

LEGISLATIVE COUNCIL

MINUTES

No. 30

Minutes of the meeting held on Wednesday 1 June 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 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-yea, 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

Members absent:

The Hon LAU Wong-fat, GBM, GBS, JP

The Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending:

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

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

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

Dr Kitty POON Kit, JP
Secretary for the Environment

The Hon Eva CHENG, JP
Secretary for Transport and Housing

Mr Gregory SO Kam-leung, JP
Secretary for Commerce and Economic Development

Mr YAU Shing-mu, JP
Under Secretary for Transport and Housing

Clerks in attendance:

Ms Pauline NG Man-wah, Secretary General

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

Miss Odelia LEUNG Hing-ye, Assistant Secretary General (2)

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

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 / Instrument</u>	<u>L.N. No.</u>
Designation of Libraries Order 2011 (gazetted on 27.5.2011)	98/2011

Other Papers

No. 95 - Kowloon-Canton Railway Corporation Annual Report 2010
(published on 1.6.2011)

Report No. 23/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (published on 26.5.2011)

Questions under Rule 24(4) of the Rules of Procedure

Hon Alan LEONG asked an urgent question.

The Secretary for Food and Health replied.

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

Questions

1. Hon WONG Kwok-kin asked Question 1.

The Secretary for Development replied.

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

2. Hon WONG Kwok-hing asked Question 2.

The Secretary for Transport and Housing replied.

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

3. Hon CHAN Kin-por asked Question 3.

The Secretary for Food and Health replied.

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

4. Hon CHEUNG Kwok-che asked Question 4.

The Secretary for Financial Services and the Treasury replied.

Five Members asked supplementary questions. The Secretary for Financial Services and the Treasury as well as the Secretary for Labour and Welfare replied.

5. Hon LEUNG Yiu-chung asked Question 5.

The Secretary for the Environment replied.

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

6. Hon WONG Sing-chi 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

Pyramid Schemes Prohibition Bill

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

Pyramid Schemes Prohibition Bill

The Secretary for Commerce and Economic Development moved the Second Reading and spoke on the Bill.

While the Secretary for Commerce and Economic Development was speaking, the President left the chair at 1:48 pm temporarily and the President's Deputy, Hon Fred LI, took the chair.

Question on the Second Reading proposed. The President's Deputy 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.

Motions

Proposed resolution under the Disability Discrimination Ordinance

The Secretary for Labour and Welfare moved the motion in **Appendix I** and spoke on the motion.

Question on the motion proposed.

Hon Cyd HO spoke on the motion as the Chairman of the Subcommittee on Revised Code of Practice on Employment under the Disability Discrimination Ordinance, and then in her personal capacity as a Member.

Three Members spoke on the motion.

The Secretary for Labour and Welfare replied.

Question on the motion put and agreed to.

Members' Motions

Formulating a development strategy for a low-carbon traffic and transport system

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

That traffic and transport, which accounts for 18% of Hong Kong's total greenhouse gas emissions, is the second largest emission source; this Council urges the Government to formulate a development strategy for a low-carbon traffic and transport system as soon as possible, so as to fully implement the sustainable development principle, and when formulating the strategy concerned, the relevant authorities should proactively consider the various development objectives, including the following:

- (a) to integrate land use planning with planning on transport facilities;
- (b) to give priority to developing railway networks and expedite the expansion of the existing railway networks;
- (c) to install additional ancillary interchange facilities at the stations along the railway lines;
- (d) to promote green modes of traffic and transport as well as application of related techniques;
- (e) on the premise of not exerting pressure on passengers' affordability, to implement the use of zero-emission buses in Hong Kong;

- (f) to strengthen co-operation with the Pearl River Delta Region to promote green transport systems;
- (g) to proactively develop pedestrian facilities and pedestrian precincts; and
- (h) to promote a healthy lifestyle and encourage people to travel on foot or by bicycle between destinations which are within appropriate distance.

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

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

Hon KAM Nai-wai, Hon Tommy CHEUNG, Hon IP Wai-ming, Hon CHAN Hak-kan and Hon Audrey EU, who would move amendments, spoke on the motion and the amendments.

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

At 3:59 pm, while the Secretary for Transport and Housing was speaking, the President resumed the chair.

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

Eleven Members spoke on the motion and the amendments.

Ir Dr Hon Raymond HO spoke on the amendments.

The Secretary for Transport and Housing and the Secretary for the Environment spoke again.

Hon KAM Nai-wai moved the following amendment to Ir Dr Hon Raymond HO's motion:

To add “, given that” after “That”; to delete “;” after “emission source” and substitute with “, but the Government has all along not adopted any decisive, effective and focused measures in this connection,”; to add “to proactively study the provision of private car parking spaces for establishing ‘Park and Ride’

points at the stations along the various cross-harbour MTR lines, so as to encourage people to park their cars at such stations and change to travel on public transport to cross the harbour, thereby alleviating the burden on the traffic flow of the various tunnels;” after “railway lines;”; to add “; to urge bus companies to expand and increase the provision of interchange concessions and services which appeal to passengers, and expedite the reorganization and perfect the arrangement of bus routes, so as to avoid the overlapping of bus routes, relieve traffic congestion and reduce air pollution” after “in Hong Kong”; to delete “and” after “pedestrian precincts;”; and to add “; (i) focusing on the situation where the Government has all along not attached any importance to the roles and functions of travelling on foot and cycling in the traffic and transport system of Hong Kong, to include travelling on foot and cycling in the formulation and planning of its overall transport policy, so as to truly foster the development of a low-carbon traffic and transport system, while at the same time proactively develop and improve the footbridge and subway networks in the districts, as well as install covers, escalators and lifts along district pedestrian walkways to minimize conflicts between pedestrians and vehicular traffic; (j) focusing on the Government’s stance that cycling is only a form of recreational activity, to formulate a long-term cycling policy and perfect bicycle management facilities (such as cycle parks) and their operation in the various districts; (k) by way of financial subsidy or franchise extension, to push ahead the early phasing out and replacement by bus companies of franchised buses with high emissions, and immediately install emission reduction devices on all buses that have not been phased out or replaced; and (l) to increase the number, usage and types of electric vehicles; and also to perfect and strengthen complementary facilities to tie in with the introduction of electric vehicles” immediately before the full stop.

Question on Hon KAM Nai-wai’s amendment to Ir Dr Hon Raymond HO’s motion proposed, put and agreed to.

As Hon KAM Nai-wai’s amendment had been passed, the President granted leave for Hon Tommy CHEUNG to revise the terms of his amendment.

Hon Tommy CHEUNG moved the following further amendment to Ir Dr Hon Raymond HO’s motion as amended by Hon KAM Nai-wai:

To add“; (m) to enhance the existing scheme for encouraging owners of Euro II diesel commercial vehicles to phase out their old vehicles, including enhancing the mode of subsidization, and include Pre-Euro and Euro I vehicles into the scheme, as well as allow those vehicle owners who only write off their old vehicles to also receive subsidies under the scheme, etc.; and (n) to re-launch

and enhance the Scrapping Incentive Scheme, so as to expedite the phasing out of old private cars” immediately before the full stop.

Question on Hon Tommy CHEUNG’s amendment to Ir Dr Hon Raymond HO’s motion as amended by Hon KAM Nai-wai proposed, put and agreed to.

As Hon KAM Nai-wai’s and Hon Tommy CHEUNG’s amendments 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 Ir Dr Hon Raymond HO’s motion as amended by Hon KAM Nai-wai and Hon Tommy CHEUNG:

To add“; (o) to expeditiously expand extensively electric vehicle charging facilities throughout Hong Kong; (p) to draw up a replacement timetable for the use of zero-emission buses in Hong Kong, and at the same time assist the public transport industry in introducing hybrid or electric minibuses and taxis as replacement; (q) to balance the sustainable development of other modes of public transport such as franchised buses, public light buses and taxis, etc., so as to avoid relying too much on one single mode of transport, causing transport domination by the railway corporation; (r) to increase the number of interchange fare concession schemes, and encourage the railway corporation to provide more fare concession schemes and monthly ticket schemes to attract members of the public to use; (s) to fully consult the public transport industry and members of local communities before commencing the relevant railway networks projects; and (t) to develop a territory-wide network of cycle tracks, perfect the relevant feeder transport services and ancillary facilities, and strengthen road safety education for cyclists, so as to progressively upgrade cycling from leisure and recreational use at present to a formal mode of transport” immediately before the full stop.

Question on Hon IP Wai-ming’s amendment to Ir Dr Hon Raymond HO’s motion as amended by Hon KAM Nai-wai and Hon Tommy CHEUNG proposed, put and agreed to.

As the amendments of Hon KAM Nai-wai, Hon Tommy CHEUNG and Hon IP Wai-ming had been passed, the President granted leave for Hon CHAN Hak-kan to revise the terms of his amendment.

Hon CHAN Hak-kan moved the following further amendment to Ir Dr Hon Raymond HO's motion as amended by Hon KAM Nai-wai, Hon Tommy CHEUNG and Hon IP Wai-ming:

To add “; (u) to consider setting up a public transport fare stabilization fund to make fare levels affordable to people, with a view to encouraging people to travel on the low-carbon mass transit system more frequently; (v) to perfect and provide additional bicycle parking spaces at the stations along the railway lines; (w) to construct light rail transit systems to connect the Kai Tak New Development Area and its nearby places as well as the new development areas of Fanling North, Kwu Tung North and Ping Che respectively; (x) to install a travelator between Leighton Road and Wong Nai Chung Road in Happy Valley, and set up pedestrian precincts at certain exits of Tai Wai MTR Station, etc.; and (y) to construct cross-district jogging trails as well as expand and perfect existing networks of cycle tracks, for example, constructing a cycle track at the Kowloon Bay Park Cycling Ground to connect the Kai Tak New Development Area, etc.” immediately before the full stop.

Question on Hon CHAN Hak-kan's amendment to Ir Dr Hon Raymond HO's motion as amended by Hon KAM Nai-wai, Hon Tommy CHEUNG and Hon IP Wai-ming proposed, put and agreed to.

As the amendments of Hon KAM Nai-wai, Hon Tommy CHEUNG, Hon IP Wai-ming and Hon CHAN Hak-kan had been passed, the President granted leave for Hon Audrey EU to revise the terms of her amendment.

Hon Audrey EU moved the following further amendment to Ir Dr Hon Raymond HO's motion as amended by Hon KAM Nai-wai, Hon Tommy CHEUNG, Hon IP Wai-ming and Hon CHAN Hak-kan:

To add“; (z) to expeditiously phase out, before 2015, Euro III buses and old buses of preceding models; and (aa) to expeditiously conduct studies on introducing an ‘electronic road pricing system’ or a ‘congestion charge’” immediately before the full stop.

Question on Hon Audrey EU's amendment to Ir Dr Hon Raymond HO's motion as amended by Hon KAM Nai-wai, Hon Tommy CHEUNG, Hon IP Wai-ming and Hon CHAN Hak-kan proposed and put.

Ir Dr Hon Raymond HO claimed a division. The President then ordered the Council to proceed to a division under Rule 47(1) of the Rules of Procedure.

Hon Albert HO stated that his intent was to vote in favour of the amendment. The President ordered that the voting record be amended accordingly.

The President announced that among the Members returned by functional constituencies, 21 were present, 10 were in favour of the amendment, two against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 12 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 negatived.

Question on Ir Dr Hon Raymond HO's motion as amended by Hon KAM Nai-wai, Hon Tommy CHEUNG, Hon IP Wai-ming and Hon CHAN Hak-kan put.

Ir Dr Hon Raymond 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, 22 were present and 22 were in favour of the motion as amended; while among the Members returned by geographical constituencies through direct elections, 23 were present and 22 were in favour of the motion as amended (voting record in **Appendix III**). 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.

Promoting the relocation of departmental headquarters to the districts for creating employment

Hon Tommy CHEUNG moved the following motion and spoke on the motion:

That, for the purpose of fostering district economic development and creating more local district employment opportunities, this Council urges the Government to proactively study relocating expeditiously the headquarters of its back offices which are situated in prime urban land lots to various non-core districts and new development areas, including the North District, Tai Po, Yuen Long, Tuen Mun, Tung Chung, Tseung Kwan O and Kai Tak, etc.; in respect of the three government office buildings at the Wan Chai waterfront already planned for relocation, the Government should immediately announce to the public a concrete relocation timetable with specific details, and expedite the relocation process, so as to effect the moving in of large teams of civil servants of the relevant departments to various non-core districts or new development areas to boost the local consumption demand for shopping and dining, etc.,

inject fresh impetus into the local community economy, create more jobs suitable for the grassroots and low-skilled persons, and vacate valuable land lots for other uses which are more conducive to Hong Kong's economic development.

Question on Hon Tommy CHEUNG's motion proposed.

The President 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 Tanya CHAN, who would move an amendment, spoke on the motion and the amendments.

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

Hon Ronny TONG and Hon LEE Wing-tat, who would move amendments, spoke on the motion and the amendments.

The Secretary for Financial Services and the Treasury spoke on the motion and the amendments.

Hon WONG Kwok-hing spoke on the motion and the amendments.

At 7:00 pm, while Hon WONG Kwok-hing was speaking, the President resumed the chair.

Six other Members spoke on the motion and the amendments.

Hon Tommy CHEUNG spoke on the amendments.

The Secretary for Financial Services and the Treasury spoke again.

Hon Tanya CHAN moved the following amendment to Hon Tommy CHEUNG's motion:

To add "with Hong Kong's community development and progress in communications technology, the Administration needs to review whether it should locate the offices of various government departments in one district, and it should consider grasping the opportunity to improve planning for various communities, particularly the remote communities;" after "That,;" and to delete

“vacate” after “low-skilled persons, and” and substitute with “, under the principle of balancing the overall planning for the environment, conservation, transport and communities, hold discussions with the public and conduct studies on vacating”.

Question on Hon Tanya CHAN’s amendment to Hon Tommy CHEUNG’s motion proposed, put and agreed to.

As Hon Tanya CHAN’s amendment had been passed, the President granted leave for Hon Ronny TONG to revise the terms of his amendment.

Hon Ronny TONG moved the following further amendment to Hon Tommy CHEUNG’s motion as amended by Hon Tanya CHAN, and explained the revised terms of his amendment to the Council:

To delete “for other” after “valuable land lots” and substitute with “which, while being put to”; and to add “, should at the same time be utilized having regard to town planning, so as to help foster the diversified development of communities, increase the number of leisure facilities and public space, and enhance people’s quality of living” immediately before the full stop.

Question on Hon Ronny TONG’s amendment to Hon Tommy CHEUNG’s motion as amended by Hon Tanya CHAN proposed, put and agreed to.

As Hon Tanya CHAN’s and Hon Ronny TONG’s amendments had been passed, the President granted leave for Hon LEE Wing-tat to revise the terms of his amendment.

Hon LEE Wing-tat moved the following further amendment to Hon Tommy CHEUNG’s motion as amended by Hon Tanya CHAN and Hon Ronny TONG:

To add“; this Council also urges the Government to proactively study undertaking comprehensive planning for Hong Kong’s urban development and dovetail with the development strategies of the ‘Secondary City Centre’, so as to relocate expeditiously the headquarters of its back offices which are situated in prime urban land lots to various non-core districts and new development areas” immediately before the full stop.

Question on Hon LEE Wing-tat’s amendment to Hon Tommy CHEUNG’s motion as amended by Hon Tanya CHAN and Hon Ronny TONG proposed, put and agreed to.

Hon Tommy CHEUNG replied.

Question on Hon Tommy CHEUNG's motion as amended by Hon Tanya CHAN, Hon Ronny TONG and Hon LEE Wing-tat put and agreed to.

Next meeting

The President declared that the next meeting of the Council would be held on 8 June 2011 at 11:00 am.

The Council was adjourned at 8:03 pm.

(Jasper TSANG Yok-sing)
President
23 September 2011

Council Chamber
Hong Kong

Disability Discrimination Ordinance

Resolution

(Under section 65(5) of the Disability Discrimination Ordinance (Cap. 487))

Revised Code of Practice on Employment under the Disability Discrimination Ordinance

Resolved that the Revised Code of Practice on Employment under the Disability Discrimination Ordinance, published in the Gazette as Government Notice No. 2159 of 2011 and laid on the table of the Legislative Council on 13 April 2011, be amended-

- (1) in the title, by deleting “Revised” and adding “(2011)” after “Ordinance”; and in the Chinese text, by deleting “修訂本” and substituting “(2011)”;
- (2) in the Table of Contents, in the Chinese text, in subtitle “●直接歧視 4.12-4.23”, by deleting “4.23” and substituting “4.22”;
- (3) in the Table of Contents, in the Chinese text, in subtitle “●測驗”, by deleting “驗” and substituting “試”;
- (4) in the Table of Contents, in subtitle “Chapter 7: Managing Disability Related Work Absence”, by deleting “Work” and substituting “Workplace”;
- (5) in the Table of Contents, in subtitle “●Avoid stereotypical assumptions about persons with disability”, by deleting “disability” and substituting “disabilities”;
- (6) in the Table of Contents, in subtitle “●Seek better communications with employees with disability”, by deleting “disability” and substituting “disabilities”;
- (7) in the Table of Contents, in subtitle “●Roles and functions”, by deleting

“Roles” and substituting “Role”;

- (8) in paragraph 1.4, in the Chinese text, after “但” where it secondly appears, by deleting “法庭在處理根據《殘疾歧視條例》提出的訴訟時，將適當地參考本守則的建議” and substituting “本守則可作呈堂證據，當法庭處理根據《殘疾歧視條例》提出的法律程序的問題時，須考慮守則的相關部份”;
- (9) in paragraph 1.9, by deleting “both locally and overseas have been modified to demonstrate how the DDO may be applied” and substituting “, complaints and enquiries have been modified to demonstrate to readers how the DDO may be applied under particular circumstances. Readers should be mindful that each case bears its own uniqueness and refrain from sole and direct application of any example to a particular situation. Where readers intend to rely on the decided cases cited in this Code, they should refer to the respective court judgments”; and in the Chinese text, in the first sentence, by deleting “本地及外國案例引申” and substituting “案例、投訴和查詢改寫而成”, and in the second sentence, by deleting “在真實的法庭審訊中，法庭會” and substituting “由於每宗個案皆有其獨特性，讀者在考慮其個別情況時，不應完全及直接套用本守則之例子。讀者如欲引用守則闡述之法庭個案，須參考有關法庭判案書。在正式的審訊中，法庭才有權”;
- (10) In the margin of paragraph 2.8, by deleting “S 14(4)”;
- (11) in the margin of paragraph 3.3.1, by deleting “(a)”;
- (12) in the margin of paragraph 3.3.2, by deleting “(b)”;
- (13) in the margin of paragraph 3.3.3, by deleting “(c) & (d)”;
- (14) in the margin of paragraph 3.3.4, by deleting “(e)”;
- (15) in the margin of paragraph 3.3.5, by deleting “(f)”;
- (16) in the margin of paragraph 3.3.6, by deleting “(g)”;
- (17) in the subtitle above paragraph 3.4, in the Chinese text, by adding “士” after “人”;

- (18) in the margin of paragraph 3.4.1, by deleting “(ii)”;
- (19) in paragraph 3.4.2, by deleting “might develop” and substituting “may exist”; and in the Chinese text, by deleting “現在雖未出現，但在將來可能演變成” and substituting “在將來可能存在”;
- (20) in the margin of paragraph 3.4.2, by deleting “(iii)”;
- (21) in the case illustration under paragraph 3.4.2, by deleting “is a Hepatitis B carrier” and substituting “had recovered from psychiatric disorder”, by deleting “she” and substituting “her disability”, and by deleting “develop liver cancer” and substituting “relapse”; and in the Chinese text, by deleting “是乙型肝炎帶菌者” and substituting “曾患精神病”, and by deleting “將來會變成肝癌” and substituting “的精神病將來會復發”;
- (22) in the margin of paragraph 3.4.3, by deleting “(iv)”;
- (23) in the case illustration under paragraph 3.4.3, in the Chinese text, by deleting “帶菌” and substituting “感染”;
- (24) in the margin of paragraph 3.5.1, by deleting “(a)”;
- (25) in the margin of paragraph 3.5.2, by deleting “(b)”;
- (26) in the margin of paragraph 3.5.3, by deleting “(c)”;
- (27) in the margin of paragraph 3.5.4, by deleting “(d)”;
- (28) in the margin of paragraph 3.5.5, by deleting “(e)”;
- (29) in the case illustration under paragraph 3.5.5, by deleting “AIDS patients” wherever it appears and substituting “persons living with HIV”; and in the Chinese text, by deleting “患” wherever it appears and substituting “毒感染”;
- (30) in paragraph 4.6, in the Chinese text, by adding “「” before “使” and “」” after “害”;
- (31) in the margin of paragraph 4.13, by deleting “paragraphs 10.6-10.10” and

substituting “paragraph 10.7”; and in the Chinese text, by adding “例” after “條”, and by deleting “10.6-10.10” and substituting “10.7”;

- (32) in paragraph 4.21, in the Chinese text, by deleting “情感創傷” and substituting “感情損害”;
- (33) in paragraph 4.24, in the Chinese text, by deleting “少” and substituting “小”;
- (34) in the margin of paragraph 4.24, in the Chinese text, by adding “6” before “(b)” where it thirdly appears;
- (35) in the margin of the case illustration under paragraph 4.24, by deleting “6” and substituting “7”; and in the Chinese text, by deleting “6” and substituting “7”, and by adding “「” before “施” and “」” after “性”;
- (36) in the case illustration under paragraph 4.28, by deleting “and outside the remit of contract law” from the last sentence;
- (37) in the margin of paragraph 5.4.1, by deleting “5.6-5.8” and substituting “5.5-5.7”;
- (38) in the margin of paragraph 5.4.2, by deleting “5.9-5.15 and 5.19-5.20” and substituting “5.8-5.14 and 5.18-5.21”;
- (39) in the margin of paragraph 5.4.3, by deleting “5.16-5.18” and substituting “5.15-5.17”;
- (40) in the margin of paragraph 5.6.1, in the Chinese text, by deleting “S”;
- (41) in the margin of paragraph 5.6.2, in the Chinese text, by deleting “S”;
- (42) in the margin of paragraph 5.6.3, in the Chinese text, by deleting “S”;
- (43) in the margin of paragraph 5.8, in the Chinese text, by deleting “S”;
- (44) at the end of paragraph 5.11, by adding “Nevertheless, the standard for good communication varies among different positions; employers should not apply a uniform standard in assessing employees’ performance.”;

- (45) in the case illustration under paragraph 5.12, by deleting “S 12(2)(i)” and substituting “S 12(2)(c)(i)”;
- (46) in the case illustration under paragraph 5.13, in the case citation, by deleting “FCA 640” and substituting “FCAFC 425”;
- (47) in the margin of paragraph 5.15, by deleting “(a)”;
- (48) in the margin of paragraph 5.15.1, by adding “S 4(a)”;
- (49) in the margin of paragraph 5.15.2, by adding “S 4(b)”;
- (50) in the margin of paragraph 5.15.3, by adding “S 4(c)”;
- (51) in the margin of paragraph 5.15.4, by adding “S 4(d)”;
- (52) in the margin of paragraph 5.18, in the Chinese text, by deleting “S”;
- (53) in the margin of paragraph 6.6.1, in the Chinese text, by deleting “S”;
- (54) in the margin of paragraph 6.6.2, in the Chinese text, by deleting “S”;
- (55) in paragraph 6.20, in the first sentence, by deleting “more”, by deleting “to be encouraged” and substituting “admissible”, and

in the last sentence, by deleting “However, it is important to make sure that this information is not used to screen out certain applicants” and substituting “Irrespective of the inclusion or not of such a question in the application form, it remains an applicant’s right to choose not to disclose his/her disability. Nevertheless, in the absence of such information, the employer cannot be expected to provide reasonable accommodation even when there is the need during the interview. Employers should make sure that information about an applicant’s disability is not used to screen out the applicant”; and

in the Chinese text, in the last sentence, by deleting “不過” and substituting “無論申請表內有否列出上述問題，求職者有全權選擇不披露其殘疾情況，然而在缺乏相關資料下，則就算求職者有此需要，亦不能期望僱主能

夠在面試時提供合理的遷就。僱主應謹記”， and by deleting “這些” and substituting “有關申請者的殘疾的”；

- (56) in paragraph 6.37, by deleting “AIDS or are HIV positive” and substituting “HIV”; and in the Chinese text, by deleting “愛滋病患者和愛滋病毒帶菌者” by substituting “愛滋病毒感染者”；
- (57) in the margin of paragraph 7.3, in the Chinese text, by deleting “勞工法例” and substituting “僱傭條例”；
- (58) in paragraph 7.6, by deleting “However, due care should be exercised when dealing with work injury situations. Employers should refrain from premature termination of employment that deprives an employee of his/her entitlements under the Employment Ordinance and/or the Employees' Compensation Ordinance.” and substituting “However, due care should be exercised when dealing with work injury situations to ensure that an employee is not deprived of his/her entitlements under the Employment Ordinance and/or the Employees' Compensation Ordinance.”；
- (59) in the margin of paragraph 7.6, in the Chinese text, by deleting “僱傭” where it secondly appears and substituting “僱員”；
- (60) in paragraph 7.32, in the margin, by deleting “6.36-6.37” and substituting “6.37-6.38”； and in the Chinese text, by deleting “6.36及6.37” and substituting “6.37-6.38”；
- (61) in the margin of paragraph 8.4, in the Chinese text, by deleting “4.16-20” and substituting “4.28”；
- (62) in the subtitle above paragraph 8.5, by adding “(EPEW)” after “work” where it first appears; by adding “(EPEV)” after “value”；
- (63) in paragraph 8.5, in the beginning of the paragraph, by adding “Pay should be determined on the basis of established job value. Employers should apply consistent criteria when developing and implementing good practices on EPEW and EPEV.”, in the last sentence, by deleting “equal pay for equal work (EPEW) and equal pay for work of equal value (EPEV)” and substituting “EPEW and EPEV”, and by deleting “, and should determine the pay level of

each job according to its job size and value to the organisation”, and

at the end of the paragraph, by adding “Nevertheless, the salary of individual employees may still be differentiated by objective factors, such as capability, performance, experiences, etc. In accordance with Schedule 2 of the Minimum Wage Ordinance (CAP. 608), persons with disabilities whose productivity may be impaired by their disabilities will have the right to choose to have their productivity assessed to determine whether they should be remunerated at not lower than the statutory minimum wage level or at a rate commensurate with their productivity.”; and

in the Chinese text, in the beginning of the paragraph, by adding “釐定員工薪酬應基於已確立的工作價值。僱主應以劃一的準則訂立及執行同工同酬及同值同酬的良好訂薪措施。”, and in the last sentence, by deleting “, 並按每個職位的工作範疇及對機構的價值而決定各個職位的薪酬水平”, and

at the end of the paragraph, by adding“然而，僱主仍可以客觀準則，按個別僱員之能力、表現、經驗等，調整個別僱員之實際薪酬。按《最低工資條例》(第 608 章) 的附表 2，因殘疾以致生產能力可能受損的殘疾人士，有權選擇進行生產能力評估，從而釐定他們應獲得的工資不低於法定的最低工資，或收取按生產能力釐定的法定最低工資。”;

- (64) in the margin of paragraph 8.5, by deleting “For further exceptions to the DDO, see S 24 of the Minimum Wage Ordinance (CAP. 608). Also” and substituting “For details,”; and in the Chinese text, by deleting “有關《殘疾歧視條例》下的進一步例外情況，請參閱《最低工資條例》(第 680 章) 的第 24 條。又” and substituting “詳情”;
- (65) in paragraph 8.10, in the Chinese text, by deleting “情感創傷” and substituting “感情損害”;
- (66) in the case illustration under paragraph 9.10, by deleting “patients with AIDS and those who are HIV positive” and substituting “persons living with HIV”, and by deleting “AIDS patients” and substituting “persons living with HIV”; in the Chinese text, by deleting “愛滋病患者和帶菌者” and substituting “愛滋病毒感染者”, and by deleting “愛滋病人” and substituting “愛滋病毒感染

者”;

- (67) in the margin of paragraph 9.15, in the Chinese text, by deleting “第 11.23 至 11.24” and substituting “11.23-11.25”, and by deleting “第 12.3 至 12.11” and substituting “12.3-12.11”;
- (68) in the margin of paragraph 10.1, by deleting “paragraph 2.13-2.14” and substituting “paragraphs 2.10-2.12”;
- (69) in the margin of paragraph 10.7, by deleting “S 14(4)”;
- and in the Chinese text, by deleting “第 14(4)條” and by deleting “2.11” and substituting “2.8”;
- (70) in the subtitle above paragraph 11.3, by deleting “disability” and substituting “disabilities”;
- (71) in paragraph 11.4.8, by deleting “people” and substituting “persons”;
- and in the Chinese text, by deleting “愛滋病患者” and substituting “愛滋病毒感染者”;
- (72) in paragraph 11.10, in the margin, after “See”, by adding “paragraphs 7.19-7.25 in”;
- (73) in paragraph 12.1, in the first sentence, by deleting “a” and substituting “an independent”, by deleting “and regulation”, and
- in the second sentence, by deleting “is an independent body, publicly funded by the Government” and substituting “regulates public and private organisations, including the Government, to ensure that they comply with the requirements under the anti-discrimination legislation”; and
- in the Chinese text, in the first sentence, by deleting “一個由政府全資的”, by deleting “及監管”, and by adding “ ; 並監管包括政府在內的公、私營機構 , 確保它們符合反歧視法例的要求 ” after “《殘疾歧視條例》”;
- (74) in footnote 1, by deleting “Teva (HK)” and substituting “Teva (UK)”, and by deleting “0490 08 2704” and substituting “0490_08_2704”; and in the Chinese text, by deleting “Teva (HK)” and substituting “見 Teva (UK)”, and by deleting “UK EAT” and substituting “UKEAT 0490_08_2704”;

- (75) in footnote 2, in the Chinese text, by adding “見” before “Saggar”;
- (76) in footnote 3, in the Chinese text, by adding “見” before “Carver”;
- (77) in footnote 7, by deleting “See *K and Others v Secretary for Justice* [2000] 3 HKC 796” and substituting “In *K & Others v Secretary for Justice* [2000] 3 HKC 796, the court held that future disability means “...a future disability predicated by a past disability and the risk it refers to is the possibility of recurrence of the past disability, not the risk of acquiring any disability.” In addition, the EOC takes the view that the relevant provision may, in appropriate cases, be applicable to situations other than recurrence of past disability, e.g. a person with high blood glucose level is taken as someone who will acquire diabetes in the future.”; and in the Chinese text, by deleting “*K 及其他人 訴 律政司司長* [2000] 3 HKC 796” and substituting “在 *K 及其他人 訴 律政司司長* [2000] 3 HKC 796 一案中法庭認為將來的殘疾是“...建基於一個過往的殘疾，意指舊病復發的風險，而不是罹患任何殘疾的風險”。除此以外，平機會認為在合適的個案中，相關條文也可能引用於其他非舊病復發的情況，例如：某人因為有高血糖而被認定在將來會患上糖尿病。”;
- (78) in footnote 10, in the Chinese text, by adding “見” before “楊忠偉”;
- (79) in footnote 11, in the Chinese text, by adding “見” before “陳華”;
- (80) in footnote 12, in the Chinese text, by adding “見” before “R”;
- (81) in footnote 13, in the Chinese text, by adding “見” before “James”;
- (82) in footnote 15, in the Chinese text, by adding “見” before “Allonby”;
- (83) in footnote 16, in the Chinese text, by adding “見” before “Waters”;
- (84) in footnote 18, in the Chinese text, by adding “見” before “M”;
- (85) in footnote 23, by adding “See” before “Commonwealth”; and in the Chinese text, by adding “見” before “Commonwealth”;

- (86) in footnote 24, in the Chinese text, by adding “見” before “*Commonwealth*”;
- (87) in footnote 25, in the Chinese text, by adding “見” before “*M*”;
- (88) in footnote 26, by adding “See” before “*K*”; and in the Chinese text, by adding “見” before “*K*”;
- (89) in footnote 27, in the Chinese text, by adding “見” before “*M*”;
- (90) in footnote 32, by adding “See” before “*Canniffe*”; and in the Chinese text, by adding “見” before “*Canniffe*”;
- (91) in footnote 33, by adding “See” before “*L*”; and in the Chinese text, by adding “見” before “*L*”.

投票 VOTE: 1
日期 DATE: 01/06/2011
時間 TIME: 06:02:28 下午pm

動議 MOTION: 余若薇議員對何鍾泰議員就「制訂低碳交通運輸體系的發展策略」所提，經甘乃威議員／張宇人議員／葉偉明議員／陳克勤議員修正的議案，作出的修正案
AMENDMENT BY HON AUDREY EU TO IR DR HON RAYMOND HO'S MOTION ON "FORMULATING A DEVELOPMENT STRATEGY FOR A LOW-CARBON TRAFFIC AND TRANSPORT SYSTEM" AS AMENDED BY HON KAM NAI-WAI / HON TOMMY CHEUNG / HON IP WAI-MING / HON CHAN HAK-KAN

動議人 MOVED BY: 余若薇Audrey EU

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	21 22	
投票 Vote	21	20 21	
贊成 Yes	10	11 12	
反對 No	2	0	
棄權 Abstain	9	9	
結果 Result	否決 Negatived	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	反對 NO	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	
張文光 CHEUNG Man-kwong	贊成 YES	李華明 Fred LI	
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	棄權 ABSTAIN
黃容根 WONG Yung-kan	棄權 ABSTAIN	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	贊成 YES	劉慧卿 Emily LAU	贊成 YES
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	
石禮謙 Abraham SHEK		譚耀宗 TAM Yiu-chung	棄權 ABSTAIN
李鳳英 LI Fung-ying	棄權 ABSTAIN	馮檢基 Frederick FUNG	棄權 ABSTAIN
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	棄權 ABSTAIN
李國麟 Dr Joseph LEE		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	贊成 YES
黃定光 WONG Ting-kwong		甘乃威 KAM Nai-wai	贊成 YES
詹培忠 CHIM Pui-chung		何秀蘭 Cyd HO	贊成 YES
劉秀成 Prof Patrick LAU	反對 NO	李慧琼 Starry LEE	棄權 ABSTAIN
林大輝 Dr LAM Tai-fai		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	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	Alan LEONG	
葉國謙 IP Kwok-him	棄權 ABSTAIN	梁國雄 LEUNG Kwok-hung	
潘佩璆 Dr PAN Pey-chyou	棄權 ABSTAIN	陳淑莊 Tanya CHAN	贊成 YES
謝偉俊 Paul TSE	棄權 ABSTAIN	陳偉業 Albert CHAN	贊成 YES
譚偉豪 Dr Samson TAM	贊成 YES	黃毓民 WONG Yuk-man	

秘書 CLERK

投票 VOTE: 2
日期 DATE: 01/06/2011
時間 TIME: 06:07:34 下午pm

動議 MOTION: 由何鍾泰議員動議，經甘乃威議員／張宇人議員／葉偉明議員／陳克勤議員／余若薇議員修正的「制訂低碳交通運輸體系的發展策略」議案。
MOTION MOVED BY IR DR HON RAYMOND HO ON "FORMULATING A DEVELOPMENT STRATEGY FOR A LOW-CARBON TRAFFIC AND TRANSPORT SYSTEM" AS AMENDED BY HON KAM NAI-WAI / HON TOMMY CHEUNG / HON IP WAI-MING / HON CHAN HAK-KAN / ~~HON AUDREY EU~~

動議人 MOVED BY: 何鍾泰 Dr Raymond HO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	23	
投票 Vote	22	22	
贊成 Yes	22	22	
反對 No	0	0	
棄權 Abstain	0	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		何俊仁 Albert HO	贊成 YES
吳靄儀 Dr Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	
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		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		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	
石禮謙 Abraham SHEK		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		李永達 LEE Wing-tat	贊成 YES
林健鋒 Jeffrey LAM	贊成 YES	張學明 CHEUNG Hok-ming	
梁君彥 Andrew LEUNG	贊成 YES	湯家驊 Ronny TONG	
黃定光 WONG Ting-kwong	贊成 YES	甘乃威 KAM Nai-wai	贊成 YES
詹培忠 CHIM Pui-chung		何秀蘭 Cyd HO	贊成 YES
劉秀成 Prof Patrick LAU	贊成 YES	李慧琼 Stary 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	贊成 YES
梁家驛 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	梁家傑 Alan LEONG	贊成 YES
葉國謙 IP Kwok-him	贊成 YES	梁國雄 LEUNG Kwok-hung	
潘佩珍 Dr PAN Pey-chyau	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	

秘書 CLERK