

LEGISLATIVE COUNCIL

MINUTES

No. 25

Minutes of the meeting held on Wednesday 5 May 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 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 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 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

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

Dr the Hon York CHOW Yat-ngok, GBS, JP
Secretary for Food and Health

Prof the Hon K C CHAN, SBS, JP
Secretary for Financial Services and the Treasury

The Hon Edward YAU Tang-wah, JP
Secretary for the Environment
(am of 5.5.2010)

Dr Kitty POON Kit, JP
Secretary for the Environment
(pm of 5.5.2010)

The Hon Eva CHENG, JP
Secretary for Transport and Housing

The Hon Mrs Rita LAU NG Wai-lan, JP
Secretary for Commerce and Economic Development

Clerks in attendance:

Ms Pauline NG Man-wah, Secretary General

Mrs Constance LI TSOI Yeuk-lin, Assistant Secretary General (1)

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

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. Fugitive Offenders (South Africa) Order (gazetted on 30.4.2010)	43/2010
2. Professional Accountants (Amendment) Bylaw 2010 (gazetted on 30.4.2010)	44/2010
3. Import and Export (Strategic Commodities) Regulations (Amendment of Schedules 1 and 2) Order 2010 (gazetted on 30.4.2010)	45/2010

Questions

1. Hon Jeffrey LAM asked Question 1.

The Secretary for Financial Services and the Treasury replied.

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

2. Hon Starry LEE asked Question 2.

The Secretary for the Environment replied.

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

3. Hon Miriam LAU asked Question 3.

The Secretary for Food and Health replied.

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

4. Hon Ronny TONG asked Question 4.

The Secretary for Commerce and Economic Development replied.

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

5. Hon Cyd HO asked Question 5.

The Secretary for the Environment replied.

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

6. Ir Dr Hon Raymond HO asked Question 6.

The Secretary for Transport and Housing replied.

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

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

Bills

First Reading

Stamp Duty (Amendment) Bill 2010

The Bill was read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading

Stamp Duty (Amendment) Bill 2010

The Secretary for Transport and Housing moved the Second Reading and spoke on the Bill.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon CHAN Kin-por moved the following motion and spoke on the motion:

RESOLVED that in relation to the Dutiable Commodities (Exempted Quantities) (Amendment) Notice 2010, published in the Gazette as Legal Notice No. 35 of 2010 and laid on the table of the Legislative Council on 14 April 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 2 June 2010.

Question on the motion proposed, put and agreed to.

Medical check-ups for professional drivers

Hon Andrew CHENG moved the following motion and spoke on the motion:

That quite a number of incidents of drivers feeling unwell and becoming unconscious while driving occurred in recent years, with some even resulting in traffic accidents and causing death and injury to drivers, passengers and passers-by, and this causes public concern and worry about the health conditions of professional drivers; as the health problems of professional drivers have direct impact on passenger safety, this Council urges the Government to expeditiously allocate additional resources, and study and formulate policies to motivate professional drivers to undergo regular medical check-ups to safeguard their health as well as the safety of road users, including:

- (a) to study the provision of medical check-up services for professional drivers by public medical institutions, including the Department of Health, the Hospital Authority, etc., and the workers' health centre of the Labour Department;
- (b) to consider requiring professional drivers to submit medical reports to prove that they are physically fit to drive when applying for or renewing driving licences;
- (c) to study the introduction of legislation to require all professional drivers to undergo regular medical check-ups, so as to safeguard road safety and the health of drivers;

- (d) to request the Transport Department to allocate more resources to the relevant activities, including the 'Safe Driving and Health Campaign', 'Health Check Days', etc., so that such activities can cover more professional drivers and the health checks can be conducted in a more comprehensive and thorough manner; and
- (e) to step up the relevant publicity and public education so that more professional drivers will care and know more about their own health conditions.

While Hon Andrew CHENG was speaking, the President left the chair at 1:23 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Andrew CHENG's motion proposed.

The President's Deputy stated that Hon LI Fung-ying 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 LI Fung-ying moved the following amendment to Hon Andrew CHENG's motion and spoke on the motion and the amendment:

To add “, as” after “That”; to add “being affected by excessively long working hours” after “the health conditions of professional drivers”; to add “ensure that professional drivers have sufficient rest time and” after “formulate policies to”; to delete “workers' health centre” after “etc., and the” and substitute with “Occupational Safety and Health Centre”; to delete “consider requiring professional drivers to submit medical reports to prove” after “(b) to” and substitute with “urge employers to ensure that professional drivers have sufficient rest time and”; to delete “when applying for or renewing driving licences” after “fit to drive”; and to delete “study the introduction of legislation to require” after “(c) to” and substitute with “encourage”.

Question on Hon LI Fung-ying's amendment to Hon Andrew CHENG's motion proposed.

The Secretary for Transport and Housing spoke on the motion and the amendment.

Six Members and Dr Hon Joseph LEE spoke on the motion and the amendment.

At 2:27 pm, while Dr Hon Joseph LEE was speaking, the President resumed the chair.

Seven other Members spoke on the motion and the amendment.

Hon Andrew CHENG spoke on the amendment.

The Secretary for Transport and Housing spoke again.

Question on Hon LI Fung-ying's amendment to Hon Andrew CHENG's motion put.

Hon Andrew CHENG 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, 20 were in favour of the amendment and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 16 were in favour of the amendment and eight abstained (voting record in **Appendix I**). Since the question was agreed by a majority of each of the two groups of Members present, he declared that the amendment was passed.

Hon Andrew CHENG replied.

Question on Hon Andrew CHENG's motion as amended by Hon LI Fung-ying put.

Hon WONG Kwok-kin 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, 20 were in favour of the motion as amended and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 16 were in favour of the motion as amended and eight abstained (voting record in **Appendix II**). Since the question was agreed by a majority of each of the two groups of Members present, he declared that the motion as amended was passed.

Improving air quality

Hon KAM Nai-wai moved the following motion and spoke on the motion:

That air quality in Hong Kong is deteriorating by the day, posing a serious threat to public health, and during the onslaught of 'sandstorm' earlier, many districts recorded an Air Pollution Index ('API') reading at the 'severe' level of 500; the 'sandstorm' has not only exposed the 'belated awareness' of the Administration, but also highlighted the shortcomings in its early warning mechanism; quite a number of local and overseas studies have pointed out the close relationship between the severity of air pollution and the mortality rate; in this connection, this Council requests the Administration to make protection of public health its primary policy objective in tackling the problem of air pollution, and urges it to:

- (a) immediately conduct a review on its sluggish response in this ‘sandstorm’ incident, and improve the early warning mechanism and warning signals, so as to enable members of the public to be aware of the warning messages about air quality as early as possible;
- (b) in respect of the situations where API reaches ‘extremely severe’ and ‘severe’ levels, formulate specific guidelines, including implementation of measures to suspend schools and arrange for workers who need to work outdoors for long hours to suspend work, etc. so as to protect the health of school children and the underprivileged, such as people with chronic illness, the elderly and workers working outdoors, in situations where the pollution is serious;
- (c) 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 air quality at the street level;
- (d) provide funding support for the franchised bus companies to scrap and replace earlier their franchised buses with high emissions, such as buses which are Euro II or below, so as to improve roadside air quality;
- (e) adopt the most stringent standards of the World Health Organization’s air quality guidelines as Hong Kong’s air quality objectives, and undertake to conduct regular review of the objectives in the future;
- (f) improve the ‘To Replace Pre-Euro and Euro I Diesel Commercial Vehicles by New Commercial Vehicles - Incentive Scheme’ and the scheme for the replacement of Euro II diesel commercial vehicles mentioned in the Budget of this year, including allowing those vehicle owners who just write off their vehicles to receive subsidies under the schemes; and
- (g) strengthen the co-operation and co-ordination with Guangdong Province on the improvement of air quality, including improving mutual notification and early warning mechanisms.

Question on Hon KAM Nai-wai’s motion proposed.

The President stated that Hon Audrey EU and Hon Cyd HO would move amendments to the motion, and Hon CHAN Hak-kan intended to move an amendment to Hon Cyd HO’s amendment. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Hon Audrey EU, Hon Cyd HO and Hon CHAN Hak-kan, who intended to move amendments to the motion, spoke on the motion and the amendments.

With the President’s permission, Hon Cyd HO elucidated a point she had made earlier in her speech.

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

Eleven Members spoke on the motion and the amendments.

Hon KAM Nai-wai spoke on the amendments.

The Secretary for the Environment spoke again.

Hon Audrey EU moved the following amendment to Hon KAM Nai-wai's motion:

To add “, as” after “That”; to add “particularly regarding the emission of sulphur dioxide and fine suspended particulates,” after “the day,”; to delete “and” after “under the schemes,”; and to add “; (h) in areas other than the Kai Tak Development Area, widely promote the use of district cooling system to enhance energy efficiency and achieve emission reduction; and (i) improve town planning and urban design to improve air ventilation and reduce the accumulation of air pollutants in urban areas, such as expediting the review of the Outline Zoning Plans of various districts to revise the planning parameters, formulating ‘air ventilation objectives’, studying making ‘air ventilation assessment’ and ‘air ventilation guidelines’ statutory requirements, so as to strengthen the regulation of the impact of private developments on the surrounding environment” immediately before the full stop.

Question on Hon Audrey EU's amendment to Hon KAM Nai-wai's motion proposed, put and agreed to.

As Hon Audrey EU's amendment had been passed, the President granted leave for Hon Cyd HO to revise the terms of her amendment. As the terms of Hon Cyd HO's revised amendment did not include the part of her original amendment which Hon CHAN Hak-kan sought to amend, Hon CHAN Hak-kan therefore might not move his amendment to Hon Cyd HO's revised amendment.

Hon Cyd HO moved the following further amendment to Hon KAM Nai-wai's motion as amended by Hon Audrey EU:

To add “; and (j) in respect of the situations where API reaches the ‘severe’ level, establish an inter-departmental mechanism to co-ordinate the work of government departments responsible for health care and social welfare etc., so as to cope with the possible additional demand for medical consultation, emergency medical treatment and primary community services, etc” immediately before the full stop.

Question on Hon Cyd HO's amendment to Hon KAM Nai-wai's motion as amended by Hon Audrey EU proposed, put and agreed to.

Hon KAM Nai-wai replied.

Question on Hon KAM Nai-wai's motion as amended by Hon Audrey EU and Hon Cyd HO put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 6 May 2010 at 3:00 pm.

The Council was adjourned at 6:13 pm.

(Jasper TSANG Yok-sing)
President
2 June 2010

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 05/05/2010
時間 TIME: 03:39:55 下午pm

動議 MOTION: 李鳳英議員對鄭家富議員的「職業司機的身體檢查」議案作出的修正案
AMENDMENT BY HON LI FUNG-YING TO HON ANDREW CHENG'S MOTION ON
"MEDICAL CHECK-UPS FOR PROFESSIONAL DRIVERS"

動議人 MOVED BY: 李鳳英 LI Fung-ying

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	25	
投票 Vote	21	24	
贊成 Yes	20	16	
反對 No	0	0	
棄權 Abstain	1	8	
結果 Result	通過 Passed	通過 Passed	通過 Passed

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	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	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
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		梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	贊成 YES
劉健儀 Miriam LAU	贊成 YES	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	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
張宇人 Tommy CHEUNG	贊成 YES	余若薇 Audrey EU	贊成 YES
方剛 Vincent FANG	贊成 YES	王國興 WONG Kwok-hing	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	李永達 LEE Wing-tat	棄權 ABSTAIN
林健鋒 Jeffrey LAM	贊成 YES	張學明 CHEUNG Hok-ming	贊成 YES
梁君彥 Andrew LEUNG	贊成 YES	湯家驊 Ronny TONG	贊成 YES
黃定光 WONG Ting-kwong	贊成 YES	甘乃威 KAM Nai-wai	棄權 ABSTAIN
詹培忠 CHIM Pui-chung	贊成 YES	何秀蘭 Cyd HO	贊成 YES
劉秀成 Prof Patrick LAU		李慧琼 Starry LEE	贊成 YES
林大輝 Dr LAM Tai-fai		陳克勤 CHAN Hak-kan	贊成 YES
陳茂波 Paul CHAN	贊成 YES	梁美芬 Dr Priscilla LEUNG	贊成 YES
陳健波 CHAN Kin-por	贊成 YES	黃成智 WONG Sing-chi	棄權 ABSTAIN
梁家驩 Dr LEUNG Ka-lau		黃國健 WONG Kwok-kin	贊成 YES
張國柱 CHEUNG Kwok-che	贊成 YES	葉劉淑儀 Mrs Regina IP	贊成 YES
葉偉明 IP Wai-ming	贊成 YES		
葉國謙 IP Kwok-him	贊成 YES		
潘佩璆 Dr PAN Pey-chyou	贊成 YES		
謝偉俊 Paul TSE			
譚偉豪 Dr Samson TAM			

秘書 CLERK

投票 VOTE: 2
日期 DATE: 05/05/2010
時間 TIME: 03:45:34 下午pm

動議 MOTION: 由鄭家富議員動議，經李鳳英議員修正的「職業司機的身體檢查」議案
MOTION MOVED BY HON ANDREW CHENG ON "MEDICAL CHECK-UPS FOR PROFESSIONAL DRIVERS" AS AMENDED BY HON LI FUNG-YING

動議人 MOVED BY: 鄭家富 Andrew CHENG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	25	
投票 Vote	21	24	
贊成 Yes	20	16	
反對 No	0	0	
棄權 Abstain	1	8	
結果 Result	通過 Passed	通過 Passed	通過 Passed

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	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	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
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		梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	贊成 YES
劉健儀 Miriam LAU	贊成 YES	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	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
張宇人 Tommy CHEUNG	贊成 YES	余若薇 Audrey EU	贊成 YES
方剛 Vincent FANG	贊成 YES	王國興 WONG Kwok-hing	贊成 YES
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劉秀成 Prof Patrick LAU		李慧琼 Starry LEE	贊成 YES
林大輝 Dr LAM Tai-fai		陳克勤 CHAN Hak-kan	贊成 YES
陳茂波 Paul CHAN	贊成 YES	梁美芬 Dr Priscilla LEUNG	贊成 YES
陳健波 CHAN Kin-por	贊成 YES	黃成智 WONG Sing-chi	棄權 ABSTAIN
梁家驩 Dr LEUNG Ka-lau		黃國健 WONG Kwok-kin	贊成 YES
張國柱 CHEUNG Kwok-che	贊成 YES	葉劉淑儀 Mrs Regina IP	贊成 YES
葉偉明 IP Wai-ming	贊成 YES		
葉國謙 IP Kwok-him	贊成 YES		
潘佩璆 Dr PAN Pey-chyou	贊成 YES		
謝偉俊 Paul TSE			
譚偉豪 Dr Samson TAM			

秘書 CLERK