

LEGISLATIVE COUNCIL

MINUTES

No. 16

Minutes of the meeting held on Wednesday 27 January 2010 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

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 TAM Yiu-chung, GBS, 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 CHIM Pui-chung

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 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

Members absent:

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

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon Abraham SHEK Lai-him, SBS, JP

The Hon LI Fung-ying, BBS, JP

The Hon Ronny TONG Ka-wah, SC

Prof the Hon Patrick LAU Sau-shing, SBS, JP

Dr the Hon Priscilla LEUNG Mei-fun

Dr the Hon Samson TAM Wai-ho, JP

Public officers attending:

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

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 Edward YAU Tang-wah, JP
Secretary for the Environment

Clerk in attendance:

Ms Pauline NG Man-wah, Secretary General

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 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. Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice (gazetted on 22.1.2010)	6/2010
2. Census and Statistics (Annual Earnings and Hours Survey) Order (gazetted on 22.1.2010)	7/2010
3. Foreign Lawyers Registration (Fees) (Amendment) Rules 2010 (gazetted on 22.1.2010)	8/2010
4. Disciplined Services Legislation (Miscellaneous Amendments) Ordinance 2009 (Commencement) Notice (gazetted on 22.1.2010)	9/2010

Other Papers

No. 64 - Report on the Administration of the Fire Services Department Welfare Fund together with the Director of Audit's report and audited statement of accounts for the year ended 31 March 2009 (published on 20.1.2010)

Report of the Bills Committee on Inland Revenue (Amendment) (No. 2) Bill 2009 (published on 26.1.2010)

Questions

1. Hon Mrs Regina IP asked Question 1.

The Financial Secretary replied.

Seven Members asked supplementary questions and the Financial Secretary replied.

2. Hon Albert HO asked Question 2.

The Secretary for Constitutional and Mainland Affairs replied.

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

3. Hon CHEUNG Man-kwong asked Question 3.

The Secretary for Education replied.

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

4. Hon WONG Yuk-man asked Question 4.

The Secretary for Security replied.

While the Secretary for Security was replying to the question, the President left the chair at 12:10 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

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

5. Hon Frederick FUNG asked Question 5.

The Secretary for the Environment replied.

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

6. Hon LAU Wong-fat asked Question 6.

The Secretary for Education replied.

At 12:51 pm, while the Secretary for Education was speaking, the President resumed the chair.

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

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

Personal Explanations

The President stated that he had given leave for Hon WONG Yuk-man, Hon LEUNG Kwok-hung, Hon Albert CHAN, Hon Tanya CHAN and Hon Alan LEONG to make personal explanations respectively concerning their resignation from office as Legislative Council Members.

The President pointed out that in accordance with Rule 28A(2) of the Rules of Procedure, no debate might arise on such explanations but he might in his discretion allow short questions to be put to the Members making the explanations for the purpose of elucidating the contents of their explanations. The President further stated that after a Member had made his/her personal explanation, any Member who wished to seek elucidation of the contents of such explanation should do so before another Member made his/her personal explanation.

When Hon WONG Yuk-man was called upon to make his personal explanation, Hon CHAN Kam-lam raised a point of order requesting that copies of the intended explanations be provided to Members for reference before the Members concerned made their explanations.

The President said that the five Members had submitted copies of their intended explanations for his perusal before the meeting. As the contents of their intended explanations were in compliance with the Rules of Procedure, he had therefore given leave for them to make the explanations. Since the five Members had no objection to distributing copies of their intended explanations for Members' reference, the President directed the Secretariat staff to distribute the copies to all Members.

Hon TAM Yiu-chung stood up to speak. He expressed dissatisfaction with the five Members using the Legislative Council meeting as a forum for promoting their resignation as a referendum and uprising. Mr TAM and some other Members, including Hon WONG Kwok-hing, then walked out of the meeting in protest of the action of the five Members.

While leaving the Chamber, Hon WONG Kwok-hing spoke aloud criticizing the act of the five Members. The President asked him to observe the Rules of Procedure.

When Hon WONG Yuk-man was called upon again to make his personal explanation, Hon CHAN Kam-lam drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting.

Next meeting

As a quorum was not present 15 minutes after Members had been summoned, the President adjourned the Council in accordance with Rule 17(2) of the Rules of Procedure, until 11:00 am on 3 February 2010.

The Council was adjourned at 1:31 pm.

(Jasper TSANG Yok-sing)
President
1 March 2010

Council Chamber
Hong Kong