

# LEGISLATIVE COUNCIL

## MINUTES

### No. 13

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**Minutes of the meeting held on Wednesday 13 January 2010 at 11:00 am**

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#### **Members present:**

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan

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

The Hon LEE Cheuk-yan

Dr the Hon David LI Kwok-po, GBM, GBS, JP

The Hon Fred LI Wah-ming, SBS, JP

Dr the Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon CHAN Kam-lam, SBS, JP

The Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP

The Hon LEUNG Yiu-chung

Dr the Hon Philip WONG Yu-hong, GBS

The Hon WONG Yung-kan, SBS, JP

The Hon LAU Kong-wah, JP

The Hon LAU Wong-fat, GBM, GBS, JP

The Hon Miriam LAU Kin-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-yee, GBS, JP

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun

Dr the Hon Samson TAM Wai-ho, JP

**Public officers attending:**

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

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 Edward YAU Tang-wah, JP  
Secretary for the Environment

**Clerks in attendance:**

Ms Pauline NG Man-wah, Secretary General

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

Mrs Percy MA, Assistant Secretary General (Special Duties)

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

### **Tabling of Papers**

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

Report No. 3/09-10 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (published on 6.1.2010)

### **Questions**

1. Hon CHEUNG Hok-ming asked Question 1.

The Secretary for Labour and Welfare replied.

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

2. Hon LAU Kong-wah asked Question 2.

The Secretary for Security replied.

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

3. Hon WONG Sing-chi asked Question 3.

The Secretary for Labour and Welfare replied.

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

Dr Hon PAN Pey-chyou declared that he was the Vice Chairman of the Executive Committee of the Mental Health Association of Hong Kong and the Chairman of the HKFTU Hong Ling Society for the Well-being of the Elderly. He then asked his supplementary question and the Secretary for Labour and Welfare replied.

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

4. Hon Andrew LEUNG asked Question 4.

The Secretary for the Environment replied.

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

5. Dr Hon PAN Pey-chyou asked Question 5.

The Secretary for Labour and Welfare replied.

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

6. Hon LEUNG Kwok-hung asked Question 6.

The Secretary for Labour and Welfare replied.

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

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

### **Members' Motions**

#### **Releasing LIU Xiaobo**

Hon Fred LI moved the following motion and spoke on the motion:

That this Council seriously regrets that the Central Government has imposed a heavy sentence on LIU Xiaobo for inciting to subvert state power, and demands that the Central Government should immediately release LIU Xiaobo and other dissidents; this Council appeals to the Central Government to recognize that Charter 08 advocated by LIU Xiaobo and others is a manifestation of the common values recognized by civilized societies and to positively affirm the concepts and principles of Charter 08, and the SAR Government should also expeditiously implement dual universal suffrage in Hong Kong according to those concepts and principles.

While Hon Fred LI was speaking, Hon LEE Cheuk-yan drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Fred LI continued to speak on the motion.

While Hon Fred LI was speaking, the President left the chair at 1:26 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Fred LI's motion proposed.

Eight Members and Dr Hon Margaret NG spoke on the motion.

At 2:26 pm, while Dr Hon Margaret NG was speaking, the President resumed the chair.

Eight other Members and Hon Albert CHAN spoke on the motion.

Dr Hon Priscilla LEUNG raised a point of order on whether Hon Albert CHAN had used offensive language about her and requested Hon Albert CHAN to withdraw his remarks.

As Hon Albert CHAN did not accede to the request, Dr Hon Priscilla LEUNG requested the President to rule whether Hon Albert CHAN had used offensive language about her.

The President suspended the meeting at 3:33 pm.

The Council resumed at 3:57 pm.

The President ruled that Hon Albert CHAN's remarks were offensive and insulting and were inappropriate. However, as these remarks were not specifically about Members of this Council, he could not rule that the remarks were in breach of Rule 41(4) of the Rules of Procedure.

Dr Hon Priscilla LEUNG was dissatisfied with the President's ruling and walked out of the meeting in protest of the ruling.

Hon Abraham SHEK, Ir Dr Hon Raymond HO and Hon Paul TSE raised a point of order respectively expressing the view that the offensive remarks made by Hon Albert CHAN were against Dr Hon Priscilla LEUNG.

The President further elaborated the rationale of his ruling.

Hon Albert CHAN then continued to speak on the motion.

Five other Members spoke on the motion.

Hon Fred LI replied.

Question on Hon Fred LI's motion put.

Hon Fred LI 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, four were in favour of the motion, 16 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 18 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.

#### Promoting the philosophical thinking of Confucianism

Hon CHAN Kam-lam moved the following motion and spoke on the motion:

That, given that Confucius' philosophical thinking of Confucianism is highly respected by many countries in the world, and Confucius was long ago elected one of the 10 most outstanding philosophers in the world, and the United Nations Educational, Scientific and Cultural Organization established a 'Confucius Prize for Literacy' in 2005 to award individuals who have made remarkable contribution to education, it is evident that the philosophical thinking of Confucianism is held in high esteem in the world; in view of the weak concept of morality of the Hong Kong community, increasingly distant moral relationship, confusing social values, the frequent occurrence of domestic violence and child abuse incidents, as well as the serious problems of drug addiction, drug abuse and compensated dating among young people, there is indeed a need for the Government to revive the philosophy of Confucianism in the community, with a view to building social order and harmony, strengthening business ethics, and enhancing personal virtues and qualities; in this connection, this Council urges the Government to:

- (a) promote the philosophy of Confucianism to revive the concept of public morality, and strengthen the maintenance of ethical relationship in families to enhance the community spirit of mutual help;
- (b) promote the application of the philosophy of Confucianism to social enterprises and business operations, so as to enhance the humanistic qualities of the public;



- (c) introduce in schools and tertiary institutions moral education courses which feature traditional Chinese cultural thinking and emphasize the cultivation of one's moral character; and
- (d) designate the birthday of Confucius as the Confucius Day to establish the esteemed position of Confucian thinking in the Hong Kong community.

Question on Hon CHAN Kam-lam's motion proposed.

The President stated that Hon WONG Ting-kwong 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 WONG Ting-kwong moved the following amendment to Hon CHAN Kam-lam's motion and spoke on the motion and the amendment:

To add “, and consider designating that day as a public holiday, so as” after “the Confucius Day”.

Question on Hon WONG Ting-kwong's amendment to Hon CHAN Kam-lam's motion proposed.

The Secretary for Home Affairs spoke on the motion and the amendment.

Twenty Members spoke on the motion and the amendment.

With the President's permission, Hon TAM Yiu-chung elucidated a point he had made earlier in his speech.

Hon CHAN Kam-lam spoke on the amendment.

The Secretary for Home Affairs spoke again.

Question on Hon WONG Ting-kwong's amendment to Hon CHAN Kam-lam's motion put.

Hon WONG Sing-chi 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, 18 were present, 11 were in favour of the amendment, two against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 21 were present, eight were in favour of the amendment, nine against it and three abstained (voting record in **Appendix II**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negated.

Hon CHAN Kam-lam replied.

Question on Hon CHAN Kam-lam's motion put.

Hon Fred LI 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, 18 were present, 14 were in favour of the motion and four abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, nine were in favour of the motion, one against it and 12 abstained (voting record in **Appendix III**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the motion was negated.

### **Next meeting**

The President declared that the next meeting of the Council would be held on 14 January 2010 at 3:00 pm.

The Council was adjourned at 7:34 pm.

(Jasper TSANG Yok-sing)  
President  
10 February 2010

Council Chamber  
Hong Kong

投票 VOTE: 1  
日期 DATE: 13/01/2010  
時間 TIME: 04:43:21 下午pm

動議 MOTION: 「釋放劉曉波」議案  
MOTION ON "RELEASING LIU XIAOBO"

動議人 MOVED BY: 李華明Fred LI

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	23	28	
投票 Vote	23	27	
贊成 Yes	4	18	
反對 No	16	9	
棄權 Abstain	3	0	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
何鍾泰 Dr Raymond HO	反對 NO	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國寶 Dr David LI		何俊仁 Albert HO	贊成 YES
吳靄儀 Dr Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	劉江華 LAU Kong-wah	反對 NO
劉健儀 Miriam LAU	反對 NO	劉慧卿 Emily LAU	贊成 YES
霍震霆 Timothy FOK	反對 NO	鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK		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	反對 NO	馮檢基 Frederick FUNG	贊成 YES
方剛 Vincent FANG	反對 NO	余若薇 Audrey EU	贊成 YES
李國麟 Dr Joseph LEE	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		湯家驊 Ronny TONG	
林大輝 Dr LAM Tai-fai	反對 NO	甘乃威 KAM Nai-wai	贊成 YES
陳茂波 Paul CHAN		何秀蘭 Cyd HO	贊成 YES
陳健波 CHAN Kin-por	棄權 ABSTAIN	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	Dr Priscilla LEUNG	
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	棄權 ABSTAIN	葉劉淑儀 Mrs Regina IP	反對 NO

秘書 CLERK

投票 VOTE: 2  
日期 DATE: 13/01/2010  
時間 TIME: 07:24:24 下午pm

動議 MOTION: 黃定光議員對陳鑑林議員的「推廣儒家哲學思想」議案作出的修正案  
AMENDMENT BY HON WONG TING-KWONG TO HON CHAN KAM-LAM'S MOTION ON  
"PROMOTING THE PHILOSOPHICAL THINKING OF CONFUCIANISM"

動議人 MOVED BY: 黃定光 WONG Ting-kwong

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	18	21	
投票 Vote	18	20	
贊成 Yes	11	8	
反對 No	2	9	
棄權 Abstain	5	3	
結果 Result	通過 Passed	否決 Negatived	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

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

秘書 CLERK

*Wai-an Lam*

投票 VOTE: 3  
 日期 DATE: 13/01/2010  
 時間 TIME: 07:32:41 下午pm

動議 MOTION: 「推廣儒家哲學思想」議案  
 MOTION ON "PROMOTING THE PHILOSOPHICAL THINKING OF CONFUCIANISM"

動議人 MOVED BY: 陳鑑林 CHAN Kam-lam

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	18	23	
投票 Vote	18	22	
贊成 Yes	14	9	
反對 No	0	1	
棄權 Abstain	4	12	
結果 Result	通過 Passed	否決 Negatived	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

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

*William Lam*

秘書 CLERK