

LEGISLATIVE COUNCIL

MINUTES

No. 12

Minutes of the meeting held on Wednesday 18 December 2002 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, GBS, JP

Dr the Hon David CHU Yu-lin, JP

The Hon Cyd HO Sau-lan

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

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

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing, JP

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching, JP

The Hon CHAN Kwok-keung

The Hon CHAN Yuen-han, JP

The Hon Bernard CHAN, JP

The Hon CHAN Kam-lam, JP

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

The Hon LEUNG Yiu-chung

The Hon SIN Chung-kai

The Hon Andrew WONG Wang-fat, JP

Dr the Hon Philip WONG Yu-hong

The Hon WONG Yung-kan

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Howard YOUNG, JP

Dr the Hon YEUNG Sum

The Hon YEUNG Yiu-chung, BBS

The Hon LAU Kong-wah

The Hon LAU Wong-fat, GBS, JP

The Hon Miriam LAU Kin-yee, JP

The Hon Ambrose LAU Hon-chuen, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon CHOY So-yuk

The Hon Andrew CHENG Kar-foo

The Hon SZETO Wah

The Hon Timothy FOK Tsun-ting, SBS, JP

Dr the Hon LAW Chi-kwong, JP

The Hon TAM Yiu-chung, GBS, JP

Dr the Hon TANG Siu-tong, JP
The Hon Abraham SHEK Lai-him, JP
The Hon LI Fung-ying, JP
The Hon Henry WU King-cheong, BBS, JP
The Hon Tommy CHEUNG Yu-yan, JP
The Hon Michael MAK Kwok-fung
The Hon Albert CHAN Wai-yip
The Hon LEUNG Fu-wah, MH, JP
Dr the Hon LO Wing-lok
The Hon WONG Sing-chi
The Hon Frederick FUNG Kin-kee
The Hon IP Kwok-him, JP
The Hon LAU Ping-cheung
The Hon Audrey EU Yuet-mee, SC, JP
The Hon MA Fung-kwok, JP

Member absent:

The Hon LAU Chin-shek, JP

Public officers attending:

The Hon Donald TSANG Yam-kuen, GBM, JP
The Chief Secretary for Administration
The Hon Antony LEUNG Kam-chung, GBS, JP
The Financial Secretary
The Hon Henry TANG Ying-yen, GBS, JP
Secretary for Commerce, Industry and Technology
The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Housing, Planning and Lands
Prof the Hon Arthur LI Kwok-cheung, GBS, JP
Secretary for Education and Manpower

Dr the Hon YEOH Eng-kiong, JP
Secretary for Health, Welfare and Food

Dr the Hon Patrick HO Chi-ping, JP
Secretary for Home Affairs

The Hon Stephen IP Shu-kwan, GBS, JP
Secretary for Economic Development and Labour

Dr the Hon Sarah LIAO Sau-tung, JP
Secretary for the Environment, Transport and Works

The Hon Stephen LAM Sui-lung, JP
Secretary for Constitutional Affairs

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Tabling of Papers

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

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Securities and Futures (Financial Resources) Rules (gazetted on 13.12.2002)	209/2002
2. Securities and Futures (Keeping of Records) Rules (gazetted on 13.12.2002)	210/2002
3. Securities and Futures (Accounts and Audit) Rules (gazetted on 13.12.2002)	211/2002
4. Securities and Futures (Contract Notes, Statements of Account and Receipts) Rules (gazetted on 13.12.2002)	212/2002
5. Securities and Futures (Short Selling and Securities Borrowing and Lending (Miscellaneous)) Rules (gazetted on 13.12.2002)	213/2002
6. Securities and Futures (Licensing and Registration) (Information) Rules (gazetted on 13.12.2002)	214/2002
7. Securities and Futures (Investor Compensation — Claims) Rules (gazetted on 13.12.2002)	215/2002
8. Securities and Futures (Miscellaneous) Rules (gazetted on 13.12.2002)	216/2002
9. Securities and Futures (Stock Market Listing) Rules (gazetted on 13.12.2002)	217/2002
10. Securities and Futures (Price Stabilizing) Rules (gazetted on 13.12.2002)	218/2002
11. Securities and Futures (Disclosure of Interests — Securities Borrowing and Lending) Rules (gazetted on 13.12.2002)	219/2002
12. Securities and Futures (Contracts Limits and Reportable Positions) Rules (gazetted on 13.12.2002)	220/2002
13. Securities and Futures (Levy) Order (gazetted on 13.12.2002)	221/2002
14. Securities and Futures (Levy) Rules (gazetted on 13.12.2002)	222/2002

15. Securities and Futures (Investor Compensation — Levy) Rules (gazetted on 13.12.2002) 223/2002
16. Securities and Futures (Investor Compensation — Compensation Limits) Rules (gazetted on 13.12.2002) 224/2002
17. Securities and Futures (Transfer of Functions — Investor Compensation Company) Order (gazetted on 13.12.2002) 225/2002
18. Securities and Futures Ordinance (Amendment of Schedule 10) Order 2002 (gazetted on 13.12.2002) 226/2002
19. Securities and Futures (Transfer of Functions — Stock Exchange Company) Order (gazetted on 13.12.2002) 227/2002
20. Securities and Futures (Fees) Rules (gazetted on 13.12.2002) 228/2002
21. Securities and Futures (Disclosure of Interests — Exclusions) Regulation (gazetted on 13.12.2002) 229/2002
22. Securities and Futures (Offences and Penalties) Regulation (gazetted on 13.12.2002) 230/2002
23. Securities and Futures Ordinance (Amendment of Schedule 8) Order 2002 (gazetted on 13.12.2002) 231/2002
24. Harmful Substances in Food (Amendment) Regulation 2001 (L.N. 148 of 2001) (Commencement) Notice 2002 (gazetted on 13.12.2002) 232/2002
25. Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub.leg.) (Commencement) Notice 2002 (gazetted on 13.12.2002) 233/2002

Other Papers

- No.39 - Report on the Administration of the Fire Services Department Welfare Fund, together with the Director of Audit's Report and Audited Statement of Accounts, for the year ended 31 March 2002 (published on 10.12.2002)
- No.40 - Report by the Board of Governors of The Prince Philip Dental Hospital for the period from 1 April

- 2001 to 31 March 2002 (published on 10.12.2002)
- No.41 - Report of the Chinese Temples Committee on the administration of the Chinese Temples Fund for the year ended 31 March 2002 (published on 11.12.2002)
- No.42 - Report of the Chinese Temples Committee on the administration of the General Chinese Charities Fund for the year ended 31 March 2002 (published on 11.12.2002)
- No.43 - The Sir Murray MacLehose Trust Fund Trustee's Report for the period from 1 April 2001 to 31 March 2002 (published on 11.12.2002)
- No.44 - Grantham Scholarships Fund Annual Report for the year ended 31 August 2002 (published on 11.12.2002)
- No.45 - 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 2002 (published on 12.12.2002)
- No.46 - Office of the Privacy Commissioner for Personal Data, Hong Kong Annual Report 2001-2002 (published on 12.12.2002)
- No.47 - Hong Kong Housing Authority Annual Report 2001/2002 (published on 16.12.2002)
- No.48 - Hong Kong Housing Authority Financial Statements for the year ended 31 March 2002 (published on 16.12.2002)
- No.49 - The Accounts of the Lotteries Fund 2001-02 (published on 16.12.2002)
- No.50 - Forty-first Annual Report on the Social Work Training Fund by the Trustee of the Fund for the year ended 31 March 2002 (published on 16.12.2002)
- Report of the Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2001 (published on 16.12.2002)
- Report of the Bills Committee on Electoral Provisions (Miscellaneous Amendments) Bill 2002 (published on 16.12.2002)

Questions

1. Hon Mrs Selina CHOW asked Question 1.

The Secretary for Commerce, Industry and Technology replied.

Five Members asked supplementaries and the Secretary for Commerce, Industry and Technology replied.

2. Hon CHAN Yuen-han asked Question 2.

The Secretary for Economic Development and Labour replied.

Six Members asked supplementaries and the Secretary for Economic Development and Labour replied.

3. Dr Hon TANG Siu-tong asked Question 3.

The Secretary for Education and Manpower replied.

Seven Members asked supplementaries and the Secretary for Education and Manpower replied.

4. Hon LAU Kong-wah asked Question 4.

The Secretary for the Environment, Transport and Works replied.

Six Members asked supplementaries and the Secretary for the Environment, Transport and Works replied.

5. Hon LAU Ping-cheung asked Question 5.

The Secretary for the Environment, Transport and Works replied.

Five Members asked supplementaries and the Secretary for the Environment, Transport and Works replied.

6. Hon Bernard CHAN asked Question 6.

The Secretary for Health, Welfare and Food replied.

Seven Members asked supplementaries and the Secretary for Health, Welfare and Food replied.

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

Bills

First Reading

Land Titles Bill

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

Second Reading

Land Titles Bill

The Secretary for Housing, Planning and Lands moved the Second Reading and addressed the Council.

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.

Landlord and Tenant (Consolidation) (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 20 June 2001 resumed.

Hon James TO, member of the Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

Five Members spoke on the Bill.

The Secretary for Housing, Planning and Lands replied.

Question on the Second Reading put and agreed to.

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

Committee Stage

The Council went into Committee and considered the **Landlord and Tenant (Consolidation) (Amendment) Bill 2001**.

Question that clauses 2, 3, 5, 6, 9, 10, 12, 13, 14, 16, 17, 19, 20, 21, 23 to 36, 38 and 39 stand part of the Bill proposed, put and agreed to.

Question that clauses 1, 4, 7, 8, 11, 15, 18, 22 and 37 stand part of the Bill proposed.

The Secretary for Housing, Planning and Lands moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1, 4, 7, 8, 11, 15, 18, 22 and 37, as amended, stand part of the Bill proposed, put and agreed to.

New clause 35A read the first time.

The Secretary for Housing, Planning and Lands moved the Second Reading of new clause 35A.

Question on the Second Reading of new clause 35A proposed, put and agreed to.

New clause 35A read the second time.

The Secretary for Housing, Planning and Lands moved the addition of new clause 35A to the Bill.

Question on the addition proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed.

The Secretary for Housing, Planning and Lands moved amendments to the schedule and addressed the Committee.

Question on the amendments put and agreed to.

Question that the schedule, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Housing, Planning and Lands reported that

the **Landlord and Tenant (Consolidation) (Amendment)
Bill 2001**

had passed through the Committee with amendments. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

Electoral Provisions (Miscellaneous Amendments) Bill 2002

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 9 October 2002 resumed.

Hon IP Kwok-him, Chairman of the Bills Committee on Electoral Provisions (Miscellaneous Amendments) Bill 2002, addressed the Council on the Report of the Bills Committee on the Bill. After the address, he spoke on the Bill in his personal capacity as a Member.

Another four Members spoke on the Bill.

The Secretary for Constitutional Affairs replied.

Question on the Second Reading put and agreed to.

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

Committee Stage

The Council went into Committee and considered the **Electoral Provisions (Miscellaneous Amendments) Bill 2002**.

Question that clauses 2 to 11 stand part of the Bill proposed, put and agreed to.

Question that clause 1 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to clause 1 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 1, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Constitutional Affairs reported that

the **Electoral Provisions (Miscellaneous Amendments)
Bill 2002**

had passed through the Committee with amendments. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed and put.

Hon IP Kwok-him claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 44 Members were present, 30 were in favour of the motion and 13 abstained. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Bill read the third time and passed.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Commerce, Industry and Technology moved the following motion and addressed the Council:

Resolved that the Patents (General) (Amendment) (No. 2) Rules 2002, published in the Gazette as Legal Notice No. 157 of 2002 and laid on the table of the Legislative Council on 30 October 2002, be repealed.

Question on the motion proposed.

Four Members spoke on the motion.

Question on the motion put and agreed to.

Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Health, Welfare and Food moved the following motion and addressed the Council:

Resolved that -

(a) the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2002; and

(b) the Poisons List (Amendment) (No. 5) Regulation 2002,

made by the Pharmacy and Poisons Board on 25 November 2002, be approved.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

1. Chinese Medicines Regulation

The Secretary for Health, Welfare and Food moved the following motion and addressed the Council:

Resolved that the Chinese Medicines Regulation, published in the Gazette as Legal Notice No. 160 of 2002 and laid on the table of the Legislative Council on 6 November 2002, be amended in the Chinese text -

- (a) in section 26(2)(e)(ii), by repealing "生產商" and substituting "製造商";
- (b) in section 36, by repealing everything after "114條" and substituting -

“並不適用於符合下述說明的中成藥 -

- (a) 由任何註冊中醫或表列中醫在其執業的處所合成或在其監管下合成的，但僅在該中成藥是為了向一名由他直接治理的病人施用或供應而正在使用的情況下不適用；或
- (b) (i) 由負責人；或
(ii) 在該人的監管下，

於有效零售商牌照所指的處所並按照任何註冊中醫或表列中醫開出的處方個別配製或合成的。”

Question on the motion proposed.

Dr Hon LO Wing-lok spoke on the motion as Chairman of the Subcommittee formed to study the Chinese Medicines (Fee) Regulation, Chinese Medicines Regulation and Chinese Medicines Traders (Regulatory) Regulation and then in his personal capacity as a Member.

Another three Members spoke on the motion.

Question on the motion put and agreed to.

2. Chinese Medicines Traders (Regulatory) Regulation

The Secretary for Health, Welfare and Food moved the following motion and addressed the Council:

Resolved that the Chinese Medicines Traders (Regulatory) Regulation, published in the Gazette as Legal Notice No. 161 of 2002 and laid on the table of the Legislative Council on 6 November 2002, be amended -

- (a) in section 5(3)(c)(i), by repealing ", any representations or any statement in mitigation" and substituting "or any representations";
- (b) in section 6 -
 - (i) in subsection (3), by adding ", either of its own motion or at the request of the defendant," after "may";
 - (ii) in subsection (4)(c), by repealing ", representations or statement in mitigation" and substituting "or representations";
 - (iii) in subsections (5) and (6), by repealing ", representations and statement in mitigation" and substituting "and representations";
- (c) in section 7 -
 - (i) in subsection (3)(c), by repealing "a summary of";
 - (ii) in subsection (4)(a), by repealing ", representations or statement in mitigation" and substituting "or representations";
- (d) in section 10 -
 - (i) by renumbering it as section 10(1);
 - (ii) in subsection (1)(e), by repealing ", representations or statement in mitigation" and substituting "or representations";
 - (iii) by adding -
 - "(2) The Board secretary shall furnish to the defendant, before the meeting, copies of all documents, statements and reports to be put before the Board under subsection (1)(f).";
- (e) in section 11(1), by adding ", either of its own motion or at the request of the defendant," after "may".

Question on the motion proposed, put and agreed to.

3. Karaoke Establishments (Licensing) Regulation

The Secretary for Constitutional Affairs moved the motion in Appendix II and addressed the Council.

Question on the motion proposed.

Hon Audrey Eu spoke on the motion as Chairman of the Subcommittee formed to study the Karaoke Establishments (Licensing) Regulation and Karaoke Establishments (Fees) Regulation.

Two Members spoke on the motion.

Question on the motion put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Mrs Selina CHOW moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Appeal Board on Closure Orders (Immediate Health Hazard) Rules, published in the Gazette as Legal Notice No. 200 of 2002;
- (b) Securities and Futures (Client Securities) Rules, published in the Gazette as Legal Notice No. 201 of 2002;
- (c) Securities and Futures (Client Money) Rules, published in the Gazette as Legal Notice No. 202 of 2002;
- (d) Securities and Futures (Associated Entities - Notice) Rules, published in the Gazette as Legal Notice No. 203 of 2002;
- (e) Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) (Amendment) Notice 2002, published in the Gazette as Legal Notice No. 204 of 2002;
- (f) Securities and Futures (Registration of Appeals Tribunal Orders) Rules, published in the Gazette as Legal Notice No. 205 of 2002;
- (g) Securities and Futures (Registration of Market Misconduct Tribunal Orders) Rules, published in the Gazette as Legal Notice No. 206 of 2002; and

(h) Securities and Futures (Collective Investment Schemes) Notice, published in the Gazette as Legal Notice No. 207 of 2002,

and laid on the table of the Legislative Council on 11 December 2002, 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 12 February 2003.

Question on the motion proposed, put and agreed to.

Culture and Heritage Commission Consultation Paper 2002

Hon MA Fung-kwok moved the following motion and addressed the Council:

That this Council notes the Culture and Heritage Commission Consultation Paper 2002.

Question on the motion proposed.

A Member and Hon LEE Cheuk-yan spoke on the motion.

While Hon LEE Cheuk-yan was speaking, the President left the chair at 7:36 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another 12 Members and the Secretary for Home Affairs spoke on the motion.

At 8:55 pm, while the Secretary for Home Affairs was speaking, the President resumed the chair.

Hon MA Fung-kwok replied.

Question on the motion put and agreed to.

Implementing the International Labour Convention

Hon LEE Cheuk-yan moved the following motion and addressed the Council:

That, although the Committee on Freedom of Association of the International Labour Organization (ILO) has, for five times, requested the Government of the Hong Kong Special Administrative Region to put in place, in accordance with the Right to Organize and Collective Bargaining Convention (International Labour Convention No. 98), objective procedures for determining the representative status of trade unions for

the purpose of facilitating and promoting collective bargaining, the Government has so far not taken any concrete actions in response, this Council urges the Government to respect the ILO's interpretation of the International Labour Convention and expeditiously implement the Committee's recommendation.

Question on the motion proposed.

11 Members and the Secretary for Economic Development and Labour spoke on the motion.

Another Member spoke on the motion.

Hon LEE Cheuk-yan replied.

Question on the motion put.

Hon LEE Cheuk-yan claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, six were in favour of the motion, 18 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 14 were in favour of the motion, five against it and five abstained. (Voting record in Appendix III.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 8 January 2003 at 2:30 pm.

The Council was adjourned at 10:48 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 18/12/2002
 時間 TIME: 06:10:08 下午

動議 MOTION: 《2002年選舉條文（雜項修訂）條例草案》- 三讀
 ELECTORAL PROVISIONS (MISCELLANEOUS AMENDMENTS) BILL 2002 - THIRD
 READING

動議人 MOVED BY: 政制事務局局長 Secretary for Constitutional Affairs

出席 Present :44
 投票 Vote :43
 贊成 Yes :30
 反對 No :0
 棄權 Abstain :13
 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
范徐麗泰	Mrs Rita FAN	出席	PRESENT	楊孝華	Howard YOUNG		
丁午壽	Kenneth TING			楊森	Dr YEUNG Sum	棄權	ABSTAIN
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	贊成	YES
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek		
何秀蘭	Cyd HO			劉江華	LAU Kong-wah	贊成	YES
何俊仁	Albert HO	棄權	ABSTAIN	劉皇發	LAU Wong-fat		
何鍾泰	Dr Raymond HO	贊成	YES	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan			劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE	棄權	ABSTAIN	劉慧卿	Emily LAU	棄權	ABSTAIN
李家祥	Eric LI	贊成	YES	蔡素玉	CHOY So-yuk		
李國寶	Dr David LI			鄭家富	Andrew CHENG	棄權	ABSTAIN
李華明	Fred LI			司徒華	SZETO Wah	棄權	ABSTAIN
呂明華	Dr LUI Ming-wah	贊成	YES	霍震霆	Timothy FOK	贊成	YES
吳亮星	NG Leung-sing	贊成	YES	羅致光	Dr LAW Chi-kwong	棄權	ABSTAIN
吳靄儀	Margaret NG	贊成	YES	譚耀宗	TAM Yiu-chung	贊成	YES
周梁淑怡	Mrs Selina CHOW	贊成	YES	鄧兆棠	Dr TANG Siu-tong	贊成	YES
涂謹申	James TO	棄權	ABSTAIN	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	棄權	ABSTAIN	李鳳英	LI Fung-ying	贊成	YES
許長青	HUI Cheung-ching	贊成	YES	胡經昌	Henry WU	贊成	YES
陳國強	CHAN Kwok-keung			張宇人	Tommy CHEUNG	贊成	YES
陳婉嫻	CHAN Yuen-han	贊成	YES	麥國風	Michael MAK	棄權	ABSTAIN
陳智思	Bernard CHAN			陳偉業	Albert CHAN	棄權	ABSTAIN
陳鑑林	CHAN Kam-lam	贊成	YES	梁富華	LEUNG Fu-wah	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG			勞永樂	Dr LO Wing-lok	贊成	YES
梁耀忠	LEUNG Yiu-chung			黃成智	WONG Sing-chi	棄權	ABSTAIN
單仲偕	SIN Chung-kai	棄權	ABSTAIN	馮檢基	Frederick FUNG		
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
黃宜弘	Dr Philip WONG	贊成	YES	劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	余若薇	Audrey EU		
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok		

秘書 CLERK

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

KARAOKE ESTABLISHMENTS (LICENSING) REGULATION

RESOLVED that the Karaoke Establishments (Licensing)

Regulation, published in the Gazette as Legal Notice No. 153 of 2002 and laid on the table of the Legislative Council on 30 October 2002, be amended -

- (a) in section 2(a)(iii), by adding "that are of a substantial and permanent nature" after "karaoke";
- (b) in section 5, by repealing everything after "shall be" and substituting "properly maintained such that the safety of persons using the premises will not be adversely affected.";
- (c) in section 9 -
 - (i) in subsection (1), by repealing everything before "grantee" where it first appears and substituting -
 - "(1) If -
 - (a) section 5 or 7 is contravened; or

(b) section 6 or 8 is
contravened,

the";

(ii) by renumbering subsection (2) as
subsection (3);

(iii) by adding -

"(2) Where a person charged
with an offence under subsection
(1) is -

(a) a representative of
a body corporate or
a partnership whose
name appears on the
permit or the
licence concerned;
or

(b) a grantee or a
licensee who is an
individual,

it shall be a defence for the
person to prove that -

(c) he did not know and
had no reason to
suspect the
existence of the
circumstances giving
rise to the
contravention; and

(d) he could not, by the
exercise of

reasonable
supervision and
reasonable
diligence, have
prevented those
circumstances
arising.";

(iv) in subsection (3), by repealing
"subsection (1)" and substituting
"subsection (1)(a)";

(v) by adding -

"(4) A person who commits an
offence under subsection (1)(b) is
liable -

(a) on first conviction,
to a fine at level 3
and imprisonment for
3 months; and

(b) on a second or
subsequent
conviction, to a fine
at level 5 and
imprisonment for 6
months,

and in the case of a continuing
offence, to a further daily fine of
\$300 for each day during which the
offence continues.";

(d) by repealing section 2(12) of Schedule 1 and
substituting -

"(12) An emergency alert system which can interrupt the music or other sound and visual images produced by the karaoke equipment and at the same time produce visible and audible warning signals in case of a fire alarm shall be provided."

投票 VOTE: 2
 日期 DATE: 18/12/2002
 時間 TIME: 10:48:23 下午

動議 MOTION: 「落實國際勞工公約」議案
 MOTION "IMPLEMENTING THE INTERNATIONAL LABOUR CONVENTION"

動議人 MOVED BY: 李卓人 LEE Cheuk-yan

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	26	25	
投票 Vote	26	24	
贊成 Yes	6	14	
反對 No	18	5	
棄權 Abstain	2	5	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

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	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Eric LI	反對 NO	李柱銘 Martin LEE	贊成 YES
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah	反對 NO	涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	贊成 YES
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	
陳國強 CHAN Kwok-keung		曾鈺成 TSANG Yok-sing	棄權 ABSTAIN
陳智思 Bernard CHAN	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	棄權 ABSTAIN
黃宜弘 Dr Philip WONG	反對 NO	劉慧卿 Emily LAU	
黃容根 WONG Yung-kan	棄權 ABSTAIN	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
楊孝華 Howard YOUNG		鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	贊成 YES
霍震霆 Timothy FOK	反對 NO	鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 Dr LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah		范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	反對 NO	朱幼麟 Dr David CHU	反對 NO
葉國謙 IP Kwok-him	棄權 ABSTAIN	吳亮星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	棄權 ABSTAIN
		劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	反對 NO

秘書 CLERK