

# LEGISLATIVE COUNCIL

## MINUTES

### No. 36

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**Minutes of the meeting held on Wednesday 8 July 2009 at 11:00 am  
and Thursday 9 July 2009 at 9:00 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, SBS, 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-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, SBS, 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, GBS, JP

The Hon WONG Ting-kwong, BBS, JP

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:**

On 8.7.2009 and 9.7.2009

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

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

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

Dr the Hon York CHOW Yat-ngok, GBS, 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

On 8.7.2009

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

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

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

On 9.7.2009

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:**

On 8.7.2009 and 9.7.2009

Ms Pauline NG Man-wah, Secretary General

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

On 8.7.2009

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

On 9.7.2009

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

Mrs Percy MA, Assistant Secretary General (Special Duties)

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

### **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. Karaoke Establishments (Fee Concessions) Regulation 2009 (gazetted on 26.6.2009)	135/2009
2. Road Traffic (Motor Vehicle Licence Fee Concessions) Regulation 2009 (gazetted on 26.6.2009)	136/2009
3. Travel Agents (Fee Concessions) Regulation 2009 (gazetted on 26.6.2009)	137/2009
4. Rating (Exemption) (No. 2) Order 2009 (gazetted on 26.6.2009)	138/2009
5. Revenue (Reduction of Business Registration Fees) Order 2009 (gazetted on 26.6.2009)	139/2009
6. Dutiable Commodities (Liquor Licence Fee Concessions) Regulation 2009 (gazetted on 26.6.2009)	140/2009
7. Merchant Shipping (Local Vessels) (Fee Concessions) Regulation 2009 (gazetted on 26.6.2009)	141/2009
8. Places of Public Entertainment (Fee Concessions) Regulation 2009 (gazetted on 26.6.2009)	142/2009
9. Road Traffic (Passenger Service Licence Fee Concessions) Regulation 2009 (gazetted on 26.6.2009)	143/2009
10. Schedule of Routes (Citybus Limited) Order 2009 (gazetted on 3.7.2009)	150/2009
11. Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2009 (gazetted on 3.7.2009)	151/2009

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| 12. | Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2009 (gazetted on 3.7.2009)  | 152/2009 |
| 13. | Schedule of Routes (Long Win Bus Company Limited) Order 2009 (gazetted on 3.7.2009)  | 153/2009 |
| 14. | Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2009 (gazetted on 3.7.2009)   | 154/2009 |
| 15. | Schedule of Routes (New World First Bus Services Limited) Order 2009 (gazetted on 3.7.2009)  | 155/2009 |
| 16. | Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) (Amendment) Regulation 2009 (gazetted on 3.7.2009)   | 156/2009 |
| 17. | Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2009 (gazetted on 3.7.2009) | 157/2009 |
| 18. | Electoral Affairs Commission (Registration of Electors) (Village Representative Election) (Amendment) Regulation 2009 (gazetted on 3.7.2009)   | 158/2009 |
| 19. | Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2009 (gazetted on 3.7.2009)   | 159/2009 |
| 20. | Smoking (Public Health) (Designation of No Smoking Areas) Notice (gazetted on 3.7.2009)  | 160/2009 |
| 21. | Travel Agents Ordinance (Specification of Fund Levy) (Amendment) Notice 2009 (gazetted on 3.7.2009)  | 161/2009 |
| 22. | Voting by Imprisoned Persons Ordinance (Commencement) Notice 2009 (gazetted on 3.7.2009)   | 162/2009 |

Other Papers

- No. 100 - Clothing Industry Training Authority Annual Report 2008 (published on 30.6.2009)

- No. 101 - Hong Kong Trade Development Council Annual Report 2008/09 (published on 2.7.2009)
- No. 102 - Report by the Commissioner of Correctional Services on the Administration of the Prisoners' Welfare Fund and the signed and audited financial statements for the year ended 31 March 2009 together with the Report of the Director of Audit (published on 2.7.2009)
- No. 103 - Construction Industry Council Annual Report 2008 (published on 2.7.2009)
- No. 104 - Hong Kong Export Credit Insurance Corporation 2008-09 Annual Report (published on 2.7.2009)
- No. 105 - Sir Robert Black Trust Fund  
Report of the Trustee on the administration of the Fund for the year ended 31 March 2009 and the signed and audited financial statements together with the Report of the Director of Audit (published on 6.7.2009)
- No. 106 - J.E. Joseph Trust Fund  
Report of the Trustee and the signed and audited financial statements together with the Report of the Director of Audit for the period from 1 April 2008 to 31 March 2009 (published on 6.7.2009)
- No. 107 - Kadoorie Agricultural Aid Loan Fund  
Report of the Trustee and the signed and audited financial statements together with the Report of the Director of Audit for the period from 1 April 2008 to 31 March 2009 (published on 6.7.2009)
- No. 108 - Sir David Trench Fund for Recreation Trustee's Report 2008-2009 (published on 7.7.2009)
- No. 109 - The 21st Issue Annual Report of The Ombudsman, Hong Kong (June 2009) (published on 8.7.2009)
- No. 110 - Securities and Futures Commission Annual Report 2008-09 (published on 8.7.2009)
- No. 111 - Report of the Independent Police Complaints Council 2008 (published on 8.7.2009)
- No. 112 - Report of the Public Accounts Committee on Report No. 52 of the Director of Audit on the Results of Value for Money Audits (July 2009 - P.A.C. Report No. 52) (published on 8.7.2009)

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region - Progress Report for the 2008-2009 session (October 2008 to June 2009) (published on 7.7.2009)

Report of the Panel on Manpower 2008-2009 (published on 6.7.2009)

Report of the Panel on Commerce and Industry 2008-2009 (published on 7.7.2009)

Report of the Panel on Public Service 2008-2009 (published on 7.7.2009)

Report of the Panel on Administration of Justice and Legal Services 2008-2009 (published on 6.7.2009)

Report of the Panel on Home Affairs 2008-2009 (published on 3.7.2009)

Report of the Panel on Transport 2008-2009 (published on 7.7.2009)

Report of the Panel on Constitutional Affairs 2008-2009 (published on 6.7.2009)

Report of the Panel on Financial Affairs 2008-2009 (published on 3.7.2009)

Report of the Panel on Development 2008-2009 (published on 6.7.2009)

Report of the Panel on Information Technology and Broadcasting 2008-2009 (published on 6.7.2009)

Report of the Panel on Economic Development 2008-2009 (published on 7.7.2009)

Report of the Panel on Health Services 2008-2009 (published on 7.7.2009)

Report of the Panel on Environmental Affairs 2008-2009 (published on 6.7.2009)

Report of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) Bill 2009 (published on 29.6.2009)

## **Addresses**

Dr Hon Joseph LEE addressed the Council on the Report of the Independent Police Complaints Council 2008.

Dr Hon Philip WONG, Chairman of the Public Accounts Committee, addressed the Council on the Committee's Report No. 52.

Hon TAM Yiu-chung, Chairman of the Committee on Rules of Procedure, addressed the Council on the Committee's Progress Report for the 2008-2009 session.

Hon LI Fung-ying, Chairman of the Panel on Manpower, addressed the Council on the Panel's report 2008-2009.

Hon Vincent FANG, Chairman of the Panel on Commerce and Industry, addressed the Council on the Panel's report 2008-2009.

Hon LEE Cheuk-yan, Chairman of the Panel on Public Service, addressed the Council on the Panel's report 2008-2009.

Dr Hon Margaret NG, Chairman of the Panel on Administration of Justice and Legal Services, addressed the Council on the Panel's report 2008-2009.

Hon IP Kwok-him, Chairman of the Panel on Home Affairs, addressed the Council on the Panel's report 2008-2009.

Hon CHEUNG Hok-ming, Chairman of the Panel on Transport, addressed the Council on the Panel's report 2008-2009.

Hon TAM Yiu-chung, Chairman of the Panel on Constitutional Affairs, addressed the Council on the Panel's report 2008-2009.

Hon CHAN Kam-lam, Chairman of the Panel on Financial Affairs, addressed the Council on the Panel's report 2008-2009.

Hon LAU Wong-fat, Chairman of the Panel on Development, addressed the Council on the Panel's report 2008-2009.

Hon Andrew LEUNG, Chairman of the Panel on Information Technology and Broadcasting, addressed the Council on the Panel's report 2008-2009.

Hon Jeffrey LAM, Chairman of the Panel on Economic Development, addressed the Council on the Panel's report 2008-2009.

Dr Hon Joseph LEE, Chairman of the Panel on Health Services, addressed the Council on the Panel's report 2008-2009.

Hon Audrey EU, Chairman of the Panel on Environmental Affairs, addressed the Council on the Panel's report 2008-2009.

## **Questions**

1. Hon Mrs Sophie LEUNG asked Question 1.  
The Secretary for Food and Health replied.  
Four Members asked supplementary questions and the Secretary for Food and Health replied.
2. Hon Andrew LEUNG asked Question 2.  
The Secretary for Financial Services and the Treasury replied.  
Six Members asked supplementary questions and the Secretary for Financial Services and the Treasury replied.
3. Dr Hon LEUNG Ka-lau asked Question 3.  
The Secretary for Food and Health replied.  
Four Members asked supplementary questions and the Secretary for Food and Health replied.
4. Hon LEE Cheuk-yan asked Question 4.  
The Secretary for Labour and Welfare replied.  
Four Members asked supplementary questions and the Secretary for Labour and Welfare replied.
5. Dr Hon Margaret NG asked Question 5.  
The Secretary for Labour and Welfare replied.  
Five Members asked supplementary questions and the Secretary for Labour and Welfare replied.
6. Hon LEE Wing-tat asked Question 6.  
The Secretary for Home Affairs replied.  
Six Members asked supplementary questions and the Secretary for Home Affairs replied.

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

## **Bills**

### First Reading

Arbitration Bill  
Public Officers Pay Adjustment Bill  
Employment (Amendment) Bill 2009  
Minimum Wage Bill  
Inland Revenue (Amendment) (No. 3) Bill 2009

The Bills were 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

Arbitration Bill

The Secretary for Justice moved the Second Reading and spoke on the Bill.

While the Secretary for Justice was speaking, the President left the chair at 2:50 pm temporarily and the President's Deputy, Hon Fred LI, took the chair.

Question on the Second Reading proposed. The President's Deputy 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.

Public Officers Pay Adjustment Bill

The Secretary for the Civil Service moved the Second Reading and spoke on the Bill.

Question on the Second Reading proposed. The President's Deputy 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.

Employment (Amendment) Bill 2009  
Minimum Wage Bill

The Secretary for Labour and Welfare moved the Second Reading and spoke on each of the above two Bills.

Question on the Second Reading proposed. The President's Deputy stated that in accordance with Rule 54(4) of the Rules of Procedure, the debates on the above Bills were adjourned and the Bills were referred to the House Committee.

## Inland Revenue (Amendment) (No. 3) Bill 2009

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

At 3:24 pm, while the Secretary for Financial Services and the Treasury was speaking, the President resumed the chair.

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.

## Mandatory Provident Fund Schemes (Amendment) Bill 2009

### Resumption of Second Reading debate

The debate on the Second Reading which was moved on 6 May 2009 resumed.

Hon CHAN Kam-lam, Chairman of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) Bill 2009, addressed the Council on the Committee's Report. After the address, he spoke on the Bill in his personal capacity as a Member.

Ten Members spoke on the Bill.

The Secretary for Financial Services and the Treasury replied.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a committee of the whole Council.

### Committee stage

The Council went into Committee and considered the Mandatory Provident Fund Schemes (Amendment) Bill 2009.

Question that clauses 1 to 9, 11 to 18, 21, 23 and 24 stand part of the Bill proposed, put and agreed to.

Question that clauses 10, 19, 20 and 22 stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved amendments to clauses 10, 19, 20 and 22 and spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 10, 19, 20 and 22 as amended stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### Third Reading

The Secretary for Financial Services and the Treasury reported that

the Mandatory Provident Fund Schemes (Amendment) Bill 2009

had passed through the Committee with amendments. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

### Motions

#### Proposed resolution under the Public Finance Ordinance

The Financial Secretary moved the motion in Appendix I and spoke on the motion.

Question on the Financial Secretary's motion proposed.

The President stated that three Members (Hon Albert HO, Hon James TO and Hon KAM Nai-wai) intended to move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

The President said that Hon James TO and Hon KAM Nai-wai had requested to speak after other Members had spoken. Usually when a joint debate was held, the mover of a motion would speak first, to be followed by the movers of amendments. This arrangement was to enable other Members to fully understand the rationale for the motion and the amendments before proceeding to debate them. Given that Hon James TO's and Hon KAM Nai-wai's amendments were already included in Hon Albert HO's amendment and their requests did not contravene the Rules of Procedure, he would accede to their requests.

Hon Albert HO spoke on the motion and the amendments.

Hon Jeffrey LAM spoke on the motion and the amendments as the Chairman of the Subcommittee on Proposed Resolutions under Section 29 of the Public Finance Ordinance (Cap. 2) and Section 3 of the Loans Ordinance (Cap. 61), and then in his personal capacity as a Member.

Five Members and Hon Paul CHAN spoke on the motion and the amendments.

While Hon Paul CHAN was speaking, the President left the chair at 6:42 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three other Members spoke on the motion and the amendments.

Hon James TO and Hon KAM Nai-wai spoke on the motion and the amendments.

The Financial Secretary spoke on the amendments.

At 7:36 pm, while the Financial Secretary was speaking, the President resumed the chair.

While the Financial Secretary was speaking, Hon Albert HO sought elucidation of a point raised by the Financial Secretary in his speech. The Financial Secretary did not accede to the request and continued to speak.

Hon Albert HO sought elucidation of another point raised by the Financial Secretary in his speech. Hon LEUNG Kwok-hung and Hon James TO also sought elucidation of that point. The President stated that it was up to the Financial Secretary to decide whether or not to elucidate. The Financial Secretary did not accede to the requests and continued to speak.

Hon Albert HO moved the following amendment to the Financial Secretary's motion:

RESOLVED that the motion to be moved by the Financial Secretary under section 29 of the Public Finance Ordinance (Cap. 2) at the Legislative Council meeting of 8 July 2009 be amended –

(a) by adding –

“(aa) the purpose of the establishment of the Fund is to promote the further and sustainable development of the local bond market;”;

(b) in paragraph (b), by adding “. The Financial Secretary may from time to time consult the Bond Fund Consultation Committee. The Committee must be made up of 7 persons. The Financial Secretary must be the Chairperson of the Committee, other members are to be appointed by the Financial Secretary, and at least 2 persons elected by the Members of the Legislative Council from among their own number for recommending to the Financial Secretary for appointing as committee members” after “to other public officers”;

- (c) in paragraph (e), by deleting “for the purposes of -” and substituting “for - ”;
- (d) in paragraph (e)(ii), by deleting “investing in the manner the Financial Secretary considers appropriate for the prudent management of the Fund” and substituting “injecting into the Exchange Fund for investment in a prudent manner”.

Question on Hon Albert HO’s amendment to the Financial Secretary’s motion proposed and put.

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

The President announced that among the Members returned by functional constituencies, 27 were present, two were in favour of the amendment, 24 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 11 were in favour of the amendment, nine against it and four abstained. (Voting record in Appendix II.) Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negatived.

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

That in the event of further divisions for the motion and amendments to be moved in relation to the proposed resolution under the Public Finance Ordinance, 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 James TO moved the following amendment to the Financial Secretary’s motion:

RESOLVED that the motion to be moved by the Financial Secretary under section 29 of the Public Finance Ordinance (Cap. 2) at the Legislative Council meeting of 8 July 2009 be amended –

- (a) by adding –
  - “(aa) the purpose of the establishment of the Fund is to promote the further and sustainable development of the local bond market;”;
- (b) in paragraph (e), by deleting “for the purposes of -” and substituting “for - ”;
- (c) in paragraph (e)(ii), by deleting “investing in the manner the Financial Secretary considers appropriate for the prudent management of the Fund” and substituting “injecting into the Exchange Fund for investment in a prudent manner”.

Question on Hon James TO's amendment to the Financial Secretary's motion proposed and put.

Hon James TO 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, 27 were present, two were in favour of the amendment, 23 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 11 were in favour of the amendment, nine against it and four 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 negated.

Hon KAM Nai-wai moved the following amendment to the Financial Secretary's motion:

RESOLVED that the motion to be moved by the Financial Secretary under section 29 of the Public Finance Ordinance (Cap. 2) at the Legislative Council meeting of 8 July 2009 be amended by adding –

“(aa) the purpose of the establishment of the Fund is to promote the further and sustainable development of the local bond market;”.

Question on Hon KAM Nai-wai's amendment to the Financial Secretary's motion proposed and put.

Hon James TO 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, 27 were present, three were in favour of the amendment, 22 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 15 were in favour of the amendment and nine 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.

The Financial Secretary replied.

Question on the Financial Secretary's motion put.

Hon Albert CHAN 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 54 Members were present, 40 were in favour of the motion and 13 against it. (Voting record in Appendix V.) Since the question was agreed by a majority of the Members present, he declared that the motion was passed.

Proposed resolution under the Loans Ordinance

The Financial Secretary moved the following motion and spoke on the motion:

RESOLVED that –

- (a) the Government be authorized to borrow from any person from time to time for the purposes of the Bond Fund established by a resolution made and passed under section 29 of the Public Finance Ordinance (Cap. 2) such sums not exceeding in total \$100 billion or equivalent, being the maximum amount of all borrowings made under this paragraph that may be outstanding by way of principal at any time; and
- (b) sums borrowed under paragraph (a) are to be credited to the Bond Fund.

Question on the motion proposed.

One Member spoke on the motion.

With the President's permission, Hon Ronny TONG elucidated a point he made earlier, which he considered to be misunderstood by Hon James TO.

Two other Members and Hon Ronny TONG spoke on the motion.

While Hon Ronny TONG was speaking, Hon Albert HO sought elucidation of a point raised by Hon Ronny TONG in his speech. Hon Ronny TONG elucidated and continued to speak.

One more Member spoke on the motion.

The Financial Secretary 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 51 Members were present, 35 were in favour of the motion, 13 against it and two abstained. (Voting record in Appendix VI.) Since the question was agreed by a majority of the Members present, he declared that the motion was passed.

Proposed resolution under the Race Discrimination Ordinance

The Secretary for Constitutional and Mainland Affairs moved the motion in Appendix VII and spoke on the motion.

Question on the motion proposed.

Hon Paul TSE spoke on the motion as the Chairman of the Subcommittee on Race Discrimination (Formal Investigations) Rules, Race Discrimination (Investigation and Conciliation) Rules and Code of Practice on Employment under the Race Discrimination Ordinance.

Six Members spoke on the motion.

The President suspended the meeting at 10:03 pm.

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The Council resumed at 9:00 am on 9 July 2009.

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

Two Members spoke on the motion.

The Secretary for Constitutional and Mainland Affairs replied.

Question on the motion put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Food and Health moved the following motion and spoke on the motion:

RESOLVED that 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, be amended, in section 1, by repealing “1 August 2009” and substituting “1 August 2010”.

Question on the motion proposed.

Hon Tommy CHEUNG spoke on the motion as the Chairman of the Subcommittee on Food Business (Amendment) Regulation 2009, and then in his personal capacity as a Member.

Seven Members spoke on the motion.

The Secretary for Food and Health replied.

Question on the motion put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Commerce and Economic Development moved the motion in Appendix VIII and spoke on the motion.

Question on the motion proposed, put and agreed to.

**Members' Motions**

Facing up to the aspirations of the people participating in the march on 1 July

Hon James TO moved the following motion and spoke on the motion:

That it is anticipated that on 1 July this year, a large number of people will take part in the march to express their dissatisfaction at the Government's lack of sincerity to implement dual universal suffrage for the Chief Executive and the Legislative Council elections in 2012 as well as its various blunders in the implementation of policies, including the failure to put in place an effective system to regulate the sale of financial products and the persistently high unemployment rate, etc, this Council urges the Government to face up to the aspirations of the people participating in the march.

Question on Hon James TO's motion proposed.

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

Hon Emily LAU and Hon Audrey EU, who intended to move amendments to the motion, spoke on the motion and the amendments.

The Chief Secretary for Administration spoke on the motion and the amendments.

Three Members and Hon LEE Wing-tat spoke on the motion and the amendments.

While Hon LEE Wing-tat was speaking, the President left the chair at 12:16 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Nine other Members and Hon KAM Nai-wai spoke on the motion and the amendments.

At 1:18 pm, while Hon KAM Nai-wai was speaking, the President resumed the chair.

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

While Hon IP Kwok-him was speaking, Hon LEUNG Kwok-hung sought elucidation of a point raised by Hon IP Kwok-him in his speech. Hon IP Kwok-him did not accede to the request and continued to speak.

Hon James TO spoke on the amendments.

The Secretary for Constitutional and Mainland Affairs, the Secretary for Financial Services and the Treasury, the Secretary for Labour and Welfare, the Secretary for the Environment spoke on the motion and the amendments.

While the Secretary for the Environment was speaking, Hon James TO sought elucidation of a point raised by the Secretary in his speech. The Secretary for the Environment did not accede to the request and continued to speak.

The Financial Secretary spoke on the motion and the amendments.

Hon Emily LAU moved the following amendment to Hon James TO's motion:

To delete "it is anticipated that on 1 July this year, a large number of people will take part in the march" after "That" and substitute with "as the Government of the Hong Kong Special Administrative Region has not attached importance to public opinions for many years, tens of thousands to hundreds of thousands of people participated in the marches on 1 July in the past six years, and it is believed that there will also be a large number of people standing out this year"; to delete "and" after "financial products" and substitute with ","; to add "and the worsening disparity between the rich and the poor" after "unemployment rate"; and to add "propose to the public the implementation of dual universal suffrage for the Chief Executive and the Legislative Council elections in 2012 in the package of proposals on constitutional development to be put forth for consultation by the end of this year, establish a democratic political system and an accountable government, and improve the implementation of policies to alleviate public grievances" immediately before the full stop.

Question on Hon Emily LAU's amendment to Hon James TO's motion proposed and put.

Hon Emily 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, 23 were present, three were in favour of the amendment and 20 against it; while among the Members returned by geographical constituencies through direct elections, 30 were present, 19 were in favour of the amendment and 10 against it. (Voting record in Appendix IX.) 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 Audrey EU moved the following amendment to Hon James TO's motion:

To add “, the failure to set targets for the reduction of total greenhouse gas emissions and formulate a comprehensive policy on climate change,” after “financial products”.

Question on Hon Audrey EU's amendment to Hon James TO's motion proposed and put.

Hon Audrey EU 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, three were in favour of the amendment and 19 against it; while among the Members returned by geographical constituencies through direct elections, 30 were present, 19 were in favour of the amendment and 10 against it. (Voting record in Appendix X.) 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 James TO replied.

Question on Hon James TO's motion put.

Hon James TO 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, three were in favour of the motion and 19 against it; while among the Members returned by geographical constituencies through direct elections, 30 were present, 19 were in favour of the motion and 10 against it. (Voting record in Appendix XI.) 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.

#### Assisting local enterprises in brand building and product development

Dr Hon LAM Tai-fai moved the following motion and spoke on the motion:

That, as market competition is getting keener, Hong Kong enterprises engaging in original equipment manufacturing and processing businesses, especially the small and medium enterprises, are facing problems of diminishing competitiveness and narrowing room for development, and coupled with the present impact of the global financial crisis, slackening European and US economy and declining purchasing power, the export business of Hong Kong enterprises is hard hit and their operation is getting more difficult; in order to achieve the objective of 'supporting enterprises and preserving employment', this Council urges the Government to proactively assist Hong Kong enterprises in brand building and product development so as to enhance the uniqueness of their products and services, thereby increasing their market competitiveness and opening up a diversified market, as well as safeguarding local employment opportunities, the measures include:

- (a) supporting brand and design research projects so as to provide the industry with technical and information support for the development of product branding and service branding, and establishing a high-level standing institution which is specifically responsible for initiating, studying, formulating and promoting an overall development strategy for Hong Kong brands, as well as planning and coordinating brand-related activities organized by various sectors, in particular the industrial and business sectors, of Hong Kong;
- (b) systematically establishing a platform for promoting local brands, such as turning industrial buildings into exhibition and sales centres for brand-name products and setting up character precincts in immigration control points to showcase Hong Kong's brand-name products, with a view to exploring business opportunities and promoting employment;
- (c) providing substantive support for Hong Kong brands to expand in the Mainland market and implementing the trade and investment facilitation measures in relation to the cooperation in areas of commodity inspection, brands, etc, under the Mainland and Hong Kong Closer Economic Partnership Arrangement, so as to open up business opportunities in the Mainland market; and
- (d) proactively discussing with the Mainland Government to expeditiously strengthen the protection of Hong Kong businessmen's intellectual property rights in brands, trademarks, designs and patented technologies, and introducing facilitation measures, such as making reference to overseas practices to study the feasibility of 'one-registration, two-uses' for trademarks, establishing a mutual recognition regime for trademark registration in both the Mainland and Hong Kong, and offering special protection for well-known trademarks and brands.

Question on Dr Hon LAM Tai-fai's motion proposed.

The President stated that Hon Vincent FANG 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 Vincent FANG moved the following amendment to Dr Hon LAM Tai-fai's motion and spoke on the motion and the amendment:

To delete "as" after "That," and substitute with "under the attack by both the financial tsunami and human swine flu,"; to delete "present impact of the global financial crisis," after "coupled with the"; to delete "and" after "business opportunities in the Mainland market;"; and to add "; and (e) vigorously promoting to other places Hong Kong's testing and certification services to enhance its international profile and increase its recognition, so that local manufacturers can better utilize Hong Kong's testing and certification services to avoid encountering obstacles in testing, as well as ensuring that sufficient testing and certification professionals are trained to meet the demand" immediately before the full stop.

Question on Hon Vincent FANG's amendment to Dr Hon LAM Tai-fai's motion proposed.

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

Three Members spoke on the motion and the amendment.

Hon Jeffrey LAM spoke on the motion and the amendment, and declared that he was a non-remunerated director of the Hong Kong Standards and Testing Centre.

Five other Members spoke on the motion and the amendment.

Dr Hon LAM Tai-fai spoke on the amendment.

The Secretary for Commerce and Economic Development spoke again.

Question on Hon Vincent FANG's amendment to Dr Hon LAM Tai-fai's motion put and agreed to.

Dr Hon LAM Tai-fai replied.

Question on Dr Hon LAM Tai-fai's motion as amended by Hon Vincent FANG put and agreed to.

#### Motion for the adjournment of the Council

The President said that he accepted the recommendations of the House Committee and gave permission for Hon Miriam LAU to move the Motion on Adjournment for debating two issues. The debate would be divided into two sessions.

The President further said that he had determined under Rule 16(6) and (7) of the Rules of Procedure 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 until the time when all Members who wished to speak had spoken, and the designated public officers had given their replies. As regards the speaking time, each Member might only speak once in each session, and might speak for up to five minutes each time. Designated public officers making replies might speak for up to 15 minutes in each session.

Hon Miriam LAU moved the following motion:

That this Council do now adjourn for the purpose of debating the following two issues:

- (a) review of the tree management policy and the report on the review raised by Hon Tanya CHAN; and
- (b) persistent rent increases by The Link Management Limited and the substantial layoffs upon the change of service contracts for its carparks raised by Hon WONG Kwok-kin.

Question on the motion proposed.

The President announced the commencement of the first session, which was to debate 'review of the tree management policy and the report on the review raised by Hon Tanya CHAN'.

Hon Tanya CHAN spoke on the issue.

Six Members and Hon Alan LEONG spoke on the issue.

While Hon Alan LEONG was speaking, the President left the chair at 6:27 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another Member spoke on the issue.

The Secretary for Development replied.

The President's Deputy announced the commencement of the second session, which was to debate 'persistent rent increases by The Link Management Limited and the substantial layoffs upon the change of service contracts for its carparks raised by Hon WONG Kwok-kin'.

Hon WONG Kwok-kin spoke on the issue.

Six Members and Hon LEE Cheuk-yan spoke on the issue.

At 7:27 pm, while Hon LEE Cheuk-yan was speaking, the President resumed the chair.

Nine other Members spoke on the issue.

The Secretary for Transport and Housing and the Secretary for Labour and Welfare replied.

As the debate on the motion had exceeded one and a half hours, in accordance with Rule 16(7) of the Rules of Procedure, the Motion on Adjournment was not put to vote.

**End of session**

As it was the last meeting in the session, the President wished Members a restful time during the summer recess.

The Council was adjourned at 8:23 pm.

(Jasper TSANG Yok-sing)  
President  
14 August 2009

Council Chamber  
Hong Kong

PUBLIC FINANCE ORDINANCE

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**RESOLUTION**

(Under section 29 of the Public Finance Ordinance (Cap. 2))

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RESOLVED that –

- (a) there is established a fund to be known as the “Bond Fund” in English and “債券基金” in Chinese;
- (b) the Fund is to be administered by the Financial Secretary, who may direct or authorize other public officers to administer the Fund and delegate the power of administration to other public officers;
- (c) the following are to be credited to the Fund –
  - (i) sums borrowed under section 3 of the Loans Ordinance (Cap. 61) that are required to be credited to the Fund by any resolution of the Legislative Council approving the borrowing;
  - (ii) sums received by way of interest, dividends or investment income earned in respect of the sums held in the Fund;
  - (iii) any appropriations from the general revenue that may be approved by the Legislative Council;

- (iv) any other sums that may be received for the purposes of the Fund;
- (d) earnings from interest or dividends on investments of the Fund are to be retained for the purposes of the Fund;
- (e) the Financial Secretary may expend money from the Fund for the purposes of –
  - (i) repaying or, if appropriate, paying the principal of, interest on, and expenses incurred in relation to, any sums that have been borrowed under section 3 of the Loans Ordinance (Cap. 61) for the purposes of the Fund; and
  - (ii) investing in the manner the Financial Secretary considers appropriate for the prudent management of the Fund, and paying the expenses incurred in relation to the investments;
- (f) the Director of Accounting Services, under the authority of a funds warrant issued by the Financial Secretary, is to pay from the Fund any sums that may be required to meet expenditures from the Fund; and
- (g) the Financial Secretary may transfer from the Fund to the general revenue the balance held in the Fund, if so approved by the Legislative Council, when all financial obligations and liabilities are met in relation to any sums that have been borrowed under section 3 of the Loans Ordinance (Cap. 61) for the purposes of the Fund.

投票 VOTE: 1  
日期 DATE: 08/07/2009  
時間 TIME: 07:50:44 下午pm

動議 MOTION: 何俊仁議員對財政司司長根據《公共財政條例》動議的決議案作出的修正案  
AMENDMENT BY HON ALBERT HO TO THE FINANCIAL SECRETARY'S PROPOSED  
RESOLUTION UNDER THE PUBLIC FINANCE ORDINANCE

動議人 MOVED BY: 何俊仁 Albert HO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	27	25	
投票 Vote	27	24	
贊成 Yes	2	11	
反對 No	24	9	
棄權 Abstain	1	4	
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	棄權 ABSTAIN	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	反對 NO	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	
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 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 Li Fung-ying	反對 NO	陳偉業 Albert CHAN	
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	棄權 ABSTAIN
李國麟 Dr Joseph LEE	反對 NO	王國興 WONG Kwok-hing	反對 NO
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	Alan LEONG	棄權 ABSTAIN
黃定光 WONG Ting-kwong	反對 NO	梁國雄 LEUNG Kwok-hung	
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	棄權 ABSTAIN
林大輝 Dr LAM Tai-fai	反對 NO	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	反對 NO
梁家驩 Dr LEUNG Ka-lau	反對 NO	陳克勤 CHAN Hak-kan	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 Tanya CHAN	棄權 ABSTAIN
葉偉明 IP Wai-ming	反對 NO	Dr Priscilla LEUNG	反對 NO
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	反對 NO	黃國健 WONG Kwok-kin	反對 NO
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	
譚偉豪 Dr Samson TAM	反對 NO	葉劉淑儀 Mrs Regina IP	贊成 YES

秘書 CLERK

投票 VOTE: 2  
日期 DATE: 08/07/2009  
時間 TIME: 07:53:56 下午pm

動議 MOTION: 涂謹申議員對財政司司長根據《公共財政條例》動議的決議案作出的修正案  
AMENDMENT BY HON JAMES TO TO THE FINANCIAL SECRETARY'S PROPOSED  
RESOLUTION UNDER THE PUBLIC FINANCE ORDINANCE

動議人 MOVED BY: 涂謹申 James TO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	27	25	
投票 Vote	27	24	
贊成 Yes	2	11	
反對 No	23	9	
棄權 Abstain	2	4	
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	棄權 ABSTAIN	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	反對 NO	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	
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 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	棄權 ABSTAIN	陳偉業 Albert CHAN	
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	棄權 ABSTAIN
李國麟 Dr Joseph LEE	反對 NO	王國興 WONG Kwok-hing	反對 NO
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	棄權 ABSTAIN
黃定光 WONG Ting-kwong	反對 NO	梁國雄 LEUNG Kwok-hung	
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	棄權 ABSTAIN
林大輝 Dr LAM Tai-fai	反對 NO	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	反對 NO
梁家駒 Dr LEUNG Ka-lau	反對 NO	陳克勤 CHAN Hak-kan	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 Tanya CHAN	棄權 ABSTAIN
葉偉明 IP Wai-ming	反對 NO	Dr Priscilla LEUNG	反對 NO
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	反對 NO	黃國健 WONG Kwok-kin	反對 NO
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	
譚偉豪 Dr Samson TAM	反對 NO	葉劉淑儀 Mrs Regina IP	贊成 YES

秘書 CLERK

投票 VOTE: 3  
日期 DATE: 08/07/2009  
時間 TIME: 07:56:06 下午-pm

動議 MOTION: 甘乃威議員對財政司司長根據《公共財政條例》動議的決議案作出的修正案  
AMENDMENT BY HON KAM NAI-WAI TO THE FINANCIAL SECRETARY'S PROPOSED  
RESOLUTION UNDER THE PUBLIC FINANCE ORDINANCE

動議人 MOVED BY: 甘乃威 KAM Nai-wai

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	27	25	
投票 Vote	27	24	
贊成 Yes	3	15	
反對 No	22	9	
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	
張文光 CHEUNG Man-kwong	贊成 YES	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	
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 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	棄權 ABSTAIN	陳偉業 Albert CHAN	
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	棄權 ABSTAIN	王國興 WONG Kwok-hing	反對 NO
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	
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	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	反對 NO
梁家駒 Dr LEUNG Ka-lau	反對 NO	陳克勤 CHAN Hak-kan	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 Tanya CHAN	贊成 YES
葉偉明 IP Wai-ming	反對 NO	梁美芬 Dr Priscilla LEUNG	反對 NO
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	反對 NO	黃國健 WONG Kwok-kin	反對 NO
謝偉俊 Paul TSE		黃毓民 WONG Yuk-man	
譚偉豪 Dr Samson TAM	反對 NO	葉劉淑儀 Mrs Regina IP	贊成 YES

秘書 CLERK

投票 VOTE: 4  
 日期 DATE: 08/07/2009  
 時間 TIME: 07:58:44 下午pm

動議 MOTION: 根據《公共財政條例》動議的決議案  
 PROPOSED RESOLUTION UNDER THE PUBLIC FINANCE ORDINANCE

動議人 MOVED BY: 財政司司長 Financial Secretary

出席 Present :54  
 投票 Vote :53  
     贊成 Yes :40  
     反對 No :13  
     棄權 Abstain :0  
 結果 Result :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
曾鈺成	TSANG Yok-sing	出席	PRESENT	李國麟	Dr Joseph LEE	贊成	YES
何俊仁	Albert HO	反對	NO	林健鋒	Jeffrey LAM	贊成	YES
何鍾泰	Dr Raymond HO	贊成	YES	梁君彥	Andrew LEUNG	贊成	YES
李卓人	LEE Cheuk-yan			梁家傑	Alan LEONG	贊成	YES
李國寶	Dr David LI			梁國雄	LEUNG Kwok-hung	反對	NO
李華明	Fred LI	反對	NO	張學明	CHEUNG Hok-ming	贊成	YES
吳靄儀	Dr Margaret NG	贊成	YES	黃定光	WONG Ting-kwong	贊成	YES
涂謹申	James TO	反對	NO	湯家驊	Ronny TONG	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	詹培忠	CHIM Pui-chung		
陳鑑林	CHAN Kam-lam	贊成	YES	劉秀成	Prof Patrick LAU	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	甘乃威	KAM Nai-wai	反對	NO
梁耀忠	LEUNG Yiu-chung			何秀蘭	Cyd HO	反對	NO
黃宜弘	Dr Philip WONG	贊成	YES	李慧琼	Starry LEE	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	林大輝	Dr LAM Tai-fai	贊成	YES
劉江華	LAU Kong-wah	贊成	YES	陳克勤	CHAN Hak-kan	贊成	YES
劉皇發	LAU Wong-fat	贊成	YES	陳茂波	Paul CHAN	贊成	YES
劉健儀	Miriam LAU	贊成	YES	陳健波	CHAN Kin-por	贊成	YES
劉慧卿	Emily LAU	反對	NO	陳淑莊	Tanya CHAN	贊成	YES
鄭家富	Andrew CHENG	反對	NO	梁美芬	Dr Priscilla LEUNG	贊成	YES
霍震霆	Timothy FOK	贊成	YES	梁家駒	Dr LEUNG Ka-lau	贊成	YES
譚耀宗	TAM Yiu-chung	贊成	YES	張國柱	CHEUNG Kwok-che	贊成	YES
石禮謙	Abraham SHEK	贊成	YES	黃成智	WONG Sing-chi	反對	NO
李鳳英	LI Fung-ying	贊成	YES	黃國健	WONG Kwok-kin	贊成	YES
張宇人	Tommy CHEUNG	贊成	YES	黃毓民	WONG Yuk-man	反對	NO
陳偉業	Albert CHAN	反對	NO	葉偉明	IP Wai-ming	贊成	YES
馮檢基	Frederick FUNG	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
余若薇	Audrey EU	贊成	YES	葉劉淑儀	Mrs Regina IP		
方剛	Vincent FANG	贊成	YES	潘佩璆	Dr PAN Pey-chyou	贊成	YES
王國興	WONG Kwok-hing	贊成	YES	謝偉俊	Paul TSE		
李永達	LEE Wing-tat	反對	NO	譚偉豪	Dr Samson TAM	贊成	YES

秘書 CLERK



投票 VOTE: 5  
 日期 DATE: 08/07/2009  
 時間 TIME: 08:47:31 下午pm

動議 MOTION: 根據《借款條例》動議的決議案  
 PROPOSED RESOLUTION UNDER THE LOANS ORDINANCE

動議人 MOVED BY: 財政司司長 Financial Secretary

出席 Present :51  
 投票 Vote :50  
     贊成 Yes :35  
     反對 No :13  
     棄權 Abstain :2  
 結果 Result :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
曾鈺成	TSANG Yok-sing	出席	PRESENT	李國麟	Dr Joseph LEE	贊成	YES
何俊仁	Albert HO	反對	NO	林健鋒	Jeffrey LAM	贊成	YES
何鍾泰	Dr Raymond HO			梁君彥	Andrew LEUNG	贊成	YES
李卓人	LEE Cheuk-yan			梁家傑	Alan LEONG	贊成	YES
李國寶	Dr David LI			梁國雄	LEUNG Kwok-hung	反對	NO
李華明	Fred LI	反對	NO	張學明	CHEUNG Hok-ming	贊成	YES
吳靄儀	Dr Margaret NG	贊成	YES	黃定光	WONG Ting-kwong	贊成	YES
涂謹申	James TO	反對	NO	湯家驊	Ronny TONG	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	詹培忠	CHIM Pui-chung		
陳鑑林	CHAN Kam-lam	贊成	YES	劉秀成	Prof Patrick LAU	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	甘乃威	KAM Nai-wai	反對	NO
梁耀忠	LEUNG Yiu-chung			何秀蘭	Cyd HO	反對	NO
黃宜弘	Dr Philip WONG	贊成	YES	李慧琼	Starry LEE	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	林大輝	Dr LAM Tai-fai	贊成	YES
劉江華	LAU Kong-wah	贊成	YES	陳克勤	CHAN Hak-kan	贊成	YES
劉皇發	LAU Wong-fat	贊成	YES	陳茂波	Paul CHAN	贊成	YES
劉健儀	Miriam LAU	贊成	YES	陳健波	CHAN Kin-por	贊成	YES
劉慧卿	Emily LAU	反對	NO	陳淑莊	Tanya CHAN	贊成	YES
鄭家富	Andrew CHENG	反對	NO	梁美芬	Dr Priscilla LEUNG	棄權	ABSTAIN
霍震霆	Timothy FOK			梁家驊	Dr LEUNG Ka-lau	贊成	YES
譚耀宗	TAM Yiu-chung	贊成	YES	張國柱	CHEUNG Kwok-che	贊成	YES
石禮謙	Abraham SHEK	贊成	YES	黃成智	WONG Sing-chi	反對	NO
李鳳英	LI Fung-ying	贊成	YES	黃國健	WONG Kwok-kin	贊成	YES
張宇人	Tommy CHEUNG			黃毓民	WONG Yuk-man	反對	NO
陳偉業	Albert CHAN	反對	NO	葉偉明	IP Wai-ming	贊成	YES
馮檢基	Frederick FUNG	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
余若薇	Audrey EU	贊成	YES	葉劉淑儀	Mrs Regina IP		
方剛	Vincent FANG	贊成	YES	潘佩璆	Dr PAN Pey-chyou	贊成	YES
王國興	WONG Kwok-hing	贊成	YES	謝偉俊	Paul TSE	棄權	ABSTAIN
李永達	LEE Wing-tat	反對	NO	譚偉豪	Dr Samson TAM		

秘書 CLERK

RACE DISCRIMINATION ORDINANCE

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**RESOLUTION**

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CODE OF PRACTICE ON EMPLOYMENT  
UNDER THE RACE DISCRIMINATION ORDINANCE

RESOLVED that the Code of Practice on Employment under the Race Discrimination Ordinance, published in the Gazette as Government Notice No. 2733 of 2009 and laid on the table of the Legislative Council on 13 May 2009, be amended-

- (1) in paragraph 1.2.1, in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;
- (2) in paragraph 1.2.2, in the Chinese text, by deleting “作”;
- (3) in paragraph 1.4.3, by adding “and” after “international”;
- (4) in paragraph 2.1.1, in the Chinese text, by deleting “乎” and substituting “符”;
- (5) in paragraph 2.1.4 (3), in the Chinese text, by deleting “典籍、”;
- (6) by deleting paragraph 2.1.4(4) and substituting-

**“2.2 Religion**

2.2.1 Religion in itself is not race. A group of people defined by reference to religion is not a racial group under the RDO<sup>17</sup>. The RDO does not apply to discrimination on the ground of religion<sup>18</sup>. But requirements or conditions having an impact on people’s religious practices may

indirectly discriminate against certain racial groups, and when this is so the RDO applies<sup>19</sup> (see for example the blanket ban on beards in Illustration 9 below may indirectly discriminate against ethnic groups whose religious practice or custom is to wear beards).

### 2.3 Language

2.3.1 As language used by people is often associated with their race, treatment based on language may discriminate against certain racial groups or may amount to racial harassment. Since language issues may arise in different aspects of employment matters, they will be mentioned and dealt with in different parts of the Code below (see for examples paragraphs 3.8.1(2) to (4), 5.3.1(1)(d), 5.3.1(2), 5.3.4(3), 5.3.5(2), 5.3.12, 5.3.13(1), 5.3.14(8)(c), and 6.1.1(2)(v)).”;

- (7) by renumbering paragraphs 2.2, 2.2.1 and 2.2.2 as 2.4, 2.4.1 and 2.4.2 respectively;
- (8) in Illustration 1, by deleting “only” where it secondly appears and adding “only” after “employ”;
- (9) in paragraph 3.2.2, in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;
- (10) in paragraph 3.3.1 (3), by adding “in fact” after “has”;
- (11) in Illustrations 3 and 4, in the Chinese text, by deleting “國內” where it appears and substituting “內地” ;
- (12) in paragraph 3.4.1, by adding “This grace period ends on 10 July 2011.” after “5 employees<sup>34</sup>.”; and in the Chinese text, by deleting “這段” and substituting “寬限” ;
- (13) in paragraph 3.4.2, by deleting “Employers of domestic helpers may not at any time discriminate against them after recruitment<sup>38</sup>.”;
- (14) in paragraph 3.4.3, by deleting “The grace period will expire on 10 July 2011, by which time the provisions making discrimination under the RDO in employment

unlawful will apply to all employers.”;

- (15) in paragraph 3.6, in the Chinese text, by adding “(《種族歧視條例》下有關僱傭範疇的條文)” after “第三部”;
- (16) in paragraph 3.7.3, in the Chinese text, by deleting “不可種族歧視佣金是其全部或部分收入的保險經紀” and substituting “不可對以佣金為其全部或部分收入的保險經紀作出種族歧視”;
- (17) in paragraph 3.8.1(2), by deleting “and may refuse enrolment for people who do not meet the requirement regardless of their race. Such language requirement” and substituting “which”;
- (18) in paragraph 3.8.1(3), by deleting “Course information and material may be provided only in the language required for the course.”, and deleting “have equal opportunities to undergo vocational training, and providers are encouraged to do so.”, and after “groups” adding “to have equal opportunities to undergo vocational training. Providers are encouraged to do so by, for example, providing lecture notes and other course materials in English so that people who can read English and speak Cantonese (but not read Chinese) may participate in a course taught in Cantonese.”;
- (19) by adding after paragraph 3.8.1(3)-  
“(4) Providers are also encouraged to ensure that language requirements for training course are commensurate with the contents of the courses, so that people from different racial groups are not deterred by unnecessary language requirement. For example, where the language requirement for a course is only the ability to speak Cantonese, it is unnecessary to require students to be able to read and write Chinese.”;
- (20) in paragraph 3.8.2(1), by adding “Agencies also may not help or aid employers to discriminate on the ground of race<sup>45</sup>, for example, by arranging underpayment for workers from certain racial groups.” after “their services.”;
- (21) in paragraph 4.1.1, in the Chinese text, by deleting “僱員和工作人員” where it appears and substituting “員工”;
- (22) in paragraph 4.1.2(1), by deleting “and implement the policy of the good

employment practice and procedures described in Chapter 5 of the Code.” and substituting “a policy of racial equality and implement such a policy through good employment practice and procedures. Chapter 5 of the Code provides recommendations on the contents of a racial equality policy and on good employment practice and procedures for employers’ and reference and adoption as appropriate according to the scale and structure of their organizations and available resources.”;

- (23) in paragraph 4.1.2(2) after “hours<sup>48</sup>.”, by adding “Whether an event occurring outside normal working hours or workplace comes within the course of employment depends very much on the specific circumstances of each case. It is recommended that employers take reasonably practical steps to prevent discrimination and harassment by adopting good employment practice and procedures as described in Chapter 5 of the Code.”;
- (24) in paragraph 4.1.3, by deleting “employment” and adding “in the workplace” after “procedures”;
- (25) in paragraphs 4.2, 4.2.1 to 4.2.3, in the Chinese text, by deleting “僱員和工作人員” where it appears and substituting “員工”;
- (26) in paragraph 4.2.3 after “race.”, by adding “Employees and workers can be proactive in helping to eliminate racial discrimination by becoming familiar with the subject, so that they do not inadvertently discriminate against someone or inadvertently aid their employers to do so. Whenever appropriate, employees and workers could also encourage their employers to formulate anti-discrimination policies and to implement preventive measures. Employees and workers are encouraged to be supportive of friends or colleagues who intend, in good faith, to lodge a complaint about discrimination, or have lodged such complaint.”, and deleting “They are recommended to:-
- (1) Observe the requirement of the RDO and follow the recommendations of the Code;
  - (2) Become familiar with and follow the employer’s equality policy;
  - (3) Respect the racial identity of fellow workers and refrain from infringing their rights to work free of discrimination and harassment on the ground of race;
  - (4) Cooperate with measures taken by the management to promote equal opportunities and prevent discrimination and harassment on the ground of

race;

(5) Take part in training related to equal opportunities.”;

(27) After paragraph 4.2.3, by adding-

“ 4.2.4 Employees and workers have a clear role to play in helping to create a climate at work in which racial harassment is unacceptable. They can contribute to preventing racial harassment through awareness and sensitivity towards the issue and by ensuring that standards of conduct for themselves and for colleagues do not cause offence.

4.2.5 All employees and workers have responsibilities as well as rights in respect of the work environment that is created. Racial harassment, particularly in its less severe forms, can be part of the usual code of behaviour in a workplace. To change this may require each employee or worker to reconsider his or her own attitudes and conduct as well as those of his or her colleagues.

4.2.6 Employees and workers can do much to discourage racial harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffered such treatment and are considering making a complaint.

4.2.7 People often do not complain even when they have been racially harassed because they are afraid of co-workers' reaction. They do not want to run the risk of being accused by them of spoiling the work climate. Neither do they want to be told that they provoked the harassment themselves or that they cannot take a joke. When employees and workers show through their words and their actions that they find racial harassment unacceptable, this will provide substantial support to those who are harassed and make it easier for them to come forward to file a complaint.

4.2.8 Employees or workers who are themselves recipients of harassment should, where practicable, tell the harasser that the behaviour is clearly unwanted and unacceptable. Once the offender understands clearly that the behaviour is unwelcome, this may be enough to put an end to it. If the behaviour persists, employees or workers should inform

management and/or their employee representative through the appropriate channels and request assistance in stopping the harassment, whether through informal or formal channels.

- 4.2.9 When telling the harasser that the behaviour is unwanted, if the employee or worker does not want to confront the harasser alone, he or she may want to ask a co-worker or a friend to be present. An alternative to confronting the harasser in person is to write to him or her and keep a copy of the correspondence.
- 4.2.10 Where an employee or worker feels uncomfortable or unsafe in confronting the harasser directly, the employee or worker may choose to inform management and/or an employee representative in the first instance and request for steps to be taken to deal with the matter.
- 4.2.11 If the harassment continues, however, the employee or worker should, if possible, seek advice on what to do next. The employee at all times has the option of seeking external assistance, such as lodging a complaint with the EOC or bringing legal proceedings in the District Court (see Chapter 7 of the Code).
- 4.2.12 It is important for an employee subjected to racial harassment to keep a record of the incident(s) so as to be able to recall exactly what has happened.
- 4.2.13 Employees and workers are also encouraged to come forward with complaints as soon as possible after the alleged incidents as a lapse in time may, in certain circumstances, weaken a complainant's case.
- 4.2.14 Overall, employees and workers are recommended to:-
- (1) Observe the requirement of the RDO and follow the recommendations of the Code;
  - (2) Become familiar with and follow the employer's equality policy;
  - (3) Respect the racial identity of fellow workers and refrain from infringing their rights to work free of discrimination and

harassment on the ground of race;

(4) Cooperate with measures taken by the management to promote equal opportunities and prevent discrimination, harassment and vilification on the ground of race;

(5) Take part in training related to equal opportunities.”;

(28) in paragraph 5.2.2(1) after “race”, by adding “(see paragraph 6.1.1(1) of the Code for the definition of direct discrimination under the RDO)”;

(29) in paragraph 5.2.2(2) after “objective” where it secondly appears, by adding “(see paragraph 6.1.1(2) of the Code for the definition of indirect discrimination under the RDO)”;

and in the Chinese text, by deleting “不公平” and substituting “差異甚大的”;

(30) in paragraph 5.2.3, in the Chinese text, by adding “(守則第 5.3 段)” after “推行<sup>53</sup>”;

(31) After paragraph 5.3.1(2), by adding -

“(3) The application of consistent selection criteria is good management practice as it helps organizations to make faster decisions because the criteria for decisions are clear; and to make better decisions because the criteria directly relate to work performance; and they form the basis for effective job evaluation. Consistent selection criteria should also be applied in respect of other employment decisions such as promotion, transfer, or training. These criteria should be accessible by all job applicants, employees and workers.”;

(32) in paragraph 5.3.2 (1), in the Chinese text, by deleting “一個人”, “他/她的” and “其是否有能力”, and adding “的能力” after “工作” where it secondly appears;

(33) in paragraph 5.3.4 (3), in the Chinese text, by deleting “理想” and substituting “良好”; by deleting “可” after “介紹所” where it secondly appears and adding “可” after “實際” where it thirdly appears;

(34) After paragraph 5.3.5(2), by adding -

“(3) Keep record of the shortlisting process, including the shortlisting criteria and marking system, for not less than 24 months<sup>57</sup>,”

and renumbering paragraphs 5.3.5(3) and 5.3.5(4) as 5.3.5(4) and 5.3.5(5) respectively;

(35) in paragraph 5.3.6(2) by deleting “may” where it firstly appears and adding “should only” after “information” where it firstly appears;

(36) in paragraph 5.3.7, by deleting “It” where it firstly appears and substituting “An interviewer who seeks evidence of skills and abilities and who relies on facts rather than generalized hunches will be less likely to be biased. In line with good management practice, it”;

(37) After paragraph 5.3.7(1), by adding -

“(2) Accommodate people from different racial groups who may find it difficult to attend interviews at certain times, for example, Jewish people who have to observe Sabbath on Saturdays;”;

and renumbering paragraph 5.3.7(2) as 5.3.7(3);

(38) by adding after 5.3.7(3) as renumbered in (37) above-

“(4) It is a good practice to record, immediately after the interview, the assessment that each interviewer has formed on the applicant’s ability to match the consistent selection criteria. This will not only ensure a logical assessment of the applicant’s strengths and weaknesses but will also serve as a valuable explanation and defence against any unfounded suggestion of race bias;”;

and renumbering paragraph 5.3.7(3) as 5.3.7(5) and adding “not less than” after “for” and deleting “, or if this is not practicable, at least not less than 12 months”;

(39) in paragraph 5.3.9 after “applicant.”, by adding “Instructing employment agencies or services that there should be no discrimination in the recruitment process will help the employers to show that they have discharged their responsibilities under the law and that the agencies and services do not have

authority from them to discriminate.”;

(40) in paragraph 5.3.10(1), by deleting “their practices, rules” and substituting “the terms and conditions of employment, the assignment of work and duties, the practices, rules, terms policies, conditions”, and adding “This applies to commissions, bonuses, allowances, pensions, health insurance plans, annual leave, merit or performance pay, or any other fringe benefits available to employees and workers. If there is any differential treatment, ensure that it is not connected with the race of the employees.” after “direct discrimination).”;

(41) in paragraph 5.3.10(2), by deleting “Employers should consult staff, trade unions and other workplace representatives on practical ways in which they can accommodate workers’ needs.” and adding “Employers and employees should respect each others’ culture and customs, and employers should consult staff, trade unions and other workplace representatives on practical ways in which accommodation may be made in respect of employees’ needs.” after “working arrangements<sup>61</sup>.”; and in the Chinese text, by deleting “不公平” and substituting “差異甚大的”;

(42) in paragraph 5.3.10(4) after “to do them.”, by adding “Examples of “like work” are: Chinese and Indian tellers working in the same bank; a Pakistani person working in an employment agency supplying clients with temporary staff and a Chinese person supplying permanent staff in the same agency; and foremen and line supervisors working in different sections of a production line.”;

(43) in paragraph 5.3.10 (5) after “warrant equal pay.”, by adding “Race discrimination in pay may occur when different races are segregated into different jobs, for example, jobs having a higher status and are more highly rewarded are done mainly by Chinese people when compared to jobs done mainly by people from other racial groups. Such differences can be reinforced by discriminatory recruitment, selection and promotion procedures which restrict the range of work person of different races can perform.”;

(44) After paragraph 5.3.10(5), by adding-

“(6) Where part-time workers do not enjoy pay or benefits in pro-rata with full-time workers, employers should review the arrangements to ensure that such arrangements are justifiable without regard to race.”;

and renumbering paragraphs 5.3.10(6), 5.3.10(7) and 5.3.10(8) as 5.3.10(7), 5.3.10(8) and 5.3.10(9) respectively;

(45) by adding after 5.3.10(9) as renumbered in (44) above-

“(10) In addition, such considerations should:-

(a) actually exist (e.g. the person belonging to one race has more experience than the person belonging to another race);

(b) be genuinely the cause of the difference in pay (i.e. the employer should have a pay system which applies to all races alike and consistently rewards experience, where appropriate);

(c) account for the whole of the pay gap (i.e. the extra payment is not an excessive reward for the additional experience); and

(d) have the effect which the employer sets out to achieve, e.g. there is evidence that, as a result of the specific employee's experience, he/she does the work better than the other colleague, who belongs to another race.”;

(46) in paragraph 5.3.12(1), in the Chinese text, by deleting “甄” and substituting “篩”;

(47) in paragraph 5.3.12(2), in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;

(48) in paragraph 5.3.13(5) by adding “not less than” after “for” and deleting “, or if this is not practicable, at least not less than 12 months”;

(49) in paragraph 5.3.13(6) after “discriminatory”, by adding a full stop and “Employees of certain racial groups may be concentrated in sections from which transfer are traditionally restricted without real justification”;

(50) in paragraph 5.3.13(7)(b), in the Chinese text, by deleting “不同程度” and substituting “差異甚大”;

(51) in paragraph 5.3.14, by deleting “Employees and workers of all racial groups are entitled to be free from harassment on the ground of race. Employers must ensure that the working environment is one in which the racial identity of all employees is respected. It is recommended that employers:-” and substituting-

“(1) Employees and workers of all racial groups are entitled to be free from harassment on the ground of race. Employers must ensure that the working environment is one in which the racial identity of all employees is respected.

(2) An absence of complaints about racial harassment does not necessarily mean an absence of racial harassment. It may mean that the recipients of racial harassment think that there is no point in complaining because nothing will be done about it, or because it will be trivialized or the complainant will be subjected to ridicule, or because they fear reprisals.

(3) Implementing the preventive and procedural measures outlined here should facilitate a favourable climate at work.

(4) Both the policy and complaints procedures should be introduced after consultation or negotiation with the employee representatives. Strategies to create and maintain a working environment in which the dignity of employees and workers is respected are most likely to be effective where they are jointly agreed.

(5) Employers should also make clear that employees and workers have a duty and responsibility towards creating such an environment and in ensuring that racial harassment does not occur.”;

and renumbering paragraph 5.3.14(1) as 5.3.14(6) and deleting “Make” and substituting “Employers should make”; and deleting the semicolon and substituting a full stop;

and renumbering paragraph 5.3.14(2) as 5.3.14(7) and deleting “Provide a work environment that is” and substituting “The statement should make it clear that the work environment is to be” and deleting the semicolon and substituting a full

stop; and in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;

and renumbering paragraph 5.3.14(3) as 5.3.14(8) and deleting “Explain that harassment<sup>66</sup> on the ground of race is” and substituting “The statement should also explain that harassment on the ground of race is unlawful<sup>67</sup> and”;

and in paragraph 5.3.14(8)(g) as renumbered above, deleting the semicolon and substituting a full stop;

and adding after 5.3.14(8) as renumbered above-

“(9) Information should be given about internal complaint procedures, assuring employees and workers that confidentiality will be observed.

(10)The contact details should be given of officers who are responsible for dealing with complaints, providing information and advice; and there should be a note about disciplinary action for harassers and that the complainant may lodge a complaint with the EOC or bring legal proceedings in the District Court.”

and renumbering paragraph 5.3.14(4) as 5.3.14(11) and deleting the semicolon and substituting a full stop;

and renumbering paragraph 5.3.14(5) as 5.3.14(12) and deleting the semicolon and substituting a full stop;

and renumbering paragraph 5.3.14(6) as 5.3.14(13);

and adding after 5.3.14(13) as renumbered above-

“(14)A co-ordinator, preferably with special training, should be designated to establish and administer both informal and formal complaints procedures.

(15)Effective and regular promotion of the policy is important to a successful programme against racial harassment in that:-

- (a) it warns that certain offensive conduct is unlawful;
  - (b) it sends out a clear message that management will act against such behaviour;
  - (c) it ensures that all persons in the organization know what to do if they encounter racial harassment and know that any complaint will be handled effectively and properly; and
  - (d) it assures staff that they are unlikely to be disadvantaged by racial harassment or be victimized by making a complaint.
- (16) In order to promote the policy, information may be disseminated through:-
- (a) speaking at staff meetings;
  - (b) distribution and re-circulation of policy statements;
  - (c) posting notices; and
  - (d) conducting training and refresher courses.
- (17) The co-ordinator or any other staff member involved in the complaints handling procedures should receive adequate training to enable sensitive treatment of cases in relation to racial harassment, for example:-
- (a) what is racial harassment: definitions and examples; the role of power in harassment situations; the reasons why some individuals harass; recognize harassment situations, e.g. who are the workers at risk;
  - (b) prevention of racial harassment: recognize the role of publicity, how to use publicity and available resources effectively; informal monitoring of the workplace; recognize symptoms of harassment; and alert staff of possible acts of racial

harassment; and

(c) dealing with harassment: skills on responding to enquiries and maintaining privacy and confidentiality; non-judgmental listening skills; informing enquiries of alternative ways of handling harassment other than by making a formal complaint; knowledge of outside bodies that can be approached for assistance or to whom complaints can be made, e.g. the EOC.

(18) Regardless of whether an informal or formal complaints procedures is in use, it is good practice for employers to monitor and review complaints of racial harassment and how they have been resolved, in order to ensure that the procedures are working effectively.”;

(52) in paragraph 5.3.15(1), in the Chinese text, by deleting “被” and substituting “獲”; adding a comma after “升職”, deleting the bracket after “解僱”;

(53) in paragraph 5.3.15(6) by adding “not less than” after “for” and deleting “, or if this is not practicable, at least not less than 12 months”;

(54) in paragraph 5.3.16 by adding the following sub-paragraph after “It is recommended that employers:-”-

“(1) Ensure that employees and workers are not dismissed, made redundant, or given unfavourable treatment on the ground of race or irrelevant race-related factors such as language, appearance or attire;”

and renumbering paragraphs 5.3.16(1) to 5.3.16(4) as 5.3.16(2) to 5.3.16(5) respectively;

and in paragraph 5.3.16 (3) as renumbered above, in the Chinese text, by deleting “不公平” and substituting “差異甚大”;

and renumbering paragraph 5.3.16(5) as 5.3.16(6) and adding “not less than” after “for” and deleting “, or if this is not practicable, at least not less than 12 months”;

- and renumbering paragraph 5.3.16(6) as 5.3.16(7);
- (55) in paragraph 5.3.17(4), in the Chinese text, by deleting “僱員和工作人員” and substituting “員工” and by deleting “不公平” and substituting “差異甚大”;
- (56) in paragraph 5.3.17(5), in the Chinese text, by deleting “不公平” and substituting “差異甚大”;
- (57) in paragraph 6.1.1(1)(a), in the Chinese text, by deleting “作為” where it appears and substituting “行爲”;
- (58) in paragraph 6.1.1(1)(c), in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;
- (59) in Illustration 9, by deleting “, for example, because” and substituting “as”, and deleting “be” and substituting “have been”;
- (60) in Illustration 10, by deleting “10” and substituting “9”; and in the Chinese text, by adding “例子 9” after “上文”;
- (61) in paragraph 6.1.1(2)(v), by adding “Each case depends on its own facts and Illustration 13 below is for reference only.” after “the job.”;
- (62) in paragraph 6.1.3(4), by adding “(except where the allegation is false and not made in good faith)” after “RDO”;
- (63) in paragraph 6.2.2, in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;
- (64) in paragraph 6.3.1 (11), in the Chinese text, by adding “。” after “人士<sup>104</sup>”;
- (65) in paragraph 6.3.3, by adding “For good practice on prevention of racial harassment, please see paragraph 5.3.14 of the Code.” before “For”, and by deleting “paragraph 5.3.14(3)” and substituting “paragraph 5.3.14(8)”;
- (66) in paragraph 6.4.3, by deleting “or” and substituting “and”;

- (67) in paragraph 6.7.2, in the Chinese text, by deleting the fourth comma;
- (68) in paragraph 6.7.4(3)(b), in the Chinese text, by adding “非” after “就”, and adding “的僱員” after “人員”;
- (69) in paragraph 6.7.4(3)(b)(i), in the Chinese text, by deleting “主要對有關僱主委任或” and substituting “本地僱用條款是指僱主”, and by deleting “適用” and substituting “採用”;
- (70) in paragraph 6.7.4(3)(b)(ii), in the Chinese text, by deleting “主要對有關僱主委任或” and substituting “海外僱用條款是指僱主”, by deleting “並”, and by deleting “的人”, and by deleting “適用” and substituting “採用”;
- (71) in paragraph 7.1.1, in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;
- (72) in paragraph 7.1.3, in the Chinese text, by deleting “僱員和工作人員” and substituting “員工”;
- (73) in paragraph 7.2.10, by adding “If the parties do not wish to resolve disputes through settlement and wish to obtain a binding decision from the District Court, they may resort to legal proceedings directly.” after “publications by the EOC.”; in the Chinese text, by deleting “遲” and substituting “呈”;
- (74) in paragraph 7.3.2, by adding “the EOC’s strategic concerns such as” after “reflects”, and deleting “or the EOC’s strategic concerns.” and substituting “indicated through the EOC’s complaint handling experience.”;
- (75) in paragraph 7.4.1(4), by adding “or appropriate legal action” after “investigation”;
- (76) in paragraph 7.4.1(5), by adding “through public education and publicity initiatives” after “racial harmony”;
- (77) in paragraphs 3.4 and 3.5 of the sample policy on racial equality, by adding “and management staff” after “Workers” where it appears;

- (78) in paragraph 3.9 of the sample policy on racial equality, by deleting “Requirements” and substituting “Terms and conditions of employment, rules and practices, requirements”, and adding “with a view to take steps to promote equality and prevent discrimination in consultation with employees, workers and management staff” after “results”;
- (79) in paragraph 3.10(2)(g) of the sample policy on racial equality, in the Chinese text, by deleting “地” before “挑剔”;
- (80) in paragraph 3.11 of the sample policy on racial equality, in the Chinese text, by adding “「機構名稱」” before “將”;
- (81) in footnote 1, in the Chinese text, by adding “(第 602 章)” after “《種族歧視條例》”;
- (82) in footnote 26, in the Chinese text, by deleting the full stop where it firstly appears and substituting a semicolon; and deleting the full stop where it secondly appears;
- (83) by deleting footnote 38;
- (84) by renumbering footnotes 39 to 45 as 38 to 44;
- (85) by adding footnote 45 “RDO section 48”;
- (86) by deleting footnote 53 in the Chinese text;
- (87) by renumbering footnote 54 to 53 in the Chinese text;
- (88) in paragraph 5.3.1 (2), in the Chinese text, by adding footnote 54 “參閱守則第 5.3.12 和 6.1.1(2)(v)段” after “要求” ;
- (89) by adding footnote 57 “Under the RDO, the time limit for lodging a complaint with the EOC is 12 months (RDO section 78(4)(c)) and for taking legal action in the District Court is 24 months (RDO section 80), keeping records properly will help to deal with disputes.”;
- (90) by renumbering footnotes 57 to 112 as 58 to 113;

(91) in footnote 61 as renumbered above, in the Chinese text, by deleting the full stop.

INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE

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**RESOLUTION**

(Under section 54A of the Interpretation and General Clauses Ordinance  
(Cap. 1))

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RESOLVED that with effect from 17 July 2009 –

- (1) the functions exercisable by the Commissioner for Television and Entertainment Licensing by virtue of the Entertainment Special Effects Ordinance (Cap. 560) be transferred to the Head of Create Hong Kong and, for the purpose of giving full effect to this transfer, that Ordinance be amended in section 3 by repealing “Commissioner for Television and Entertainment Licensing” and substituting “Head of Create Hong Kong”;
- (2) in addition to and without limiting section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) –
  - (a) anything lawfully done before 17 July 2009 by or in relation to the Commissioner for Television and Entertainment Licensing pursuant to or in connection with any function transferred under this Resolution is on and from that date to be regarded, in so far as is necessary for the purpose of or in consequence of

that transfer, as done by or in relation to the Head of Create Hong Kong;

- (b) anything that, immediately before 17 July 2009, may be done and is in the process of being done by or in relation to the Commissioner for Television and Entertainment Licensing pursuant to or in connection with any function transferred under this Resolution may on and from that date be continued by or in relation to the Head of Create Hong Kong;
- (c) anything that, immediately before 17 July 2009, is required to be done and is in the process of being done by or in relation to the Commissioner for Television and Entertainment Licensing pursuant to or in connection with any function transferred under this Resolution is on and from that date to be continued by or in relation to the Head of Create Hong Kong;
- (d) without limiting subparagraphs (a), (b) and (c) –
  - (i) any document, agreement or arrangement creating or giving rise to legal rights or obligations that –
    - (A) refers to the Commissioner for Television and Entertainment Licensing, or was prepared, made or entered into by the Commissioner for Television and Entertainment Licensing on behalf of the Government; and

(B) is in force immediately before, or is to come into force on or after, 17 July 2009,

is on and from that date to be construed, in so far as is necessary for the purpose of or in consequence of the transfer of functions under this Resolution, as if the references to the Commissioner for Television and Entertainment Licensing included the Head of Create Hong Kong;

(ii) in any legal proceedings –

(A) in which the Commissioner for Television and Entertainment Licensing is a party; and

(B) that are subsisting immediately before 17 July 2009,

the Head of Create Hong Kong is on and from that date substituted for the Commissioner for Television and Entertainment Licensing as that party, in so far as is necessary for the purpose of or in consequence of the transfer of functions under this Resolution;

(iii) any –

(A) right of appeal against a decision of the Commissioner for Television and Entertainment Licensing; or

(B) right to have a decision of the Commissioner for Television and Entertainment Licensing reviewed,

that is subsisting immediately before 17 July 2009 may on and from that date be exercised as if the decision were a decision of the Head of Create Hong Kong, in so far as is necessary for the purpose of or in consequence of the transfer of functions under this Resolution;

- (iv) any form that is specified or prescribed before 17 July 2009 for use in connection with any function of the Commissioner for Television and Entertainment Licensing transferred under this Resolution may on and from that date be used despite the fact that it contains references to the Commissioner for Television and Entertainment Licensing, and those references are to be construed as references to the Head of Create Hong Kong.

投票 VOTE: 6  
日期 DATE: 09/07/2009  
時間 TIME: 03:43:56 下午pm

動議 MOTION: 劉慧卿議員對涂謹申議員的「正視七一遊行市民的訴求」議案，作出的修正案  
AMENDMENT BY HON EMILY LAU TO HON JAMES TO'S MOTION ON "FACING UP TO THE ASPIRATIONS OF THE PEOPLE PARTICIPATING IN THE MARCH ON 1 JULY"

動議人 MOVED BY: 劉慧卿Emily LAU

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	30	
投票 Vote	23	29	
贊成 Yes	3	19	
反對 No	20	10	
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	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	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 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	反對 NO	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		王國興 WONG Kwok-hing	反對 NO
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	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		李慧琼 Starry LEE	反對 NO
梁家驊 Dr LEUNG Ka-lau		陳克勤 CHAN Hak-kan	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 Tanya CHAN	贊成 YES
葉偉明 IP Wai-ming	反對 NO	梁美芬 Dr Priscilla LEUNG	反對 NO
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	反對 NO	黃國健 WONG Kwok-kin	反對 NO
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	反對 NO

秘書 CLERK

投票 VOTE: 7  
 日期 DATE: 09/07/2009  
 時間 TIME: 03:47:59 下午pm

動議 MOTION: 余若薇議員對涂謹申議員的「正視七一遊行市民的訴求」議案，作出的修正案  
 AMENDMENT BY HON AUDREY EU TO HON JAMES TO'S MOTION ON "FACING UP TO THE ASPIRATIONS OF THE PEOPLE PARTICIPATING IN THE MARCH ON 1 JULY"

動議人 MOVED BY: 余若薇 Audrey EU

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	30	
投票 Vote	22	29	
贊成 Yes	3	19	
反對 No	19	10	
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	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	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 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	反對 NO	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		王國興 WONG Kwok-hing	反對 NO
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	贊成 YES
陳茂波 Paul CHAN		何秀蘭 Cyd HO	贊成 YES
陳健波 CHAN Kin-por		李慧琼 Starry LEE	反對 NO
梁家驩 Dr LEUNG Ka-lau		陳克勤 CHAN Hak-kan	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 Tanya CHAN	贊成 YES
葉偉明 IP Wai-ming	反對 NO	梁美芬 Dr Priscilla LEUNG	反對 NO
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	反對 NO	黃國健 WONG Kwok-kin	反對 NO
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	反對 NO

秘書 CLERK

投票 VOTE: 8  
 日期 DATE: 09/07/2009  
 時間 TIME: 03:53:42 下午pm

動議 MOTION: 「正視七一遊行市民的訴求」議案  
 MOTION ON "FACING UP TO THE ASPIRATIONS OF THE PEOPLE PARTICIPATING IN THE MARCH ON 1 JULY"

動議人 MOVED BY: 涂謹申 James TO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	30	
投票 Vote	22	29	
贊成 Yes	3	19	
反對 No	19	10	
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	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	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 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	反對 NO	陳偉業 Albert CHAN	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	馮檢基 Frederick FUNG	贊成 YES
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陳茂波 Paul CHAN		何秀蘭 Cyd HO	贊成 YES
陳健波 CHAN Kin-por		李慧琼 Stary LEE	反對 NO
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張國柱 CHEUNG Kwok-che	贊成 YES	陳淑莊 Tanya CHAN	贊成 YES
葉偉明 IP Wai-ming	反對 NO	梁美芬 Dr Priscilla LEUNG	反對 NO
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	反對 NO	黃國健 WONG Kwok-kin	反對 NO
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	反對 NO