

# LEGISLATIVE COUNCIL

## MINUTES

No. 27

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**Minutes of the meeting held on Wednesday 12 May 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-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 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

**Member absent:**

The Hon Timothy FOK Tsun-ting, 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

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

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

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

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. Air Pollution Control (Motor Vehicle Fuel) (Amendment) Regulation 2010 (gazetted on 7.5.2010)	50/2010
2. Legal Practitioners (Amendment) Ordinance 2010 (Commencement) Notice 2010 (gazetted on 7.5.2010)	51/2010
3. The Ombudsman Ordinance (Amendment of Schedule 1) Order 2009 (Commencement) Notice (gazetted on 7.5.2010)	52/2010

## **Other Papers**

- No. 92 - Early Retirement Ex-gratia Payment Fund for Aided Secondary School Teachers  
Financial statements together with the Director of Audit's report for the year ended 31 August 2009 (published on 5.5.2010)
- No. 93 - The Government Minute in response to the Report No. 53 of the Public Accounts Committee dated February 2010 (published on 12.5.2010)

Report No. 9/09-10 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (published on 6.5.2010)

## **Addresses**

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the Report No. 53 of the Public Accounts Committee dated February 2010.

## **Questions**

1. Hon Paul CHAN asked Question 1.

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.

2. Hon WONG Yung-kan asked Question 2.

The Secretary for Home Affairs replied.

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

3. Dr Hon Priscilla LEUNG asked Question 3.

The Secretary for Development replied.

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

4. Hon CHAN Hak-kan asked Question 4.

The Secretary for Food and Health replied.

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

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

The Secretary for Financial Services and the Treasury replied.

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

6. Hon Frederick FUNG asked Question 6.

The Secretary for Commerce and Economic Development replied.

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

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

## **Bills**

### First Reading

Inland Revenue (Amendment) Bill 2010

Road Traffic (Amendment) Bill 2010

The Bills were 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

Inland Revenue (Amendment) Bill 2010

The Secretary for Financial Services and the Treasury 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.

Road Traffic (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**

Reviewing the existing policy on live poultry in Hong Kong

Hon Vincent FANG moved the following motion and spoke on the motion:

That, in view of the remark made publicly by the Secretary for Food and Health that the risks of avian influenza outbreaks have been significantly reduced, coupled with the fact that there has not been a case of indigenous human avian influenza in Hong Kong since 1997 and there was no case of avian influenza outbreak in local farms and Mainland farms which supply chickens to Hong Kong in the past one and a half years; on the other hand, there is still a strong demand for live chickens among Hong Kong people and that quite a number of people express the wish to buy live chickens at affordable prices through more convenient channels, especially during major traditional Chinese festivals; in this connection, this Council urges the Government:

- (a) to review the existing policy on live poultry supply so as to reduce market intervention by administrative means and to appropriately increase the supply of live poultry according to market demand under safe and reasonable conditions, with a view to alleviating the pressure of price increases in live poultry and satisfying people's needs for live poultry as far as possible;
- (b) to faithfully implement the usual practice of the Food and Health Bureau to maintain the quantity of daily market supply of live poultry from the Mainland and local farms at similar levels;
- (c) to continuously maintain the usual practice for the live poultry trade in the past by appropriately increasing the supply of live poultry from the Mainland to Hong Kong according to market demand during major traditional Chinese festivals under safe circumstances, so as to meet people's special needs in those festivals; and
- (d) to re-assess the need to develop a live poultry slaughtering centre in Hong Kong with regard to economic benefits and risk levels.

While Hon Vincent FANG was speaking, the President left the chair at 1:34 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Vincent FANG'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 WONG Kwok-hing, Hon WONG Yung-kan and Hon Fred LI, who would move amendments, spoke on the motion and the amendments.

The Secretary for Food and Health spoke on the motion and the amendments.

Five Members spoke on the motion and the amendments.



Hon Vincent FANG spoke on the amendments.

The Secretary for Food and Health spoke again.

At 3:08 pm, while the Secretary for Food and Health was speaking, the President resumed the chair.

Hon WONG Kwok-hing moved the following amendment to Hon Vincent FANG's motion:

To delete "in view of" after "That," and substitute with "given that Hong Kong has been effective in preventing avian influenza and"; to delete "and" after "those festivals;"; and to add "; and (e) to seriously consolidate the successful and valuable operational experience of the local live poultry trade in being able to continue to raise, distribute, retail, transport and slaughter live poultry, etc., when facing unprecedented difficulties, and on the basis of such foundation and experience, to promote the development of a new form of local live poultry trade to bring about an increase in the local supply of live poultry while creating more new opportunities for setting up businesses and employment" immediately before the full stop.

Question on Hon WONG Kwok-hing's amendment to Hon Vincent FANG's motion proposed, put and agreed to.

As Hon WONG Kwok-hing's amendment had been passed, the President granted leave for Hon WONG Yung-kan to revise the terms of his amendment.

Hon WONG Yung-kan moved the following further amendment to Hon Vincent FANG's motion as amended by Hon WONG Kwok-hing:

To add "; (f) to appropriately raise the ceiling on the quantity of live poultry raised in local farms; and (g) to strengthen the monitoring of avian influenza on a farm-to-retail basis, and to allocate additional resources to improve the hygiene of wholesale markets and public markets and to expeditiously improve the ventilating systems and install additional air-conditioning facilities in public markets, etc., so as to comprehensively raise the standard of hygiene in selling live poultry, thereby enabling people to continue to consume safely live poultry" immediately before the full stop.

Question on Hon WONG Yung-kan's amendment to Hon Vincent FANG's motion as amended by Hon WONG Kwok-hing proposed, put and agreed to.

As Hon WONG Kwok-hing's and Hon WONG Yung-kan's amendments had been passed, the President granted leave for Hon Fred LI to revise the terms of his amendment.

Hon Fred LI moved the following further amendment to Hon Vincent FANG's motion as amended by Hon WONG Kwok-hing and Hon WONG Yung-kan, and explained the terms of his amendment to the Council:

To add “; and (h) to consider, while flexibly increasing the supply of live poultry, studying the introduction of a policy of banning overnight stocking of live poultry in wholesale markets to further reduce the risks of avian influenza outbreaks” immediately before the full stop.

Question on Hon Fred LI's amendment to Hon Vincent FANG's motion as amended by Hon WONG Kwok-hing and Hon WONG Yung-kan proposed and 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, 20 were present, eight were in favour of the amendment, five against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, 14 were in favour of the amendment, one against it and four abstained (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 amendment was negatived.

Hon Vincent FANG replied.

Question on Hon Vincent FANG's motion as amended by Hon WONG Kwok-hing and Hon WONG Yung-kan put and agreed to.

#### Protecting the safety and health of employees at work in inclement weather

Hon LI Fung-ying moved the following motion and spoke on the motion:

That this Council urges the Administration to review the relevant guidelines and legislation for employees at work under very hot weather warnings, typhoon or rainstorm warnings so as to enhance the protection of employees' safety and health when working in inclement weather.

Question on Hon LI Fung-ying's motion proposed.

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

Hon CHAN Hak-kan, Hon Audrey EU, Hon IP Wai-ming and Hon LEE Cheuk-yan, who intended to move amendments to the motion, spoke on the motion and the amendments.

The Secretary for Labour and Welfare spoke on the motion and the amendments.

Eight Members spoke on the motion and the amendments.

Hon LI Fung-ying spoke on the amendments.

The Secretary for Labour and Welfare spoke again.

Hon CHAN Hak-kan moved the following amendment to Hon LI Fung-ying's motion:

To add “, in view of the aggravating problems of global climate change and air pollution,” after “That”; to add “and severe air pollution,” after “rainstorm warnings”; and to add “or severe air pollution, especially when working outdoors” immediately before the full stop.

Question on Hon CHAN Hak-kan's amendment to Hon LI Fung-ying's motion proposed, put and agreed to.

The President stated that Members had already been informed, as Hon CHAN Hak-kan's amendment had been passed, Hon Audrey EU and Hon LEE Cheuk-yan had therefore withdrawn their amendments.

As Hon CHAN Hak-kan's amendment had been passed, the President granted leave for Hon IP Wai-ming to revise the terms of his amendment.

Hon IP Wai-ming moved the following further amendment to Hon LI Fung-ying's motion as amended by Hon CHAN Hak-kan:

To add “, and formulate the relevant guidelines and legislation for employees at work under cold weather warnings and early warnings on sandstorms, which include: (a) to stipulate that employees who have contracted a disease attributable to working in inclement weather may be regarded as suffering from work injury and are entitled to statutory compensation; (b) to provide employees with rest breaks or arrange for them to take turns to work when working in inclement weather, such as making arrangement for employees to take rest during periods of very hot weather, or to take turns to work in very hot and chilly workplaces, so as to shorten their period of working continuously in a very hot environment; (c) the Labour Department should step up inspections and strictly institute prosecutions against employers who have not taken appropriate preventive measures for their employees in accordance with the Occupational Safety and Health Ordinance or the Factories and Industrial

Undertakings Ordinance; and (d) employers should take appropriate preventive measures and install suitable facilities to protect the occupational safety and health of their employees” immediately before the full stop.

Question on Hon IP Wai-ming’s amendment to Hon LI Fung-ying’s motion as amended by Hon CHAN Hak-kan proposed and put.

Hon Miriam LAU 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, 11 were in favour of the amendment and 10 abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, 17 were in favour of the amendment, one against it and one 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 amendment was passed.

Hon LI Fung-ying replied.

Question on Hon LI Fung-ying’s motion as amended by Hon CHAN Hak-kan and Hon IP Wai-ming put and agreed to.

### **Next meeting**

The President declared that the next meeting of the Council would be held on 19 May 2010 at 11:00 am.

The Council was adjourned at 5:46 pm.

(Jasper TSANG Yok-sing)  
President  
15 June 2010

Council Chamber  
Hong Kong

投票 VOTE: 1  
 日期 DATE: 12/05/2010  
 時間 TIME: 03:23:51 下午pm

動議 MOTION: 李華明議員對方剛議員就「檢討香港現行活家禽政策」所提，經王國興議員及黃容根議員修正的議案，作出的修正案  
 AMENDMENT BY HON FRED LI TO HON VINCENT FANG'S MOTION ON "REVIEWING THE EXISTING POLICY ON LIVE POULTRY IN HONG KONG" AS AMENDED BY HON WONG KWOK-HING AND HON WONG YUNG-KAN

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	20	20	
投票 Vote	20	19	
贊成 Yes	8	14	
反對 No	5	1	
棄權 Abstain	7	4	
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		曾鈺成 TSANG Yok-sing	出席 PRESENT
李國寶 Dr David LI		何俊仁 Albert HO	
吳靄儀 Dr Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	棄權 ABSTAIN
張文光 CHEUNG Man-kwong		李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	棄權 ABSTAIN	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳鑑林 CHAN Kam-lam	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	梁耀忠 LEUNG Yiu-chung	棄權 ABSTAIN
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	
劉健儀 Miriam LAU	反對 NO	劉慧卿 Emily LAU	
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK		譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 Li Fung-ying	棄權 ABSTAIN	馮檢基 Frederick FUNG	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	余若薇 Audrey EU	贊成 YES
方剛 Vincent FANG	反對 NO	王國興 WONG Kwok-hing	棄權 ABSTAIN
李國麟 Dr Joseph LEE	棄權 ABSTAIN	李永達 LEE Wing-tat	
林健鋒 Jeffrey LAM	棄權 ABSTAIN	張學明 CHEUNG Hok-ming	贊成 YES
梁君彥 Andrew LEUNG	棄權 ABSTAIN	湯家驊 Ronny TONG	贊成 YES
黃定光 WONG Ting-kwong		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	贊成 YES	李慧琼 Starry LEE	贊成 YES
林大輝 Dr LAM Tai-fai	贊成 YES	陳克勤 CHAN Hak-kan	贊成 YES
陳茂波 Paul CHAN		梁美芬 Dr Priscilla LEUNG	贊成 YES
陳健波 CHAN Kin-por	贊成 YES	黃成智 WONG Sing-chi	
梁家驩 Dr LEUNG Ka-lau	贊成 YES	黃國健 WONG Kwok-kin	棄權 ABSTAIN
張國柱 CHEUNG Kwok-che		葉劉淑儀 Mrs Regina IP	反對 NO
葉偉明 IP Wai-ming	棄權 ABSTAIN		
葉國謙 IP Kwok-him	贊成 YES		
潘佩璆 Dr PAN Pey-chyau	棄權 ABSTAIN		
謝偉俊 Paul TSE			
譚偉豪 Dr Samson TAM	贊成 YES		

*Vivian Chan*

秘書 CLERK

投票 VOTE: 2  
 日期 DATE: 12/05/2010  
 時間 TIME: 05:42:59 下午pm

動議 MOTION: 葉偉明議員對李鳳英議員就「保障僱員在惡劣天氣下工作的安全和健康」所提，經陳克勤議員及余若薇議員修正的議案，作出的修正案  
 AMENDMENT BY HON IP WAI-MING TO HON LI FUNG-YING'S MOTION ON "PROTECTING THE SAFETY AND HEALTH OF EMPLOYEES AT WORK IN INCLEMENT WEATHER" AS AMENDED BY HON CHAN HAK-KAN/HON AUDREY EU

動議人 MOVED BY: 葉偉明 IP Wai-ming

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	20	
投票 Vote	21	19	
贊成 Yes	11	17	
反對 No	0	1	
棄權 Abstain	10	1	
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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
何鍾泰 Dr Raymond HO	棄權 ABSTAIN	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	棄權 ABSTAIN	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG		陳鑑林 CHAN Kam-lam	贊成 YES
黃谷根 WONG Yung-kan		梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	
劉健儀 Miriam LAU	棄權 ABSTAIN	劉慧卿 Emily LAU	
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	贊成 YES
石禮謙 Abraham SHEK	棄權 ABSTAIN	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	棄權 ABSTAIN	余若薇 Audrey EU	贊成 YES
方剛 Vincent FANG	棄權 ABSTAIN	王國興 WONG Kwok-hing	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	李永達 LEE Wing-tat	贊成 YES
林健鋒 Jeffrey LAM	棄權 ABSTAIN	張學明 CHEUNG Hok-ming	
梁君彥 Andrew LEUNG	棄權 ABSTAIN	湯家驊 Ronny TONG	
黃定光 WONG Ting-kwong		甘乃威 KAM Nai-wai	
詹培忠 CHIM Pui-chung		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	棄權 ABSTAIN	陳克勤 CHAN Hak-kan	贊成 YES
陳茂波 Paul CHAN	贊成 YES	梁美芬 Dr Priscilla LEUNG	棄權 ABSTAIN
陳健波 CHAN Kin-por	贊成 YES	黃成智 WONG Sing-chi	贊成 YES
梁家驩 Dr LEUNG Ka-lau	贊成 YES	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	反對 NO
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	棄權 ABSTAIN		

秘書 CLERK