

LEGISLATIVE COUNCIL

MINUTES

No. 29

Minutes of the meeting held on Wednesday 26 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 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

The Hon Alan LEONG Kah-kit, SC

The Hon LEUNG Kwok-hung

The Hon Tanya CHAN

The Hon Albert CHAN Wai-yip

The Hon WONG Yuk-man

Member absent:

The Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending:

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

The Hon Stephen LAM Sui-lung, GBS, JP
Secretary for Constitutional and Mainland Affairs

Ms Florence HUI Hiu-fai, JP
Secretary for Home Affairs

Ms Julia LEUNG Fung-yee, JP
Secretary for Financial Services and the Treasury

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

Mr YAU Shing-mu, 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 Justina LAM CHENG Bo-ling, Assistant Secretary General (3)

Mrs Percy MA, Assistant Secretary General (Special Duties)

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. Inland Revenue (Double Taxation Relief on Income from Aircraft Operations) (The Republic of the Fiji Islands) Order (gazetted on 20.5.2010) | 55/2010 |
| 2. Securities and Futures (Levy) (Amendment) Order 2010 (gazetted on 20.5.2010) | 56/2010 |
| 3. Food Business (Amendment) Regulation 2010 (gazetted on 20.5.2010) | 57/2010 |
| 4. Frozen Confections (Amendment) Regulation 2010 (gazetted on 20.5.2010) | 58/2010 |
| 5. Milk (Amendment) Regulation 2010 (gazetted on 20.5.2010) | 59/2010 |
| 6. Public Health and Municipal Services (Fees) (Amendment) Regulation 2010 (gazetted on 20.5.2010) | 60/2010 |
| 7. Sweeteners in Food (Amendment) Regulation 2010 (gazetted on 20.5.2010) | 61/2010 |
| 8. Telecommunications (Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2010 (gazetted on 20.5.2010) | 62/2010 |
| 9. Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2010 (gazetted on 20.5.2010) | 63/2010 |
| 10. Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2010 (gazetted on 20.5.2010) | 64/2010 |
| 11. Solicitors (Professional Indemnity) (Amendment) Rules 2010 (gazetted on 20.5.2010) | 65/2010 |
| 12. Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Amendment of Schedule) Notice 2010 (gazetted on 20.5.2010) | 66/2010 |

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|-----|---|---------|
| 13. | Tate's Cairn Tunnel Ordinance (Amendment of Schedule) Notice 2010 (gazetted on 20.5.2010) | 67/2010 |
| 14. | Copyright (Amendment) Ordinance 2007 (Commencement) Notice 2010 (gazetted on 20.5.2010) | 68/2010 |

Other Papers

- No. 96 - Report of the Committee on Members' Interests on a complaint against Mr LEUNG Kwok-hung in relation to his conduct in claims for reimbursement of operating expenses (published on 26.5.2010)

Report No. 11/09-10 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (published on 19.5.2010)

Addresses

Hon Mrs Sophie LEUNG, Chairman of the Committee on Members' Interests, addressed the Council on the "Report of the Committee on Members' Interests on a complaint against Mr LEUNG Kwok-hung in relation to his conduct in claims for reimbursement of operating expenses".

Questions

1. Prof Hon Patrick LAU asked Question 1.

The Secretary for Development replied.

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

2. Hon Tommy CHEUNG asked Question 2.

The Secretary for Financial Services and the Treasury replied.

Two Members and Hon Mrs Sophie LEUNG asked supplementary questions and the Secretary for Financial Services and the Treasury replied.

After the Secretary for Financial Services and the Treasury had replied to Hon Mrs Sophie LEUNG's supplementary question, Mrs LEUNG declared that she had participated in the development of the first generation of automated teller machines when she worked in a bank in the early 1970s.

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

3. Hon IP Wai-ming asked Question 3.

The Secretary for Financial Services and the Treasury replied.

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

4. Hon WONG Ting-kwong asked Question 4.

The Secretary for Transport and Housing replied.

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

Hon IP Wai-ming declared that his relatives worked in the railway transportation industry. He then asked his supplementary question and the Secretary for Transport and Housing replied.

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

5. Hon Audrey EU asked Question 5.

The Secretary for Constitutional and Mainland Affairs replied.

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

6. Hon Paul TSE asked Question 6.

The Secretary for Commerce and Economic Development replied.

Hon Paul TSE declared that he was in charge of a travel agent, which was a member of the Travel Industry Council of Hong Kong. He then asked his supplementary question and the Secretary for Commerce and Economic Development replied.

Hon Jeffrey LAM declared that he was a shareholder and director of a travel agent. He then asked his supplementary question and the Secretary for Commerce and Economic Development replied.

Four other 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.

Members' Motions

Proposed resolution under the Fugitive Offenders Ordinance

Hon James TO moved the following motion and spoke on the motion:

RESOLVED that in relation to the Fugitive Offenders (South Africa) Order, published in the Gazette as Legal Notice No. 43 of 2010 and laid on the table of the Legislative Council on 5 May 2010, the period for repealing an order referred to in section 3(3) of the Fugitive Offenders Ordinance (Cap. 503) be extended under section 3(5) of that Ordinance to the meeting of 23 June 2010.

Question on the motion proposed, put and agreed to.

Proactively implementing the Framework Agreement on Hong Kong/Guangdong Co-operation

Hon Jeffrey LAM declared that he was the first batch of Hong Kong businessmen setting up factories in Mainland China at the beginning of the country's reform and opening up in 1979.

Hon Jeffrey LAM then moved the following motion and spoke on the motion:

That, witnessed by state leaders, the Governments of Hong Kong and Guangdong have signed the Framework Agreement on Hong Kong/Guangdong Co-operation which defines the direction of joint socio-economic development in both places and the major initiatives for 2010; in this connection, this Council urges the SAR Government to formulate and implement the specific policies and measures outlined in the Framework Agreement as early as possible, so as to build an international financial centre with Hong Kong taking the lead with its financial systems, build a

modern services base, build a world-class modern economic circulation sphere, develop a high quality green living area which incorporates a regional environment protection regime, and support Hong Kong-invested enterprises in opening up the Mainland domestic market.

While Hon Jeffrey LAM was speaking, the President left the chair at 1:29 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon Jeffrey LAM's motion proposed.

The President's Deputy stated that Dr Hon Samson TAM, Hon Cyd HO, Hon WONG Kwok-kin, Hon Miriam LAU and Hon Emily LAU intended to move amendments to the motion. Also, Hon Andrew LEUNG 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.

Dr Hon Samson TAM, Hon Cyd HO and Hon WONG Kwok-kin, who intended to move amendments, spoke on the motion and the amendments.

At 2:03 pm, while Hon WONG Kwok-kin was speaking, the President resumed the chair.

Hon Miriam LAU, Hon Emily LAU and Hon Andrew LEUNG, who intended to move amendments, spoke on the motion and the amendments.

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

Fifteen Members spoke on the motion and the amendments.

Hon Jeffrey LAM spoke on the amendments.

The Secretary for Constitutional and Mainland Affairs spoke again.

Dr Hon Samson TAM moved the following amendment to Hon Jeffrey LAM's motion:

To add "in April this year," after "That,,"; and to add "complement the training of talents, promote technology and innovation, develop high-end industries," after "regime,".

Question on Dr Hon Samson TAM's amendment to Hon Jeffrey LAM's motion proposed, put and agreed to.

As Dr Hon Samson TAM's amendment had been passed, the President granted leave for Hon Cyd HO to revise the terms of her amendment.

Hon Cyd HO moved the following further amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM, and explained the revised terms of her amendment to the Council:

To add “; this Council also urges the SAR Government, in discussing policies or cross-boundary projects involving the co-operation of the two places, to make public the relevant information as early as possible and ensure that Hong Kong people must be consulted; in formulating the relevant legislative proposals for the implementation of the Framework Agreement, the authorities must ensure that the human rights and freedom of Hong Kong people are not jeopardized” immediately before the full stop.

Question on Hon Cyd HO's amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM proposed.

Hon Andrew LEUNG moved the following amendment to Hon Cyd HO's amendment:

To delete “ensure that Hong Kong people must be consulted” after “as early as possible and” and substitute with “consult the relevant industries as well as give an account to the public”.

Question on Hon Andrew LEUNG's amendment to Hon Cyd HO's amendment proposed and put.

Hon Cyd HO 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, 27 were present, 17 were in favour of the amendment; three against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 16 were against the amendment and nine 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 Miriam LAU rose to move the following motion without notice:

That in the event of further divisions in relation to the motion on “Proactively implementing the Framework Agreement on Hong Kong/Guangdong Co-operation” or amendments thereto, the Council do proceed to each of such divisions after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Question on Hon Cyd HO's amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM put.

Hon Cyd HO claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, eight were in favour of the amendment; nine against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 16 were in favour of the amendment and nine abstained (voting record in **Appendix II**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negated.

As Dr Hon Samson TAM's amendment had been passed, the President granted leave for Hon WONG Kwok-kin to revise the terms of his amendment.

Hon WONG Kwok-kin moved the following further amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM:

To add “, so that Hong Kong's market population and geographical scope of services can be expanded to the Pearl River Delta metropolitan circle, thereby facilitating the promotion of a diversified range of industries and economy in Hong Kong and making available more quality job opportunities for Hong Kong people; at the same time, the SAR Government also has to provide those Hong Kong people who, because of the Framework Agreement, have to work and live on the Mainland or travel frequently between the two places over a long period of time with adequate support and personal protection, such as assistance in distress, legal services, emergency medical services as well as welfare protection, etc., with a view to catering for the closer and more integrated way of living and development between Hong Kong and Guangdong in the future” immediately before the full stop.

Question on Hon WONG Kwok-kin's amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM proposed, put and agreed to.

As Dr Hon Samson TAM's and Hon WONG Kwok-kin's amendments had been passed, the President granted leave for Hon Miriam LAU to revise the terms of her amendment.

Hon Miriam LAU moved the following further amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM and Hon WONG Kwok-kin:

To add “; this Council also urges the SAR Government to expeditiously set up a Dongguan Liaison Unit under the Hong Kong Economic and Trade Office in Guangdong and submit progress reports on the implementation of the Framework Agreement on a regular basis” immediately before the full stop.

Question on Hon Miriam LAU's amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM and Hon WONG Kwok-kin proposed, put and agreed to.

As the amendments of Dr Hon Samson TAM, Hon WONG Kwok-kin and Hon Miriam LAU had been passed, the President granted leave for Hon Emily LAU to revise the terms of her amendment.

Hon Emily LAU moved the following further amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM, Hon WONG Kwok-kin and Hon Miriam LAU:

To add “; at the same time, this Council urges the SAR Government, while upholding the principles of ‘One Country, Two Systems and a high degree of autonomy’, to ensure the free flow of information between Hong Kong and Guangdong, which includes allowing Hong Kong journalists to cover news freely in Guangdong, so as to implement the provisions in the Framework Agreement relating to information flow, and while improving the business environment, it should enable Hong Kong businessmen to have reasonable legal protection should they be detained by the Mainland authorities, including the right to be visited by the SAR government officials and their lawyers, so that they can have access to fair legal treatment and trial; furthermore, this Council urges the Central Government to respect the right of the Chinese nationals in Hong Kong to freely travel to and from the Mainland and reinstate the right of those Hong Kong residents and Members of the Legislative Council who have been barred from entering the Mainland to return to their hometown, so as to enhance civilian and official exchanges between Hong Kong and Guangdong to further promote the implementation of the Framework Agreement” immediately before the full stop.

Question on Hon Emily LAU's amendment to Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM, Hon WONG Kwok-kin and Hon Miriam LAU proposed and put.

Hon Emily LAU claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, six were in favour of the amendment; 15 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the amendment; seven against it and three abstained (voting record in **Appendix III**). 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 Jeffrey LAM replied.

Question on Hon Jeffrey LAM's motion as amended by Dr Hon Samson TAM, Hon WONG Kwok-kin and Hon Miriam LAU put and agreed to.

Report on the collapse of the building at 45J Ma Tau Wai Road

Ir Dr Hon Raymond HO moved the following motion and spoke on the motion:

That this Council notes the Report on the collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010.

Question on Ir Dr Hon Raymond HO's motion proposed.

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

Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG, Hon Starry LEE, Hon Miriam LAU and Hon James TO, who would move amendments, spoke on the motion and the amendments.

While Hon James TO was speaking, the President left the chair at 6:23 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

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

Hon Albert CHAN spoke on the motion and the amendments.

At 7:16 pm, while Hon Albert CHAN was speaking, the President resumed the chair.

Six Members and Hon LEUNG Kwok-hung spoke on the motion and the amendments.

While Hon LEUNG Kwok-hung was speaking, the President reminded him that his speech should focus on the Report on the collapse of the building.

Hon James TO raised a point of order that he did not consider Hon LEUNG Kwok-hung's speech had deviated from the question under debate.

The President stated that he had the responsibility to remind a Member if he considered that the Member's speech had deviated from the question under debate. If the Member concerned considered that his speech was relevant to the subject matter under debate, he would explain himself.

Hon LEUNG Kwok-hung then continued to speak.

Another Member spoke on the motion and the amendments.

Ir Dr Hon Raymond HO spoke on the amendments.

The Secretary for Development and the Secretary for Home Affairs spoke again.

Dr Hon Priscilla LEUNG moved the following amendment to Ir Dr Hon Raymond HO's motion:

To delete "this Council notes the Report on the collapse of the building" after "That" and substitute with ", regarding the accident involving the collapse of the building"; to add "which took place" after "K.I.L. 8627"; and to add ", this Council notes that the Buildings Department released an investigation report on 26 April 2010, but is gravely dissatisfied that the report has failed to explain in detail the causes and circumstances leading to the collapse of the building and to give a clear account of the responsibility issue regarding the collapse of the building, and demands the Buildings Department to further submit a more comprehensive and detailed final report expeditiously" immediately before the full stop.

Question on Dr Hon Priscilla LEUNG's amendment to Ir Dr Hon Raymond HO's motion proposed, put and agreed to.

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

Hon WONG Kwok-hing moved the following further amendment to Ir Dr Hon Raymond HO's motion as amended by Dr Hon Priscilla LEUNG:

To add "; this Council also urges that, in addition to the Development Bureau, other relevant government departments should also step up collaboration to implement crisis prevention and monitoring measures on building safety, and achieve synergy to help improve the maintenance and management of old-type and aged buildings, including: (a) to allocate more resources to support the work on maintenance of old buildings, building management and redevelopment of old districts; (b) to review the Buildings Department's manpower deployment to step up regular inspections and safety oversight of old buildings, and explore ways to implement an efficient collapse alert system for old buildings, thereby safeguarding the life and property of the public; (c) to comprehensively review and increase the manpower resources for the liaison officers responsible for building matters in the Home Affairs Department, so as to effectively improve the support, education, training and co-ordination in respect of building maintenance and management; (d) to upgrade the standard of the property management trade and expeditiously study the establishment of a licensing and supervisory regime for property management companies, with a view to improving

the work quality of property management personnel in building maintenance and management; (e) to further expand and expedite the skills training for and registration of personnel engaged in building repair works; (f) to support the Urban Renewal Authority in stepping up efforts to promote the redevelopment of old districts; (g) to allocate more resources to improve the legal advice and mediation services for building management and maintenance; and (h) the Independent Commission Against Corruption must, in the light of the upward trend of corruption cases arising from building management and maintenance works, further enhance the promotion of and education on corruption prevention in building management and maintenance works, raise the awareness of integrity and standard of conduct among the personnel of the trade, and rigorously combat corruption crimes in the field of building management and maintenance, thereby ensuring the quality of building management and maintenance works” immediately before the full stop.

Question on Hon WONG Kwok-hing’s amendment to Ir Dr Hon Raymond HO’s motion as amended by Dr Hon Priscilla LEUNG proposed, put and agreed to.

As Dr Hon Priscilla LEUNG’s and Hon WONG Kwok-hing’s amendments had been passed, the President granted leave for Hon Frederick FUNG to revise the terms of his amendment.

Hon Frederick FUNG moved the following further amendment to Ir Dr Hon Raymond HO’s motion as amended by Dr Hon Priscilla LEUNG and Hon WONG Kwok-hing:

To add “; this Council also demands the relevant government departments to further investigate and pursue the responsibility issue regarding the incident expeditiously, with a view to restoring justice to the families of the deceased and injured, and review and improve the existing relevant rules and legislation, so as to prevent the recurrence of similar tragedies” immediately before the full stop.

Question on Hon Frederick FUNG’s amendment to Ir Dr Hon Raymond HO’s motion as amended by Dr Hon Priscilla LEUNG and Hon WONG Kwok-hing proposed, put and agreed to.

As the amendments of Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing and Hon Frederick FUNG had been passed, the President granted leave for Hon Starry LEE to revise the terms of her amendment.

Hon Starry LEE moved the following further amendment to Ir Dr Hon Raymond HO’s motion as amended by Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing and Hon Frederick FUNG:

To add “; this Council also urges the Government to give an undertaking to adopt the following measures to improve the condition and management of old buildings: on building maintenance, (a) to expeditiously 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, 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; (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, 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; 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 establish a mechanism for modifying unreasonable provisions in the deeds of mutual covenant, so as to assist owners in managing the buildings more effectively; and (j) 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" immediately before the full stop.

Question on Hon Starry LEE's amendment to Ir Dr Hon Raymond HO's motion as amended by Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing and Hon Frederick FUNG proposed, put and agreed to.

As the amendments of Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG and Hon Starry LEE had been passed, the President granted leave for Hon Miriam LAU to revise the terms of her amendment.

Hon Miriam LAU moved the following further amendment to Ir Dr Hon Raymond HO's motion as amended by Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG and Hon Starry LEE:

To add “; in addition, this Council is gravely dissatisfied that the Administration has still failed to put forward improvement proposals to prevent the recurrence of similar incidents” immediately before the full stop.

Question on Hon Miriam LAU's amendment to Ir Dr Hon Raymond HO's motion as amended by Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG and Hon Starry LEE proposed, put and agreed to.

As the amendments of Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG, Hon Starry LEE and Hon Miriam LAU had been passed, the President granted leave for Hon James TO to revise the terms of his amendment.

Hon James TO moved the following further amendment to Ir Dr Hon Raymond HO's motion as amended by Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG, Hon Starry LEE and Hon Miriam LAU:

To add “; this Council also urges the Government to expeditiously give a clear account of the responsibilities of the various parties involved in the incident of the collapse of the building, and strengthen regulation of and provide assistance to facilitate the maintenance and management of old buildings, so as to safeguard the life and property of the public, including penalizing the non-complying contractors and the property owners who have failed to comply with the removal orders; enhancing the exercising of powers conferred on the Building Authority under section 22 of the Buildings Ordinance to enter into units of such buildings to inspect whether there are partitioned flats, so as to ensure building safety; and allocating additional funding to ‘Operation Building Bright’, and relaxing the restrictions on application and terms of funding support for various building maintenance subsidy and loan schemes, so as to assist more owners with financial difficulties in carrying out building maintenance works” immediately before the full stop.

Question on Hon James TO's amendment to Ir Dr Hon Raymond HO's motion as amended by Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG, Hon Starry LEE and Hon Miriam LAU proposed, put and agreed to.

Ir Dr Hon Raymond HO replied.

Question on Ir Dr Hon Raymond HO's motion as amended by Dr Hon Priscilla LEUNG, Hon WONG Kwok-hing, Hon Frederick FUNG, Hon Starry LEE, Hon Miriam LAU and Hon James TO put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 2 June 2010 at 11:00 am.

The Council was adjourned at 8:28 pm.

(Jasper TSANG Yok-sing)
President
21 June 2010

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 26/05/2010
時間 TIME: 05:08:08 下午pm

動議 MOTION: 梁君彥議員就何秀蘭議員對林健鋒議員經譚偉豪議員修正的「積極執行'粵港合作框架協議」議案所提修正案，作出的修正案
HON ANDREW LEUNG'S AMENDMENT TO HON CYD HO'S AMENDMENT TO HON JEFFREY LAM'S MOTION ON "PROACTIVELY IMPLEMENTING THE FRAMEWORK AGREEMENT ON HONG KONG/GUANGDONG CO-OPERATION" AS AMENDED BY DR HON SAMSON TAM

動議人 MOVED BY: 梁君彥 Andrew LEUNG

| | 功能團體 Functional Constituencies | 地方選區 Geographical Constituencies | 最後結果 Final Result |
|------------|-----------------------------------|-------------------------------------|----------------------|
| 出席 Present | 27 | 26 | |
| 投票 Vote | 27 | 25 | |
| 贊成 Yes | 17 | 0 | |
| 反對 No | 3 | 16 | |
| 棄權 Abstain | 7 | 9 | |
| 結果 Result | 通過 Passed | 否決 Negatived | 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 | 棄權 ABSTAIN | 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 | 反對 NO | 李卓人 LEE Cheuk-yan | |
| 張文光 CHEUNG Man-kwong | | 李華明 Fred LI | 反對 NO |
| 梁劉柔芬 Mrs Sophie LEUNG | 贊成 YES | 涂謹申 James TO | 反對 NO |
| 黃宜弘 Dr Philip WONG | 贊成 YES | 陳鑑林 CHAN Kam-lam | 棄權 ABSTAIN |
| 黃容根 WONG Yung-kan | 棄權 ABSTAIN | 梁耀忠 LEUNG Yiu-chung | |
| 劉皇發 LAU Wong-fat | 贊成 YES | 劉江華 LAU Kong-wah | |
| 劉健儀 Miriam LAU | 贊成 YES | 劉慧卿 Emily LAU | 反對 NO |
| 霍震霆 Timothy FOK | | 鄭家富 Andrew CHENG | 反對 NO |
| 石禮謙 Abraham SHEK | 贊成 YES | 譚耀宗 TAM Yiu-chung | 棄權 ABSTAIN |
| 李鳳英 LI Fung-ying | 贊成 YES | 馮檢基 Frederick FUNG | 反對 NO |
| 張宇人 Tommy CHEUNG | 贊成 YES | 余若薇 Audrey EU | 反對 NO |
| 方剛 Vincent FANG | 贊成 YES | 王國興 WONG Kwok-hing | 棄權 ABSTAIN |
| 李國麟 Dr Joseph LEE | 反對 NO | 李永達 LEE Wing-tat | 反對 NO |
| 林健鋒 Jeffrey LAM | 贊成 YES | 張學明 CHEUNG Hok-ming | 棄權 ABSTAIN |
| 梁君彥 Andrew LEUNG | 贊成 YES | 湯家驊 Ronny TONG | 反對 NO |
| 黃定光 WONG Ting-kwong | 棄權 ABSTAIN | 甘乃威 KAM Nai-wai | 反對 NO |
| 詹培忠 CHIM Pui-chung | 贊成 YES | 何秀蘭 Cyd HO | 反對 NO |
| 劉秀成 Prof Patrick LAU | 棄權 ABSTAIN | 李慧琼 Starry LEE | 棄權 ABSTAIN |
| 林大輝 Dr LAM Tai-fai | 贊成 YES | 陳克勤 CHAN Hak-kan | 棄權 ABSTAIN |
| 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 | 反對 NO |
| 梁家騮 Dr LEUNG Ka-lau | 贊成 YES | 黃國健 WONG Kwok-kin | 棄權 ABSTAIN |
| 張國柱 CHEUNG Kwok-che | 反對 NO | 葉劉淑儀 Mrs Regina IP | 棄權 ABSTAIN |
| 葉偉明 IP Wai-ming | 棄權 ABSTAIN | 梁家傑 Alan LEONG | 反對 NO |
| 葉國謙 IP Kwok-him | 棄權 ABSTAIN | 梁國雄 LEUNG Kwok-hung | 反對 NO |
| 潘佩珍 Dr PAN Pey-chyau | 棄權 ABSTAIN | 陳淑莊 Tanya CHAN | 反對 NO |
| 謝偉俊 Paul TSE | 贊成 YES | 陳偉業 Albert CHAN | 反對 NO |
| 譚偉豪 Dr Samson TAM | 贊成 YES | 黃毓民 WONG Yuk-man | 反對 NO |

投票 VOTE: 2
日期 DATE: 26/05/2010
時間 TIME: 05:10:56 下午pm

動議 MOTION: 何秀蘭議員對林健鋒議員就「積極執行「粵港合作框架協議」所提，經譚偉豪議員修正的議案，作出的修正案
AMENDMENT BY HON CYD HO TO HON JEFFREY LAM'S MOTION ON "PROACTIVELY IMPLEMENTING THE FRAMEWORK AGREEMENT ON HONG KONG/GUANGDONG CO-OPERATION" AS AMENDED BY DR HON SAMSON TAM

動議人 MOVED BY: 何秀蘭Cyd HO

| | 功能團體 Functional Constituencies | 地方選區 Geographical Constituencies | 最後結果 Final Result |
|------------|-----------------------------------|-------------------------------------|----------------------|
| 出席 Present | 26 | 26 | |
| 投票 Vote | 26 | 25 | |
| 贊成 Yes | 8 | 16 | |
| 反對 No | 9 | 0 | |
| 棄權 Abstain | 9 | 9 | |
| 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 | 棄權 ABSTAIN | 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 | |
| 張文光 CHEUNG Man-kwong | | 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 | 棄權 ABSTAIN |
| 黃容根 WONG Yung-kan | 棄權 ABSTAIN | 梁耀忠 LEUNG Yiu-chung | |
| 劉皇發 LAU Wong-fat | 反對 NO | 劉江華 LAU Kong-wah | |
| 劉健儀 Miriam LAU | 贊成 YES | 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 | 棄權 ABSTAIN |
| 李鳳英 LI Fung-ying | 棄權 ABSTAIN | 馮檢基 Frederick FUNG | 贊成 YES |
| 張宇人 Tommy CHEUNG | | 余若薇 Audrey EU | 贊成 YES |
| 方剛 Vincent FANG | 贊成 YES | 王國興 WONG Kwok-hing | 棄權 ABSTAIN |
| 李國麟 Dr Joseph LEE | 贊成 YES | 李永達 LEE Wing-tat | 贊成 YES |
| 林健鋒 Jeffrey LAM | 反對 NO | 張學明 CHEUNG Hok-ming | 棄權 ABSTAIN |
| 梁君彥 Andrew LEUNG | 反對 NO | 湯家驊 Ronny TONG | 贊成 YES |
| 黃定光 WONG Ting-kwong | 棄權 ABSTAIN | 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 | 棄權 ABSTAIN | 李慧琼 Starry LEE | 棄權 ABSTAIN |
| 林大輝 Dr LAM Tai-fai | 棄權 ABSTAIN | 陳克勤 CHAN Hak-kan | 棄權 ABSTAIN |
| 陳茂波 Paul CHAN | 贊成 YES | 梁美芬 Dr Priscilla LEUNG | 棄權 ABSTAIN |
| 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 | 贊成 YES | 黃國健 WONG Kwok-kin | 棄權 ABSTAIN |
| 張國柱 CHEUNG Kwok-che | 贊成 YES | 葉劉淑儀 Mrs Regina IP | 棄權 ABSTAIN |
| 葉偉明 IP Wai-ming | 棄權 ABSTAIN | 梁家傑 Alan LEONG | 贊成 YES |
| 葉國謙 IP Kwok-him | 棄權 ABSTAIN | 梁國雄 LEUNG Kwok-hung | 贊成 YES |
| 潘佩璆 Dr PAN Pey-chyou | 棄權 ABSTAIN | 陳淑莊 Tanya CHAN | 贊成 YES |
| 謝偉俊 Paul TSE | 贊成 YES | 陳偉業 Albert CHAN | 贊成 YES |
| 譚偉豪 Dr Samson TAM | 反對 NO | 黃毓民 WONG Yuk-man | 贊成 YES |

秘書 CLERK

投票 VOTE: 3
 日期 DATE: 26/05/2010
 時間 TIME: 05:15:23 下午pm

動議 MOTION: 劉慧卿議員對林健鋒議員就「積極執行'粵港合作框架協議」所提，經譚偉豪議員、~~及何秀蘭議員~~及~~黃國健議員~~及~~劉健儀議員~~修正的議案，作出的修正案
 AMENDMENT BY HON EMILY LAU TO HON JEFFREY LAM'S MOTION ON "PROACTIVELY IMPLEMENTING THE FRAMEWORK AGREEMENT ON HONG KONG/GUANGDONG CO-OPERATION" AS AMENDED BY DR HON SAMSON TAM, ~~AND HON CYD HO~~, ~~AND HON WONG KWOK-KIN~~ AND HON MIRIAM LAU

動議人 MOVED BY: 劉慧卿 Emily LAU

| | 功能團體 Functional Constituencies | 地方選區 Geographical Constituencies | 最後結果 Final Result |
|------------|-----------------------------------|-------------------------------------|----------------------|
| 出席 Present | 26 | 27 | |
| 投票 Vote | 26 | 26 | |
| 贊成 Yes | 6 | 16 | |
| 反對 No | 15 | 7 | |
| 棄權 Abstain | 5 | 3 | |
| 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 | 棄權 ABSTAIN | 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 | |
| 張文光 CHEUNG Man-kwong | | 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 | 反對 NO |
| 黃容根 WONG Yung-kan | 反對 NO | 梁耀忠 LEUNG Yiu-chung | |
| 劉皇發 LAU Wong-fat | 反對 NO | 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 | 反對 NO |
| 李鳳英 LI Fung-ying | 贊成 YES | 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 | 贊成 YES | 李永達 LEE Wing-tat | 贊成 YES |
| 林健鋒 Jeffrey LAM | 反對 NO | 張學明 CHEUNG Hok-ming | 反對 NO |
| 梁君彥 Andrew LEUNG | 反對 NO | 湯家驊 Ronny TONG | 贊成 YES |
| 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 | 棄權 ABSTAIN | 李慧琼 Starry LEE | 反對 NO |
| 林大輝 Dr LAM Tai-fai | 棄權 ABSTAIN | 陳克勤 CHAN Hak-kan | 反對 NO |
| 陳茂波 Paul CHAN | | 梁美芬 Dr Priscilla LEUNG | 棄權 ABSTAIN |
| 陳健波 CHAN Kin-por | 反對 NO | 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 | 棄權 ABSTAIN |
| 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 | 棄權 ABSTAIN | 梁家傑 Alan LEONG | 贊成 YES |
| 葉國謙 IP Kwok-him | 反對 NO | 梁國雄 LEUNG Kwok-hung | 贊成 YES |
| 潘佩璆 Dr PAN Pey-chyou | 棄權 ABSTAIN | 陳淑莊 Tanya CHAN | 贊成 YES |
| 謝偉俊 Paul TSE | 贊成 YES | 陳偉業 Albert CHAN | 贊成 YES |
| 譚偉豪 Dr Samson TAM | 反對 NO | 黃毓民 WONG Yuk-man | 贊成 YES |

秘書 CLERK