

LEGISLATIVE COUNCIL

MINUTES

No. 7

Minutes of the meeting held on Wednesday 18 November 2009 at 11:00 am

Members present:

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan

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

The Hon LEE Cheuk-yan

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

Dr the Hon Samson TAM Wai-ho, JP

Member absent:

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 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

Ms Julia LEUNG Fung-ye, JP
Secretary for Financial Services and the Treasury

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

Dr Kitty POON Kit, JP
Secretary for the Environment

The Hon Eva CHENG, JP
Secretary for Transport and Housing

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

Clerks in attendance:

Ms Pauline NG Man-wah, Secretary General

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

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

Tabling of Papers

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

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2009 (gazetted on 13.11.2009)	226/2009
2. Immigration (Amendment) Ordinance 2009 (Commencement) Notice (gazetted on 14.11.2009)	230/2009

Other Papers

No. 30 - The Audited Financial Statements together with the Report of the Director of Audit on the Immigration Service Welfare Fund and the Report by the Director of Immigration Incorporated on the Administration of the Fund (published on 12.11.2009)

Report of the Bills Committee on Copyright (Amendment) Bill 2009 (published on 9.11.2009)

Questions

1. Hon WONG Kwok-hing asked Question 1.

The Secretary for Commerce and Economic Development replied.

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

2. Hon Albert HO asked Question 2.

The Secretary for Financial Services and the Treasury replied.

Three Members asked supplementary questions and the Secretary for Financial Services and the Treasury replied.

Hon CHAN Kam-lam declared that he was a non-executive director of the Securities and Futures Commission. He then asked his supplementary question and the Secretary for Financial Services and the Treasury replied.

Hon James TO asked a supplementary question.

After Hon James TO had asked his supplementary question, some people in the Public Gallery clapped their hands. The President asked them to keep quiet. The Secretary for Financial Services and the Treasury replied.

Another Member asked a supplementary question. The Secretary for Financial Services and the Treasury and the Secretary for Security replied.

3. Hon WONG Yung-kan asked Question 3.

The Secretary for Food and Health replied.

Five Members asked supplementary questions and the Secretary for Development and the Secretary for Food and Health replied.

4. Hon WONG Ting-kwong asked Question 4.

The Secretary for Commerce and Economic Development replied.

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

5. Hon LEUNG Kwok-hung asked Question 5.

The Secretary for Development replied.

One Member asked a supplementary question and the Secretary for Development replied.

While the Secretary for Development was speaking, the President left the chair at 12:31 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three other Members asked supplementary questions and the Secretary for Development replied.

6. Hon Audrey EU asked Question 6.

The Secretary for Transport and Housing replied.

One Member asked a supplementary question. The Secretary for Transport and Housing and the Secretary for Food and Health replied.

At 12:52 pm, while the Secretary for Food and Health was speaking, the President resumed the chair.

Four other Members asked supplementary questions. The Secretary for Transport and Housing and the Secretary for Food and Health replied.

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

Statements

The President stated that under Rule 28(2) of the Rules of Procedure, no debate might arise on the statement but Members might ask the public officer making the statement short and succinct questions, provided that they were relevant to the statement.

The Chief Secretary for Administration made a statement on the Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012.

Ten Members asked questions and the Chief Secretary for Administration replied.

Dr Hon LAM Tai-fai asked a question on the statement.

While the Chief Secretary for Administration was speaking, Hon LEUNG Kwok-hung stood up and spoke aloud. The President ordered Hon LEUNG Kwok-hung to sit down and not to contravene the Rules of Procedure. The Chief Secretary for Administration continued his reply.

Two other Members and Hon Ronny TONG asked questions and the Chief Secretary for Administration replied.

Hon LEE Cheuk-yan interrupted to request the Chief Secretary for Administration to elucidate a point made in his reply. The President said that it was up to the Chief Secretary for Administration to respond or not.

The Chief Secretary for Administration continued to speak.

Ten more Members asked questions and the Chief Secretary for Administration replied.

When Hon Emily LAU was called upon to ask her question, Hon LEUNG Kwok-hung stood up and spoke aloud to the Chief Secretary for Administration. The President ordered him to sit down. Hon LEUNG Kwok-hung then sat down.

Hon Emily LAU asked a question and the Chief Secretary for Administration replied.

While the Chief Secretary for Administration was speaking, Hon LEUNG Kwok-hung stood up again and spoke aloud. The President stated that it was not the time for a debate, and he should express his views on other occasions. Ignoring the President's repeated warnings, Hon LEUNG Kwok-hung walked towards the Chief Secretary for Administration and threw a paper model of a microwave oven at him. The Clerk and security staff stopped him. The President ordered Hon LEUNG Kwok-hung to withdraw from the Chamber immediately, but he did not comply and kept on speaking aloud. The President suspended the meeting.

The meeting suspended at 2:26 pm.

Assisted by security staff, Hon LEUNG Kwok-hung left the Chamber.

The Council resumed at 2:28 pm.

The President said that in accordance with the practice of the Council, Members were allowed to ask questions when a public officer had made a statement. The time allotted for such questions and replies should be commensurate with the length of the statement. The time for such questions and replies had already exceeded one hour. Given that political development was a major concern of the general public and the Council, he would allow all Members who had requested to ask questions to do so, but he needed the cooperation of Members. Members should not engage in a debate or express their views when asking questions. In addition, Members should observe order in the Council so as not to waste the Council's time.

Three more Members asked questions and the Chief Secretary for Administration replied.

Hon Albert CHAN asked a question on the statement. The President reminded him that in accordance with the Rules of Procedure, a Member was not allowed to impute improper motives to another Member or a public officer. Hon Albert CHAN continued to ask his question and the Chief Secretary for Administration replied.

Six more Members asked questions and the Chief Secretary for Administration replied.

Bills

First Reading

Import and Export (Amendment) Bill 2009

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

Second Reading

Import and Export (Amendment) Bill 2009

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

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

Copyright (Amendment) Bill 2009

Resumption of Second Reading debate

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

Dr Hon Samson TAM, Chairman of the Bills Committee on Copyright (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.

Two Members spoke on the Bill.

The Secretary for Commerce and Economic Development 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 Copyright (Amendment) Bill 2009.

Question that clauses 1, 2 and 3 stand part of the Bill proposed, put and agreed to.

Question that clause 4 stand part of the Bill proposed.

The Secretary for Commerce and Economic Development moved amendments to clause 4 and spoke on the amendments.

Question on the amendments put and agreed to.

Question that clause 4 as amended stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Commerce and Economic Development reported that

the Copyright (Amendment) Bill 2009

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.

Members' Motions

Providing support for family carers

Hon WONG Sing-chi declared that he was a family carer. He then moved the following motion and spoke on the motion:

That, out of care and love rooted in family ethics, family carers (i.e. people taking care of their chronically ill, disabled or elderly family members without remuneration) work tirelessly and give up their job to look after their ill or elderly family members day and night while facing social, psychological, physical and financial pressures and agony, hence substantially reducing the Government's expenditure in areas such as social services, medical care and education; in order to affirm their contributions to Hong Kong, this Council urges the Government to adopt the following measures to provide support for family carers:

- (a) to set up a 'subsidy system for carers of persons with disabilities' to alleviate their financial burden;
- (b) to recognize that family carers have contributed to the community and they are partners of the Government, and include the services of family carers into the scope of social welfare planning;
- (c) to enhance relief support services for carers so as to enable them to take a respite, which include:
 - (i) adopting a family case approach to manage different categories of persons with disabilities and illness, so as to reduce the chance of family carers developing carer syndrome;
 - (ii) increasing the provision of day care bed service;
 - (iii) increasing the provision of respite care bed service; and
 - (iv) having to introduce emergency respite care bed service;
- (d) to provide long-term and stable support for self-help family carers organizations; and
- (e) to set up an inter-departmental group to review afresh the effectiveness of community care support services.

Question on Hon WONG Sing-chi's motion proposed.

The President stated that Hon CHEUNG Kwok-che and Hon WONG Yuk-man would move amendments to the motion. Also, Hon CHAN Hak-kan would move an amendment to Hon WONG Yuk-man's amendment. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Hon CHEUNG Kwok-che, Hon WONG Yuk-man and Hon CHAN Hak-kan, who would move amendments to the motion, spoke on the motion and the amendments.

The Secretary for Labour and Welfare spoke on the motion and the amendments.

Fifteen Members spoke on the motion and the amendments.

Hon WONG Sing-chi spoke on the amendments.

The Secretary for Labour and Welfare spoke again.

Hon CHEUNG Kwok-che moved the following amendment to Hon WONG Sing-chi's motion:

To add “, or young children” after “disabled or elderly family members”; to add “or young children” after “ill or elderly family members”; to delete “, hence substantially reducing the Government's expenditure in areas such as social services, medical care and education” after “agony”; to add “and review afresh the existing social services to complement such measures” after “measures to provide support for family carers”; to add “, such as providing additional tax allowances,” after “ ‘subsidy system for carers of persons with disabilities’ ”; to delete “and” after “provision of respite care bed service”; to add “and (v) increasing the provision of occasional child care services to provide support for family carers of children with disabilities and other difficulties;” after “emergency respite care bed service;”; to add “acknowledge the important functions of self-help organizations, and” after “(d) to”; to add “various categories of” after “stable support for”; to delete “and” after “family carers organizations”; and to add “, and examine how such services can complement the existing social services; (f) to turn the Integrated Discharge Support Trial Programme for Elderly Patients into regular services, and provide similar services for persons with disabilities so that they can have discharge support after hospital discharge; and (g) to study the provision of training for family carers to enable them to know how to take care of family members living in residential care homes” immediately before the full stop.

Question on Hon CHEUNG Kwok-che's amendment to Hon WONG Sing-chi's motion proposed, put and agreed to.

As Hon CHEUNG Kwok-che's amendment had been passed, the President granted leave for Hon WONG Yuk-man to revise the terms of his amendment.

Hon WONG Yuk-man moved the following further amendment to Hon WONG Sing-chi's motion as amended by Hon CHEUNG Kwok-che:

To add “; (h) to abolish the Drug Formulary so that people with chronic illness can be provided with suitable drugs with less side effects; (i) to convert vacant school premises to increase residential care places for persons with disabilities, subsidized care and attention places as well as nursing home places, so as to shorten the waiting time for such places; and (j) to create more care worker posts to provide additional home care services for those who are waiting for care and attention places as well as nursing home places, so as to strengthen the support for carers” immediately before the full stop.

Question on Hon WONG Yuk-man's amendment to Hon WONG Sing-chi's motion as amended by Hon CHEUNG Kwok-che proposed.

Hon CHAN Hak-kan moved the following amendment to Hon WONG Yuk-man's amendment:

To delete “abolish” before “the Drug Formulary” and substitute with “enhance the selection mechanism of”; and to add “, so that more drugs with therapeutic effectiveness but are of higher costs will be included in the Drug Formulary, and increase the amount of subsidy under the Samaritan Fund as well as extend the scope of the Fund to cover more categories of drugs to assist patients in need to purchase drugs not on the Drug Formulary,” before “so that people with chronic illness”.

Question on Hon CHAN Hak-kan’s amendment to Hon WONG Yuk-man’s amendment proposed, put and agreed to.

Question on Hon WONG Yuk-man’s amendment, as amended by Hon CHAN Hak-kan, to Hon WONG Sing-chi’s motion which had been amended by Hon CHEUNG Kwok-che put and agreed to.

Hon WONG Sing-chi replied.

Question on Hon WONG Sing-chi’s motion as amended by Hon CHEUNG Kwok-che, Hon WONG Yuk-man and Hon CHAN Hak-kan put and agreed to.

Strengthening and continuously supporting the teaching and learning of Chinese for non-Chinese speaking students

Dr Hon Margaret NG moved the following motion and spoke on the motion:

That, as the Race Discrimination Ordinance passed by this Council in 2008 still has many deficiencies, the Government must introduce policies to achieve racial equality in a more comprehensive manner; this Council urges the Government to strengthen and continuously support the teaching and learning of Chinese for non-Chinese speaking (‘NCS’) students, to develop, having regard to the Chinese proficiency and the needs of NCS students, learning objectives and relevant diagnostic and assessment tools for different stages, including external assessment standards, and to provide appropriate teaching materials and effective pedagogies so as to facilitate effective learning, with the ultimate objective of upgrading NCS students’ Chinese proficiency, including listening, speaking, reading and writing, so that they can compete in the local employment market and gain entry to various professional sectors.

While Dr Hon Margaret NG was speaking, the President left the chair at 6:35 pm temporarily and the President’s Deputy, Hon Fred LI, took the chair.

Question on Dr Hon Margaret NG’s motion proposed.

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

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

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

Hon Tommy CHEUNG spoke on the motion and the amendments.

At 7:13 pm, while Hon Tommy CHEUNG was speaking, the President resumed the chair.

Nine more Members spoke on the motion and the amendments.

Dr Hon Margaret NG spoke on the amendments.

The Secretary for Education spoke again.

Hon CHEUNG Man-kwong moved the following amendment to Dr Hon Margaret NG's motion:

To delete "as" after "That," and substitute with "to effectively implement"; to delete "still has many deficiencies, the Government" after "this Council in 2008" and substitute with ", the Administration"; to delete "Government" after "urges the" and substitute with "Administration"; to delete "to develop, having regard to the Chinese proficiency and the needs of NCS students, learning objectives and relevant diagnostic and assessment tools for different stages, including external assessment standards, and to provide appropriate teaching materials and effective pedagogies so as to facilitate effective learning," after "(NCS) students,"; and to add "; to this end, this Council urges the Administration to adopt the following measures: (a) focusing on the Chinese proficiency and the needs of NCS students, to provide suitable teaching materials and effective pedagogies so as to facilitate effective learning; (b) to organize outreaching tutorial services to schools to provide ethnic minority students with language tutorials in Chinese, so that they will not lose their drive for learning because their Chinese proficiency continuously lags behind that of others; and (c) having regard to differences in Chinese proficiency and learning among NCS people as well as the Chinese proficiency required for working and living in Hong Kong, to formulate a Chinese language benchmark test suitable for NCS people, so that schools can use it as the teaching goal and various sectors can also assess their proficiency in Chinese in accordance with it" immediately before the full stop.

Question on Hon CHEUNG Man-kwong's amendment to Dr Hon Margaret NG's motion proposed, put and agreed to.

As Hon CHEUNG Man-kwong's amendment had been passed, the President granted leave for Hon Starry LEE to revise the terms of her amendment.

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

To add “; and (d) to enhance school teachers' understanding of cultural diversity and subsidize their studying of relevant professional courses, so that teachers can support NCS students more effectively” immediately before the full stop.

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

Dr Hon Margaret NG replied.

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

Next meeting

The President declared that the next meeting of the Council would be held on 25 November 2009 at 11:00 am.

The Council was adjourned at 8:38 pm.

(Jasper TSANG Yok-sing)
President
4 January 2010

Council Chamber
Hong Kong