

LEGISLATIVE COUNCIL

MINUTES

No. 9

Minutes of the meeting held on Wednesday 2 December 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 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

Members absent:

The Hon Abraham SHEK Lai-him, SBS, JP

The Hon Paul TSE Wai-chun

Public officers attending:

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

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 Edward YAU Tang-wah, JP
Secretary for the Environment

The Hon Eva CHENG, JP
Secretary for Transport and Housing

Miss Adeline WONG Ching-man, JP
Under Secretary for Constitutional and Mainland Affairs

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)

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. Bunker Oil Pollution (Liability and Compensation) Ordinance (Commencement) Notice (gazetted on 27.11.2009)	235/2009
2. Bunker Oil Pollution (Liability and Compensation) (Application Fee for Insurance Certificate) Regulation (gazetted on 27.11.2009)	236/2009

Other Papers

- No. 35 - Report of changes to the approved Estimates of Expenditure approved during the second quarter of 2009-10
Public Finance Ordinance: Section 8 (published on 26.11.2009)
- No. 36 - Construction Workers Registration Authority Annual Report 2008-09
(published on 26.11.2009)
- No. 37 - Annual Report 2008 to the Chief Executive by The Commissioner on Interception of Communications and Surveillance (together with a statement under section 49(4) of the Interception of Communications and Surveillance Ordinance) (published on 30.11.2009)
- No. 38 - Ocean Park Annual Report 2008-2009 (published on 2.12.2009)

Addresses

Prof Hon Patrick LAU, a Board Member of the Ocean Park Corporation, addressed the Council on the Ocean Park Annual Report 2008-2009.

Questions

1. Hon WONG Sing-chi asked Question 1.

The Secretary for Constitutional and Mainland Affairs replied.

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

2. Hon WONG Kwok-kin asked Question 2.

The Secretary for Labour and Welfare replied.

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

3. Hon Vincent FANG asked Question 3.

The Secretary for Transport and Housing replied.

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

4. Hon Starry LEE asked Question 4.

The Secretary for Transport and Housing replied.

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

5. Hon LI Fung-ying asked Question 5.

The Secretary for Education replied.

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

6. In accordance with Rule 26(6) of the Rules of Procedure, Hon LEE Wing-tat asked Question 6 on behalf of Hon Fred LI, who was not present to ask his question.

While Hon LEE Wing-tat was speaking, the President left the chair at 12:53 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

The Secretary for Transport and Housing replied.

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

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

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Development moved the following motion and spoke on the motion:

RESOLVED that the Building (Minor Works) (Fees) Regulation, published in the Gazette as Legal Notice No. 178 of 2009 and laid on the table of the Legislative Council on 14 October 2009, be amended –

- (a) by renumbering section 8 as section 8(1);
- (b) in section 8, by adding –
 - “(2) If the Building Authority substitutes the decision to which the request relates with another decision under section 26(8)(a)(ii) of the Minor Works Regulation, the Authority must refund the fee paid for the request.”;
- (c) in section 17, by adding –
 - “(3) If the Building Authority substitutes the decision to which the request relates with another decision under section 26(8)(a)(ii) of the Minor Works Regulation, the Authority must refund the fee paid for the request.”;
- (d) in section 21, by adding –
 - “(3) If the Building Authority substitutes the decision to which the request relates with another decision under section 26(8)(a)(ii) of the Minor Works Regulation, the Authority must refund the fee paid for the request.”.

Question on the motion proposed.

One Member spoke on the motion.

The Secretary for Development replied.

Question on the motion put and agreed to.

Proposed resolution under the Ozone Layer Protection Ordinance

The Secretary for the Environment moved the following motion and spoke on the motion:

RESOLVED that the Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) (Amendment) Regulation 2009, made by the Secretary for the Environment on 17 June 2009, be approved.

Question on the motion proposed.

Hon Audrey EU spoke on the motion as the Chairman of the Subcommittee on Ozone Layer Protection (Products Containing Scheduled Substances)(Import Banning) (Amendment) Regulation 2009, and then in her personal capacity as a Member.

Hon WONG Ting-kwong spoke on the motion.

At 1:44 pm, while Hon WONG Ting-kwong was speaking, the President resumed the chair.

Two other Members spoke on the motion.

The Secretary for the Environment replied.

Question on the motion put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

RESOLVED that the Rules of the High Court (Amendment) Rules 2009, published in the Gazette as Legal Notice No. 186 of 2009 and laid on the table of the Legislative Council on 14 October 2009, be repealed.

Question on the motion proposed.

The Secretary for Security spoke on the motion.

Five Members spoke on the motion.

The Secretary for Security spoke again.

Dr Hon Margaret NG replied.

Question on the motion put.

Dr Hon Margaret NG 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 motion, 18 were 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 motion and nine against it. (Voting record in Appendix I.) 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.

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

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

Question on the motion proposed, put and agreed to.

Actively responding to the United Nations Climate Change Conference 2009

Hon Audrey EU moved the following motion and spoke on the motion:

That this Council appeals to the governments of various countries to strive to reach a new agreement on addressing climate change at the United Nations Climate Change Conference 2009, and urges the Hong Kong Government to grasp this critical moment to shoulder responsibility and put forward comprehensive policies and plans to address climate change, the reduction targets for total greenhouse gas emissions as well as the relevant legislative programme, and study how to assist developing countries in implementing the measures and financing arrangements for reducing emissions and adapting to climate change.

Question on Hon Audrey EU's motion proposed.

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

Hon CHAN Hak-kan, Hon Cyd HO, Hon Tanya CHAN, Dr Hon PAN Pey-chyou and Hon KAM Nai-wai, who would move amendments to the motion, spoke on the motion and the amendments.

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

With the President's permission, Hon Cyd HO explained a point made in her earlier speech which had been misunderstood.

Twelve Members spoke on the motion and the amendments.

Hon Audrey EU spoke on the amendments.

The Secretary for the Environment spoke again.

Hon CHAN Hak-kan moved the following amendment to Hon Audrey EU's motion:

To add "the United Nations Climate Change Conference 2007 adopted a resolution to launch a negotiation process on the new greenhouse gas emissions reduction plan after the expiry of the Kyoto Protocol in 2012 and expressly require that the negotiations should be completed by the end of 2009; as such," after "That"; to add "and financing preparation" after "legislative programme"; and to add " ; at the same time, the Hong Kong Government must formulate more measures, including: (a) to actively promote green economy and green lifestyle; (b) to implement the establishment of a carbon trading platform and enact relevant legislation, so as to further promote carbon emissions trading between Hong Kong and the Mainland as well as the whole world, and encourage professionals in Hong Kong to participate in the work relating to the Mainland's Clean Development Mechanism; (c) to actively promote the development of green information technology ('IT'), study the energy consumption of IT systems, require all government departments to implement green IT procurement, and support the research and development of green IT in the territory; (d) to study the establishment of mandatory minimum energy efficiency standards for products, so as to ensure that energy-consuming products such as motor vehicles and electrical appliances are in compliance with the energy efficiency requirements; and (e) to expeditiously introduce to this Council legislation for the mandatory implementation of the Building Energy Codes" immediately before the full stop.

Question on Hon CHAN Hak-kan's amendment to Hon Audrey EU's motion proposed, put and agreed to.

As Hon CHAN Hak-kan's amendment had been passed, the President granted leave for Hon Cyd HO to revise the terms of her amendment.

Hon Cyd HO moved the following further amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan:

To add " ; and (f) to give a detailed account of its preparatory work before attending the Climate Change Conference and report the outcome of the Conference afterwards" immediately before the full stop.

Question on Hon Cyd HO's amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan proposed, put and agreed to.

As Hon CHAN Hak-kan's and Hon Cyd HO's amendments had been passed, the President granted leave for Hon Tanya CHAN to revise the terms of her amendment.

Hon Tanya CHAN moved the following further amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan and Hon Cyd HO:

To add “; and (g) the representatives of the Hong Kong Government participating in the Conference to give the Legislative Council and Hong Kong people an account of the Hong Kong Government's participation in the Conference and how the implementation of the relevant agreement will be specifically promoted in Hong Kong” immediately before the full stop.

Question on Hon Tanya CHAN's amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan and Hon Cyd HO proposed, put and agreed to.

As Hon CHAN Hak-kan's, Hon Cyd HO's and Hon Tanya CHAN's amendments had been passed, the President granted leave for Dr Hon PAN Pey-chyou to revise the terms of his amendment.

Dr Hon PAN Pey-chyou moved the following further amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan, Hon Cyd HO and Hon Tanya CHAN:

To add “; and (h) to follow the paper on ‘Implementation of the Bali Roadmap – China's position on the Copenhagen Climate Change Conference’ released by the National Development and Reform Commission and appeal to various countries to ensure the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and, in upholding the principle of ‘common but differentiated responsibilities’, make corresponding arrangements in terms of mitigation, adaption, technology transfer and financial support, etc, so as to enhance the role of developing countries in the domain of climate change” immediately before the full stop.

Question on Dr Hon PAN Pey-chyou's amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan, Hon Cyd HO and Hon Tanya CHAN proposed, put and agreed to.

As Hon CHAN Hak-kan's, Hon Cyd HO's, Hon Tanya CHAN's and Dr Hon PAN Pey-chyou's amendments had been passed, the President granted leave for Hon KAM Nai-wai to revise the terms of his amendment.

Hon KAM Nai-wai moved the following further amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan, Hon Cyd HO, Hon Tanya CHAN and Dr Hon PAN Pey-chyou:

To add “; (i) to regulate the emission of carbon dioxide from power plants; and (j) to formulate a bill on climate change” immediately before the full stop.

Question on Hon KAM Nai-wai's amendment to Hon Audrey EU's motion as amended by Hon CHAN Hak-kan, Hon Cyd HO, Hon Tanya CHAN and Dr Hon PAN Pey-chyou proposed, put and agreed to.

Hon Audrey EU replied.

Question on Hon Audrey EU's motion as amended by Hon CHAN Hak-kan, Hon Cyd HO, Hon Tanya CHAN, Dr Hon PAN Pey-chyou and Hon KAM Nai-wai put and agreed to.

Roadmap for universal suffrage

Hon Alan LEONG moved the following motion and spoke on the motion:

That, the Chief Executive Mr Donald TSANG Yam-kuen publicly promised the people of Hong Kong during his 2007 election campaign that he would settle the issue of universal suffrage once and for all, but he has not put forth a complete roadmap for universal suffrage in his Policy Address this year, completely breaching his election pledge; in this connection, this Council strongly requests the Government to seize the opportunity of the constitutional reform consultation to give an account to the public on the roadmap for universal suffrage, and make an undertaking that the option for genuine universal suffrage will be implemented no later than 2017 and 2020, and this option shall comprise the following principles:

- (a) the methods for selecting the Chief Executive and electing all Legislative Council Members shall comply with the internationally recognized standards of ‘universal and equal’ suffrage, and members of the public should enjoy the right to free elections;
- (b) the basis of the composition of the nominating committee for the selection of the Chief Executive shall encompass a wide range of public opinion, the nomination threshold should not be too high and, on the premise of implementing an open and universal nomination procedure, arrangement should not be made to screen out candidates or exclude certain political forces from standing in the elections; and
- (c) regarding the election of the Legislative Council, functional constituencies shall be completely abolished to achieve the goal of fair election.

While Hon Alan LEONG was speaking, the President left the chair at 6:38 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Alan LEONG's motion proposed.

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

Hon Emily LAU and Hon Cyd HO, who would move amendments to the motion, spoke on the motion and the amendments.

The Secretary for Constitutional and Mainland Affairs spoke on the motion and the amendments.

Two Members and Hon CHEUNG Kwok-che spoke on the motion and the amendments.

At 7:42 pm, while Hon CHEUNG Kwok-che was speaking, the President resumed the chair.

Twenty-one other Members spoke on the motion and the amendments.

Hon Alan LEONG spoke on the amendments.

The Secretary for Constitutional and Mainland Affairs spoke again.

While the Secretary for Constitutional and Mainland Affairs was speaking, Hon Albert CHAN and Hon WONG Yuk-man spoke aloud. The President reminded the two Members that they should comply with the Rules of Procedure. Hon WONG Yuk-man continued to speak aloud. The President stated that if Hon WONG Yuk-man continued to speak, he would ask him to withdraw from the Chamber.

The Secretary for Constitutional and Mainland Affairs continued to speak.

Hon Emily LAU interrupted to make a point and request the Secretary for Constitutional and Mainland Affairs to respond. The President stated that Hon Emily LAU was expressing her view instead of seeking the Secretary's elucidation of a point made in his speech. He therefore would not accede to her request.

The Secretary for Constitutional and Mainland Affairs continued to speak.

Hon Emily LAU moved the following amendment to Hon Alan LEONG's motion:

To add "members of the public have been striving for the full implementation of universal suffrage for more than 20 years, and" after "That,,"; and to add "strive for the implementation of universal suffrage for the Chief Executive and the Legislative Council elections in 2012, and if this cannot be done, the Government must" after "consultation to".

Question on Hon Emily LAU's amendment to Hon Alan LEONG'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, 22 were present, four were in favour of the amendment and 18 against it; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the amendment and nine against it. (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 negatived.

Hon Cyd HO moved the following amendment to Hon Alan LEONG's motion:

To delete "strongly requests the Government to seize the opportunity of the constitutional reform consultation to give an account to the public on the roadmap for universal suffrage, and make an undertaking that the option for genuine universal suffrage will be implemented no later than 2017 and 2020, and this option shall comprise the following principles" after "this Council" and substitute with "considers that the Administration should, on the basis of implementing universal and equal suffrage in 2012 and by listening to the views of the public in the constitutional reform consultation, design a political system that suits Hong Kong, and the option shall include"; to delete "," after "public opinion" and substitute with ","; to add "establish a public nomination mechanism whereby the nominating committee must confirm the candidacy of a person who is nominated by 3% of registered electors; and" after "procedure,"; to delete "and" after "in the elections,"; and to add " (d) to abolish the separate voting mechanism in the Legislative Council; and (e) to remove the restrictions on the introduction of private bills by Members" immediately before the full stop.

Question on Hon Cyd HO's amendment to Hon Alan LEONG's motion proposed and put.

Hon Cyd 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, 22 were present, four were in favour of the amendment and 18 against it; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 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 negatived.

Hon Alan LEONG replied.

Question on Hon Alan LEONG's motion put.

Hon CHAN Kam-lam 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, 21 were present, four were in favour of the motion, 16 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the motion and nine against it. (Voting record in Appendix V.) 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.

Next meeting

The President declared that the next meeting of the Council would be held on 9 December 2009 at 11:00 am.

The Council was adjourned at 10:44 pm.

(Jasper TSANG Yok-sing)
President
4 January 2010

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 02/12/2009
時間 TIME: 03:22:15 下午-pm

動議 MOTION: 廢除《2009年高等法院規則（修訂）規則》的決議案
PROPOSED RESOLUTION TO REPEAL THE RULES OF THE HIGH COURT (AMENDMENT)
RULES 2009

動議人 MOVED BY: 吳靄儀 Dr Margaret NG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	25	
投票 Vote	23	24	
贊成 Yes	3	15	
反對 No	18	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
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
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		鄭家富 Andrew CHENG	
石禮謙 Abraham SHEK		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		余若薇 Audrey EU	贊成 YES
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	
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	棄權 ABSTAIN	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		甘乃威 KAM Nai-wai	贊成 YES
陳茂波 Paul CHAN	棄權 ABSTAIN	何秀蘭 Cyd HO	贊成 YES
陳健波 CHAN Kin-por	反對 NO	李慧琼 Starry LEE	
梁家駒 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	
譚偉豪 Dr Samson TAM	反對 NO	葉劉淑儀 Mrs Regina IP	反對 NO

秘書 CLERK



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

RESOLUTION

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

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

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

(a) in Rule 18 —

(i) in subrule (1)(j), by adding “other than those specified in
paragraph (ja)” after “Government motions”;

(ii) in subrule (1), by adding —

“(ja) Government motions on subsidiary legislation and
other instruments made under an Ordinance.

(jb) Members' motions on subsidiary legislation and other
instruments made under an Ordinance.”;

(iii) in subrule (1)(l), by adding “other than those specified in
paragraph (jb)” after “Members' motions”;

(b) in Rule 21 —

(i) in subrule (3), by adding “and Rule 49D (Presentation of
Reports of House Committee on Consideration of Subsidiary
Legislation and Other Instruments)” after “Subject to subrules
(4) and (4A)”;

(ii) in subrule (5), by repealing “(5) A Member” and substituting “(5) Subject to subrule (7), a Member”;

(iii) by adding —

“(7) No address shall be made under subrule (5) on any subsidiary legislation or instrument referred to in the report which is the subject of a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments).”;

(c) in Rule 33 —

(i) by adding —

“(2A) In the debate on a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), the chairman of a subcommittee formed to study any subsidiary legislation or instrument referred to in the report which is the subject of that motion shall speak in the order as agreed by the House Committee.”;

(ii) in subrule (3A), by repealing “subrule (3B)” and substituting “subrules (3AA) and (3B)”;

(iii) by adding after subrule (3A) —

“(3AA) The mover of a motion under Rule 49E (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments) shall not speak in reply.”;

(iv) in subrule (3B), by repealing “or Rule 16(4) (Motions for the Adjournment of the Council)” and substituting “, Rule 16(4) (Motions for the Adjournment of the Council) or Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments)”;

(v) by adding —

“(3C) In the debate on a motion moved under Rule 49E(2) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments) —

- (a) subject to paragraph (b), the President shall call upon designated public officers attending the debate to speak when no more Member indicates his intention to speak on the motion; or
- (b) if the debate is divided into sessions, the President shall call upon designated public officers attending a particular session to speak when no more Member indicates his intention to speak in that session.”;

(vi) in subrule (4), by repealing “The President” and substituting “Except as provided in Rule 49E(9) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), the President”;

(d) in Rule 38(1), by adding —

“(fa) upon a motion to take note of a report of the House Committee as provided in Rule 49E(8) (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments); or”;

(e) by adding —

“PART JB

REPORTS OF HOUSE COMMITTEE ON SUBSIDIARY LEGISLATION AND OTHER INSTRUMENTS AND RELATED MOTIONS

49C. Application of this Part

In any matter not provided for in this Part, the Rules in other Parts shall apply as appropriate.

49D. Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments

With the permission of the President, a report of the House Committee on the consideration of subsidiary legislation and other instruments which have been laid on the Table of the Council and are subject to amendment by the Council may be presented to the Council by the chairman of the House Committee at the Council meeting immediately before the expiry of the period for amendment in accordance with section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) or the relevant provision in the Ordinance under which the subsidiary legislation or instrument referred to in Rule 29(2) (Notice of Motions and Amendments) is made or, if the period is extended, immediately before the expiry of the extended period.

49E. Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments

- (1) (a) A Member may, at a meeting of House Committee held in or not later than the week preceding the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), notify the House Committee that a debate should be held on any subsidiary legislation or instrument referred to in that report, provided that the Member has conveyed his notification to the clerk to the House Committee as an agenda item for that meeting of House Committee.
 - (b) If there is no meeting of House Committee in the week preceding the Council meeting at which a report referred to in paragraph (a) is presented, notification that a debate should be held shall be conveyed to the clerk to the House Committee not later than 6 clear days before that Council meeting, unless notification has been made at an earlier meeting of House Committee.
- (2) Upon receipt of the notification that a debate should be held, the chairman of the House Committee shall, after notice has

been given not less than 2 clear days before the Council meeting at which a report is presented under Rule 49D (Presentation of Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments), move a motion to take note of that report in relation to any specific item of subsidiary legislation or instrument:

Provided that the President may in his discretion dispense with such notice.

(3) If the chairman of the House Committee will not be present to move the motion referred to in subrule (2), the deputy chairman of the House Committee shall give notice and move that motion and in the event that both of them will not be present, the Member who will be present at the Council meeting referred to in subrule (2) and has the highest precedence in the order of precedence of Members as determined in accordance with Rule 1A (Precedence of Members) shall do so.

(4) A motion under subrule (2) shall be moved in the following form:

“That this Council takes note of Report No. (serial number) of the House Committee laid on the Table of the Council on (date of Council meeting at which the House Committee report is laid on the Table of the Council) in relation to the subsidiary legislation and instrument(s) as listed below:

<u>Item Number</u>	<u>Title of Subsidiary Legislation or Instrument</u>
(item number)	(title of subsidiary legislation or instrument on which debate should be held under subrule (1) and the notice number or reference in the Gazette).”.

(5) No amendment may be moved to a motion moved under subrule (2).

(6) If notice has been given under Rule 29(2) (Notice of Motions and Amendments) to amend any subsidiary legislation or instrument, no motion shall be moved under subrule (2) in relation to that subsidiary legislation or instrument.

(7) If the motion relates to more than one item of subsidiary legislation or instruments, the debate on that motion may be divided into sessions each of which relates to one or more items of subsidiary

legislation or instruments.

(8) Subject to Rule 38 (Occasions when a Member may Speak more than once), a Member may speak only once in a debate on a motion moved under subrule (2) and, if the debate is divided into sessions, he may speak once in each of the sessions.

(9) After Members and designated public officers have spoken on a motion moved under subrule (2), the debate comes to a close. The President shall not put any question and the Council shall proceed to the next item of business.”;

(f) in Rule 75, by adding —

“(10A) After the consideration of the subsidiary legislation and other instruments referred to in subrule (10), the committee may present a report to the Council.”.

投票 VOTE: 2
日期 DATE: 02/12/2009
時間 TIME: 10:32:41 下午pm

動議 MOTION: 劉慧卿議員對梁家傑議員的「普選路線圖」議案，作出的修正案
AMENDMENT BY HON EMILY LAU TO HON ALAN LEONG'S MOTION ON "ROADMAP FOR UNIVERSAL SUFFRAGE"

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	22	29	
投票 Vote	22	28	
贊成 Yes	4	19	
反對 No	18	9	
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
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
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		鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK		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		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	贊成 YES	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		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
梁家驪 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-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	反對 NO	葉劉淑儀 Mrs Regina IP	

秘書 CLERK

投票 VOTE: 3
 日期 DATE: 02/12/2009
 時間 TIME: 10:36:46 下午pm

動議 MOTION: 何秀蘭議員對梁家傑議員的「普選路線圖」議案，作出的修正案
 AMENDMENT BY HON CYD HO TO HON ALAN LEONG'S MOTION ON "ROADMAP FOR
 UNIVERSAL SUFFRAGE"

動議人 MOVED BY: 何秀蘭Cyd HO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	29	
投票 Vote	22	28	
贊成 Yes	4	19	
反對 No	18	9	
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
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
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		鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK		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		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	贊成 YES	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		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		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	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	反對 NO	葉劉淑儀 Mrs Regina IP	

秘書 CLERK

投票 VOTE: 4
日期 DATE: 02/12/2009
時間 TIME: 10:42:13 下午pm

動議 MOTION: 「普選路線圖」議案
MOTION ON "ROADMAP FOR UNIVERSAL SUFFRAGE"

動議人 MOVED BY: 梁家傑 Alan LEONG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	29	
投票 Vote	21	28	
贊成 Yes	4	19	
反對 No	16	9	
棄權 Abstain	1	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
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
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		鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK		譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 Li Fung-ying	棄權 ABSTAIN	陳偉業 Albert CHAN	贊成 YES
張宇人 Tommy CHEUNG		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	贊成 YES	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		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	反對 NO	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	反對 NO	葉劉淑儀 Mrs Regina IP	

秘書 CLERK