

# LEGISLATIVE COUNCIL

## MINUTES

No. 36

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**Minutes of the meeting held on Wednesday 4 July 2012 at 11:00 am,  
Thursday 5 July 2012 at 9:00 am, Friday 6 July 2012 at 9:00 am,  
Monday 9 July 2012 at 9:00 am and Tuesday 10 July 2012 at 2:30 pm**

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### 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  
(absent on 5.7.2012 and 6.7.2012)

The Hon Fred LI Wah-ming, SBS, JP

Dr the Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong  
(absent on 6.7.2012)

The Hon CHAN Kam-lam, SBS, JP

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

The Hon LEUNG Yiu-chung  
(absent on 5.7.2012, 6.7.2012 and 10.7.2012)

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 6.7.2012)

The Hon Miriam LAU Kin-yea, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon Andrew CHENG Kar-foo  
(absent on 5.7.2012, 6.7.2012, 9.7.2012 and 10.7.2012)

The Hon Timothy FOK Tsun-ting, GBS, JP  
(absent on 5.7.2012, 6.7.2012, 9.7.2012 and 10.7.2012)

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  
(absent on 5.7.2012 and 10.7.2012)

The Hon Audrey EU Yuet-mee, SC, JP

The Hon Vincent FANG Kang, SBS, JP  
(absent on 6.7.2012, 9.7.2012 and 10.7.2012)

The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

Dr the Hon Joseph LEE Kok-long, SBS, JP  
(absent on 6.7.2012)

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, SBS, JP

The Hon Ronny TONG Ka-wah, SC

The Hon CHIM Pui-chung  
(absent on 4.7.2012)

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, SBS, JP

The Hon CHAN Hak-kan, JP

The Hon Paul CHAN Mo-po, MH, JP

The Hon CHAN Kin-por, BBS, JP

Dr the Hon Priscilla LEUNG Mei-fun, JP

Dr the Hon LEUNG Ka-lau  
(absent on 6.7.2012 and 10.7.2012)

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, JP

Dr the Hon Samson TAM Wai-ho, JP  
(absent on 6.7.2012)

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:**

On 4.7.2012

The Hon Mrs Carrie LAM CHENG Yuet-ngor, GBS, JP  
The Chief Secretary for Administration

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

The Hon Matthew CHEUNG Kin-chung, GBS, JP  
Secretary for Labour and Welfare

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

The Hon MAK Chai-kwong, GBS, JP  
Secretary for Development

Dr the Hon KO Wing-man, BBS, JP  
Secretary for Food and Health

The Hon WONG Kam-sing  
Secretary for the Environment

On 4.7.2012, 5.7.2012, 6.7.2012, 9.7.2012 and 10.7.2012

Prof the Hon K C CHAN, GBS, JP  
Secretary for Financial Services and the Treasury

On 9.7.2012 and 10.7.2012

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

**Clerks in attendance:**

On 4.7.2012

Ms Pauline NG Man-wah, SBS, Secretary General

On 4.7.2012, 5.7.2012, 9.7.2012 and 10.7.2012

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

On 4.7.2012, 5.7.2012, 6.7.2012, 9.7.2012 and 10.7.2012

Mrs Percy MA, Assistant Secretary General (4)

On 4.7.2012, 5.7.2012 and 9.7.2012

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

On 5.7.2012, 9.7.2012 and 10.7.2012

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

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. Public Health and Municipal Services Ordinance (Public Swimming Pools) (Amendment of Fourteenth Schedule) Order 2012 (gazetted on 29.6.2012)	107/2012
2. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2012 (gazetted on 29.6.2012)	108/2012

### **Other Papers**

- No. 100 - Hong Kong Trade Development Council Annual Report 2011/12  
(published on 28.6.2012)
- No. 101 - The Standing Committee on Legal Education and Training Annual Report 2011  
1 January 2011 to 31 December 2011  
(published on 28.6.2012)
- No. 102 - Hong Kong Export Credit Insurance Corporation Annual Report 2011-12  
(published on 29.6.2012)
- No. 103 - Independent Commission Against Corruption Complaints Committee Annual Report 2011  
(published on 29.6.2012)

- No. 104 - Construction Industry Council Annual Report 2011  
(published on 29.6.2012)
- No. 105 - Sir David Trench Fund for Recreation  
Annual Report 2011-2012  
(published on 3.7.2012)
- No. 106 - Hong Kong Special Administrative Region  
Independent Commission Against Corruption  
Annual Report 2011  
(published on 4.7.2012)
- No. 107 - Report of the Public Accounts Committee on Report No. 58 of  
the Director of Audit on the Results of Value for Money Audits  
(July 2012 — P.A.C. Report No. 58)  
(published on 4.7.2012)

Report of the Subcommittee on Pesticide Residues in Food Regulation  
(published on 29.6.2012)

Report No. 24/11-12 of the House Committee on Consideration of Subsidiary  
Legislation and Other Instruments  
(published on 27.6.2012)

### **Addresses**

Hon Mrs Sophie LEUNG addressed the Council on the Independent  
Commission Against Corruption Complaints Committee Annual Report 2011.

Hon CHAN Kam-lam addressed the Council on the Hong Kong Special  
Administrative Region Independent Commission Against Corruption Annual  
Report 2011.

Dr Hon Philip WONG, Chairman of the Public Accounts Committee, addressed  
the Council on the Committee's Report No. 58.

Hon Fred LI, Chairman of the Subcommittee, addressed the Council on the  
Report of the Subcommittee on Pesticide Residues in Food Regulation.



## Questions

1. Dr Hon Joseph LEE asked Question 1.

The Secretary for Food and Health replied.

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

2. Hon LEE Cheuk-yan asked Question 2.

The Secretary for Labour and Welfare replied.

Five Members asked supplementary questions and the Secretary for Labour and Welfare replied.

3. Hon LEE Wing-tat asked Question 3.

The Secretary for Development replied.

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

4. Hon Audrey EU asked Question 4.

The Chief Secretary for Administration replied.

Six Members asked supplementary questions and the Chief Secretary for Administration replied.

5. Hon CHAN Hak-kan asked Question 5.

The Secretary for the Environment replied.

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

6. Hon Emily LAU asked Question 6.

The Secretary for Constitutional and Mainland Affairs replied.

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

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

The President suspended the meeting at 1:54 pm.

\* \* \* \* \*

The Council resumed at 3:00 pm.

## **Bills**

Companies Bill

Committee stage

The Council went into committee and continued to consider the Companies Bill.

Question that clauses 1, 4, 6, 8 to 14, 16, 17, 18, 20 to 25, 27 to 32, 34, 35, 40, 41, 42, 44, 46, 49, 55, 59, 61, 63 to 67, 70 to 77, 81, 87, 88, 93, 96 to 99, 101, 104, 106, 107, 110, 111, 115 to 119, 121, 123, 124, 125, 127, 129, 131, 132, 134, 138, 139, 140, 142, 145 to 149, 151, 152, 154, 158, 162, 163, 164, 168 to 172, 176, 180, 181, 182, 184, 185, 188 to 193, 195, 197, 199 to 204, 206, 208 to 212, 214 to 217, 223, 224, 228, 229, 230, 232, 234, 235, 236, 238 to 252, 254, 255, 257 to 260, 263, 264, 267 to 270, 273, 274, 275, 278, 283, 284, 287, 289, 290, 293, 304, 308, 311, 314 to 318, 320, 321, 323, 326, 327, 328, 333, 343, 347, 348, 351, 356, 359 to 362, 364, 366, 368, 374, 381, 383, 385, 388, 390, 392, 393, 395, 397, 398, 400, 402, 403, 407, 411, 412, 415, 417, 419, 425, 427, 428, 429, 432, 435, 440, 443 to 448, 450, 451, 452, 455, 457, 458, 459, 461, 465, 466, 468 to 471, 473, 476, 480, 483, 484, 490, 498, 499, 502, 508, 510, 511, 512, 514, 517 to 520, 524 to 528, 530, 531, 532, 536, 537, 538, 540, 545, 546, 548, 550, 557, 559 to 562, 564 to 567, 571,

575 to 578, 580 to 583, 585, 586, 587, 589 to 593, 595 to 599, 601, 604, 606, 615, 616, 625, 629, 631, 637, 638, 641, 644, 645, 652, 653, 654, 656, 659, 660, 662, 663, 665, 667, 672, 674 to 677, 679, 681, 685, 686, 687, 690, 695, 699, 700, 704, 705, 706, 708, 711, 713, 714, 716 to 719, 722 to 727, 732 to 737, 739, 741, 744, 745, 748 to 760, 763, 765, 768, 770 to 773, 784, 787, 789, 791 to 804, 806, 808, 809, 810, 813, 814, 815, 818, 822, 823, 824, 826 to 829, 831, 832, 834 to 842, 845 to 848, 850 to 853, 855 to 864, 866, 869 to 882, 884, 886, 888, 890 to 896, 898, 899 and 903 to 907 stand part of the Bill proposed.

Five Members spoke on the Bill.

By the time the meeting was suspended for a break, the Chairman had directed the Clerk to summon Members to the meeting for 12 times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 7:09 pm.

\* \* \* \* \*

The committee resumed at 8:13 pm.

Three Members spoke on the Bill.

By the time the meeting was suspended, the Chairman had directed the Clerk to summon Members to the meeting for 10 times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 11:17 pm.

\* \* \* \* \*

The committee resumed at 9:00 am on 5 July 2012.

The Chairman stated that the committee continued to consider the clauses of the Companies Bill to which no amendment had been proposed.

Three Members spoke on the Bill.

By the time the meeting was suspended for a break, the Chairman had directed the Clerk to summon Members to the meeting for 13 times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 12:55 pm.

\* \* \* \* \*

The committee resumed at 2:00 pm.

Three Members spoke on the Bill.

By the time the meeting was suspended for a break, the Chairman had directed the Clerk to summon Members to the meeting for 15 times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 7:00 pm.

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The committee resumed at 8:00 pm.

Two Members and Hon WONG Yuk-man spoke on the Bill.

While Hon WONG Yuk-man was speaking, Dr Hon Margaret NG drew the Chairman's attention to the fact that the case referred to by Hon WONG Yuk-man in his speech was now under judicial review. The Chairman reminded Members to pay attention to this point.

Hon WONG Yuk-man continued to speak.

By the time the meeting was suspended, the Chairman had directed the Clerk to summon Members to the meeting for 10 times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 11:15 pm.

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The committee resumed at 9:00 am on 6 July 2012.

The Chairman stated that the committee continued to consider the clauses of the Companies Bill to which no amendment had been proposed.

Three Members spoke on the Bill.

By the time the meeting was suspended, the Chairman had directed the Clerk to summon Members to the meeting for nine times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 12:10 pm.

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The committee resumed at 9:00 am on 9 July 2012.

The Chairman stated that the committee continued to consider the clauses of the Companies Bill to which no amendment had been proposed.

Three Members spoke on the Bill.

Question that clauses 1, 4, 6, 8 to 14, 16, 17, 18, 20 to 25, 27 to 32, 34, 35, 40, 41, 42, 44, 46, 49, 55, 59, 61, 63 to 67, 70 to 77, 81, 87, 88, 93, 96 to 99, 101, 104, 106, 107, 110, 111, 115 to 119, 121, 123, 124, 125, 127, 129, 131, 132, 134, 138, 139, 140, 142, 145 to 149, 151, 152, 154, 158, 162, 163, 164, 168 to 172, 176, 180, 181, 182, 184, 185, 188 to 193, 195, 197, 199 to 204, 206, 208 to 212, 214 to 217, 223, 224, 228, 229, 230, 232, 234, 235, 236, 238 to 252, 254, 255, 257 to 260, 263, 264, 267 to 270, 273, 274, 275, 278, 283, 284, 287, 289, 290, 293, 304, 308, 311, 314 to 318, 320, 321, 323, 326,

327, 328, 333, 343, 347, 348, 351, 356, 359 to 362, 364, 366, 368, 374, 381, 383, 385, 388, 390, 392, 393, 395, 397, 398, 400, 402, 403, 407, 411, 412, 415, 417, 419, 425, 427, 428, 429, 432, 435, 440, 443 to 448, 450, 451, 452, 455, 457, 458, 459, 461, 465, 466, 468 to 471, 473, 476, 480, 483, 484, 490, 498, 499, 502, 508, 510, 511, 512, 514, 517 to 520, 524 to 528, 530, 531, 532, 536, 537, 538, 540, 545, 546, 548, 550, 557, 559 to 562, 564 to 567, 571, 575 to 578, 580 to 583, 585, 586, 587, 589 to 593, 595 to 599, 601, 604, 606, 615, 616, 625, 629, 631, 637, 638, 641, 644, 645, 652, 653, 654, 656, 659, 660, 662, 663, 665, 667, 672, 674 to 677, 679, 681, 685, 686, 687, 690, 695, 699, 700, 704, 705, 706, 708, 711, 713, 714, 716 to 719, 722 to 727, 732 to 737, 739, 741, 744, 745, 748 to 760, 763, 765, 768, 770 to 773, 784, 787, 789, 791 to 804, 806, 808, 809, 810, 813, 814, 815, 818, 822, 823, 824, 826 to 829, 831, 832, 834 to 842, 845 to 848, 850 to 853, 855 to 864, 866, 869 to 882, 884, 886, 888, 890 to 896, 898, 899 and 903 to 907 stand part of the Bill put and agreed to.

Question that clauses 2, 3, 5, 7, 15, 19, 26, 33, 36 to 39, 43, 45, 47, 48, 50 to 54, 56, 57, 58, 60, 62, 68, 69, 78, 79, 80, 82 to 86, 89 to 92, 94, 95, 100, 102, 103, 105, 108, 109, 112, 113, 114, 120, 122, 126, 128, 130, 133, 135, 136, 137, 141, 143, 144, 150, 153, 155, 156, 157, 159, 160, 161, 165, 166, 167, 173, 174, 175, 177, 178, 179, 183, 186, 187, 194, 196, 198, 205, 207, 213, 218 to 222, 225, 226, 227, 231, 233, 237, 253, 256, 261, 262, 265, 266, 271, 272, 276, 277, 279 to 282, 285, 286, 288, 291, 292, 294 to 303, 305, 306, 307, 309, 310, 312, 313, 319, 322, 324, 325, 329 to 332, 334 to 342, 344, 345, 346, heading of Division 6 of Part 8, 349, 350, 352 to 355, 357, 358, 363, 365, 367, 369 to 373, 375 to 380, 382, 384, 386, 387, 389, 391, 394, 396, 401, 404, 405, 406, 408, 409, 410, 413, 414, 416, 418, 420 to 424, 426, 430, 431, 433, 434, 436 to 439, 441, 442, 449, 453, 454, 456, 460, 462, 463, 464, 467, 472, 474, 475, 477, 478, 479, 481, 482, 485 to 489, 491 to 497, 500, 501, 503 to 507, 509, 513, 515, 516, 521, 522, 523, 529, 533, 534, 535, 539, 541 to 544, 547, 549, 551 to 556, 558, 563, 568, 569, 570, 572, 573, 574, 579, 584, 588, 594, 600, 602, 603, 605, 607 to 614, 617 to 624, 626, 627, 628, 630, 632 to 636, 639, 640, 642, 643, 646 to 651, 655, 657, 658, 666, 668 to 671, 673, 678, 680, 682, 683, 684, 688, 689, 691 to 694, 696, 697, 698, 701, 702, 703, 707, 709, 710, 712, 715, 720, 721, 728 to 731, 738, 740, 742, 743, 746, 747, 761, 762, 764, 766, 767, 769, 774 to 783, 785, 786, 788, 790, 805, 807, 811, 812, 816, 817, 819, 820, 821, 825, 830, 833, 843, 844, 849, 854, 865, 867, 868, 883, 885, 887, 889, 897, 900, 901, 902, 908 and 909 stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved the deletion of clauses 45, 56, 92, 265, 307, 330, 332, 424, 488 and 622 as well as amendments to the other clauses which had just been read out. He then spoke on the amendments.

Hon WONG Yuk-man spoke on the Bill.

While Hon WONG Yuk-man was speaking, the Chairman left the chair at 11:59 am temporarily and the Chairman's Deputy, Hon Miriam LAU, took the chair.

Two other Members spoke on the Bill.

By the time the meeting was suspended for a break, the Chairman and Chairman's Deputy had directed the Clerk to summon Members to the meeting for 10 times as Members had drawn their attention to the absence of a quorum. Each time a quorum was then present.

The Chairman's Deputy suspended the meeting at 12:50 pm.

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The committee resumed at 2:00 pm.

A Member and Hon WONG Yuk-man spoke on the Bill.

At 2:32 pm, while Hon WONG Yuk-man was speaking, the Chairman resumed the chair.

Three other Members spoke on the Bill.

By the time the meeting was suspended for a break, the Chairman and Chairman's Deputy had directed the Clerk to summon Members to the meeting for eight times as Members had drawn their attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 6:36 pm.

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The committee resumed at 7:45 pm.

Three Members spoke on the Bill.

By the time the meeting was suspended, the Chairman had directed the Clerk to summon Members to the meeting for six times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 9:53 pm.

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The committee resumed at 2:30 pm on 10 July 2012.

The Chairman stated that the committee continued to consider the clauses of the Companies Bill to which amendments had been proposed by the Secretary for Financial Services and the Treasury only.

Four Members spoke on the Bill.

By the time the meeting was suspended for a break, the Chairman had directed the Clerk to summon Members to the meeting for nine times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.

The Chairman suspended the meeting at 6:05 pm.

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The committee resumed at 7:30 pm.

Three Members spoke on the Bill.

By the time the meeting was suspended, the Chairman had directed the Clerk to summon Members to the meeting for six times as Members had drawn his attention to the absence of a quorum. Each time a quorum was then present.



**Next meeting**

The Chairman declared that the next meeting of the Council would be held on 11 July 2012 at 11:00 am.

The Council was adjourned at 9:53 pm.

(Jasper TSANG Yok-sing)  
President  
Legislative Council

Council Chamber  
Hong Kong

28 September 2012