

LEGISLATIVE COUNCIL

MINUTES

No. 26

**Minutes of the meeting held on Wednesday 2 May 2012 at 11:00 am and
Thursday 3 May 2012 at 9:00 am**

Members present:

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan (absent on 3.5.2012)

Ir Dr the Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP

The Hon LEE Cheuk-yan (absent on 3.5.2012)

Dr the Hon David LI Kwok-po, GBM, GBS, JP

The Hon Fred LI Wah-ming, SBS, JP (absent on 3.5.2012)

Dr the Hon Margaret NG (absent on 3.5.2012)

The Hon James TO Kun-sun (absent on 3.5.2012)

The Hon CHEUNG Man-kwong (absent on 3.5.2012)

The Hon CHAN Kam-lam, SBS, JP

The Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP

The Hon LEUNG Yiu-chung (absent on 3.5.2012)

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 (absent on 3.5.2012)

The Hon Miriam LAU Kin-yee, GBS, JP

The Hon Emily LAU Wai-hing, JP (absent on 3.5.2012)

The Hon Andrew CHENG Kar-foo (absent on 3.5.2012)

The Hon TAM Yiu-chung, GBS, JP

The Hon Abraham SHEK Lai-him, SBS, JP (absent on 3.5.2012)

The Hon LI Fung-ying, SBS, JP

The Hon Tommy CHEUNG Yu-yan, SBS, JP

The Hon Frederick FUNG Kin-kee, SBS, JP (absent on 3.5.2012)

The Hon Audrey EU Yuet-mee, SC, JP (absent on 3.5.2012)

The Hon Vincent FANG Kang, SBS, JP

The Hon WONG Kwok-hing, MH (absent on 3.5.2012)

The Hon LEE Wing-tat (absent on 3.5.2012)

Dr the Hon Joseph LEE Kok-long, SBS, JP (absent on 3.5.2012)

The Hon Jeffrey LAM Kin-fung, GBS, 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 (absent on 3.5.2012)

The Hon CHIM Pui-chung (absent on 3.5.2012)

Prof the Hon Patrick LAU Sau-shing, SBS, JP

The Hon KAM Nai-wai, MH (absent on 3.5.2012)

The Hon Cyd HO Sau-lan (absent on 3.5.2012)

The Hon Starry LEE Wai-king, JP

Dr the Hon LAM Tai-fai, BBS, JP (absent on 3.5.2012)

The Hon CHAN Hak-kan

The Hon Paul CHAN Mo-po, MH, JP (absent on 3.5.2012)

The Hon CHAN Kin-por, JP

Dr the Hon Priscilla LEUNG Mei-fun, JP

Dr the Hon LEUNG Ka-lau (absent on 3.5.2012)

The Hon CHEUNG Kwok-che (absent on 3.5.2012)

The Hon WONG Sing-chi (absent on 3.5.2012)

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 (absent on 3.5.2012)

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun, JP (absent on 3.5.2012)

Dr the Hon Samson TAM Wai-ho, JP

The Hon Alan LEONG Kah-kit, SC (absent on 3.5.2012)

The Hon LEUNG Kwok-hung (absent on 3.5.2012)

The Hon Tanya CHAN (absent on 3.5.2012)

The Hon Albert CHAN Wai-yip

The Hon WONG Yuk-man

Member absent:

The Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending:

On 2.5.2012

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

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

The Hon Denise YUE Chung-yee, GBS, JP
Secretary for the Civil Service

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

Dr Kitty POON Kit, JP
Secretary for the Environment

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

Miss Adeline WONG Ching-man, JP
Under Secretary for Constitutional and Mainland Affairs

On 2.5.2012 and 3.5.2012

The Hon Raymond TAM Chi-yuen, JP
Secretary for Constitutional and Mainland Affairs

Clerks in attendance:

On 2.5.2012

Ms Pauline NG Man-wah, Secretary General

Mr Andy LAU Kwok-cheong, Assistant Secretary General (1)

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

Mrs Percy MA, Assistant Secretary General (4)

On 3.5.2012

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

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. Dangerous Goods (Application and Exemption) Regulation 2012 (gazetted on 27.4.2012)	55/2012
2. Dangerous Goods (Shipping) Regulation 2012 (gazetted on 27.4.2012)	56/2012
3. Ferry Services (The “Star” Ferry Company, Limited) (Determination of Fares) (Amendment) Order 2012 (gazetted on 27.4.2012)	57/2012
4. Fire Services Ordinance (Amendment of Second Schedule) Regulation 2012 (gazetted on 27.4.2012)	58/2012
5. Police (Discipline) (Amendment) Regulation 2012 (gazetted on 27.4.2012)	59/2012
6. Prison (Amendment) Rules 2012 (gazetted on 27.4.2012)	60/2012
7. Government Flying Service (Discipline) (Amendment) Regulation 2012 (gazetted on 27.4.2012)	61/2012
8. Traffic Wardens (Discipline) (Amendment) Regulation 2012 (gazetted on 27.4.2012)	62/2012
9. Customs and Excise Service (Discipline) (Amendment) Rules 2012 (gazetted on 27.4.2012)	63/2012

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| 10. | Dutiable Commodities (Amendment) Regulation 2012
(gazetted on 27.4.2012) | 64/2012 |
| 11. | Firearms and Ammunition (Amendment) Regulation
2012
(gazetted on 27.4.2012) | 65/2012 |
| 12. | Firearms and Ammunition (Storage Fees) (Amendment)
Order 2012
(gazetted on 27.4.2012) | 66/2012 |
| 13. | Pawnbrokers (Amendment) Regulation 2012
(gazetted on 27.4.2012) | 67/2012 |
| 14. | Massage Establishments (Amendment) Regulation 2012
(gazetted on 27.4.2012) | 68/2012 |
| 15. | Genetically Modified Organisms (Control of Release)
(Exemption) Notice
(gazetted on 27.4.2012) | 69/2012 |
| 16. | Legal Practitioners (Amendment) Ordinance 2010
(Commencement) Notice 2012
(gazetted on 27.4.2012) | 70/2012 |

Other Papers

- No. 89 - Language Fund
Financial statements together with the Report of the Director
of Audit for the year ended 31 August 2011
(published on 25.4.2012)
- No. 90 - Vocational Training Council
Annual Report and Financial Report 2010/2011
(published on 26.4.2012)

Report of the Bills Committee on Legislative Council (Amendment) Bill 2012
(published on 27.4.2012)

Questions

1. Hon WONG Ting-kwong asked Question 1.

The Secretary for Labour and Welfare replied.

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

2. Dr Hon LAM Tai-fai asked Question 2.

The Secretary for Commerce and Economic Development replied.

Five Members asked supplementary questions and the Secretary for Commerce and Economic Development as well as the Secretary for Financial Services and the Treasury replied.

3. Hon Starry LEE asked Question 3.

The Secretary for Commerce and Economic Development replied.

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

4. Hon Audrey EU asked Question 4.

The Secretary for Constitutional and Mainland Affairs replied.

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

5. Hon WONG Yung-kan asked Question 5.

While Hon WONG Yung-kan was asking his question, the President left the chair at 12:30 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

The Secretary for Food and Health replied.

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

6. Hon CHEUNG Man-kwong asked Question 6.

The Secretary for Education replied.

Two Members asked supplementary questions and the Secretary for Education replied.

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

Bills

First Reading

Statute Law (Miscellaneous Provisions) Bill 2012

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

Statute Law (Miscellaneous Provisions) Bill 2012

The Secretary for Justice moved the Second Reading and spoke on the Bill.

While the Secretary for Justice was speaking, Hon WONG Yuk-man drew the attention of the President's Deputy to the absence of a quorum. The President's Deputy directed the Clerk to summon Members to the meeting. A quorum was then present. The Secretary for Justice continued to speak on the Bill.

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.

Legislative Council (Amendment) Bill 2012

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 8 February 2012 resumed.

Hon TAM Yiu-chung, Chairman of the Bills Committee on Legislative Council (Amendment) Bill 2012, addressed the Council on the Committee's Report. After the address, he spoke on the Bill in his personal capacity as a Member.

While Hon TAM Yiu-chung was speaking, Hon WONG Yuk-man drew the attention of the President's Deputy to the absence of a quorum. The President's Deputy directed the Clerk to summon Members to the meeting.

At 1:35 pm, while the quorum bell was ringing, the President resumed the chair.

A quorum was then present.

Hon TAM Yiu-chung continued to speak.

A Member and Hon LEUNG Kwok-hung spoke on the Bill.

While Hon LEUNG Kwok-hung was speaking, Hon Albert CHAN drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting.

While the quorum bell was ringing, Hon WONG Ting-kwong asked whether under the Rules of Procedure, a Member could leave the Chamber immediately after he had requested the Council to be counted.

The President said that the Rules of Procedure did not specify which Member could or could not request the Council to be counted, nor did it stipulate that the requesting Member should stay in the Chamber.

A quorum was then present.

Hon LEUNG Kwok-hung continued to speak and he drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon LEUNG Kwok-hung continued to speak.

Hon Ronny TONG spoke on the Bill.

While Hon Ronny TONG was speaking, Hon Albert CHAN drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Ronny TONG continued to speak.

Two Members and Hon LEE Wing-tat spoke on the Bill. While Hon LEE Wing-tat was speaking, Hon Albert CHAN drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon LEE Wing-tat continued to speak.

A Member and Hon Tanya CHAN spoke on the Bill. While Hon Tanya CHAN was speaking, she drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Tanya CHAN continued to speak and she drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Tanya CHAN continued to speak.

Hon LEUNG Yiu-chung spoke on the Bill. While Hon LEUNG Yiu-chung was speaking, Hon Albert CHAN drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon LEUNG Yiu-chung continued to speak.

A Member and Hon Frederick FUNG spoke on the Bill. While Hon Frederick FUNG was speaking, Hon Albert CHAN drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Frederick FUNG continued to speak.

Hon Albert CHAN spoke on the Bill. While Hon Albert CHAN was speaking, Hon LEUNG Kwok-hung drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Albert CHAN continued to speak. While Hon Albert CHAN was speaking, he drew the attention of the President to the absence of a quorum for five times. On each occasion, the President directed the Clerk to summon Members to the meeting and a quorum was then present.

While Hon Albert CHAN was speaking, Hon Abraham SHEK drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Albert CHAN continued to speak and he drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

While the quorum bell was ringing, the President left the chair at 6:34 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair. The President then resumed the chair at 6:38 pm.

The President suspended the meeting at 6:42 pm.

At 7:29 pm, the Council resumed.

Hon Albert CHAN drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Albert CHAN continued to speak.

Hon Cyd HO spoke on the Bill. While Hon Cyd HO was speaking, Hon LEUNG Kwok-hung drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Cyd HO continued to speak.

A Member and Dr Hon Margaret NG spoke on the Bill.

While Dr Hon Margaret NG was speaking, Hon LEUNG Kwok-hung drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Dr Hon Margaret NG continued to speak.

A Member and Hon Paul CHAN spoke on the Bill.

While Hon Paul CHAN was speaking, Hon LEUNG Kwok-hung drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Paul CHAN continued to speak.

Hon Paul TSE spoke on the Bill. While Hon Paul TSE was speaking, Hon LEUNG Kwok-hung drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

Hon Paul TSE continued to speak.

Another Member spoke on the Bill.

The Secretary for Constitutional and Mainland Affairs replied.

Question on the Second Reading put.

Hon Albert CHAN claimed a division. The President then ordered the Council to proceed to a division.

The President announced that 49 Members were present, 29 were in favour of the motion and 19 against it (voting record in **Appendix**). Since the question was agreed by a majority of the Members present, he declared that the motion was passed.

Bill read the second time and committed to a committee of the whole Council.

The President suspended the meeting at 9:59 pm.

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The Council resumed at 9:00 am on 3 May 2012.

Committee stage

The Council went into committee and considered the Legislative Council (Amendment) Bill 2012.

Question that clauses 1, 2 and 3 stand part of the Bill proposed.

Hon Albert CHAN drew the attention of the Chairman to the absence of a quorum. The Chairman directed the Clerk to summon Members to the meeting.

Next meeting

The Council resumed. As a quorum was not present 15 minutes after Members had been summoned, the President adjourned the Council in accordance with Rule 17(3) of the Rules of Procedure. The President said that the unfinished business of this meeting would be dealt with at the next meeting.

The Council was adjourned at 9:16 am.

(Jasper TSANG Yok-sing)
President
Legislative Council

Council Chamber
Hong Kong

28 September 2012

投票 VOTE: 1
 日期 DATE: 02/05/2012
 時間 TIME: 09:58:59 下午 PM

動議 MOTION: 《2012年立法會（修訂）條例草案》－二讀
 LEGISLATIVE COUNCIL (AMENDMENT) BILL 2012 - SECOND READING

動議人 MOVED BY: 政制及內地事務局局長 Secretary for Constitutional and Mainland Affairs

出席 Present : 49
 投票 Vote : 48
 贊成 Yes : 29
 反對 No : 19
 棄權 Abstain : 0
 結果 Result : 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
曾鈺成	TSANG Yok-sing	出席	PRESENT	林健鋒	Jeffrey LAM	贊成	YES
何俊仁	Albert HO	反對	NO	梁岩彥	Andrew LEUNG	贊成	YES
何鍾泰	Dr Raymond HO	贊成	YES	張學明	CHEUNG Hok-ming	贊成	YES
李卓人	LEE Cheuk-yan	反對	NO	黃定光	WONG Ting-kwong	贊成	YES
李國寶	Dr David LI			湯家驊	Ronny TONG	反對	NO
李華明	Fred LI	反對	NO	詹培忠	CHIM Pui-chung		
吳靄儀	Dr Margaret NG	反對	NO	劉秀成	Prof Patrick LAU	贊成	YES
涂謹申	James TO			甘乃威	KAM Nai-wai	反對	NO
張文光	CHEUNG Man-kwong			何秀蘭	Cyd HO	反對	NO
陳鑑林	CHAN Kam-lam	贊成	YES	李慧琼	Starry LEE	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	林大輝	Dr LAM Tai-fai		
梁耀忠	LEUNG Yiu-chung	反對	NO	陳克勤	CHAN Hak-kan	贊成	YES
黃宜弘	Dr Philip WONG	贊成	YES	陳茂波	Paul CHAN	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	陳健波	CHAN Kin-por	贊成	YES
劉江華	LAU Kong-wah	贊成	YES	梁美芬	Dr Priscilla LEUNG	贊成	YES
劉皇發	LAU Wong-fat	贊成	YES	梁家驩	Dr LEUNG Ka-lau		
劉健儀	Miriam LAU	贊成	YES	張國柱	CHEUNG Kwok-che	反對	NO
劉慧卿	Emily LAU	反對	NO	黃成智	WONG Sing-chi		
鄭家富	Andrew CHENG			黃國健	WONG Kwok-kin	贊成	YES
霍震霆	Timothy FOK			葉偉明	IP Wai-ming	贊成	YES
譚耀宗	TAM Yiu-chung	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
石禮謙	Abraham SHEK	贊成	YES	葉劉淑儀	Mrs Regina IP	贊成	YES
李鳳英	LI Fung-ying	贊成	YES	潘佩珍	Dr PAN Pey-chyau	贊成	YES
張宇人	Tommy CHEUNG			謝偉俊	Paul TSE	反對	NO
馮檢基	Frederick FUNG	反對	NO	譚偉豪	Dr Samson TAM	贊成	YES
余若薇	Audrey EU	反對	NO	梁家傑	Alan LEONG	反對	NO
方剛	Vincent FANG	贊成	YES	梁國雄	LEUNG Kwok-hung	反對	NO
王國興	WONG Kwok-hing	贊成	YES	陳淑莊	Tanya CHAN		
李永達	LEE Wing-tat	反對	NO	陳偉業	Albert CHAN	反對	NO
李國麟	Dr Joseph LEE	反對	NO	黃毓民	WONG Yuk-man	反對	NO