

LEGISLATIVE COUNCIL

MINUTES

No. 19

Minutes of the meeting held on Wednesday 3 March 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

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 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 Miriam LAU Kin-yee, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon Andrew CHENG Kar-foo

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 Frederick FUNG Kin-kee, SBS, JP

The Hon Audrey EU Yuet-mee, SC, JP

The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

Dr the Hon Joseph LEE Kok-long, SBS, 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

The Hon CHAN Hak-kan

The Hon Paul CHAN Mo-po, MH, JP

The Hon CHAN Kin-por, JP

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 IP Wai-ming, MH

The Hon IP Kwok-him, GBS, JP

The Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun

Dr the Hon Samson TAM Wai-ho, JP

Members absent:

The Hon CHAN Kam-lam, SBS, JP

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

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon Vincent FANG Kang, SBS, JP

The Hon Jeffrey LAM Kin-fung, SBS, JP

The Hon Andrew LEUNG Kwan-yuen, SBS, JP

The Hon CHEUNG Hok-ming, GBS, JP

Dr the Hon LAM Tai-fai, BBS, JP

Public officers attending:

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

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 TSANG Tak-sing, JP
Secretary for Home Affairs

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

Prof the Hon K C CHAN, SBS, JP
Secretary for Financial Services and the Treasury
(am of 3.3.2010)

Ms Julia LEUNG Fung-ye, JP
Secretary for Financial Services and the Treasury
(pm of 3.3.2010)

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

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

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 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. Public Revenue Protection Order 2010 (gazetted on 26.2.2010)	18/2010
2. Rating (Exemption) Order 2010 (gazetted on 26.2.2010)	19/2010
3. Revenue (Reduction of Business Registration Fees) Order 2010 (gazetted on 26.2.2010)	20/2010
4. Dutiable Commodities (Amendment) Regulation 2010 (gazetted on 26.2.2010)	21/2010
5. Designation of Libraries Order 2010 (gazetted on 26.2.2010)	22/2010

Other Papers

- No. 74 - Hong Kong Council for Accreditation of Academic and Vocational Qualifications Annual Report 2008-2009 (published on 25.2.2010)
- No. 75 - Estimates
for the year ending 31 March 2011
General Revenue Account
- Consolidated Summary of Estimates
- Revenue Analysis by Head
(published on 25.2.2010)

Questions

1. Dr Hon LEUNG Ka-lau asked Question 1.

The Secretary for Constitutional and Mainland Affairs replied.

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

2. Hon CHAN Kin-por asked Question 2.

The Secretary for Transport and Housing replied.

Five Members asked supplementary questions. The Secretary for Transport and Housing and the Secretary for Financial Services and the Treasury replied.

3. Hon LEE Cheuk-yan asked Question 3.

The Secretary for Financial Services and the Treasury replied.

Eight Members asked supplementary questions. The Secretary for Financial Services and the Treasury and the Secretary for Labour and Welfare replied.

4. Dr Hon Margaret NG asked Question 4.

The Secretary for Development replied.

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

5. Hon CHAN Hak-kan asked Question 5.

The Secretary for Food and Health replied.

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

6. Hon Cyd HO asked Question 6.

The Secretary for Security replied.

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

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

Motions

Proposed resolution under the Inland Revenue Ordinance

The Secretary for Financial Services and the Treasury moved the following motion and spoke on the motion:

RESOLVED that the Inland Revenue (Disclosure of Information) Rules, made by the Chief Executive in Council on 26 January 2010, be approved.

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Financial Services and the Treasury replied.

Question on the motion 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 –

- (a) Prisons (Amendment) Order 2010, published in the Gazette as Legal Notice No. 13 of 2010;
- (b) Immigration (Places of Detention) (Amendment) Order 2010, published in the Gazette as Legal Notice No. 14 of 2010;
- (c) Immigration (Treatment of Detainees) (Amendment) Order 2010, published in the Gazette as Legal Notice No. 15 of 2010; and
- (d) Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2010, published in the Gazette as Legal Notice No. 16 of 2010,

and laid on the table of the Legislative Council on 24 February 2010, 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 14 April 2010.

Question on the motion proposed, put and agreed to.

Actively participating in the by-elections to implement genuine universal suffrage

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

That this Council appeals to all electors in Hong Kong to actively participate in the forthcoming by-elections in the five geographical constituencies to peacefully quantify public opinion through voting, so as to achieve the social effect of a de facto referendum, and strive for the expeditious implementation of genuine universal suffrage and abolition of functional constituencies.

While Hon Audrey EU was speaking, the President left the chair at 1:12 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Audrey EU's motion proposed.

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

Ten Members and Hon LEE Wing-tat spoke on the motion.

At 2:40 pm, while Hon LEE Wing-tat was speaking, the President resumed the chair.

Three other Members spoke on the motion.

The Secretary for Constitutional and Mainland Affairs spoke again.

Hon Audrey EU replied.

Question on Hon Audrey EU's motion put.

Hon Audrey EU 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 motion and 18 against it; while among the Members returned by geographical constituencies through direct elections, 20 were present, 11 were in favour of the motion, seven against it and one abstained (voting record in the **Appendix**). 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.

Improving the living environment in old districts

Hon Starry LEE moved the following motion and spoke on the motion:

That, old buildings abound in Hong Kong and those of 30 years or above amount to as many as 16 000 and will increase to 26 000 in 10 years' time; many of the old buildings are dilapidated, have poor environment and are not properly managed, giving rise to various building safety and law and order problems; as such, this Council urges the Government to take action regarding the aspects of maintenance of old buildings, building management as well as redevelopment and planning of old districts, etc., so as to improve the existing living environment of residents in old districts, and the proposed measures include:

on building maintenance,

- (a) to allocate additional funding to 'Operation Building Bright', and co-ordinate the various subsidy and loan schemes to provide one-stop services and perfect the relevant schemes, so as to assist more owners with financial difficulties;
- (b) to enhance regulation of renovation works which involve structural alterations;
- (c) focusing on water seepage problems of ceilings of old buildings, to review the existing practice of using colour dyes as the main testing tool and improve the relevant follow-up procedures of government departments, so as to enhance processing efficiency;
- (d) to expedite the clearance procedures for handling unauthorized building works;

on improving building management,

- (e) to actively assist owners of old buildings in organizing owners' corporations or hiring management companies, including exploring the engagement of the Hong Kong Housing Society or other non-government organizations to act as agents and let these organizations to take over the management work or hire management companies, so as to assist the residents in resolving management and maintenance problems;
- (f) to review the existing Building Management Ordinance, so as to alleviate the problem of inefficiency in building management of 'one building with multiple owners' corporations' and 'multiple buildings with one owners' corporation';
- (g) to set up a 'building affairs tribunal' to resolve the existing problems of lengthy building management disputes, expensive legal costs, etc.;

- (h) to actively examine the creation of a commissioner for management of old buildings to co-ordinate the existing work of various departments, so as to avoid fragmented administration of such departments;
- (i) to implement a licensing scheme for property management companies to improve the quality of such management companies;

on expediting redevelopment of old districts,

- (j) when launching urban renewal projects, the Urban Renewal Authority ('URA') should preferably adopt a 'bottom-up' approach, and let owners of old buildings take the lead in that they may take the initiative to invite URA to carry out redevelopment after obtaining a certain number of ownership shares;
- (k) in order to promote urban renewal, the development mode of renewal should be diversified in that apart from financial compensations, URA may consider other compensation options, including providing flat-for-flat exchange, for owners of old buildings to choose;

on planning of old districts and enhancement of cityscape,

- (l) to improve greenery, supporting community facilities and conservation work in old districts and enhance river channels and harbourfront areas, so as to revitalize old districts and improve the quality of life of the residents;
- (m) to allocate additional resources to the Food and Environmental Hygiene Department to eradicate environmental hygiene blackspots in old districts; and
- (n) to actively explore feasible ways to properly deal with the management problem of private streets, so as to improve the street environment in the places concerned.

Question on Hon Starry LEE's motion proposed.

The President stated that Hon James TO 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 James TO moved the following amendment to Hon Starry LEE's motion and spoke on the motion and the amendment:

To add "the dilapidation of buildings and their lack of management not only pose potential danger to their residents and the public, but also hinder the sustainable development of the society;" after "That,,"; to add "relax the restrictions on application and terms of funding support for various subsidy and loan schemes, and" after

“ ‘Operation Building Bright’, and”; to add “, and carry out extensive publicity and education work to enhance public awareness of the effect of structural alteration to units on building safety, and encourage the public to provide information on works involving structural alterations to facilitate the Government in early detection of illegal structural alteration works, so as to avoid the building structure being affected” after “structural alterations”; to add “, and enhance the exercising of powers conferred on the Building Authority under section 22 of the Buildings Ordinance, in particular focusing on old and notably dilapidated buildings, to enter into units of such buildings to inspect whether there are unauthorized building works that may affect the building structure, so as to ensure building safety; and should serious cases of inter-linked unauthorized building works be detected, the Government should take the initiative to assist the affected owners in carrying out rehabilitation works together and then share the costs among the owners, so as to avoid continuous potential hazards in the building structure and safeguard building safety” after “building works”; to add “(j) to establish a mechanism for modifying unreasonable provisions in the deeds of mutual covenant, so as to assist owners in managing the buildings more effectively; (k) to actively consider establishing an approval mechanism to assist small property owners under sub-deeds of mutual covenant in obtaining the right to deal with building management problems covered by sub-deeds of mutual covenant;” after “management companies;”; to delete the original “(j)” and substitute with “(l)”; to delete the original “(k)” and substitute with “(m)”; to add “and options for joint development with owners” after “flat-for-flat exchange”; to add “(n) to review the existing compensation measures of URA to ensure that tenants affected by the freezing survey will have reasonable compensation or rehousing arrangement;” after “choose;”; to delete the original “(l)” and substitute with “(o)”; to delete the original “(m)” and substitute with “(p)”; and to delete the original “(n)” and substitute with “(q)”.

Question on Hon James TO’s amendment to Hon Starry LEE’s motion proposed.

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

Seventeen Members spoke on the motion and the amendment.

Hon Starry LEE spoke on the amendment.

The Secretary for Development spoke again.

While the Secretary for Development was speaking, the President left the chair at 6:38 pm temporarily and the President’s Deputy, Hon Miriam LAU, took the chair.

The Secretary for Home Affairs spoke again.

At 6:52 pm, while the Secretary for Home Affairs was speaking, the President resumed the chair.

Question on Hon James TO's amendment to Hon Starry LEE's motion put and agreed to.

Hon Starry LEE replied.

Question on Hon Starry LEE's motion as amended by Hon James TO put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 10 March 2010 at 11:00 am.

The Council was adjourned at 7:03 pm.

(Jasper TSANG Yok-sing)
President
18 March 2010

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 03/03/2010
 時間 TIME: 03:34:59 下午pm

動議 MOTION: 「積極參與補選以實現真普選」議案
 MOTION ON "ACTIVELY PARTICIPATING IN THE BY-ELECTIONS TO IMPLEMENT
 GENUINE UNIVERSAL SUFFRAGE"

動議人 MOVED BY: 余若薇 Audrey EU

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	20	
投票 Vote	22	19	
贊成 Yes	4	11	
反對 No	18	7	
棄權 Abstain	0	1	
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	
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	
劉皇發 LAU Wong-fat		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	反對 NO	譚耀宗 TAM Yiu-chung	
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	棄權 ABSTAIN
張宇人 Tommy CHEUNG	反對 NO	余若薇 Audrey EU	贊成 YES
方剛 Vincent FANG		王國興 WONG Kwok-hing	反對 NO
李國麟 Dr Joseph LEE	贊成 YES	李永達 LEE Wing-tat	贊成 YES
林健鋒 Jeffrey LAM		張學明 CHEUNG Hok-ming	
梁君彥 Andrew LEUNG		湯家驊 Ronny TONG	
黃定光 WONG Ting-kwong	反對 NO	甘乃威 KAM Nai-wai	贊成 YES
詹培忠 CHIM Pui-chung	反對 NO	何秀蘭 Cyd HO	贊成 YES
劉秀成 Prof Patrick LAU	反對 NO	李慧琼 Starry LEE	反對 NO
林大輝 Dr LAM Tai-fai		陳克勤 CHAN Hak-kan	反對 NO
陳茂波 Paul CHAN	反對 NO	梁美芬 Dr Priscilla LEUNG	反對 NO
陳健波 CHAN Kin-por	反對 NO	黃成智 WONG Sing-chi	贊成 YES
梁家駒 Dr LEUNG Ka-lau		黃國健 WONG Kwok-kin	反對 NO
張國柱 CHEUNG Kwok-che	贊成 YES	葉劉淑儀 Mrs Regina IP	反對 NO
葉偉明 IP Wai-ming	反對 NO		
葉國謙 IP Kwok-him	反對 NO		
潘佩璆 Dr PAN Pey-chyau	反對 NO		
謝偉俊 Paul TSE	反對 NO		
譚偉豪 Dr Samson TAM	反對 NO		

秘書 CLERK 