

# LEGISLATIVE COUNCIL

## MINUTES

No. 32

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**Minutes of the meeting held on Wednesday 10 June 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

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 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

**Public officers attending:**

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

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

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

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

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

The Hon 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)

## **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. Industrial Training (Clothing Industry) Ordinance (Amendment of Schedule 1) Order 2009 (gazetted on 5.6.2009)	118/2009
2. Air Pollution Control (Specified Processes) (Amendment) Regulation 2009 (gazetted on 5.6.2009)	119/2009
3. Land Survey (Fees) (Amendment) Regulation 2009 (gazetted on 5.6.2009)	120/2009
4. Airport Authority Ordinance (Map of Restricted Area) (Amendment) Order 2009 (gazetted on 5.6.2009)	121/2009

## **Questions**

1. Hon Emily LAU asked Question 1.

The Secretary for Labour and Welfare replied.

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

2. Hon Paul TSE asked Question 2.

The Secretary for Commerce and Economic Development replied.

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

3. Hon Frederick FUNG asked Question 3.

The Secretary for the Environment replied.

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

While Hon CHAN Kin-por was asking his supplementary question, a man in the Public Gallery stood up and took out a mask and some sheets of paper. The man then tore these sheets of paper, and threw them and the mask off the railing. The President ordered that the man be removed immediately. The man took out a paper cutter and confronted the security staff. The President then suspended the meeting at 11:58 pm.

The Council resumed at 12:03 pm.

Hon CHAN Kin-por continued to ask his supplementary question and the Secretary for the Environment replied.

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

4. Hon CHEUNG Hok-ming asked Question 4.

The Secretary for Transport and Housing replied.

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

5. Hon Tanya CHAN asked Question 5.

The Secretary for Development replied.

Six Members asked supplementary questions and the Secretary for Development replied.

6. Hon LAU Kong-wah asked Question 6.

The Secretary for Security replied.

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

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

## **Bills**

### First Reading

#### Supplementary Appropriation (2008-2009) Bill

The Bill was read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

### Second Reading

#### Supplementary Appropriation (2008-2009) Bill

The Secretary for Financial Services and the Treasury moved the Second Reading and spoke on the Bill.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

## **Members' Motions**

### Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Tommy CHEUNG moved the following motion and spoke on the motion:

RESOLVED that in relation to the Food Business (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 93 of 2009 and laid on the table of the Legislative Council on 13 May 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 8 July 2009.

Question on the motion proposed, put and agreed to.

### Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

Hon TAM Yiu-chung moved the motion in Appendix I and spoke on the motion.

Question on the motion proposed, put and agreed to.

Improving environmental hygiene in the community

Hon IP Kwok-him moved the following motion and spoke on the motion:

That, as the environmental hygiene conditions of some communities in Hong Kong are poor and hygiene blackspots are everywhere, which have aroused public concern, coupled with the threat of a new strain of influenza, this Council urges the Government to focus on the problem and take effective measures to ensure a clean community environment and enhance public awareness of hygiene, including:

- (a) formulating community environmental hygiene indices for the 18 districts to enable members of the public to understand the environmental hygiene conditions in various districts;
- (b) studying the provision of funds to District Councils to assist buildings without owners' corporations in carrying out work to eliminate hidden hygiene hazards in the communal areas of such buildings;
- (c) recruiting additional staff and enhancing the training for frontline personnel responsible for cleansing and epidemic prevention work, so as to ensure that the personal protection of frontline personnel is safeguarded and that public health and epidemic prevention work is effectively carried out;
- (d) organizing on a yearly and regular basis territory-wide clean housing estate competitions, and encouraging tenants of public housing as well as owners and management companies of private buildings to pay attention to environmental hygiene in housing estates;
- (e) initiating a territory-wide campaign on reporting hygiene blackspots;
- (f) by making reference to the arrangement of rest days for market cleansing, specifying a monthly cleansing day for households and communities across the territory, and through such activities, educating the public on the awareness of keeping their homes and the community clean;
- (g) setting up volunteer work teams in various districts to pay regular visits to the elderly who live alone to carry out cleansing work in their homes; and
- (h) stepping up hygiene education for the public, especially focusing on secondary and primary school students, so as to enable them to develop good hygiene habits from a young age.

While Hon IP Kwok-him was speaking, the President left the chair at 1:31 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.



Question on Hon IP Kwok-him's motion proposed.

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

Hon Fred LI and Hon Tommy CHEUNG, who would move amendments to the motion, spoke on the motion and the amendments.

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

Eight Members and Hon CHEUNG Hok-ming spoke on the motion and the amendments.

At 2:57 pm, while Hon CHEUNG Hok-ming was speaking, the President resumed the chair.

Two other Members spoke on the motion and the amendments.

Hon IP Kwok-him spoke on the amendments.

The Secretary for Food and Health spoke again.

Hon Fred LI moved the following amendment to Hon IP Kwok-him's motion:

To delete "as" after "That," and substitute with "with the implementation of clean-up campaigns in Hong Kong since the 1970s, the cityscape of Hong Kong has improved a lot; however,"; to add "still" after "some communities in Hong Kong are"; to delete "initiating a territory-wide campaign on reporting hygiene blackspots" after "(e)" and substitute with "continuing to organize territory-wide clean-up campaigns, and setting up internet and telephone complaint hotlines for members of the public to report hygiene blackspots in the territory"; to delete "and" after "cleansing work in their homes,"; and to add " (i) devolving to District Councils some of the decision-making powers on environmental hygiene affairs, including street cleansing, refuse disposal and recycling, etc, so as to effectively improve environmental hygiene in the community; and (j) reconsidering the resumption of the management right of private streets, so as to improve the standard of environmental hygiene in those areas" immediately before the full stop.

Question on Hon Fred LI's amendment to Hon IP Kwok-him's motion proposed, put and agreed to.

As Hon Fred LI's amendment had been passed, the President granted leave for Hon Tommy CHEUNG to revise the terms of his amendment.

Hon Tommy CHEUNG moved the following further amendment to Hon IP Kwok-him's motion as amended by Hon Fred LI, and explained the revised terms of his amendment to the Council:

To add “; and (k) ensuring, through lasting measures, that improvement to the hygiene conditions of these blackspots is sustained, so as to prevent the resurgence of hygiene problems” immediately before the full stop.

Question on Hon Tommy CHEUNG's amendment to Hon IP Kwok-him's motion as amended by Hon Fred LI proposed, put and agreed to.

Hon IP Kwok-him replied.

Question on Hon IP Kwok-him's motion as amended by Hon Fred LI and Hon Tommy CHEUNG 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 and 23 were in favour of the motion as amended; while among the Members returned by geographical constituencies through direct elections, 21 were present and 20 were in favour of the motion as amended. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, he declared that the motion as amended was passed.

#### Immediately reviewing the Pre-primary Education Voucher Scheme

Hon CHEUNG Man-kwong moved the following motion and spoke on the motion:

That, the Pre-primary Education Voucher Scheme, since its implementation in the 2007-2008 school year, has given rise to a number of problems, including the failure of the policy on fee remission which has rendered a number of parents having to pay higher school fees; moreover, the Administration has abolished the proposed pay scale for kindergarten teachers, resulting in the loss of salary protection for kindergarten teachers, who can hardly enjoy salary increase even after upgrading their qualifications, whereas pressure from work and studies has substantially increased; as the voucher system has aroused strong discontent among the early childhood education sector and parents of kindergarten children, this Council urges the Administration to immediately conduct a comprehensive review on the Pre-primary Education Voucher Scheme, including:

- (a) reviewing the Kindergarten Fee Remission Scheme and adjusting the level of fee remission in accordance with price indices, so as to ensure that low-income families receive appropriate assistance;
- (b) comprehensively reviewing the various subsidies for early childhood education institutions, including increasing the manpower and resources for whole-day kindergartens;
- (c) offering subsidies under the voucher scheme on a fair and equal basis so that all kindergarten children are benefited;
- (d) formulating a pay scale for kindergarten teachers which is commensurate with their qualifications, and directly subsidizing the remuneration of kindergarten teachers, so as to relieve the burden on parents; and
- (e) relieving the work pressure on kindergarten teachers, including simplifying the administrative work arising from self-evaluation, external evaluation and the voucher scheme, as well as providing sufficient support staff, etc.

Question on Hon CHEUNG Man-kwong's motion proposed.

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

Hon Starry LEE and Hon Tommy CHEUNG, who would move amendments to the motion, spoke on the motion and the amendments.

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

Five Members spoke on the motion and the amendments.

Hon Paul CHAN, who spoke on the motion and the amendments, declared that he was the Chairman of Friends of Caritas which was a school sponsoring body.

Ten other Members spoke on the motion and the amendments.

Hon CHEUNG Man-kwong spoke on the amendments.

The Secretary for Education spoke again.

With the President's permission, Hon Audrey EU explained a point she had made earlier which she considered to be misunderstood by the Secretary for Education.

Hon Starry LEE moved the following amendment to Hon CHEUNG Man-kwong's motion:

To add "the purpose of introducing the Pre-primary Education Voucher Scheme is to lessen the financial burden of parents and provide them with direct fee subsidy, but" after "That,"; to delete "in accordance with" after "the level of fee remission" and substitute with "with reference to the changes in"; to add "on an annual basis" after "price indices"; to delete "including" after "education institutions," and substitute with "as well as"; to delete "whole-day kindergartens" after "resources for" and substitute with "such institutions, so as to ensure the quality of early childhood education"; to add "and parents are free to choose the early childhood education institutions" after "benefited"; to delete "and" after "the burden on parents,"; and to add "; and (f) allowing kindergarten teachers who are still taking Certificate in Early Childhood Education courses at the end of the 2011-2012 school year to keep their teaching posts" immediately before the full stop.

Question on Hon Starry LEE's amendment to Hon CHEUNG Man-kwong's motion proposed, put and agreed to.

As Hon Starry LEE's amendment had been passed, the President granted leave for Hon Tommy CHEUNG to revise the terms of his amendment.

Hon Tommy CHEUNG moved the following further amendment to Hon CHEUNG Man-kwong's motion as amended by Hon Starry LEE, and explained the revised terms of his amendment to the Council:

To add "; (g) reviewing the mechanism under which kindergarten teachers are subsidized to pursue further studies, so that teachers working in independent private kindergartens or non-profit-making kindergartens which do not receive or cannot benefit from voucher subsidies and those working in kindergartens receiving voucher subsidies may enjoy the same opportunities and subsidies for further studies, thereby eliminating the unfair treatment faced by kindergarten teachers in receiving subsidies for further studies; (h) expeditiously resolving the discrepancies between the voucher system and the various fee subsidy schemes for child care centres and kindergartens, so as to avoid the problem of parents with financial difficulties having to pay higher school fees after the implementation of the voucher system; and (i) immediately reviewing the existing problem that the proportion of voucher subsidies received by students attending whole-day kindergartens is substantially lower than that received by students attending half-day kindergartens, as well as appropriately raising the proportion, so that parents of whole-day students can receive subsidies in a fair manner" immediately before the full stop.

Question on Hon Tommy CHEUNG's amendment to Hon CHEUNG Man-kwong's motion as amended by Hon Starry LEE proposed, put and agreed to.

Hon CHEUNG Man-kwong replied.

Question on Hon CHEUNG Man-kwong's motion as amended by Hon Starry LEE and Hon Tommy CHEUNG put and agreed to.

**Next meeting**

The President declared that the next meeting of the Council would be held on 17 June 2009 at 11:00 am.

The Council was adjourned at 6:49 pm.

(Jasper TSANG Yok-sing)  
President  
10 July 2009

Council Chamber  
Hong Kong

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF  
THE PEOPLE'S REPUBLIC OF CHINA

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**RESOLUTION**

(Under Article 75 of the Basic Law of the Hong Kong Special  
Administrative Region of the People's Republic of China)

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RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong  
Kong Special Administrative Region be amended —

- (a) in Rule 21(5), by repealing “laid on the Table of the Council, provided that the period (or any extended period) under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) for amendment of the subsidiary legislation” and substituting “(other than that subject to section 35 of the Interpretation and General Clauses Ordinance (Cap. 1)) or the instrument referred to in Rule 29(2)(b) (Notice of Motions and Amendments) which is laid on the Table of the Council, provided that the period (or any extended period) under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) or under any other statutory provision providing for amendment”;
- (b) in Rule 29 —
  - (i) in subrule (2), by repealing “subsidiary legislation which is subject to the provisions of section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall” and substituting —

“—

- (a) subsidiary legislation which is subject to section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) or any other Ordinance; or

- (b) any instrument (other than subsidiary legislation) in accordance with the Ordinance under which it is made,

shall”;

- (ii) in subrule (3), by repealing “referred to in section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to subsidiary legislation” and substituting “for amendment in accordance with section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) or the relevant provision in the Ordinance under which the subsidiary legislation or instrument referred to in subrule (2) is made”;
  - (iii) by repealing subrule (5);
- (c) in Rule 49(6) —
- (i) by repealing “on the Agenda of the Council (excluding motions referred to in Rule 29(3) (Notice of Motions and Amendments))” and substituting “or the instrument referred to in Rule 29(2)(b) (Notice of Motions and Amendments) on the Agenda of the Council (excluding motions referred to in Rule 29(3))”;
  - (ii) by adding “or the instrument” after “motions on subsidiary legislation”;
- (d) in Rule 73(1)(d), in the Chinese text, by repealing “道德” and substituting “操守”.

投票 VOTE: 1  
 日期 DATE: 10/06/2009  
 時間 TIME: 03:46:21 下午pm

動議 MOTION: 由葉國謙議員動議，經李華明議員及張宇人議員修正的「改善社區環境衛生」議案  
 MOTION MOVED BY HON IP KWOK-HIM ON "IMPROVING ENVIRONMENTAL HYGIENE IN THE COMMUNITY" AS AMENDED BY HON FRED LI AND HON TOMMY CHEUNG

動議人 MOVED BY: 葉國謙 IP Kwok-him

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	21	
投票 Vote	23	20	
贊成 Yes	23	20	
反對 No	0	0	
棄權 Abstain	0	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
<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	贊成 YES
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	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	贊成 YES	陳鑑林 CHAN Kam-lam	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	梁耀忠 LEUNG Yiu-chung	
劉皇發 LAU Wong-fat		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	贊成 YES	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	陳偉業 Albert CHAN	贊成 YES
張宇人 Tommy CHEUNG	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
方剛 Vincent FANG		余若薇 Audrey EU	
李國麟 Dr Joseph LEE	贊成 YES	王國興 WONG Kwok-hing	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	李永達 LEE Wing-tat	贊成 YES
梁君彥 Andrew LEUNG	贊成 YES	梁家傑 Alan LEONG	贊成 YES
黃定光 WONG Ting-kwong	贊成 YES	梁國雄 LEUNG Kwok-hung	
詹培忠 CHIM Pui-chung		張學明 CHEUNG Hok-ming	贊成 YES
劉秀成 Prof Patrick LAU		湯家驊 Ronny TONG	
林大輝 Dr LAM Tai-fai	贊成 YES	甘乃威 KAM Nai-wai	贊成 YES
陳茂波 Paul CHAN	贊成 YES	何秀蘭 Cyd HO	贊成 YES
陳健波 CHAN Kin-por		李慧琼 Starry LEE	贊成 YES
梁家駒 Dr LEUNG Ka-lau	贊成 YES	陳克勤 CHAN Hak-kan	贊成 YES
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 Tanya CHAN	贊成 YES
葉偉明 IP Wai-ming	贊成 YES	梁美芬 Dr Priscilla LEUNG	贊成 YES
葉國謙 IP Kwok-him	贊成 YES	黃成智 WONG Sing-chi	
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	
譚偉豪 Dr Samson TAM	贊成 YES	葉劉淑儀 Mrs Regina IP	

秘書 CLERK