

# LEGISLATIVE COUNCIL

## MINUTES

### No. 6

---

**Minutes of the meeting held on Wednesday 11 November 2009 at 11:00 am**

---

#### **Members present:**

President

The Hon Jasper TSANG Yok-sing, GBS, JP

Ir Dr the Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP

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

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

Dr the Hon Samson TAM Wai-ho, JP

**Members absent:**

The Hon Albert HO Chun-yan

The Hon LEE Cheuk-yan

Dr the Hon LEUNG Ka-lau

The Hon Paul TSE Wai-chun

**Public officers attending:**

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

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

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

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

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

The Hon Eva CHENG, JP  
Secretary for Transport and Housing

**Clerks in attendance:**

Ms Pauline NG Man-wah, Secretary General

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

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

Mrs Percy MA, Assistant Secretary General (Special Duties)

## 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. The Ombudsman Ordinance (Amendment of Schedule 1) Order 2009 (gazetted on 6.11.2009)	217/2009
2. Census and Statistics (Annual Survey of Economic Activities) Order (gazetted on 6.11.2009)	218/2009
3. Census and Statistics (Quarterly Survey of Service Industries) (Amendment) Order 2009 (gazetted on 6.11.2009)	219/2009
4. Antiquities and Monuments (Declaration of Historical Buildings) Notice 2009 (gazetted on 6.11.2009)	220/2009
5. Employees Retraining Ordinance (Amendment of Schedule 2) (No. 2) Notice 2009 (gazetted on 6.11.2009)	221/2009

## Other Papers

- No.25 - Hong Kong Productivity Council  
Annual Report 08/09 (published on 5.11.2009)
- No.26 - Hong Kong Science and Technology Parks Corporation  
Annual Report 2008/2009 (published on 5.11.2009)
- No.27 - Hong Kong Housing Authority  
Annual Report 2008/09 (published on 9.11.2009)
- No. 28 - Hong Kong Housing Authority Financial Statements for the year  
ended 31 March 2008 (published on 9.11.2009)
- No. 29 - The Government Minute in response to the 21<sup>st</sup> Annual Report of  
The Ombudsman 2009 (published on 11.11.2009)

Report of the Bills Committee on Immigration (Amendment) Bill 2009 (published on 6.11.2009)

Report of the Bills Committee on Bunker Oil Pollution (Liability and Compensation) Bill (published on 9.11.2009)

## Addresses

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the 21<sup>st</sup> Annual Report of The Ombudsman 2009.

## Questions

1. Hon CHEUNG Kwok-che asked Question 1.

The Secretary for Security replied.

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

2. Hon LAU Kong-wah asked Question 2.

The Secretary for Constitutional and Mainland Affairs replied.

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

3. Hon CHEUNG Hok-ming declared that he was the Chief President of the NT Realty Wofoo Tai Po Football Club and asked Question 3.

The Secretary for Home Affairs replied.

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

4. Hon LEUNG Yiu-chung asked Question 4.

The Secretary for Security replied.

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

5. Hon KAM Nai-wai asked Question 5.

The Secretary for Development replied.

Four Members asked supplementary questions. The Secretary for Development and the Secretary for Transport and Housing replied.

6. Hon Cyd HO asked Question 6.

The Secretary for Constitutional and Mainland Affairs replied.

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

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

## **Bills**

Immigration (Amendment) Bill 2009

### **Resumption of Second Reading debate**

The debate on the Second Reading which was moved on 24 June 2009 resumed.

Hon Miriam LAU, Chairman of the Bills Committee on Immigration (Amendment) Bill 2009, addressed the Council on the Committee's Report. After the address, she spoke on the Bill in her personal capacity as a Member.

Hon James TO spoke on the Bill.

While Hon James TO was speaking, the President left the chair at 1:30 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Two Members spoke on the Bill.

The Secretary for Security replied.

At 2:01 pm, while the Secretary for Security was speaking, the President resumed the chair.

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 Immigration (Amendment) Bill 2009.

Question that clauses 1 to 7 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Security reported that

the Immigration (Amendment) Bill 2009

had passed through the Committee without amendment. 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.

Bunker Oil Pollution (Liability and Compensation) Bill

### **Resumption of Second Reading debate**

The debate on the Second Reading which was moved on 24 June 2009 resumed.

Hon Fred LI, Chairman of the Bills Committee on Bunker Oil Pollution (Liability and Compensation) Bill, addressed the Council on the Committee's Report.

One Member spoke on the Bill.

The Secretary for Transport and Housing 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 Bunker Oil Pollution (Liability and Compensation) Bill.

Question that clauses 1, 2, 4, 5, 6, 8 to 24 and 26 to 40 stand part of the Bill proposed.

One Member spoke on the clauses.

The Secretary for Transport and Housing replied.



Question that the clauses 1, 2, 4, 5, 6, 8 to 24 and 26 to 40 stand part of the Bill put and agreed to.

Question that clauses 3, 7 and 25 stand part of the Bill proposed.

The Secretary for Transport and Housing moved amendments to the aforesaid clauses and spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 3, 7 and 25, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Transport and Housing reported that

the Bunker Oil Pollution (Liability and Compensation) Bill

had passed through the Committee with amendments. She 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 Criminal Procedure Ordinance**

The Secretary for Home Affairs moved the following motion and spoke on the motion.

RESOLVED that the Legal Aid in Criminal Cases (Amendment) Rules 2009, made by the Criminal Procedure Rules Committee on 13 October 2009, be approved.

Question on the motion proposed, put and agreed to.

## **Members' Motions**

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

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

RESOLVED that in relation to the Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009, published in the Gazette as Legal Notice No. 181 of 2009 and laid on the table of the Legislative Council on 14 October 2009, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 2 December 2009.

Question on the motion proposed, put and agreed to.

### Re-formulating the special education policy

Hon Cyd HO moved the following motion and spoke on the motion:

That, pursuant to the directive of the Education Bureau, students with special education needs have to leave school once they reach the age of 18, and this measure reflects the Administration's failure to keep abreast of the latest development of special education; this Council urges the Administration to re-formulate the special education policy, which includes:

- (a) to abandon the mindset of addressing special education from the welfare perspective;
- (b) to redeploy resources to commission tertiary education institutions to conduct research on the local needs for special education, which will serve as the basis for re-formulating the policy;
- (c) to comprehensively assess the number of students with special education needs in the territory;
- (d) to review the facilities of special education schools and upgrade them according to the latest service needs and actual operation of such schools;
- (e) to ensure that each student with special education needs has the opportunity to study in a school which offers the new senior secondary school curriculum, and provide subvented education to mentally handicapped students until they are 22 years old;

- (f) to review the programme contents of teacher training and continuing education for professionals, and provide suitable manpower training in accordance with the needs of special education schools and inclusive education; and
- (g) to conduct assessments on special education needs for all young children in the territory, and provide as early as possible suitable treatment and support services to students with such needs.

Question on Hon Cyd HO's motion proposed.

The President stated that Hon Tanya CHAN 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 Tanya CHAN moved the following amendment to Hon Cyd HO's motion and spoke on the motion and the amendment:

To delete “, pursuant to the directive of the Education Bureau,” after “That” and substitute with “the education policy for students with special education needs has all along been unsatisfactory and the support for them is inadequate, such students are facing increasingly acute difficulties under the new education system and various educational reform policies; the Education Bureau will stop subsidizing”; to delete “have to leave school” before “once they reach the age of 18”; to delete “and” after “professionals,”; to delete “; and” after “special education schools and inclusive education” and substitute with “, and allocate additional resources to provide support for more teachers to receive special education training;”; and to add “; (h) to provide more resources to mainstream schools which offer places to students with special education needs, so that more dedicated staff members can be arranged to support such students to effectively integrate into school life and alleviate the pressure of teachers in their teaching work; (i) to provide additional resources to schools which offer places to students with special education needs and to non-government organizations which provide support services to such students, so as to enable them to provide better quality and more effective services, and formulate suitable mechanisms to ensure that such students can benefit; (j) to provide suitable learning environment for non-Chinese speaking students with special education needs, including the medium of instruction, facilities and other support; (k) to enhance public education to enable teachers and students of mainstream schools to gain a more in-depth understanding of students with special education needs, thereby creating an ideal environment for inclusive education; and (l) to provide more support for students with special education needs who are suffering from more than one type of disability” immediately before the full stop.

Question on Hon Tanya CHAN's amendment to Hon Cyd HO's motion proposed.

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

Eleven Members spoke on the motion and the amendment.

Hon Paul CHAN declared that he was the Chairman of Friends of Caritas. He then spoke on the motion and the amendment.

Six other Members spoke on the motion and the amendment.

Hon Cyd HO spoke on the amendment.

The Secretary for Education spoke again.

Question on Hon Tanya CHAN's amendment to Hon Cyd HO's motion put and agreed to.

Hon Cyd HO replied.

Question on Hon Cyd HO's motion as amended by Hon Tanya CHAN put and agreed to.

#### Requesting the Government to provide support services for men in Hong Kong

Hon WONG Kwok-hing moved the following motion and spoke on the motion:

That, with the transformation of Hong Kong's economic structure and the change in the concept of family, both men and women in Hong Kong are facing the same difficulties in matters such as finance, health, marriage and family role, etc; however, as there is no men's policy in Hong Kong and due to the influence of traditional concepts, the quality and quantity of the social welfare and social services which are targeted at men's needs have failed to meet the demand, and as a result, men facing difficulties are often afraid to seek assistance, do not know how to seek assistance or have nowhere to turn to for assistance; in this connection, this Council urges the Government to:

- (a) study the formulation of a men's policy which is forward-looking, comprehensive and has continuity;
- (b) recognizing men as a social group in need of services, set up a Men's Commission to specialize in studying, exploring and addressing men's problems;

- (c) face up to the problem of employment difficulties encountered by men, strengthen efforts to develop job types other than those in the service industry, enhance employees retraining services which are specifically targeted at the employment difficulties faced by men, and encourage and facilitate men to get employment or start their own business;
- (d) support divorced men on all fronts to cope with difficulties arising from mental stress, housing problem and breakdown of relationships with their children, and set up crisis centres for men which have the functions of providing temporary accommodation and counseling services;
- (e) set up men's specialist clinics modeled on gynaecological clinics, so as to provide treatment and health care services in respect of illnesses suffered by men only (such as prostatic disease) and provide health checks for men;
- (f) encourage men to consult professionals when they are troubled by family matters, set up a special hotline for men operated by trained personnel who understand men's needs to answer calls for assistance or complaint calls, and promote the provision of courses on counselling for men in the community;
- (g) give focused attention to the problem of suicide among middle-aged men, and enhance support for men who are at high risk of committing suicide and inflicting injuries to themselves;
- (h) improve the implementation of divorced men's right of access to or joint custody of their children;
- (i) enhance support for fathers to meet their needs in parenting their children and balancing work and life pressure, facilitate the provision of support for families on various fronts, and promote the introduction of paid paternity leave and family leave, etc; and
- (j) promote in-depth study of the existing education system, with a view to enhancing its constructive effects on the development of both sexes and bringing about positive social impact.

While Hon WONG Kwok-hing was speaking, the President left the chair at 5:42 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon WONG Kwok-hing's motion proposed.

The Secretary for Labour and Welfare spoke on the motion.

Hon Ronny TONG spoke on the motion.

While Hon Ronny TONG was speaking, Hon TAM Yiu-chung sought elucidation of a point raised by Hon Ronny TONG in his speech. Hon Ronny TONG elucidated and continued to speak.

Nine Members and Hon LI Fung-ying spoke on the motion.

At 7:03 pm, while Hon LI Fung-ying was speaking, the President resumed the chair.

Seven other Members spoke on the Motion.

The Secretary for Labour and Welfare spoke again.

Hon WONG Kwok-hing replied.

Question on Hon WONG Kwok-hing's motion put and agreed to.

### **Next meeting**

The President declared that the next meeting of the Council would be held on 18 November 2009 at 11:00 am.

The Council was adjourned at 8:05 pm.

(Jasper TSANG Yok-sing)  
President  
10 December 2009

Council Chamber  
Hong Kong