

LEGISLATIVE COUNCIL

MINUTES

No. 1

Minutes of the meeting held on Wednesday 13 October 2010 at 11:00 am

Present:

The Hon Donald TSANG, GBM
The Chief Executive of the Hong Kong Special Administrative Region

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, SBS, 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, GBS, 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, JP
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-ye, 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

Public officers attending:

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

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

The Hon WONG Yan-lung, SC, JP
The Secretary for Justice

The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Education

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 Denise YUE Chung-ye, GBS, JP
Secretary for the Civil Service

The Hon TSANG Tak-sing, GBS, 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, GBS, JP
Secretary for Development

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

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

Prof LAU Siu-kai, JP
Head, Central Policy Unit

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 under Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Mutual Legal Assistance in Criminal Matters (Italy) Order (Commencement) Notice (gazetted on 6.8.2010)	108/2010
2. Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice 2010 (gazetted on 24.9.2010)	110/2010
3. Trade Descriptions (Place of Origin) (Watches) (Amendment) Order 2010 (gazetted on 8.10.2010)	112/2010
4. Trade Descriptions (Place of Manufacture) (Piece-Knitted Garments) (Amendment) Order 2010 (gazetted on 8.10.2010)	113/2010
5. Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) (Amendment) Order 2010 (gazetted on 8.10.2010)	114/2010
6. Trade Descriptions (Place of Manufacture) (Piece-Knitted Garments) (Repeal) Notice 2010 (gazetted on 8.10.2010)	115/2010
7. Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) (Repeal) Notice 2010 (gazetted on 8.10.2010)	116/2010
8. Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2010 (gazetted on 8.10.2010)	117/2010
9. Buildings (Amendment) Ordinance 2008 (Commencement) Notice 2010 (gazetted on 8.10.2010)	118/2010
10. Building (Minor Works) Regulation (Commencement) Notice 2010 (gazetted on 8.10.2010)	119/2010

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| 11. | Building (Administration) (Amendment) Regulation 2009 (Commencement) Notice (gazetted on 8.10.2010) | 120/2010 |
| 12. | Chinese Medicine Ordinance (Commencement) Notice 2010 (gazetted on 8.10.2010) | 121/2010 |
| 13. | Chinese Medicine (Fees) Regulation (Commencement) Notice 2010 (gazetted on 8.10.2010) | 122/2010 |
| 14. | Chinese Medicines Regulation (Commencement) Notice 2010 (gazetted on 8.10.2010) | 123/2010 |

Other Papers

- No. 1 - Report by the Trustee of the Customs and Excise Service Children's Education Trust Fund for the year ended 31 March 2010, together with the Director of Audit's report and the audited financial statements (published on 5.10.2010)
- No. 2 - Report by the Trustee of the Prisoners' Education Trust Fund for the period from 1 April 2009 to 31 March 2010 (published on 7.10.2010)
- No. 3 - Report of changes made to the approved Estimates of Expenditure during the first quarter of 2010-11 Public Finance Ordinance: Section 8 (published on 8.10.2010)
- No. 4 - Urban Renewal Authority Annual Report 2009-2010 (published on 13.10.2010)

Report No. 1/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (published on 7.10.2010)

Report of the Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2010 (published on 13.10.2010)

The Chief Executive of the Hong Kong Special Administrative Region presents the Policy Address

The Chief Executive attended the Council meeting.

Before the Chief Executive presented his Policy Address, Hon Albert CHAN stood up and spoke aloud while holding a bottle in his hand. The President ordered Hon Albert CHAN to sit down immediately and stated that if Hon Albert CHAN continued to stand up and speak aloud, he would ask Hon Albert CHAN to leave the Chamber.

Hon LEUNG Kwok-hung stood up, walked towards the Chief Executive and threw a round placard at him. The President ordered Hon LEUNG Kwok-hung to sit down, and security staff stopped Hon LEUNG Kwok-hung from approaching the Chief Executive. Hon LEUNG Kwok-hung then left the Chamber.

The Chief Executive presented his Policy Address.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

The President stated that Hon Tanya CHAN would move a motion to repeal the Country Parks (Designation) (Consolidation) (Amendment) Order 2010, while the Secretary for the Environment would move a motion to amend the Amendment Order. If Hon Tanya CHAN's motion was passed, the Secretary for the Environment might not move his motion.

The President then ordered a joint debate on the two motions.

Hon Tanya CHAN moved the following motion and spoke on the motion as the Chairman of the Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2010, and then in her personal capacity as a Member:

RESOLVED that the Country Parks (Designation) (Consolidation) (Amendment) Order 2010, published in the Gazette as Legal Notice No. 72 of 2010 and laid on the table of the Legislative Council on 9 June 2010, be repealed.

Question on the motion proposed.

The Secretary for the Environment spoke on the motion.

Five Members and Hon Miriam LAU spoke on the motion.

Hon Miriam LAU declared that drivers of refuse collection vehicles, who were her constituents, had proposed to the Government a number of feasible options to reduce the odour problem in the district.

Hon Mrs Regina IP spoke on the motion.

While Hon Mrs Regina IP was speaking, the President left the chair at 2:40 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Sixteen other Members spoke on the motion.

The Secretary for the Environment spoke again.

At 5:56 pm, while the Secretary for the Environment was speaking, the President resumed the chair.

Hon Tanya CHAN replied.

Question on Hon Tanya CHAN's motion put.

Hon Tanya CHAN 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, 29 were present, 27 were in favour of the motion, one against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 30 were present, 28 were in favour of the motion and one against it (voting record in the **Appendix**). Since the question was agreed by a majority of each of the two groups of Members present, he declared that the motion was passed.

The President stated that as Hon Tanya CHAN's motion had been passed, the Secretary for the Environment might not move his motion.

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Miriam LAU moved the following motion and spoke on the motion:

RESOLVED that in relation to the —

- (a) Genetically Modified Organisms (Documentation for Import and Export) Regulation, published in the Gazette as Legal Notice No. 96 of 2010; and
- (b) Port Control (Public Cargo Working Area) Order 2010, published in the Gazette as Legal Notice No. 98 of 2010,

and laid on the table of the Legislative Council on 14 July 2010, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) and deemed to be extended under section 34(3) of that Ordinance, be extended under section 34(4) of that Ordinance to the meeting of 10 November 2010.

Question on the motion proposed, put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 14 October 2010 at 3:00 pm.

The Council was adjourned at 6:33 pm.

(Jasper TSANG Yok-sing)
President
24 November 2010

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 13/10/2010
 時間 TIME: 06:30:44 下午pm

動議 MOTION: 陳淑莊議員根據《釋義及通則條例》就廢除《2010年郊野公園（指定）（綜合）（修訂）令》而提出的議案
 MOTION PROPOSED UNDER THE INTERPRETATION AND GENERAL CLAUSES
 ORDINANCE TO REPEAL THE COUNTRY PARKS (DESIGNATION) (CONSOLIDATION) (AMENDMENT) ORDER 2010 MOVED BY HON TANYA CHAN

動議人 MOVED BY: 陳淑莊CHAN Tanya

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	29	30	
投票 Vote	29	29	
贊成 Yes	27	28	
反對 No	1	1	
棄權 Abstain	1	0	
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	贊成 YES	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	贊成 YES	涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	贊成 YES	陳鑑林 CHAN Kam-lam	贊成 YES
黃容根 WONG Yung-kan	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	劉江華 LAU Kong-wah	反對 NO
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	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	贊成 YES
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	Ronny TONG	贊成 YES
黃定光 WONG Ting-kwong	贊成 YES	甘乃威 KAM Nai-wai	贊成 YES
詹培忠 CHIM Pui-chung	棄權 ABSTAIN	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	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	贊成 YES
梁家驊 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	贊成 YES
葉偉明 IP Wai-ming	贊成 YES	Alan LEONG	贊成 YES
葉國謙 IP Kwok-him	贊成 YES	梁國雄 LEUNG Kwok-hung	贊成 YES
潘佩璆 Dr PAN Pey-chyou	贊成 YES	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	贊成 YES	黃毓民 WONG Yuk-man	贊成 YES

秘書 CLERK