

LEGISLATIVE COUNCIL

MINUTES

No. 17

Minutes of the meeting held on Wednesday 16 February 2011 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, 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

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

Members absent:

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon Paul TSE Wai-chun

Public officers attending:

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

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 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

Clerks in attendance:

Ms Pauline NG Man-wah, Secretary General

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

Mrs Percy MA, Assistant Secretary General (4)

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

Tabling of Papers

The following papers were laid on the table under Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Antiquities and Monuments (Declaration of Proposed Monument) (Ho Tung Gardens) Notice (gazetted on 28.1.2011)	26/2011
2. Mutual Legal Assistance in Criminal Matters (Sri Lanka) Order (Commencement) Notice (gazetted on 11.2.2011)	27/2011

Other Papers

- No. 61 - AIDS Trust Fund
Financial statements together with the Director of Audit's report for the year ended 31 March 2010 (published on 2.2.2011)
- No. 62 - Report by the Commissioner of Correctional Services of Hong Kong Incorporated on the Administration of the Correctional Services Department Welfare Fund for the year ended 31 March 2010 (published on 9.2.2011)
- No. 63 - Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2010 and the Results of Value for Money Audits (Report No. 55) (February 2011 - P.A.C. Report No. 55) (published on 16.2.2011)

Report No. 12/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (published on 10.2.2011)

Addresses

Dr Hon Philip WONG, Chairman of the Public Accounts Committee, addressed the Council on the Committee's Report No. 55.

Questions

1. Hon CHIM Pui-chung asked Question 1.

The Secretary for Financial Services and the Treasury replied.

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

2. Hon Tommy CHEUNG asked Question 2.

The Secretary for Food and Health replied.

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

3. Hon LI Fung-ying asked Question 3.

The Secretary for Security replied.

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

4. Hon Mrs Regina IP asked Question 4.

The Secretary for Home Affairs replied.

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

5. Hon Albert HO asked Question 5.

The Secretary for Financial Services and the Treasury replied.

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

6. Hon CHEUNG Man-kwong asked Question 6.

The Secretary for Security replied.

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

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

Bills

First Reading

Inland Revenue (Amendment) Bill 2011

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

Second Reading

Inland Revenue (Amendment) Bill 2011

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.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that in relation to the Building (Construction) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 3 of 2011, and laid on the table of the Legislative Council on 19 January 2011, 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 9 March 2011.

Question on the motion proposed, put and agreed to.

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) Buildings Energy Efficiency (Fees) Regulation, published in the Gazette as Legal Notice No. 18 of 2011; and
- (b) Buildings Energy Efficiency (Registered Energy Assessors) Regulation, published in the Gazette as Legal Notice No. 19 of 2011,

and laid on the table of the Legislative Council on 26 January 2011, 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 16 March 2011.

Question on the motion proposed, put and agreed to.

Striving for 15-year free education

Hon CHEUNG Man-kwong moved the following motion and spoke on the motion:

That early childhood education ('ECE') is an important stage in children's articulation to primary education, and the provision of quality ECE for children is a responsibility that the Government cannot shy away from; last year, the Macao SAR Government already announced the implementation of 15-year free education, indicating that Hong Kong's basic education policy lags behind that of Macao; given Hong Kong's strong financial position and its increase in fiscal reserve year after year, the Hong Kong Government is definitely able to and needs to make greater commitment to ECE; in this connection, this Council urges the Government to expeditiously implement 15-year free education, include ECE in the scope of subsidization, draw up a pay scale and directly subsidize the payment of kindergarten teachers' salaries, and reasonably increase the subsidies for half-day and whole-day kindergartens, so as to enable parents and children to benefit from completely free basic education, create quality teaching conditions for kindergarten teachers, retain quality kindergarten teachers and comprehensively upgrade the quality of basic education, thereby creating a new chapter of Hong Kong education.

While Hon CHEUNG Man-kwong was speaking, the President left the chair at 1:44 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon CHEUNG Man-kwong's motion proposed.

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

Hon Audrey EU, Hon Starry LEE and Dr Hon Priscilla LEUNG, who would move amendments, spoke on the motion and the amendments.

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

Six Members and Hon IP Wai-ming spoke on the motion and the amendments.

At 3:14 pm, while Hon IP Wai-ming was speaking, the President resumed the chair.

Five other Members spoke on the motion and the amendments.

Hon CHEUNG Man-kwong spoke on the amendments.

The Secretary for Education spoke again.

Hon Audrey EU moved the following amendment to Hon CHEUNG Man-kwong's motion:

To add “, given that” after “That”; to delete “and” after “salaries,” and substitute with “establish a sound teacher training system, reduce kindergarten teachers' administrative duties,”; to add “including providing rent allowances and formulating a pre-primary education curriculum,” after “kindergartens,”; to add “when implementing 15-year free education,” after “teachers and”; and to add “lower teacher-student ratios to” after “comprehensively”.

Question on Hon Audrey EU's amendment to Hon CHEUNG Man-kwong's motion proposed, put and agreed to.

As Hon Audrey EU's amendment 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 Hon CHEUNG Man-kwong's motion as amended by Hon Audrey EU:

To add “; this Council also urges the Government to set up an education fund for teachers and allocate the unspent amounts of the Teacher Development Subsidy to this fund to encourage teachers to receive on-the-job training, and increase the number of clerical staff in ECE institutes” immediately before the full stop.

Question on Hon Starry LEE's amendment to Hon CHEUNG Man-kwong's motion as amended by Hon Audrey EU proposed, put and agreed to.

As Hon Audrey EU's and Hon Starry LEE's amendments had been passed, the President granted leave for Dr Hon Priscilla LEUNG to revise the terms of her amendment.

Dr Hon Priscilla LEUNG moved the following further amendment to Hon CHEUNG Man-kwong's motion as amended by Hon Audrey EU and Hon Starry LEE:

To add “; and improve the pedagogical approach of ECE in Hong Kong by making reference to overseas experience and circumstances; before the actual implementation of free ECE, the Education Bureau should expeditiously complete a comprehensive review of the existing Pre-primary Education Voucher Scheme, with a view to raising the subsidy ceiling and streamlining the administrative procedure of the Pre-primary Education Voucher Scheme to

benefit more parents of children and kindergarten teachers; moreover, the Government should also review the curriculum contents, teaching quality and teacher qualifications, etc. under the existing 12-year free education system” immediately before the full stop.

Question on Dr Hon Priscilla LEUNG’s amendment to Hon CHEUNG Man-kwong’s motion as amended by Hon Audrey EU and Hon Starry LEE proposed, put and agreed to.

Hon CHEUNG Man-kwong replied.

Question on Hon CHEUNG Man-kwong’s motion as amended by Hon Audrey EU, Hon Starry LEE and Dr Hon Priscilla LEUNG put and agreed to.

Social welfare land use planning

Hon CHEUNG Kwok-che moved the following motion and spoke on the motion:

That, given that at present, the Government does not include social welfare use as one of the considerations of land use planning, resulting in many welfare service units’ quality of service being affected due to inadequate area or inability to meet the requirements of net operational floor areas specified in the relevant Schedules of Accommodation; some units are even unable to commence operation due to failure to identify permanent venues; recently, there have been delays in residential care homes for the elderly, residential care homes for persons with disabilities, District Support Centres for Persons with Disabilities and Integrated Community Centres for Mental Wellness, etc. finding places to commence operation because of the authorities’ unsatisfactory land use planning, which ultimately causes service users to suffer; in this connection, this Council urges the Government to face up to the inadequacy of social welfare land use, have land zoned for welfare use well in advance, expedite the provision of lands for welfare use as needed, and jointly draw up with the sector a mechanism for long-term social welfare land use planning, including collating social indicators, assessing social welfare needs and appropriately dovetailing with the implementation of welfare policies when formulating land policies, so as to ensure that the development of social welfare services will not be impeded; moreover, this Council also urges the Government to enhance civic education, with a view to fostering greater public acceptance of the integration of the socially disadvantaged into the community.

Question on Hon CHEUNG Kwok-che's motion proposed.

The Secretary for Labour and Welfare spoke on the motion.

Ten Members spoke on the motion.

The Secretary for Labour and Welfare spoke again.

Hon CHEUNG Kwok-che replied.

Question on Hon CHEUNG Kwok-che's motion put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 23 February 2011 at 11:00 am.

The Council was adjourned at 6:16 pm.

(Jasper TSANG Yok-sing)
President
30 March 2011

Council Chamber
Hong Kong