

LEGISLATIVE COUNCIL

MINUTES

No. 23

**Minutes of the meeting held on Wednesday 1 April 2009 at 11:00 am
and Thursday 2 April 2009 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 (absent on 2.4.2009)

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 (absent on 1.4.2009)

The Hon WONG Yung-kan, SBS, JP (absent on 2.4.2009)

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 (absent on 2.4.2009)

The Hon TAM Yiu-chung, GBS, JP

The Hon Abraham SHEK Lai-him, SBS, JP

The Hon LI Fung-ying, BBS, JP (absent on 2.4.2009)

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 (absent on 2.4.2009)

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 CHAN Kin-por, JP

The Hon Tanya CHAN (absent on 2.4.2009)

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

Member absent:

The Hon Paul CHAN Mo-po, MH, JP

Public officers attending:

On 1.4.2009 and 2.4.2009

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

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

On 1.4.2009

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

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

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

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

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

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

On 2.4.2009

The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Education

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

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

The Hon Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Raymond TAM Chi-yuen, JP
Under Secretary for Constitutional and Mainland Affairs

Clerks in attendance:

On 1.4.2009

Ms Pauline NG Man-wah, Secretary General

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

On 2.4.2009

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

Mrs Percy MA, Assistant Secretary General (Special Duties)

On 1.4.2009 and 2.4.2009

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. Building (Minor Works) Regulation (gazetted on 27.3.2009)	51/2009
2. Addiction Treatment Centre (Consolidation) (Amendment) Order 2009 (gazetted on 27.3.2009)	52/2009
3. Detention Centre (Consolidation) (Amendment) Order 2009 (gazetted on 27.3.2009)	53/2009
4. Prisons (Amendment) Order 2009 (gazetted on 27.3.2009)	54/2009
5. Rehabilitation Centres (Appointment) (Amendment) Order 2009 (gazetted on 27.3.2009)	55/2009
6. Training Centre (Consolidation) (Amendment) Declaration 2009 (gazetted on 27.3.2009)	56/2009
7. Education Ordinance (Amendment of Schedule 3) Notice 2009 (gazetted on 27.3.2009)	57/2009

Other Papers

- No. 77 - The Financial Reporting Council Annual Report 2008 (published on 25.3.2009)
- No. 78 - Audited Statement of Accounts together with the Director of Audit's Report of the Hong Kong Rotary Club Students' Loan Fund for the year ended 31 August 2008 (published on 26.3.2009)
- No. 79 - Audited Statement of Accounts together with the Director of Audit's Report of the Sing Tao Foundation Students' Loan Fund for the year ended 31 August 2008 (published on 26.3.2009)

Questions

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

Bill

Second Reading

Appropriation Bill 2009

The debate on the motion for the Second Reading which had been moved on 25 February 2009 resumed, in accordance with Rule 67(2) of the Rules of Procedure.

Ten Members and Hon LEUNG Yiu-chung spoke on the motion.

While Hon LEUNG Yiu-chung was speaking, the President left the chair at 1:19 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Five other Members and Hon Fred LI spoke on the motion.

At 2:36 pm, while Hon Fred LI was speaking, the President resumed the chair.

Ten more Members and Hon WONG Ting-kwong spoke on the motion.

While Hon WONG Ting-kwong was speaking, the President left the chair at 5:11 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Prof Hon Patrick LAU spoke on the motion.

At 5:24 pm, while Prof Hon Patrick LAU was speaking, the President resumed the chair.

Hon LEUNG Kwok-hung spoke on the motion.

After Hon LEUNG Kwok-hung had finished his speech, the President stated that he would make a ruling on an expression used by Hon LEUNG Kwok-hung towards the end of his speech, which had caused great controversies in and outside the Council over the past week. The President further stated that he understood that Hon LEUNG Kwok-hung and some other Members felt strongly about that expression being considered as foul language or vulgar language by other people. In determining whether an expression was unparliamentary, the line should not be drawn at whether the expression was foul language or not. Furthermore, the Council should not engage in protracted debates on whether or not certain expressions were foul language. The President then stated that having considered the reaction of all sides, he ruled that the expression used by Hon LEUNG Kwok-hung was unparliamentary and should not be used in the Council again.

Hon Albert CHAN sought elucidation from the President on his ruling. The President responded that he did not make a ruling on whether the said expression was foul language.

With the President's permission, Hon WONG Kwok-hing clarified the part of his earlier speech which he considered had been misunderstood by Hon LEUNG Kwok-hung.

Two more Members spoke on the motion.

The President suspended the meeting at 6:27 pm.

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The Council resumed at 9:00 am on 2 April 2009 and continued to debate the motion for the Second Reading of the Appropriation Bill 2009.

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

Fifteen Members and Hon Emily LAU spoke on the motion.

While Hon Emily LAU was speaking, the President left the chair at 12:29 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another Member and Hon IP Kwok-him spoke on the motion.

At 12:53 pm, while Hon IP Kwok-him was speaking, the President resumed the chair.

Seven more Members spoke on the motion.

Hon Miriam LAU moved that the debate on the motion be adjourned to the meeting to be held on 22 April 2009.

Question on the motion proposed, put and agreed to.

Members' Motions

Proposed resolutions under the Interpretation and General Clauses Ordinance

1. The Independent Police Complaints Council Ordinance (Commencement) (No. 2) Notice 2009

Hon Miriam LAU moved the following motion and spoke on the motion:

RESOLVED that in relation to the Independent Police Complaints Council Ordinance (Commencement) (No. 2) Notice 2009, published in the Gazette as Legal Notice No. 36 of 2009 and laid on the table of the Legislative Council on 18 March 2009, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 6 May 2009.

Question on the motion proposed, put and agreed to.

2. The Public Revenue Protection Order 2009

Hon Albert CHAN moved the following motion and spoke on the motion:

RESOLVED that the Public Revenue Protection Order 2009, published in the Gazette as Legal Notice No. 27 of 2009 and laid on the table of the Legislative Council on 4 March 2009, be repealed.

Question on the motion proposed.

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

Fourteen Members spoke on the motion.

The Secretary for Food and Health and the Secretary for Financial Services and the Treasury spoke again.

Hon Albert CHAN replied.

Question on the motion put.

Hon Albert CHAN claimed a division. The President then ordered the Council to proceed to a division under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 15 were present, 13 against the motion and two abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, four were in favour of the motion, 19 against it and one 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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 22 April 2009 at 11:00 am.

The Council was adjourned at 6:00 pm.

(Jasper TSANG Yok-sing)
President
12 May 2009

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 02/04/2009
時間 TIME: 05:59:55 下午pm

動議 MOTION: 廢除《2009年公共收入保障令》的決議案
PROPOSED RESOLUTION TO REPEAL THE PUBLIC REVENUE PROTECTION ORDER 2009

動議人 MOVED BY: 陳偉業 Albert CHAN

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	15	25	
投票 Vote	15	24	
贊成 Yes	0	4	
反對 No	13	19	
棄權 Abstain	2	1	
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
功能團體 Functional Constituencies				地方選區 Geographical Constituencies			
何鍾泰	Dr Raymond HO	反對	NO	曾鈺成	TSANG Yok-sing	出席	PRESENT
李國寶	Dr David LI			何俊仁	Albert HO	反對	NO
吳靄儀	Dr Margaret NG	反對	NO	李卓人	LEE Cheuk-yan		
張文光	CHEUNG Man-kwong	反對	NO	李華明	Fred LI	反對	NO
梁劉柔芬	Mrs Sophie LEUNG			涂謹申	James TO	反對	NO
黃宜弘	Dr Philip WONG	反對	NO	陳靈林	CHAN Kam-lam	反對	NO
黃容根	WONG Yung-kan			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			鄭家富	Andrew CHENG	反對	NO
石禮謙	Abraham SHEK	反對	NO	譚耀宗	TAM Yiu-chung	反對	NO
李鳳英	LI Fung-ying			陳偉業	Albert CHAN	贊成	YES
張宇人	Tommy CHEUNG			馮檢基	Frederick FUNG	反對	NO
方剛	Vincent FANG			余若薇	Audrey EU	反對	NO
李國麟	Dr Joseph LEE	反對	NO	王國興	WONG Kwok-hing		
林健鋒	Jeffrey LAM	反對	NO	李永達	LEE Wing-tat	反對	NO
梁君彥	Andrew LEUNG			梁家傑	Alan LEONG	反對	NO
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			湯家驊	Ronny TONG	反對	NO
林大輝	Dr LAM Tai-fai			甘乃威	KAM Nai-wai	反對	NO
陳茂波	Paul CHAN			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	反對	NO	陳淑莊	Tanya CHAN		
葉偉明	IP Wai-ming	棄權	ABSTAIN	梁美芬	Dr Priscilla LEUNG	反對	NO
葉國謙	IP Kwok-him	反對	NO	黃成智	WONG Sing-chi	反對	NO
潘佩璆	Dr PAN Pey-chyou	棄權	ABSTAIN	黃國健	WONG Kwok-kin	棄權	ABSTAIN
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