

LEGISLATIVE COUNCIL

MINUTES

No. 1

Minutes of the meeting held on Wednesday 14 October 2009 at 11:00 am

Present:

The Hon Donald TSANG Yam-kuen, GBM
The Chief Executive of the Hong Kong Special Administrative Region

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-yee, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon Andrew CHENG Kar-foo

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon Abraham SHEK Lai-him, SBS, JP

The Hon LI Fung-ying, BBS, JP

The Hon Tommy CHEUNG Yu-yan, SBS, JP

The Hon Albert CHAN Wai-yip

The Hon Frederick FUNG Kin-kee, SBS, JP

The Hon Audrey EU Yuet-mee, SC, JP

The Hon Vincent FANG Kang, SBS, JP

The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

Dr the Hon Joseph LEE Kok-long, 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-ye, GBS, JP

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun

Dr the Hon Samson TAM Wai-ho, JP

Public officers attending:

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

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

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

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

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

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

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

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

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

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

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

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

The Hon Edward YAU Tang-wah, JP
Secretary for the Environment

The Hon Eva CHENG, JP
Secretary for Transport and Housing

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

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

Clerks in attendance:

Ms Pauline NG Man-wah, Secretary General

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

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>No.</u>
1. Foreign Lawyers Registration (Amendment) Rules 2009 (gazetted on 10.7.2009)	L.N. 163/2009
2. Legal Practitioners (Risk Management Education) Rules (Commencement) Notice (gazetted on 10.7.2009)	L.N. 164/2009
3. Legal Practitioners (Risk Management Education) Rules (Appointment of Commencement Date) Notice 2009 (gazetted on 10.7.2009)	L.N. 165/2009
4. Race Discrimination Ordinance (Commencement) Notice 2009 (gazetted on 10.7.2009)	L.N. 166/2009
5. Race Discrimination (Proceedings by Equal Opportunities Commission) Regulation (Commencement) Notice (gazetted on 10.7.2009)	L.N. 167/2009
6. Tax Reserve Certificates (Rate of Interest) (No. 4) Notice 2009 (gazetted on 31.7.2009)	L.N. 172/2009
7. Mutual Legal Assistance in Criminal Matters (Japan) Order (Commencement) Notice (gazetted on 11.9.2009)	L.N. 176/2009
8. Antiquities and Monuments (Declaration of Monuments) Notice 2009 (gazetted on 18.9.2009)	L.N. 177/2009
9. Building (Minor Works) (Fees) Regulation (gazetted on 9.10.2009)	L.N. 178/2009
10. Prevention of Bribery Ordinance (Amendment of Schedule 1) Order 2009 (gazetted on 9.10.2009)	L.N. 179/2009
11. Building (Administration) (Amendment) Regulation 2009 (gazetted on 9.10.2009)	L.N. 180/2009
12. Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009 (gazetted on 9.10.2009)	L.N. 181/2009

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| 13. | Estate Agents Practice (General Duties and Hong Kong Residential Properties) (Amendment) Regulation 2009 (gazetted on 9.10.2009) | L.N. 182/2009 |
| 14. | Immigration (Anchorages and Landing Places) (Amendment) Order 2009 (gazetted on 9.10.2009) | L.N. 183/2009 |
| 15. | Public Health and Municipal Services (Setting Aside Places and Cessation of Setting Aside Place for use as Public Pleasure Grounds) Order 2009 (gazetted on 9.10.2009) | L.N. 184/2009 |
| 16. | Public Health and Municipal Services Ordinance (Amendment of Fourth Schedule) (No. 3) Order 2009 (gazetted on 9.10.2009) | L.N. 185/2009 |
| 17. | Rules of the High Court (Amendment) Rules 2009 (gazetted on 9.10.2009) | L.N. 186/2009 |
| 18. | Closure of Waters (Opening Ceremony of the Fifth East Asian Games) Notice 2009 (gazetted on 9.10.2009) | L.N. 187/2009 |
| 19. | Technical Memorandum for Supervision Plans 2009 (gazetted on 9.10.2009) | S.S. No. 5 to Gazette No. 41/2009 |

Other Papers

- No. 1 - Report by the Trustee of the Customs and Excise Service Children's Education Trust Fund for the year ended 31 March 2009 and the audited financial statements together with the Report of the Director of Audit (published on 5.10.2009)
- No. 2 - Report by the Trustee of the Prisoners' Education Trust Fund for the period from 1 April 2008 to 31 March 2009 (published on 7.10.2009)
- No. 3 - The Standing Committee on Legal Education and Training Annual Report 1 September 2007 to 31 December 2008 (published on 8.10.2009)
- No. 4 - The Legislative Council Commission Annual Report 2008-2009 (published on 12.10.2009)

- No. 5 - Report of changes to the approved Estimates of Expenditure approved during the first quarter of 2009-10 Public Finance Ordinance: Section 8 (published on 13.10.2009)
- No. 6 - Urban Renewal Authority Annual Report 2008-2009 (published on 14.10.2009)

The Chief Executive of the Hong Kong Special Administrative Region presents the Policy Address

The Chief Executive attended the Council meeting.

While the Chief Executive was presenting his Policy Address, Hon WONG Yuk-man, Hon Albert CHAN and Hon LEUNG Kwok-hung stood up while holding placards in their hands. The President ordered them to sit down immediately. The three Members continued to stand up and Hon Albert CHAN spoke aloud to the Chief Executive. The President said that if they did not sit down, he would have to ask them to leave the Chamber at once. Ignoring the President's order, they continued to stand up and Hon Albert CHAN also spoke aloud to the Chief Executive. The President ordered them to leave the Chamber at once and asked the Clerk to assist them in doing so. As they ignored the President's order and Hon Albert CHAN also spoke aloud, the President suspended the meeting at 11:06 am.

Hon WONG Yuk-man, Hon Albert CHAN, and Hon LEUNG Kwok-hung left the Chamber.

The Council resumed at 11:11 am.

The Chief Executive continued to present his Policy Address.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for the Environment moved the motion in the Appendix and spoke on the motion.

Question on the motion proposed.

Hon Audrey EU spoke on the motion as the Chairman of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009, and then in her personal capacity as a Member.

Two Members spoke on the motion.

Question on the motion put and agreed to.

Next meeting

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

The Council was adjourned at 1:01 pm.

(Jasper TSANG Yok-sing)
President
29 October 2009

Council Chamber
Hong Kong

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

AIR POLLUTION CONTROL (VOLATILE ORGANIC COMPOUNDS) (AMENDMENT) REGULATION 2009

RESOLVED that the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 107 of 2009 and laid on the table of the Legislative Council on 27 May 2009, be amended –

(a) in section 2(2), by repealing the new definition of “importer” and substituting –

““importer” (進口商) means a person by or for whom a regulated product is or was brought, or caused to be brought, into Hong Kong, and includes a person who, at or immediately after the time a regulated product is or was brought, or caused to be brought, into Hong Kong, is or was in possession of or entitled to the custody or control of the product, whether as owner, consignee, agent or broker;”;

(b) in section 2(11), in the new definition of “exempt compound”, by repealing paragraph (f);

- (c) in section 14, in the new section 16A, by repealing “1 October 2010” and substituting “1 October 2011”;
- (d) in section 14, in the new section 16B(1), by repealing “1 October 2010” and substituting “1 October 2011”;
- (e) in section 14, in the new section 16B(1)(d), by adding “and” at the end;
- (f) in section 14, by repealing the new section 16B(1)(e);
- (g) in section 14, in the new section 16C(2), by repealing “31 March 2011” and substituting “31 March 2012”;
- (h) in section 14, in the new section 16C(3), by repealing “1 October 2010 to 31 December 2010” and substituting “1 October 2011 to 31 December 2011”;
- (i) in section 14, in the new section 16C(4), by repealing “1 October 2010” and substituting “1 October 2011”;
- (j) in section 14, in the new section 16C(4)(f)(ii), by repealing “and volume of exempt compounds”;
- (k) in section 20, in the new Part 1 of Schedule 5, by repealing the definitions of “exempt compound” and “Method 303”;
- (l) in section 20, in the new Part 1 of Schedule 5, in the definition of “volatile organic compound”, by repealing everything after “metallic carbonates” and substituting “and ammonium carbonate.”;
- (m) in section 20, in the new Part 1 of Schedule 5, by adding –
““textured and flexibilized coatings” (紋理及柔軟效果塗料) means coatings that are labelled and formulated to be applied exclusively on a flexible plastic substrate or on the lower part of the body of a motor vehicle to provide textured or flexibilized effect on the substrate or part;”;

- (n) in section 20, in the new section 1 of Part 2 of Schedule 5, by repealing everything after “condition –” and substituting –

“Item	Regulated vehicle refinishing paints	Maximum limits of volatile organic compound content
1.	Adhesion promoters	840
2.	Clear coatings (non-matt finish)	420
3.	Clear coatings (matt finish)	840
4.	Colour coatings	420
5.	Multi-colour coatings	680
6.	Pre-treatment coatings	780
7.	Primers	540
8.	Single-stage coatings	420
9.	Temporary protective coatings	60
10.	Textured and flexibilized coatings	840
11.	Truck bed liner coatings	310
12.	Underbody coatings	430
13.	Uniform finish coatings	840”;

- (o) in section 20, in the new Part 3 of Schedule 5, by repealing everything after “formula –” and substituting –

$$\frac{W_a - W_b}{V_d - V_e}$$

where –

W_a represents the weight of volatile matters in grams as determined by Method 24;

W_b represents the weight of water in grams as determined by Method 24;

Vd represents the volume of material in litres as determined by Method 24;

Ve represents the volume of water in litres, calculated by dividing the weight of water as determined by Method 24 by the density of water.”.