Frederick FUNG's amendment to Hon CHEUNG Kwok-che's motion as amended by Hon TAM Yiu-chung and Hon WONG Kwok-hing proposed, put and agreed to.

Hon CHEUNG Kwok-che replied.

Question on Hon CHEUNG Kwok-che's motion as amended by Hon TAM Yiu-chung, Hon WONG Kwok-hing and Hon Frederick FUNG put and agreed to.

#### Establishing an independent statutory Office of the Health Service Ombudsman

Hon Andrew CHENG moved the following motion and addressed the Council:

That, given the current lack of a uniform and credible mechanism for handling health service complaints from members of the public, this Council urges the Administration to, without violating the principle of professional autonomy, establish an independent statutory Office of the Health Service Ombudsman to receive complaints concerning health service from the public, investigate and conciliate complaints as well as handle compensation matters under a uniform mechanism, so as to ensure that complaints targeting at health service are properly handled, and thereby improving the quality of health service.

Question on Hon Andrew CHENG's motion proposed.

The President stated that Hon CHAN Hak-kan would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Hon CHAN Hak-kan moved the following amendment to Hon Andrew CHENG's motion and addressed the Council:

To delete “, given the” after “That” and substitute with “medical incidents have occurred frequently in recent years, but there is a”; to delete “and” after “lack of a uniform” and substitute with “,”; to add “and highly transparent” after “credible”; to add “causing the public to feel helpless;” after “members of the public,”; to add “, also inform complainants of the investigation outcome within a reasonable time frame and regularly announce to the community the situation regarding handling of medical complaints” after “a uniform mechanism”; and to add “and transparency in the handling of complaints is enhanced” after “handled”.

Question on Hon CHAN Hak-kan's amendment to Hon Andrew CHENG's motion proposed.

The Secretary for Food and Health spoke on the motion and the amendment.

Six Members spoke on the motion and the amendment.

Dr Hon LEUNG Ka-lau declared that currently he was still working in the Hospital Authority but he did not represent the Authority to speak. He then spoke on the motion and the amendment.

Twelve more Members spoke on the motion and the amendment.

Hon Andrew CHENG spoke on the amendment.

The Secretary for Food and Health spoke again.

Question on Hon CHAN Hak-kan's amendment to Hon Andrew CHENG's motion put and agreed to.

Hon Andrew CHENG replied.

Question on Hon Andrew CHENG's motion as amended by Hon CHAN Hak-kan put and agreed to.

**Next meeting**

The President declared that the next meeting of the Council would be held on 15 January 2009 at 3:00 pm.

The Council was adjourned at 7:05 pm.

(Jasper TSANG Yok-sing)  
President  
26 February 2009

Council Chamber  
Hong Kong

投票 VOTE: 1  
日期 DATE: 14/01/2009  
時間 TIME: 04:00:58 下午pm

動議 MOTION: 黃成智議員對張國柱議員就「訂立全面老人政策」所提，經譚耀宗議員及王國興議員修正的議案，作出的修正案  
AMENDMENT BY HON WONG SING-CHI TO HON CHEUNG KWOK-CHE'S MOTION ON "FORMULATING A COMPREHENSIVE ELDERLY POLICY" AS AMENDED BY HON TAM YIU-CHUNG AND HON WONG KWOK-HING

動議人 MOVED BY: 黃成智 WONG Sing-chi

|            | 功能團體<br>Functional Constituencies | 地方選區<br>Geographical Constituencies | 最後結果<br>Final Result |
|------------|-----------------------------------|-------------------------------------|----------------------|
| 出席 Present | 24                                | 22                                  |                      |
| 投票 Vote    | 24                                | 21                                  |                      |
| 贊成 Yes     | 10                                | 15                                  |                      |
| 反對 No      | 6                                 | 0                                   |                      |
| 棄權 Abstain | 8                                 | 6                                   |                      |
| 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<br>MEMBER                   | 投票<br>VOTE | 議員<br>MEMBER                     | 投票<br>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                    |            |
| 吳靄儀 Dr Margaret NG             | 贊成 YES     | 李卓人 LEE Cheuk-yan                |            |
| 張文光 CHEUNG Man-kwong           | 贊成 YES     | 李華明 Fred LI                      |            |
| 梁劉柔芬 Mrs Sophie LEUNG          | 反對 NO      | 涂謹申 James TO                     |            |
| 黃宜弘 Dr Philip WONG             | 棄權 ABSTAIN | 陳鑑林 CHAN Kam-lam                 | 棄權 ABSTAIN |
| 黃容根 WONG Yung-kan              |            | 梁耀忠 LEUNG Yiu-chung              | 贊成 YES     |
| 劉皇發 LAU Wong-fat               | 棄權 ABSTAIN | 劉江華 LAU Kong-wah                 |            |
| 劉健儀 Miriam LAU                 | 棄權 ABSTAIN | 劉慧卿 Emily LAU                    | 贊成 YES     |
| 霍震霆 Timothy FOK                | 棄權 ABSTAIN | 鄭家富 Andrew CHENG                 | 贊成 YES     |
| 石禮謙 Abraham SHEK               | 贊成 YES     | 譚耀宗 TAM Yiu-chung                | 棄權 ABSTAIN |
| 李鳳英 Li Fung-ying               | 贊成 YES     | 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                |            | 余若薇 Audrey EU                    | 贊成 YES     |
| 李國麟 Dr Joseph LEE              |            | 王國興 WONG Kwok-hing               | 贊成 YES     |
| 林健鋒 Jeffrey LAM                | 反對 NO      | 李永達 LEE Wing-tat                 |            |
| 梁君彥 Andrew LEUNG               | 反對 NO      | Alan LEONG                       | 贊成 YES     |
| 黃定光 WONG Ting-kwong            | 棄權 ABSTAIN | 梁國雄 LEUNG Kwok-hung              |            |
| 詹培忠 CHIM Pui-chung             | 贊成 YES     | 張學明 CHEUNG Hok-ming              | 棄權 ABSTAIN |
| 劉秀成 Prof Patrick LAU           | 贊成 YES     | 湯家驊 Ronny TONG                   | 贊成 YES     |
| 林大輝 Dr LAM Tai-fai             |            | 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               | 反對 NO      | 李慧琼 Starry LEE                   | 棄權 ABSTAIN |
| 梁家驛 Dr LEUNG Ka-lau            | 棄權 ABSTAIN | 陳克勤 CHAN Hak-kan                 | 棄權 ABSTAIN |
| 張國柱 CHEUNG Kwok-che            | 贊成 YES     | 陳淑莊 Tanya CHAN                   | 贊成 YES     |
| 葉偉明 IP Wai-ming                | 贊成 YES     | 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           | 贊成 YES     | 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               | 棄權 ABSTAIN |

秘書 CLERK