

LEGISLATIVE COUNCIL

MINUTES

No. 27

Minutes of the meeting held on Wednesday 14 May 2003 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-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 Bernard CHAN, JP
The Hon CHAN Kam-lam, 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

Members absent:

The Hon CHAN Yuen-han, JP

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

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 Elsie LEUNG Oi-sie, GBM, JP

The Secretary for Justice

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

The Hon Joseph WONG Wing-ping, GBS, JP
Secretary for the Civil Service

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

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, JP
Secretary for Financial Services and the Treasury

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

Prof LAU Siu-kai, JP
Head, Central Policy Unit

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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. Fire Services (Fire Hazard Abatement) Regulation (gazetted on 9.5.2003)	113/2003
2. Statutes of The Chinese University of Hong Kong (Amendment) Statute 2003 (gazetted on 9.5.2003)	114/2003
3. Occupational Safety and Health (Display Screen Equipment) Regulation (Cap. 509 sub. leg. B) (Commencement) Notice 2003 (gazetted on 9.5.2003)	115/2003

Other Papers

- No.81 - Audited Statement of Accounts of the Quality Education Fund together with the Director of Audit's Report for the year ended 31 August 2002 (published on 6.5.2003)
- No.82 - Securities and Futures Commission Annual Report 2002-2003 (published on 14.5.2003)
- Report of the Bills Committee on Land (Miscellaneous Provisions) (Amendment) Bill 2002 (published on 9.5.2003)

Questions

1. Hon SIN Chung-kai asked Question 1.

The Secretary for Education and Manpower replied.

Six Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for the Civil Service replied.

2. Hon Fred LI asked Question 2.

The Secretary for Commerce, Industry and Technology replied.

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

3. Hon James TIEN asked Question 3.

The Secretary for the Environment, Transport and Works replied.

Six Members asked supplementaries. The Secretary for the Environment, Transport and Works and the Secretary for Housing, Planning and Lands replied.

4. Hon LAU Kong-wah asked Question 4.

The Secretary for Health, Welfare and Food replied.

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

5. Ir Dr Hon HO Chung-tai asked Question 5.

The Secretary for the Environment, Transport and Works replied.

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

6. Hon Emily LAU asked Question 6.

The Secretary for Health, Welfare and Food replied.

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

Written replies to Questions 7 to 17 were tabled for Members' information.

Bills

First Reading

Broadcasting (Amendment) Bill 2003

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

Broadcasting (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.

Land (Miscellaneous Provisions) (Amendment) Bill 2002

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 24 April 2002 resumed.

Hon LAU Ping-cheung, Chairman of the Bills Committee on Land (Miscellaneous Provisions) (Amendment) 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 five Members spoke on the Bill.

The Secretary for the Environment, Transport and Works 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 **Land (Miscellaneous Provisions) (Amendment) Bill 2002**.

Question that clauses 5, 8, 10, 12 and 13 stand part of the Bill proposed, put and agreed to.

Question that clauses 1 to 4, 6, 7, 9, 11, 14, 15 and 16 stand part of the Bill proposed.

The Secretary for the Environment, Transport and Works moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1 to 4, 6, 7, 9, 11, 14, 15 and 16, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for the Environment, Transport and Works reported that

the **Land (Miscellaneous Provisions) (Amendment) Bill 2002**

had passed through the Committee with amendments. She 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.

Members' Motions

Calling for the resignation of the Chief Executive, Mr TUNG Chee-hwa

Hon Albert CHAN moved the following motion and addressed the Council:

That this Council calls for the resignation of the Chief Executive, Mr TUNG Chee-hwa.

Question on the motion proposed.

The Chief Secretary for Administration, eight Members and Hon Albert HO spoke on the motion.

While Hon Albert HO was speaking, the President left the chair at 6:38 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another five Members and Hon YEUNG Yiu-chung spoke on the motion.

At 7:16 pm, while Hon YEUNG Yiu-chung was speaking, the President resumed the chair.

12 more Members and Hon Michael MAK spoke on the motion.

While Hon Michael MAK was speaking, Hon TAM Yiu-chung raised a point of order on whether Hon Michael MAK had breached the Rules of Procedure by displaying an exhibit. The President stated that she had not intervened as the contents of Hon Michael MAK's speech related to the cardboard he was holding.

Another 10 Members, the Secretary for Justice and the Secretary for Constitutional Affairs spoke on the motion.

The Chief Secretary for Administration spoke on the motion the second time.

Hon Albert CHAN replied.

Question on the motion put.

Hon Albert CHAN 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, 29 were present, five were in favour of the motion and 24 against it; while among the Members returned by geographical constituencies through direct

elections and by the Election Committee, 26 were present, 14 were in favour of the motion and 11 against it. (Voting record in the Appendix.) 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.

Exploring new areas of co-operation between Hong Kong and Guangdong

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

That, as the Chief Executive has stated in this year's Policy Address that Hong Kong and Guangdong should, with the common goal of achieving a major modernised economic region, raise and speed up the level of co-operation in exploring new areas of common interests where there is room for enhanced co-operation, this Council urges the Government to actively consult various industrial, commercial and professional sectors on the relevant subjects and expeditiously put forward feasible proposals and implementation timetables.

Question on the motion proposed.

10 Members and the Chief Secretary for Administration spoke on the motion.

Hon Ambrose LAU 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 15 May 2003 at 3:00 pm.

The Council was adjourned at 11:40 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 14/05/2003
時間 TIME: 10:10:50 下午

動議 MOTION: 「要求行政長官董建華先生辭職」議案
MOTION "CALLING FOR THE RESIGNATION OF THE CHIEF EXECUTIVE, MR TUNG CHEE-HWA"

動議人 MOVED BY: 陳偉業 Albert CHAN

	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	29	26	
投票 Vote	29	25	
贊成 Yes	5	14	
反對 No	24	11	
棄權 Abstain	0	0	
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	反對 NO	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	
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	
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		劉千石 LAU Chin-shek	
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG	反對 NO	劉慧卿 Emily LAU	贊成 YES
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
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	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	反對 NO	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	贊成 YES
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	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	反對 NO
		劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	反對 NO