

LEGISLATIVE COUNCIL

MINUTES

No. 17

Minutes of the meeting held on Wednesday 12 February 2003 and
Thursday 13 February 2003 at 2:30 pm respectively

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 (absent on 13.2.2003)

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-yee, 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 (absent on 13.2.2003)

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 Chin-shek, JP

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 (absent on 13.2.2003)

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 LEUNG Fu-wah, MH, JP (absent on 13.2.2003)

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 Albert CHAN Wai-yip

Public officers attending:

On 12.2.2003 and 13.2.2003

The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Housing, Planning and Lands

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

On 12.2.2003

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 Elsie LEUNG Oi-sie, GBM, JP
The Secretary for Justice

The Hon Henry TANG Ying-yen, GBS, JP
Secretary for Commerce, Industry and Technology

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

The Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Secretary for Security

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 Frederick MA Si-hang
Secretary for Financial Services and the Treasury

Clerks in attendance:

On 12.2.2003

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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

On 12.2.2003 and 13.2.2003

Ms Pauline NG Man-wah, Assistant Secretary General (1)

On 13.2.2003

Mr LAW Kam-sang, JP, Deputy Secretary General

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. Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002) (Commencement) Notice 2003 (gazetted on 24.1.2003)	19/2003
2. Official Languages (Alteration of Text under Section 4D) Order 2003 (gazetted on 30.1.2003)	24/2003
3. Tax Reserve Certificates (Rate of Interest) Notice 2003 (gazetted on 30.1.2003)	25/2003
4. Registration of Electors (Appeals) (Amendment) Regulation 2003 (gazetted on 7.2.2003)	26/2003
5. Election Committee (Registration) (Voters For Subsectors) (Members of Election Committee) (Appeals) (Amendment) Regulation 2003 (gazetted on 7.2.2003)	27/2003
6. Fugitive Offenders (Sri Lanka) Order (gazetted on 7.2.2003)	28/2003
7. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2003 (gazetted on 7.2.2003)	29/2003
8. Trade Marks Rules (gazetted on 7.2.2003)	30/2003
9. Trade Marks Ordinance (Cap. 559) (Commencement) Notice 2003 (gazetted on 7.2.2003)	31/2003

Other Papers

No.56	-	AIDS Trust Fund 2001-2002 Annual Accounts together with the Director of Audit's Report (published on 28.1.2003)
No.57	-	Report of changes to the approved Estimates of Expenditure approved during the second quarter of 2002-03 (Public Finance Ordinance : Section 8) (published on 28.1.2003)
No.58	-	Annual Report 2001-2002, including Statement of Accounts and Auditor's Report, of the Hospital Authority (published on 29.1.2003)

No.59 - Report and Statement of Accounts of the Samaritan Fund, together with the Director of Audit's Report, for the year ended 31 March 2002 (published on 29.1.2003)

Report of the Bills Committee on Village Representative Election Bill (published on 10.2.2003)

Questions

1. Hon LI Fung-ying asked Question 1.

The Secretary for Financial Services and the Treasury replied.

Six Members asked supplementaries. The Secretary for Financial Services and the Treasury and the Secretary for Economic Development and Labour replied.

2. Hon TSANG Yok-sing asked Question 2.

The Secretary for Home Affairs replied.

Four Members asked supplementaries. The Secretary for Home Affairs and the Secretary for Economic Development and Labour replied.

3. Hon Frederick FUNG asked Question 3.

The Secretary for Housing, Planning and Lands replied.

Six Members asked supplementaries and the Secretary for Housing, Planning and Lands replied.

4. Hon NG Leung-sing asked Question 4.

The Secretary for Commerce, Industry and Technology replied.

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

5. Dr Hon LAW Chi-kwong asked Question 5.

The Secretary for the Environment, Transport and Works replied.

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

6. Hon WONG Sing-chi asked Question 6.

The Secretary for Economic Development and Labour replied.

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

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

Statements

The Secretary for Security made a statement concerning the Bill to implement Article 23 of the Basic Law.

16 Members put questions to the Secretary for Security for the purpose of elucidating the statement and the Secretary replied.

Bills

First Reading

Copyright (Amendment) Bill 2003
Tung Chung Cable Car Bill

The Bills were 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

Copyright (Amendment) Bill 2003

The Secretary for Commerce, Industry and Technology 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.

Tung Chung Cable Car Bill

The Secretary for Economic Development and Labour 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.

Village Representative Election Bill

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 Village Representative Election Bill, 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.

Seven Members and Hon Frederick FUNG spoke on the Bill.

While Hon Frederick FUNG was speaking, the President left the chair at 6:46 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another Member spoke on the Bill.

The Secretary for Home Affairs replied.

At 7:00 pm, while the Secretary for Home Affairs was speaking, the President resumed the chair.

Question on the Second Reading put.

Dr Hon TANG Siu-tong claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 49 Members were present, 46 were in favour of the motion and two against it. (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 second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Village Representative Election Bill**.

Question that clauses 3, 4, 8, 10 to 14, 18, 19, 24 to 29, 32 to 35, 37, 38, 39, 41 to 50, 52 to 61 and 64 to 68 stand part of the Bill proposed, put and agreed to.

Question that clauses 1, 2, 7, 9, 16, 17, 20, 21, 23, 30, 31, 36, 40, 51, 62 and 63 stand part of the Bill proposed.

The Secretary for Home Affairs moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1, 2, 7, 9, 16, 17, 20, 21, 23, 30, 31, 36, 40, 51, 62 and 63, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 5 and 6 stand part of the Bill proposed.

Hon Andrew CHENG moved amendments to the aforesaid clauses and addressed the Committee.

Two Members and the Secretary for Home Affairs spoke on the amendments.

Hon Andrew CHENG spoke again.

Question on the amendments put and negatived.

Question that clauses 5 and 6 stand part of the Bill put and agreed to.

Question that clause 15 stand part of the Bill proposed.

Hon Andrew CHENG moved the deletion of subclause (4)(b) of clause 15 and addressed the Committee.

A Member and the Secretary for Home Affairs spoke on the amendment.

Question on the amendment put.

Hon Andrew CHENG claimed a division. The Chairman then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 20 were present, seven were in favour of the amendment, 11 against it and one abstained. (Voting record in Appendix II.) Since the question was not agreed by a majority of each of the two groups of

Members present, she declared that the amendment was negatived.

Hon Mrs Selina CHOW rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions to be moved at the Committee Stage of the Village Representative Election Bill at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the Chairman may order that the Committee do proceed to each of such divisions immediately after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

The Secretary for Home Affairs moved amendments to clause 15 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 15, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 22 stand part of the Bill proposed.

Hon Andrew CHENG moved the deletion of subclause (1)(b) of clause 22 and addressed the Committee.

The Secretary for Home Affairs spoke on the amendment.

Question on the amendment put.

Hon Andrew CHENG claimed a division. The Chairman then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 23 were present, three were in favour of the amendment and 20 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 20 were present, seven were in favour of the amendment, 11 against it and one 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 amendment was negatived.

Question that clause 22 stand part of the Bill put and agreed to.

Question that the schedules 1 to 4 stand part of the Bill proposed.

The Secretary for Home Affairs moved amendments to the aforesaid schedules and addressed the Committee.

Question on the amendments put and agreed to.

Question that the schedules 1 to 4, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Home Affairs reported that

the Village Representative Election Bill

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.

Motions

Proposed resolution under the Housing Ordinance

The Secretary for Housing, Planning and Lands moved the following motion and addressed the Council:

Resolved that the Housing (Traffic Contraventions) (Fixed Penalty) (Amendment) Bylaw 2003, made by the Housing Authority on 20 January 2003, be approved.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that the Appeal Board on Closure Orders (Immediate Health Hazard) Rules, published in the Gazette as Legal Notice No. 200 of 2002 and laid on the table of the Legislative Council on 11 December 2002, be amended -

- (a) in section 2, in the definition of "working day", by repealing "日" and substituting "天";

- (b) in section 4 -
 - (i) by repealing "clear";
 - (ii) in paragraph (b), by repealing "bound" and substituting "affected";
- (c) in section 5, by repealing "clear";
- (d) in section 6(1), by repealing "clear";
- (e) in section 7 -
 - (i) in subsection (1), by repealing "clear";
 - (ii) in subsection (2)(a), by repealing "clear";
- (f) in section 8(a), by repealing "clear";
- (g) in section 10, by adding -
 - "(3) An appellant may apply to the person who is to preside at the hearing of the appeal to conduct the hearing in Chinese or English or both.";
- (h) in section 12(2), by repealing "clear";
- (i) in section 13 -
 - (i) by renumbering it as section 13(2);
 - (ii) by adding -
 - "(1) The Appeal Board shall, as soon as practicable and in any event not later than 10 working days after the completion of the hearing of an appeal, deliver its decision on the appeal.";
- (j) in section 15(3), by repealing "clear".

Question on the motion proposed.

Hon Fred LI, Chairman of the Subcommittee on the Appeal Board on Closure Orders (Immediate Health Hazard) Rules, spoke on the motion.

A Member spoke on the motion.

Question on the motion put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Financial Services and the Treasury moved the motion in Appendix IV and addressed the Council.

Question on the motion proposed.

A Member 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 Ocean Park Bylaw, published in the Gazette as Legal Notice No. 1 of 2003 and laid on the table of the Legislative Council on 15 January 2003, 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 5 March 2003.

Question on the motion proposed, put and agreed to.

First Report of the Select Committee

Hon Miriam LAU moved the following motion and addressed the Council:

That this Council endorses the First Report of the Select Committee on Building Problems of Public Housing Units.

Question on Hon Miriam LAU's motion proposed.

The President stated that Hon Frederick FUNG would move an amendment to the motion and that Hon Albert HO would also move an amendment to Hon Frederick FUNG's amendment. In accordance with the Rules of Procedure, the motion, the amendment, and the amendment to the amendment would be debated together in a joint debate.

Hon Frederick FUNG moved the following amendment to Hon Miriam LAU's motion and addressed the Council:

To add ", and condemns Mr Dominic WONG Shing-wah and Mr John Anthony MILLER who respectively held the posts of Secretary for Housing and Director of Housing at the time of the three incidents relating to the public housing projects in Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2, as well as demands that the Administration impose punishment on them" after "That this Council endorses the First Report of the Select Committee on Building Problems of Public Housing Units".

Question on Hon Frederick FUNG's amendment to Hon Miriam LAU's motion proposed.

Hon Albert HO moved the following amendment to Hon Frederick FUNG's amendment and addressed the Council:

To delete "condemns Mr Dominic WONG Shing-wah and Mr John Anthony MILLER who respectively held the posts of Secretary for Housing and Director of Housing at the time of the three incidents relating to the public housing projects in Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2, as well as" after "That this Council endorses the First Report of the Select Committee on Building Problems of Public Housing Units, and"; to delete "Administration" after "demands that the" and substitute with "Government"; to add "appropriate" after "impose"; and to delete "them" after "punishment on" and substitute with "those officials who should be held responsible for the incidents".

Question on Hon Albert HO's amendment to Hon Frederick FUNG's amendment proposed.

Three Members spoke on the motion and the amendments.

The President suspended the meeting at 10:01 pm.

* * * * *

The Council resumed at 2:30 pm on 13 February 2003 and continued to debate the motion on the First Report of the Select Committee and its amendments.

Another 15 Members spoke on the motion and the amendments.

Hon Miriam LAU spoke on the amendments.

The Secretary for Housing, Planning and Lands spoke on the motion and the amendments.

Question on Hon Albert HO's amendment to Hon Frederick FUNG's amendment put.

Hon Emily LAU 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, 24 were present and 24 were in favour of the amendment; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 20 were present, 14 were in favour of the amendment and five against it. (Voting record in Appendix V.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that Hon Albert HO's amendment to Hon Frederick FUNG's amendment was agreed.

Question on Hon Frederick FUNG's amendment as amended by Hon Albert HO put.

Hon Frederick FUNG 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, 24 were present and 24 were in favour of the amendment; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 19 were present and 18 were in favour of the amendment. (Voting record in Appendix VI.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that Hon Frederick FUNG's amendment, as amended by Hon Albert HO was agreed.

Hon Miriam LAU replied.

Question on Hon Miriam LAU's motion as amended by Hon Frederick FUNG's amendment, which had been amended by Hon Albert HO, put and agreed to.

Policy on heritage preservation

Hon LAU Ping-cheung moved the following motion and addressed the Council:

That this Council urges the Government to expeditiously formulate a comprehensive policy on heritage preservation so that relics of historical value can be duly preserved; the policy should include:

- (a) protecting buildings of conservation value by bringing them into the ambit of the mechanism for declaration of monuments;
- (b) providing incentives or setting up a reasonable compensation mechanism to encourage owners of cultural

relics to carry out the necessary maintenance and repairs to the relics; and

- (c) devising a comprehensive mechanism for promoting the preservation of monuments so that historical buildings can be reused upon restoration for purposes compatible with their former functions, so as to revive the original characteristics of the buildings.

Question on the motion proposed.

10 Members and Hon Fred LI spoke on the motion.

While Hon Fred LI was speaking, the President left the chair at 7:11 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another Member and the Secretary for Home Affairs spoke on the motion.

At 7:26 pm, while the Secretary for Home Affairs was speaking, the President resumed the chair.

Hon LAU Ping-cheung replied.

Question on the motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 19 February 2003 at 2:30 pm.

The Council was adjourned at 7:48 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

Appendix I

投票 VOTE: 1
 日期 DATE: 12/02/2003
 時間 TIME: 07:21:59 下午

動議 MOTION: 《村代表選舉條例草案》 - 二讀
 VILLAGE REPRESENTATIVE ELECTION BILL - SECOND READING

動議人 MOVED BY: 民政事務局局长 Secretary for Home Affairs

出席 Present :49
 投票 Vote :48
 贊成 Yes :46
 反對 No :2
 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
范徐麗泰	Mrs Rita FAN	出席	PRESENT	楊孝華	Howard YOUNG	贊成	YES
丁午壽	Kenneth TING	贊成	YES	楊森	Dr YEUNG Sum	贊成	YES
田北俊	James TIEN			楊耀忠	YEUNG Yiu-chung		
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek	贊成	YES
何秀蘭	Cyd HO			劉江華	LAU Kong-wah	贊成	YES
何俊仁	Albert HO	贊成	YES	劉皇發	LAU Wong-fat	贊成	YES
何鍾泰	Dr Raymond HO	贊成	YES	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan	贊成	YES	劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE			劉慧卿	Emily LAU		
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	贊成	YES
李華明	Fred LI	贊成	YES	司徒華	SZETO Wah	贊成	YES
呂明華	Dr LUI Ming-wah	贊成	YES	霍震霆	Timothy FOK		
吳亮星	NG Leung-sing	贊成	YES	羅致光	Dr LAW Chi-kwong	贊成	YES
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	反對	NO
涂謹申	James TO	贊成	YES	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	贊成	YES	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	贊成	YES	張宇人	Tommy CHEUNG		
陳婉嫻	CHAN Yuen-han	贊成	YES	麥國風	Michael MAK	贊成	YES
陳智思	Bernard CHAN	贊成	YES	陳偉業	Albert CHAN		
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	贊成	YES	勞永樂	Dr LO Wing-lok	贊成	YES
梁耀忠	LEUNG Yiu-chung	贊成	YES	黃成智	WONG Sing-chi	贊成	YES
單仲偕	SIN Chung-kai	贊成	YES	馮檢基	Frederick FUNG	反對	NO
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	贊成	YES
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok		



秘書 CLERK _____

Appendix II

投票 VOTE: 2
 日期 DATE: 12/02/2003
 時間 TIME: 08:07:49 下午

動議 MOTION: 《村代表選舉條例草案》- 全體委員會審議階段 - 刪除第15(4)(b)條
 VILLAGE REPRESENTATIVE ELECTION BILL - COMMITTEE STAGE - DELETION OF
 SUBCLAUSE (4)(b) OF CLAUSE 15

動議人 MOVED BY: 鄭家富 Andrew CHENG

	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	24	20	
投票 Vote	24	19	
贊成 Yes	3	7	
反對 No	21	11	
棄權 Abstain	0	1	
結果 Result	否決 Negatived	否決 Negatived	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		
田北俊	James TIEN			何俊仁	Albert HO	贊成	YES
何鍾泰	Dr Raymond HO	反對	NO	李卓人	LEE Cheuk-yan		
李家祥	Eric LI	反對	NO	李柱銘	Martin LEE		
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	反對	NO	陳婉嫻	CHAN Yuen-han	反對	NO
周梁淑怡	Mrs Selina CHOW	反對	NO	陳鑑林	CHAN Kam-lam	反對	NO
張文光	CHEUNG Man-kwong	贊成	YES	梁耀忠	LEUNG Yiu-chung		
許長青	HUI Cheung-ching	反對	NO	黃宏發	Andrew WONG	反對	NO
陳國強	CHAN Kwok-keung	反對	NO	曾鈺成	TSANG Yok-sing	反對	NO
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	反對	NO
單仲偕	SIN Chung-kai	贊成	YES	劉江華	LAU Kong-wah	反對	NO
黃宜弘	Dr Philip WONG			劉慧卿	Emily LAU		
黃容根	WONG Yung-kan	反對	NO	蔡素玉	CHOY So-yuk		
楊孝華	Howard YOUNG	反對	NO	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	反對	NO
霍震霆	Timothy FOK			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		
石禮謙	Abraham SHEK	反對	NO	黃成智	WONG Sing-chi	贊成	YES
李鳳英	LI Fung-ying	反對	NO	馮檢基	Frederick FUNG		
胡經昌	Henry WU	反對	NO	余若薇	Audrey EU	棄權	ABSTAIN
張宇人	Tommy CHEUNG			選舉委員會 Election Committee			
麥國風	Michael MAK			范徐麗泰	Mrs Rita FAN	出席	PRESENT
梁富華	LEUNG Fu-wah	反對	NO	朱幼麟	Dr David CHU	反對	NO
勞永樂	Dr LO Wing-lok	反對	NO	吳亮星	NG Leung-sing	反對	NO
葉國謙	IP Kwok-him	反對	NO	楊耀忠	YEUNG Yiu-chung		
劉炳章	LAU Ping-cheung	反對	NO	劉漢銓	Ambrose LAU	反對	NO
				馬達國	MA Fung kwok		

秘書 CLERK 

Appendix III

投票 VOTE: 3
日期 DATE: 12/02/2003
時間 TIME: 08:15:14 下午

動議 MOTION: 《村代表選舉條例草案》- 全體委員會審議階段 - 刪除第22(1)(b)條
VILLAGE REPRESENTATIVE ELECTION BILL - COMMITTEE STAGE - DELETION OF
SUBCLAUSE (1)(b) OF CLAUSE 22

動議人 MOVED BY: 鄭家富 Andrew CHENG

	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	23	20	
投票 Vote	23	19	
贊成 Yes	3	7	
反對 No	20	11	
棄權 Abstain	0	1	
結果 Result	否決 Negatived	否決 Negatived	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	
田北俊 James TIEN		何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	
李家祥 Eric LI	反對 NO	李柱銘 Martin LEE	
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	反對 NO	陳婉嫻 CHAN Yuen-han	反對 NO
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	反對 NO
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
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	反對 NO
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	
楊孝華 Howard YOUNG	反對 NO	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	反對 NO
霍震霆 Timothy FOK		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	
石禮謙 Abraham SHEK		黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	棄權 ABSTAIN
張宇人 Tommy CHEUNG			
麥國風 Michael MAK		選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah	反對 NO	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	反對 NO	吳亮星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	
		劉漢銓 Ambrose LAU	反對 NO
		馬達國 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))

SECURITIES AND FUTURES (FINANCIAL RESOURCES) RULES

SECURITIES AND FUTURES (KEEPING OF RECORDS) RULES

SECURITIES AND FUTURES (ACCOUNTS AND AUDIT) RULES

SECURITIES AND FUTURES (CONTRACT NOTES, STATEMENTS
OF ACCOUNT AND RECEIPTS) RULES

SECURITIES AND FUTURES (SHORT SELLING AND SECURITIES
BORROWING AND LENDING (MISCELLANEOUS)) RULES

SECURITIES AND FUTURES (MISCELLANEOUS) RULES

SECURITIES AND FUTURES (PRICE STABILIZING) RULES

SECURITIES AND FUTURES (INSURANCE) RULES

RESOLVED that -

- (a) the Securities and Futures (Financial Resources)
Rules, published in the Gazette as Legal Notice No.
209 of 2002 and laid on the table of the
Legislative Council on 18 December 2002, be
amended -

- (i) in section 2(1) -

- (A) in the definition of "交易日期", in paragraph (j), by repealing "雙" and substituting "各";
 - (B) in the definition of "期權合約", in paragraph (b), by adding "該合約內指明的" before "某";
 - (ii) in section 46(2)(a), by adding "該等證券的" before "買";
 - (iii) in section 53(2)(b), by repealing "債項" and substituting "負債";
 - (iv) in section 56(1), by adding "仍然" before "有效";
 - (v) in section 60(4), by repealing "進" wherever it appears and substituting "執";
- (b) the Securities and Futures (Keeping of Records) Rules, published in the Gazette as Legal Notice No. 210 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended, in section 1(e) of the Schedule, by repealing "證券抵押品" and substituting "客戶抵押品";
- (c) the Securities and Futures (Accounts and Audit) Rules, published in the Gazette as Legal Notice No. 211 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended -

- (i) in section 3(1)(b) -
 - (A) by repealing "報表" and substituting "申報表";
 - (B) in subparagraph (viii), by repealing "本身的衍生工具持倉量" and substituting "衍生工具自營交易持倉的狀況";
 - (ii) in section 4(1)(d), by repealing "報表" where it twice appears and substituting "申報表";
- (d) the Securities and Futures (Contract Notes, Statements of Account and Receipts) Rules, published in the Gazette as Legal Notice No. 212 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended -
- (i) in section 2, in the definition of "保證金比率", by repealing everything after "百分率是" and substituting "中介人的客戶被容許以該特定種類的證券抵押品向該中介人借貸(或以其他方式自該中介人取得其他方式的財務通融)的上限";
 - (ii) in section 5 -
 - (A) in subsection (3)(c)(i), by repealing "描述" and substituting "種類";
 - (B) in subsection (7)(a) and (b), by repealing "樣" and substituting

"種類";

- (iii) in section 8(2)(b), (c) and (d), by repealing "款" and substituting "一種類的";
- (iv) in section 9(2)(b) -
 - (A) by repealing "款" and substituting "一種類的";
 - (B) by repealing "物" where it twice appears;
- (v) in section 11 -
 - (A) in subsection (3)(e)(ii), by repealing "物";
 - (B) in subsection (3)(f)(i), by repealing "款" and substituting "一種類的";
 - (C) in subsection (3)(f)(ii) -
 - (I) by repealing "款" and substituting "一種類";
 - (II) by repealing "物";
 - (D) in subsection (3)(g), by repealing "款" and substituting "一種類的";
 - (E) in subsection (5)(b)(i), by repealing "款" and substituting "一種類的";
 - (F) in subsection (5)(d), by adding "合約" after "期貨";

- (G) in subsection (6)(e)(ii), by
repealing "物";
- (vi) in section 12 -
 - (A) in subsection (2)(b)(i) and (c), by
repealing "款" and substituting "一種
類的";
 - (B) in subsection (2)(b)(ii), by
repealing "款保證物" and substituting
"一種類的保證";
- (vii) in section 13 -
 - (A) in subsection (1)(a)(ii), by
repealing "物" where it twice
appears;
 - (B) in subsection (1)(d), by repealing
"物";
 - (C) by repealing subsection (2)(e)(i)
and (ii) and substituting -
 - "(i) 於中介人的保管人處開立的帳戶；
或
 - (ii) 於中介人的有聯繫實體的保管人處
開立的帳戶。";
 - (D) in subsection (3)(d), by repealing
"物" wherever it appears;

(E) in subsection (3)(d)(i), by
repealing "描述" and substituting "種類";

(e) the Securities and Futures (Short Selling and Securities Borrowing and Lending (Miscellaneous)) Rules, published in the Gazette as Legal Notice No. 213 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended -

(i) in section 3(2)(c) -

(A) by repealing "該證券當" and
substituting "某上市證券當";

(B) by repealing "上市" and substituting
"該";

(ii) in section 4(5), by repealing "根據第(1)、(2)或(3)款記錄口頭保證或第(4)款描述的詳情或" and substituting "記錄口頭保證或第(4)款描述的詳情，或根據第(1)、(2)或(3)款";

(f) the Securities and Futures (Miscellaneous) Rules, published in the Gazette as Legal Notice No. 216 of 2002 and laid on the table of the Legislative Council on 18 December 2002, be amended by repealing section 2(1)(b) and substituting -

"(b) in the case of a document in electronic form, be -

(i) sent by means of such
electronic transmission as may
be approved by the Commission;
or

(ii) sent by electronic mail
transmission,

to such electronic reception facility as
may be specified by the Commission on the
contact details page of the Commission's
web site.";

(g) the Securities and Futures (Price Stabilizing)
Rules, published in the Gazette as Legal Notice No.
218 of 2002 and laid on the table of the
Legislative Council on 18 December 2002, be amended
in section 12(1)(c), by adding "為提出任何買盤或達成任
何交易" after "中";

(h) the Securities and Futures (Insurance) Rules,
published in the Gazette as Legal Notice No. 11 of
2003 and laid on the table of the Legislative
Council on 22 January 2003, be amended -

(i) in section 4(1), by repealing "就任何保險期
根據第5(1)條核准某類受規管活動的" and
substituting "為某類受規管活動而根據第5(1)條就
某保險期核准某份";

(ii) in section 4(2), by repealing "就任何保險期
根據第5(2)(a)條核准某份屬證券交易的受規管活動的"

and substituting "為屬證券交易的受規管活動而根據第5(2)(a)條就某保險期核准某份";

(iii) in section 4(3), by repealing "就任何保險期根據第5(2)(b)條核准某份屬期貨合約交易的受規管活動的" and substituting "為屬期貨合約交易的受規管活動而根據第5(2)(b)條就某保險期核准某份";

(iv) in section 5(1), by repealing "任何保險期就某類受規管活動" and substituting "某類受規管活動就某保險期";

(v) in section 5(2), by repealing "就任何保險期";

(vi) in section 5(2)(a) and (b), by adding "就某保險期" before "核准".

Appendix V

投票 VOTE: 4
日期 DATE: 13/02/2003
時間 TIME: 05:45:10 下午

動議 MOTION: 何俊仁議員就馮檢基議員對劉健儀議員的「專責委員會第一份報告」議案所提修正案，作出的修正案
HON ALBERT HO'S AMENDMENT TO HON FREDERICK FUNG'S AMENDMENT TO HON MIRIAM LAU'S MOTION ON "FIRST REPORT OF THE SELECT COMMITTEE"

動議人 MOVED BY: 何俊仁 Albert HO

	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	24	20	
投票 Vote	24	19	
贊成 Yes	24	14	
反對 No	0	5	
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	
丁午壽 Kenneth TING	贊成 YES	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN		何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Eric LI	贊成 YES	李柱銘 Martin LEE	
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah		涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	
周梁淑怡 Mrs Selina CHOW	贊成 YES	陳鑑林 CHAN Kam-lam	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching		黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung	贊成 YES	曾鈺成 TSANG Yok-sing	贊成 YES
陳智思 Bernard CHAN	贊成 YES	楊森 Dr YEUNG Sum	
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	劉千石 LAU Chin-shek	
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	贊成 YES
黃宜弘 Dr Philip WONG	贊成 YES	劉慧卿 Emily LAU	反對 NO
黃容根 WONG Yung-kan	贊成 YES	蔡素玉 CHOY So-yuk	贊成 YES
楊孝華 Howard YOUNG	贊成 YES	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat		司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	贊成 YES	譚耀宗 TAM Yiu-chung	
霍震霆 Timothy FOK	贊成 YES	鄧兆棠 Dr TANG Siu-tong	
羅致光 Dr LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	
石禮謙 Abraham SHEK	贊成 YES	黃成智 WONG Sing-chi	
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	反對 NO
胡經昌 Henry WU	贊成 YES	余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG	贊成 YES		
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-iok	贊成 YES	朱幼麟 Dr David CHU	反對 NO
葉國謙 IP Kwok-him	贊成 YES	吳亮星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	贊成 YES	楊耀忠 YEUNG Yiu-chung	
		劉漢銓 Ambrose LAU	反對 NO
		馬達國 MA Fung kwok	

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Appendix VI

投票 VOTE: 5
 日期 DATE: 13/02/2003
 時間 TIME: 05:49:33 下午

動議 MOTION: 馮檢基議員就劉健儀議員的「專責委員會第一份報告」議案，提出經何俊仁議員修正的修正案
 HON FREDERICK FUNG'S AMENDMENT, AS AMENDED BY HON ALBERT HO, TO HON MIRIAM LAU'S MOTION ON "FIRST REPORT OF THE SELECT COMMITTEE"

動議人 MOVED BY: 馮檢基 HON FREDERICK FUNG

	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	24	19	
投票 Vote	24	18	
贊成 Yes	24	18	
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			
丁午壽	Kenneth TING	贊成	YES	何秀蘭	Cyd HO	贊成	YES
田北俊	James TIEN			何俊仁	Albert HO	贊成	YES
何鍾泰	Dr Raymond HO	贊成	YES	李卓人	LEE Cheuk-yan	贊成	YES
李家祥	Eric LI	贊成	YES	李柱銘	Martin LEE		
李國寶	Dr David LI			李華明	Fred LI	贊成	YES
呂明華	Dr LUI Ming-wah			涂謹申	James TO	贊成	YES
吳靄儀	Margaret NG	贊成	YES	陳婉嫻	CHAN Yuen-han		
周梁淑怡	Mrs Selina CHOW	贊成	YES	陳鑑林	CHAN Kam-lam	贊成	YES
張文光	CHEUNG Man-kwong	贊成	YES	梁耀忠	LEUNG Yiu-chung	贊成	YES
許長青	HUI Cheung-ching			黃宏發	Andrew WONG	贊成	YES
陳國強	CHAN Kwok-keung	贊成	YES	曾鈺成	TSANG Yok-sing	贊成	YES
陳智思	Bernard CHAN	贊成	YES	楊森	Dr YEUNG Sum	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	劉千石	LAU Chin-shek		
單仲偕	SIN Chung-kai	贊成	YES	劉江華	LAU Kong-wah		
黃宜弘	Dr Philip WONG	贊成	YES	劉慧卿	Emily LAU	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	蔡素玉	CHOY So-yuk	贊成	YES
楊孝華	Howard YOUNG	贊成	YES	鄭家富	Andrew CHENG	贊成	YES
劉皇發	LAU Wong-fat			司徒華	SZETO Wah	贊成	YES
劉健儀	Miriam LAU	贊成	YES	譚耀宗	TAM Yiu-chung		
霍震霆	Timothy FOK	贊成	YES	鄧兆棠	Dr TANG Siu-tong		
羅致光	Dr LAW Chi-kwong	贊成	YES	陳偉業	Albert CHAN		
石禮謙	Abraham SHEK	贊成	YES	黃成智	WONG Sing-chi		
李鳳英	LI Fung-ying	贊成	YES	馮檢基	Frederick FUNG	贊成	YES
胡經昌	Henry WU	贊成	YES	余若薇	Audrey EU	贊成	YES
張宇人	Tommy CHEUNG	贊成	YES	選舉委員會 Election Committee			
麥國風	Michael MAK	贊成	YES	范徐麗泰	Mrs Rita FAN	出席	PRESENT
梁富華	LEUNG Fu-wah			朱幼麟	Dr David CHU	贊成	YES
勞永樂	Dr LO Wing-lok	贊成	YES	吳亮星	NG Leung-sing		
葉國謙	IP Kwok-him	贊成	YES	楊耀忠	YEUNG Yiu-chung		
劉炳章	LAU Ping-cheung	贊成	YES	劉漢銓	Ambrose LAU	贊成	YES
				馬逢國	MA Fung kwok		

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