

LEGISLATIVE COUNCIL

MINUTES

No. 20

Minutes of the meeting held on Wednesday 10 March 2010 at 11:00 am

Members present:

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan

The Hon LEE Cheuk-yan

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

The Hon Fred LI Wah-ming, SBS, JP

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

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 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 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 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 IP Wai-ming, MH

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

Members absent:

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

Dr the Hon Margaret NG

The Hon CHAN Kam-lam, SBS, JP

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

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon TAM Yiu-chung, GBS, 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

The Hon WONG Kwok-kin, BBS

The Hon IP Kwok-him, GBS, JP

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 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 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

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

The Hon Edward YAU Tang-wah, JP
Secretary for the Environment

Clerks in attendance:

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)

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:

No. 76 - The Hong Kong Academy for Performing Arts Annual Report 2008-2009, and financial statements and Auditor's report for the year ended 30 June 2009 (published on 2.3.2010)

Report of the Bills Committee on Genetically Modified Organisms (Control of Release) Bill (published on 8.3.2010)

Questions

1. Hon Tommy CHEUNG asked Question 1.

The Secretary for Food and Health replied.

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

2. Hon Starry LEE asked Question 2.

The Secretary for Security replied.

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

3. Hon Ronny TONG asked Question 3.

The Secretary for Financial Services and the Treasury replied.

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

4. Hon Paul TSE asked Question 4.

The Secretary for Constitutional and Mainland Affairs replied.

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

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

The Secretary for Development replied.

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

6. Hon WONG Sing-chi asked Question 6.

The Secretary for Development replied.

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

Hon James TO declared that he was a non-official member of the former Land Development Corporation and an incumbent non-executive director of the Urban Renewal Authority. He then asked his supplementary question and the Secretary for Development replied.

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

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

Bill

Genetically Modified Organisms (Control of Release) Bill

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 3 June 2009 resumed.

Hon Audrey EU, Chairman of the Bills Committee on Genetically Modified Organisms (Control of Release) Bill, addressed the Council on the Committee's Report. After the address, she spoke on the Bill in her personal capacity as a Member.

Two Members spoke on the Bill.

The Secretary for the Environment 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 Genetically Modified Organisms (Control of Release) Bill.

Question that clauses 1, 4, 5, 7 to 14, 16 to 19, 22, 23, 24, 40, 41, 44, 45, 47, 48 and 49 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 3, 6, 15, 20, 21, 25 to 39, 42, 43, 46, 50 and 51 stand part of the Bill proposed.

The Secretary for the Environment moved amendments to clauses 2, 3, 6, 15, 20, 21, 25 to 39, 42, 43, 46, 50 and 51 and spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 2, 3, 6, 15, 20, 21, 25 to 39, 42, 43, 46, 50 and 51 as amended stand part of the Bill proposed, put and agreed to.

The new heading before new clause 24A, and new clauses 24A, 24B, 33A and 38A read the first time.

The Secretary for the Environment moved the Second Reading of the new heading before new clause 24A, and new clauses 24A, 24B, 33A and 38A. He then spoke on the new heading and new clauses.

Question on the Second Reading of the new heading before new clause 24A, and new clauses 24A, 24B, 33A and 38A proposed, put and agreed to.

The new heading before new clause 24A, and new clauses 24A, 24B, 33A and 38A read the second time.

The Secretary for the Environment moved the addition of the new heading before new clause 24A, and new clauses 24A, 24B, 33A and 38A to the Bill.

Question on the addition proposed, put and agreed to.

Question that Schedules 1 to 6 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for the Environment reported that

the Genetically Modified Organisms (Control of Release) Bill

had passed through the Committee with amendments. He 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.

Motion

Proposed resolution under the Public Finance Ordinance

The Secretary for Financial Services and the Treasury moved the motion in the **Appendix** and spoke on the motion.

Two Members spoke on the motion.

The Secretary for Financial Services and the Treasury replied.

Question on the motion proposed, put and agreed to.

Members' Motions

Advocating a low carbon life

Hon CHAN Hak-kan moved the following motion and spoke on the motion:

That the governments of various places are actively motivating their people and enterprises to lead a low carbon life so as to address global climate change; in this connection, this Council urges the SAR Government to lead Hong Kong to become a low carbon city through comprehensive policies and setting work targets and timetables, and the relevant measures should include:

- (a) to study the establishment of an effective mechanism to enable people to calculate carbon emissions in daily life on their own so as to understand their carbon footprints;
- (b) to study the introduction of a ‘carbon emission reduction bonus point scheme’, whereby the purchase of energy-saving products and reduction in electricity consumption can be exchanged into bonus points which can be used to pay fees of government services and facilities, so as to encourage people to save energy;
- (c) to study further expansion of the coverage of the ‘Mandatory Energy Efficiency Labelling Scheme’;
- (d) to actively promote the ‘Water Efficiency Labelling Scheme’, review its effectiveness and study the feasibility of its mandatory implementation;
- (e) to formulate effective policies to enhance source separation of waste, facilitate food waste recycling and reuse, and optimize the use of landfill gas;
- (f) to expand the scale of the Government’s green product procurement and formulate a labelling system in this respect, so as to facilitate the development of a market for green products;
- (g) to promote the development of local organic agriculture and fisheries and improve the labelling system for organic products, so that people can purchase agriculture and fishery products with low carbon footprints;
- (h) to encourage enterprises to make efforts to reduce carbon emissions, including offering assistance in conducting carbon audits, upgrading emission reduction technology, and obtaining accredited certification, etc.;
- (i) to strengthen greening efforts to achieve the objectives of improving cityscape and reducing heat island effects;
- (j) to actively develop green transportation, including electric vehicles, and expand cycling tracks to reduce carbon emissions arising from transport needs; and
- (k) to step up publicity and education to encourage people to live a low carbon life.

While Hon CHAN Hak-kan was speaking, the President left the chair at 2:36 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon CHAN Hak-kan's motion proposed.

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

Hon Audrey EU, Hon KAM Nai-wai and Dr Hon Priscilla LEUNG, who would move amendments to the motion, spoke on the motion and the amendments. Dr Hon Priscilla LEUNG declared that she had been the Chairperson of the Green Council for ten years.

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

Nine Members spoke on the motion and the amendments.

Hon CHAN Hak-kan spoke on the amendments.

The Secretary for the Environment spoke again.

At 4:29 pm, while the Secretary for the Environment was speaking, the President resumed the chair.

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

To add “, as” after “That”; to add “and develop the environmental industry” after “global climate change”; to add “and quality” after “become a low carbon”; to add “install more escalators” after “electric vehicles,”; to delete “and” after “transport needs,”; and to add “; and (l) to enhance the support for the grassroots and the disadvantaged, so as to reduce the impacts on them caused by the society's transformation process to a low carbon city” immediately before the full stop.

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

As Hon Audrey EU's amendment 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 CHAN Hak-kan's motion as amended by Hon Audrey EU:

To add “; (m) to improve and develop footbridge and subway networks, and encourage people to make more use of public transportation and mass transit systems; (n) to expeditiously legislate to ban idling vehicles with running engines, subsidize franchised bus companies to replace their high-polluting old-model vehicles, designate ‘low emission zones’ in areas with serious air pollution and restrict the entry of heavy diesel vehicles with high emissions into such zones, so as to improve roadside air quality; (o) to adopt the World Health Organization’s Air Quality Guidelines for setting air quality benchmarks and the timetable for achieving such benchmarks, and amend the Air Pollution Control Ordinance to make ‘protecting public health’ a statutory requirement; and (p) to expeditiously and directly subsidize people to use compact fluorescent lamps and other energy-saving products” immediately before the full stop.

Question on Hon KAM Nai-wai’s amendment to Hon CHAN Hak-kan’s motion as amended by Hon Audrey EU proposed, put and agreed to.

As Hon Audrey EU’s and Hon KAM Nai-wai’s amendments had been passed, the President granted leave for Dr Hon Priscilla LEUNG to revise the terms of her amendment.

Dr Hon Priscilla LEUNG moved the following further amendment to Hon CHAN Hak-kan’s motion as amended by Hon Audrey EU and Hon KAM Nai-wai:

To add “; (q) to provide tax allowance or concession for private enterprises which are willing to procure products with eco-label certification; and (r) to actively develop hybrid vehicles and advocate the use of biodiesel” immediately before the full stop.

Question on Dr Hon Priscilla LEUNG’s amendment to Hon CHAN Hak-kan’s motion as amended by Hon Audrey EU and Hon KAM Nai-wai proposed, put and agreed to.

Hon CHAN Hak-kan replied.

Question on Hon CHAN Hak-kan’s motion as amended by Hon Audrey EU, Hon KAM Nai-wai and Dr Hon Priscilla LEUNG put and agreed to.

Establishing a scheme for sexual offences records checks for child-related work

Dr Hon Philip WONG moved the following motion and spoke on the motion:

That, as employers at present do not have any channel for checking the past sexual offences conviction records of applicants when recruiting personnel for posts which have close contact with children, this Council urges the Government to expeditiously implement the recommendations in the Law Reform Commission Report to establish a scheme for sexual offences records checks for child-related work, so as to enhance protection for children against sexual assault.

Question on Dr Hon Philip WONG'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 Audrey EU, who would move amendments to the motion, spoke on the motion and the amendments.

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

Eleven Members spoke on the motion and the amendments.

Dr Hon Philip WONG spoke on the amendments.

The Secretary for Security spoke again.

Hon Emily LAU moved the following amendment to Dr Hon Philip WONG's motion:

To delete “,” after “That” and substitute with “the occurrence in recent years of a number of incidents in which persons who engaged in child-related work committing sexual offences against children has aroused widespread concern;”; to delete “this Council urges the Government to expeditiously implement the recommendations in” after “with children;”; to delete “Report to establish” after “the Law Reform Commission” and substitute with “(‘LRC’) released a report in February this year, putting forward interim proposals for, as an interim measure, the establishment of”; and to add “, and this Council notes the contents of the report; in view of the highly controversial nature of LRC’s proposals, this Council urges the Administration to expeditiously consult various sectors and, after balancing the views of various parties, implement as soon as possible reasonable and practicable administrative and legislative measures” after “child-related work”.

Question on Hon Emily LAU's amendment to Dr Hon Philip WONG's motion proposed, put and agreed to.

As Hon Emily LAU's amendment had been passed, the President granted leave for Hon Audrey EU to revise the terms of her amendment.

Hon Audrey EU moved the following further amendment to Dr Hon Philip WONG's motion as amended by Hon Emily LAU, and explained the revised terms of her amendment to the Council:

To add “, and safeguard the human rights of former sex offenders and facilitate their rehabilitation” immediately before the full stop.

With the President's permission, Hon LAU Kong-wah elucidated a point he had made earlier which he considered to be misunderstood by Hon Audrey EU.

Question on Hon Audrey EU's amendment to Dr Hon Philip WONG's motion as amended by Hon Emily LAU proposed, put and agreed to.

Dr Hon Philip WONG replied.

Question on Dr Hon Philip WONG's motion as amended by Hon Emily LAU and Hon Audrey EU put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 17 March 2010 at 11:00 am.

The Council was adjourned at 7:14 pm.

(Jasper TSANG Yok-sing)
President
30 March 2010

Council Chamber
Hong Kong

PUBLIC FINANCE ORDINANCE

RESOLUTION

(Under section 7(1) of the Public Finance Ordinance
(Cap. 2))

RESOLVED that –

1. Authority is hereby given for a sum not exceeding \$58,957,489,000 to be charged on the general revenue for expenditure on the services of the Government in respect of the financial year commencing on 1 April 2010.
2. Subject to this Resolution, the sum so charged may be expended against the heads of expenditure as shown in the Estimates of Expenditure 2010-11 laid before the Legislative Council on 24 February 2010 or, if the Estimates are changed under the provisions of the Public Finance Ordinance (Cap. 2) as applied by section 7(2) of that Ordinance, as shown in the Estimates as so changed.
3. Expenditure in respect of any head of expenditure must not exceed the aggregate of the amounts authorized by paragraph 4 to be expended in respect of the subheads in that head of expenditure.
4. Expenditure in respect of each subhead in a head of expenditure must not exceed –

- (a) for an Operating Account Recurrent subhead of expenditure, an amount equivalent to –
 - (i) except if the subhead is listed in Schedule 1 to this Resolution, 20% of the provision shown in the Estimates in respect of that subhead;
 - (ii) if the subhead is listed in Schedule 1 to this Resolution, the percentage of the provision shown in the Estimates in respect of that subhead that is specified in that Schedule in relation to that subhead;and
- (b) for an Operating Account Non-Recurrent subhead of expenditure or a Capital Account subhead of expenditure, an amount equivalent to –
 - (i) except if the subhead is listed in Schedule 2 to this Resolution, 100% of the provision shown in the Estimates in respect of that subhead;
 - (ii) if the subhead is listed in Schedule 2 to this Resolution, the amount that is specified in that Schedule in relation to that subhead,

or such other amount, not exceeding an amount equivalent to 100% of the provision shown in the Estimates in respect of that subhead, as may in any case be approved by the Financial Secretary.

SCHEDULE 1

[para. 4(a)]

	Head of Expenditure		Subhead	Percentage of provision shown in Estimates
46	General Expenses of the Civil Service	013	Personal allowances	40
59	Government Logistics Department	225	Traffic Accident Victims Assistance Scheme – levies	100
90	Labour Department	280	Contribution to the Occupational Safety and Health Council	30
		295	Contribution to the Occupational Deafness Compensation Board	30
106	Miscellaneous Services	284	Compensation	40
120	Pensions	026	Employees' compensation, injury, incapacity and death related payments and expenses	50
152	Government Secretariat: Commerce and Economic Development Bureau (Commerce, Industry and Tourism Branch)	000	Operational expenses	25
155	Government Secretariat: Innovation and Technology Commission	000	Operational expenses	25

170	Social Welfare Department	157	Assistance for patients and their families	100
		176	Criminal and law enforcement injuries compensation	25
		177	Emergency relief	100
		179	Comprehensive social security assistance scheme	30
		180	Social security allowance scheme	30

SCHEDULE 2

[para. 4(b)]

Head of Expenditure		Subhead		Amount \$
106	Miscellaneous Services	689	Additional commitments	4,085,000
		789	Additional commitments	1,000,000,000
184	Transfers to Funds	984	Payment to the Capital Works Reserve Fund	0