

LEGISLATIVE COUNCIL

MINUTES

No. 36

Minutes of the meeting held on Wednesday 9 July 2003 at 2:30 pm and
Thursday 10 July 2003 at 9:00 am

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 10.7.2003)

Dr the Hon Eric LI Ka-cheung, GBS, 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, JP

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, GBS

The Hon WONG Yung-kan

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Howard YOUNG, SBS, JP

Dr the Hon YEUNG Sum

The Hon YEUNG Yiu-chung, BBS

The Hon LAU Chin-shek, JP

The Hon LAU Kong-wah, JP

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, JP

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

Public officers attending:

On 9.7.2003 and 10.7.2003

The Hon Donald TSANG Yam-kuen, GBM, JP

The Chief Secretary for Administration

The Hon Henry TANG Ying-yen, GBS, JP

Secretary for Commerce, Industry and Technology

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

On 9.7.2003

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

On 10.7.2003

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

Clerks in attendance:

On 9.7.2003

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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

On 10.7.2003

Mr LAW Kam-sang, JP, Deputy Secretary General

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

On 9.7.2003 and 10.7.2003

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

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. Registration of Persons (Amendment) Regulation 2003 (gazetted on 4.7.2003)	165/2003
2. International Organizations (Privileges and Immunities) (Office of the Commission of the European Communities) Order (gazetted on 4.7.2003)	166/2003
3. Administration of Estates by Consular Officers Ordinance (Amendment of Schedule) Order 2003 (gazetted on 4.7.2003)	167/2003
4. Consular Conventions (Application of Section 3) Order (gazetted on 4.7.2003)	168/2003
5. Port Control (Public Cargo Working Area) Order 2003 (gazetted on 4.7.2003)	169/2003
6. Telecommunications (Carrier Licences) (Amendment) Regulation 2003 (L.N. 134 of 2003)(Commencement) Notice 2003 (gazetted on 4.7.2003)	170/2003
7. Statutes of the University of Hong Kong (Amendment) (No. 2) Statutes 2003 (gazetted on 9.7.2003)	186/2003

Other Papers

- No.101 - J.E. Joseph Trust Fund
Report for the period 1 April 2002 to 31 March 2003
(published on 3.7.2003)
- No.102 - Kadoorie Agricultural Aid Loan Fund
Report for the period 1 April 2002 to 31 March 2003
(published on 3.7.2003)
- No.103 - Sir Robert Black Trust Fund
Annual Report for the year 1 April 2002 to 31 March 2003
(published on 3.7.2003)
- No.104 - Hong Kong Export Credit Insurance Corporation
Annual Report 2002-2003 (published on 4.7.2003)
- No.105 - Report of the Public Accounts Committee on Report No. 40 of the Director of Audit on the Results of Value for Money Audits and Supplemental Report of the Public Accounts Committee on Report No. 39 of the Director of Audit on the Results of Value for Money Audits (July 2003 - P.A.C. Report No. 40)
(published on 9.7.2003)

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region
Progress Report for the period July 2002 to June 2003 (published on 8.7.2003)

Report of the Panel on Transport 2002/2003 (published on 7.7.2003)

Report of the Panel on Financial Affairs 2002/2003 (published on 7.7.2003)

Report of the Panel on Economic Services 2002/2003 (published on 7.7.2003)

Report of the Bills Committee on Telecommunications (Amendment) Bill 2002 (published on 7.7.2003)

Report of the Bills Committee on Betting Duty (Amendment) Bill 2003 (published on 7.7.2003)

Report of the Bills Committee on Prevention of Child Pornography Bill (published on 30.6.2003)

Addresses

Dr Hon Eric LI, Chairman of the Public Accounts Committee, addressed the Council on the Committee's Report on Report No. 40 of the Director of Audit on the Results of Value for Money Audits and on the Committee's Supplemental Report on Report No. 39 of the Director of Audit on the Results of Value for Money Audits.

Hon Miriam LAU, Chairman of the Panel on Transport, addressed the Council on the Panel's report 2002/2003.

Hon Ambrose LAU, Chairman of the Panel on Financial Affairs, addressed the Council on the Panel's report 2002/2003.

Hon James TIEN, Chairman of the Panel on Economic Services, addressed the Council on the Panel's report 2002/2003.

Questions

1. Dr Hon LUI Ming-wah asked Question 1.

The Secretary for Health, Welfare and Food replied.

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

2. Hon YEUNG Yiu-chung asked Question 2.

The Secretary for Education and Manpower replied.

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

3. Hon Andrew CHENG asked Question 3.

The Secretary for Housing, Planning and Lands replied.

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

4. Dr Hon LAW Chi-kwong asked Question 4.

The Secretary for Health, Welfare and Food replied.

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

5. Hon Frederick FUNG asked Question 5.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

6. Hon SZETO Wah asked Question 6.

The Secretary for Education and Manpower replied.

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

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

Bills

First Reading

Revenue (No. 3) 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

Revenue (No. 3) Bill 2003

The Secretary for Financial Services and the Treasury 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.

Telecommunications (Amendment) Bill 2002

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 15 May 2002 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee on Telecommunications (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.

Six other Members spoke on the Bill.

The Secretary for Commerce, Industry and Technology replied.

Question on the Second Reading 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 50 Members were present, 43 were in favour of the motion and six 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 **Telecommunications (Amendment) Bill 2002**.

Question that clause 4 stand part of the Bill proposed, put and agreed to.

Question that clauses 1, 2, 3, 5, 6 and 7 stand part of the Bill proposed.

The Secretary for Commerce, Industry and Technology moved amendments to the aforesaid clauses and addressed the Committee.

Dr Hon Eric LI declared interest as an independent, non-executive director of SmarTone Telecommunications Holding Limited and spoke on the amendments.

The Secretary for Commerce, Industry and Technology spoke again.

Question on the amendments put and agreed to.

Question that clauses 1, 2, 3, 5, 6 and 7, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 1A, 2A, 8, 9 and 10 read the first time.

The Secretary for Commerce, Industry and Technology moved the Second Reading of the aforesaid new clauses and addressed the Committee.

Question on the Second Reading of the aforesaid new clauses proposed, put and agreed to.

The aforesaid new clauses read the second time.

The Secretary for Commerce, Industry and Technology moved the addition of the aforesaid new clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Commerce, Industry and Technology reported that

the **Telecommunications (Amendment) 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, put and agreed to.

Bill read the third time and passed.

Betting Duty (Amendment) Bill 2003

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 9 April 2003 resumed.

Hon Mrs Selina CHOW, Chairman of the Bills Committee on Betting Duty (Amendment) Bill 2003, addressed the Council on the Report of the Bills Committee on the Bill. After the address, she spoke on the Bill in her personal capacity as a Member.

Another three Members and Hon Cyd Ho spoke on the Bill.

While Hon Cyd Ho was speaking, the President left the chair at 6:41 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Seven other Members and Hon Tommy CHEUNG spoke on the Bill.

At 8:03 pm, while Hon Tommy CHEUNG was speaking, the President resumed the chair.

Four more Members spoke on the Bill.

The Secretary for Home Affairs replied.

Dr Hon Eric LI declared interest as a voting member of the Hong Kong Jockey Club.

Hon Kenneth TING, Hon James TIEN, Hon Albert HO, Ir Dr Hon Raymond HO, Hon Martin LEE, Dr Hon David LI, Hon Mrs Sophie LEUNG, Dr Hon YEUNG Sum, Hon LAU Wong-fat, Hon Abraham SHEK, Hon Tommy CHEUNG and Dr Hon LO Wing-lok raised their hands to signify declaration of their interest as members of the Hong Kong Jockey Club.

Question on the Second Reading put.

Hon Frederick FUNG claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

Before the President declared the result of the division, Hon LEUNG Fu-wah informed the President that he had cast his vote in error. The President stated that she had taken note of Hon LEUNG Fu-wah's vote in favour of the motion and would allow the voting records be amended later as appropriate.

The President then ordered that the voting results be displayed. The President announced that 59 Members were present, 32 were in favour of the motion and 26 against it. (After Hon LEUNG Fu-wah's vote was rectified, 33 Members were

in favour of the motion and 25 against it.) (Voting record in Appendix II.) 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.

The President suspended the meeting at 8:54 pm.

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The Council resumed at 9:00 am on 10 July 2003.

Committee Stage

The Council went into Committee and considered the **Betting Duty (Amendment) Bill 2003**.

Question that clauses 3, 5 to 10, 12, 14, 15, 16, 18 and 20 to 23 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 4, 11, 17 and 19 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 2, 4, 11, 17 and 19, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 1 stand part of the Bill proposed.

Hon Cyd HO moved an amendment to clause 1 and addressed the Committee.

Three Members and the Secretary for Home Affairs spoke on the amendment.

Hon Cyd HO spoke again.

Question on the amendment put.

Hon Cyd HO claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, four were in favour of the amendment, 22 against it and one abstained; while among the Members returned by geographical

constituencies through direct elections and by the Election Committee, 23 were present, 10 were in favour of the amendment, seven 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 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 clauses of the Betting Duty (Amendment) Bill 2003, 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.

Question that clause 1 stand part of the Bill put and agreed to.

Question that clause 13 stand part of the Bill proposed.

The Chairman stated that the Secretary for Home Affairs and Hon Andrew CHENG had separately given notice to move amendments to clause 13. The Secretary for Home Affairs' amendments were in respect of a series of amendments and Hon Andrew CHENG's amendments were in respect of sections 6E, 6G, 6R, 6U and 6Z of clause 13 only. She ordered that the amendments be debated together in a joint debate.

The Chairman invited the Secretary for Home Affairs to move his amendments first as he was the Public Officer in charge of the Bill.

The Secretary for Home Affairs moved amendments to clause 13 and addressed the Committee.

Hon Andrew CHENG spoke on the Secretary for Home Affairs' amendments as well as his own proposed amendments.

Two Members spoke on the amendments and the proposed amendments.

Hon Andrew CHENG spoke on the amendments a second time.

One of the two Members who had spoken spoke on the amendments again.

Hon Andrew CHENG spoke on the amendments again.

Question on the amendments to section 6E of clause 13 moved by the Secretary for Home Affairs 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 51 Members were present, 29 were in favour of the amendments, 14 against them and seven abstained. (Voting record in Appendix IV.) Since the question was agreed by a majority of the Members present, she declared that the amendments were agreed.

The Chairman stated that as the Secretary for Home Affairs' amendments had been passed, Hon Andrew CHENG might not move his amendments to section 6E of clause 13 which were inconsistent with the decision already taken.

Question on the amendments to sections 6R and 6U of clause 13 moved by the Secretary for Home Affairs put and agreed to.

The Chairman stated that as the Secretary for Home Affairs' amendments had been passed, Hon Andrew CHENG might not move his amendments to sections 6R and 6U of clause 13 which were inconsistent with the decision already taken.

Question on the amendments to sections 6G and 6Z of clause 13 moved by the Secretary for Home Affairs put and agreed to.

The Chairman stated that as the Secretary for Home Affairs' amendments had been passed, Hon Andrew CHENG might not move his amendments to sections 6G and 6Z of clause 13 nor his amendment to add new clause 16A, which were inconsistent with the decision already taken.

Question on the other amendments to clause 13 moved by the Secretary for Home Affairs put and agreed to.

Question that clause 13, as amended, stand part of the Bill proposed, put and agreed to.

New clause 12A read the first time.

The Secretary for Home Affairs moved the Second Reading of new clause 12A and addressed the Committee.

Question on the Second Reading of new clause 12A proposed, put and agreed to.

New clause 12A read the second time.

The Secretary for Home Affairs moved the addition of new clause 12A to the Bill.

Question on the addition proposed, put and agreed to.

Question that the long title stand part of the Bill proposed.

The Secretary for Home Affairs moved an amendment to the long title and addressed the Committee.

Question on the amendment put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Home Affairs reported that

the Betting Duty (Amendment) Bill 2003

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.

Two Members spoke on the motion.

Question on the Third Reading Reading put.

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

The President announced that 55 Members were present, 30 were in favour of the motion and 24 against it. (Voting record in Appendix V.) 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.

Prevention of Child Pornography Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 23 January 2002 resumed.

Hon Andrew CHENG, Chairman of the Bills Committee on Prevention of Child Pornography 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.

Three other Members spoke on the Bill.

The Secretary for Security 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 **Prevention of Child Pornography Bill**.

Question that clauses 1, 3, 6, 7, 9, 12, 13, 15 and 17 to 26 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 4, 5, 8, 10, 11, 14 and 16 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 2, 4, 5, 8, 10, 11, 14 and 16, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the **Prevention of Child Pornography Bill**

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.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Home Affairs moved the following motion and addressed the Council:

Resolved that the Village Representative (Election Petition) Rules, published in the Gazette as Legal Notice No. 151 of 2003 and laid on the table of the Legislative Council on 11

June 2003, be amended in section 5(4) by adding "and in a conspicuous place on or near the outer door of the building in which the office of the Rural Committee is situated" after "Ordinance".

Question on the motion proposed.

Hon Andrew WONG, Chairman of the Subcommittee on subsidiary legislation relating to Village Representative elections, spoke on the motion.

Question on the motion put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

The President stated that the Secretary for Constitutional Affairs and Hon Andrew WONG had separately given notice to each move a motion under the Interpretation and General Clauses Ordinance to amend the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003. She ordered that the motions be debated together in a joint debate.

Hon Andrew WONG moved the following motion and addressed the Council:

Resolved that the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 125 of 2003 and laid on the table of the Legislative Council on 21 May 2003, be repealed.

Question on Hon Andrew WONG's motion proposed.

The Secretary for Constitutional Affairs spoke on the motion moved by Hon Andrew WONG as well as his own motion.

Hon IP Kwok-him spoke on the motion as Chairman of the Subcommittee on subsidiary legislation relating to District Councils election gazetted on 16 May 2003, and then in his personal capacity.

Two other Members spoke on the motion.

Hon Andrew WONG replied.

Question on Hon Andrew WONG's motion put.

Hon Andrew WONG 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, 17 were present, two were in favour of the motion and 15 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 13 were present, one was in favour of the motion and 11 against it. (Voting record in Appendix VI.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that Hon Andrew WONG's motion was negatived.

The Secretary for Constitutional Affairs moved the motion in Appendix VII.

Question on the motion proposed, put and agreed to.

The President suspended the meeting at 12:48 pm.

The Council resumed at 2:05 pm.

Members' Motions

Mainland/Hong Kong Closer Economic Partnership Arrangement

Hon CHAN Kam-lam moved the following motion and addressed the Council:

That, as the Hong Kong Special Administrative Region Government and the Central Government have signed the "Mainland/Hong Kong Closer Economic Partnership Arrangement", which provides market development opportunities for Hong Kong's manufacturing and service industries, this Council urges the Government to expeditiously formulate relevant measures, such as streamlining various licensing procedures and enhancing intellectual property protection, in order to improve the business environment and attract more enterprises to invest in Hong Kong; this Council also urges the Government to expand its support network in the Mainland for Hong Kong enterprises and assist Hong Kong businessmen in strengthening their promotion and publicity efforts in Mainland cities, so as to enable Hong Kong enterprises to make full use of the business opportunities brought about by the above Arrangement, thereby creating more employment opportunities and improving the economy.

Question on the motion proposed.

12 Members and the Secretary for Commerce, Industry and Technology spoke on the motion.

Hon CHAN Kam-lam replied.

Question on the motion put and agreed to.

Accountability system for principal officials

Dr Hon YEUNG Sum moved the following motion and addressed the Council:

That this Council considers that the accountability system for principal officials introduced by the Chief Executive, Mr TUNG Chee-hwa, is neither democratic nor accountable, and is a failed system.

Question on the motion proposed.

Dr Hon Eric LI spoke on the motion. While he was speaking, the President left the chair at 3:55 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another eight Members and Dr Hon David CHU spoke on the motion.

At 4:57 pm, while Dr Hon David CHU was speaking, the President resumed the chair.

16 other Members and the Secretary for Constitutional Affairs spoke on the motion.

Dr Hon YEUNG Sum replied.

Question on the motion put.

Dr Hon YEUNG Sum 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, seven were in favour of the motion and 17 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 15 were in favour of the motion and 10 against it. (Voting record in Appendix VIII.) 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.

End of session

The President wished Members a happy summer recess. She stated that subject to Chief Executive's publication in the gazette that the 2003/2004 session would commence in October 2003, the first meeting of the Council for that session would be held on 8 October 2003 at 2:30 pm.

The Council was adjourned at 7:09 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

Appendix I

投票 VOTE: 1
日期 DATE: 09/07/2003
時間 TIME: 05:36:56 下午

動議 MOTION: 《2002年電訊（修訂）條例草案》 - 二讀
TELECOMMUNICATIONS (AMENDMENT) BILL 2002 - SECOND READING

動議人 MOVED BY: 工商及科技局局長 Secretary for Commerce, Industry and Technology

出席 Present :50
投票 Vote :49
贊成 Yes :43
反對 No :6
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	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	贊成	YES	劉江華	LAU Kong-wah		
何俊仁	Albert HO	贊成	YES	劉皇發	LAU Wong-fat	贊成	YES
何鍾泰	Dr Raymond HO	反對	NO	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan			劉漢銓	Ambrose LAU		
李柱銘	Martin LEE	贊成	YES	劉慧卿	Emily LAU	贊成	YES
李家祥	Dr Eric LI	反對	NO	蔡素玉	CHOY So-yuk	贊成	YES
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	反對	NO	霍震霆	Timothy FOK	贊成	YES
吳亮星	NG Leung-sing	反對	NO	羅致光	Dr LAW Chi-kwong	贊成	YES
吳靄儀	Margaret NG			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	贊成	YES	石禮謙	Abraham SHEK	反對	NO
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			麥國風	Michael MAK	贊成	YES
陳智思	Bernard CHAN			陳偉業	Albert CHAN	贊成	YES
陳堃林	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	反對	NO
梁耀忠	LEUNG Yiu-chung			黃成智	WONG Sing-chi	贊成	YES
單仲偕	SIN Chung-kai	贊成	YES	馮檢基	Frederick FUNG	贊成	YES
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	贊成	YES

秘書 CLERK



Appendix II

投票 VOTE: 2
日期 DATE: 09/07/2003
時間 TIME: 08:50:31 下午

動議 MOTION: 《2003年博彩稅（修訂）條例草案》- 二讀
BETTING DUTY (AMENDMENT) BILL 2003 - SECOND READING

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

出席 Present :59
投票 Vote :58
贊成 Yes 33
反對 No 25
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	反對	NO
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	反對	NO
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek	反對	NO
何秀蘭	Cyd HO	贊成	YES	劉江華	LAU Kong-wah	反對	NO
何俊仁	Albert HO	反對	NO	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	反對	NO	劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE	反對	NO	劉慧卿	Emily LAU	贊成	YES
李家祥	Dr Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	反對	NO
李國寶	Dr David LI	贊成	YES	鄭家富	Andrew CHENG	反對	NO
李華明	Fred LI	反對	NO	司徒華	SZETO Wah	反對	NO
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	反對	NO
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	反對	NO	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	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	贊成	YES
陳婉嫻	CHAN Yuen-han	反對	NO	麥國風	Michael MAK	反對	NO
陳智思	Bernard CHAN			陳偉業	Albert CHAN	反對	NO
陳藍林	CHAN Kam-lam	反對	NO	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	反對	NO	黃成智	WONG Sing-chi	反對	NO
單仲偕	SIN Chung-kai	反對	NO	馮檢基	Frederick FUNG	反對	NO
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	反對	NO
黃宜弘	Dr Philip WONG	贊成	YES	劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan	反對	NO	余若薇	Audrey EU	贊成	YES
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok	贊成	YES

秘書 CLERK _____

Appendix III

投票 VOTE: 3
日期 DATE: 10/07/2003
時間 TIME: 09:41:33 上午

動議 MOTION: 《2003年博彩稅（修訂）條例草案》- 全體委員會審議階段 - 修正第1條
BETTING DUTY (AMENDMENT) BILL 2003 - COMMITTEE STAGE - AMENDMENT TO
CLAUSE 1

動議人 MOVED BY: 何秀蘭Cyd 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	27	23	
投票 Vote	27	22	
贊成 Yes	4	10	
反對 No	22	7	
棄權 Abstain	1	5	
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	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	
李家祥 Dr 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	徐謹申 James TO	贊成 YES
吳靄儀 Margaret NG	反對 NO	陳婉嫻 CHAN Yuen-han	
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	
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		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	贊成 YES
黃容根 WONG Yung-kan		蔡素玉 CHOY So-yuk	棄權 ABSTAIN
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	TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK	反對 NO	鄧兆棠 Dr TANG Siu-tong	棄權 ABSTAIN
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	
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	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
		馬達國 MA Fung kwok	反對 NO

秘書 CLERK

Appendix IV

投票 VOTE: 4
 日期 DATE: 10/07/2003
 時間 TIME: 10:51:29 上午

動議 MOTION: 《2003年博彩稅（修訂）條例草案》- 全體委員會審議階段 - 修正第13條中的第6E條
 BETTING DUTY (AMENDMENT) BILL 2003 - COMMITTEE STAGE - AMENDMENTS TO SECTION 6E OF CLAUSE 13

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

出席 Present :51
 投票 Vote :50
 贊成 Yes :29
 反對 No :14
 棄權 Abstain :7
 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	反對	NO
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	棄權	ABSTAIN
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek	反對	NO
何秀蘭	Cyd HO	反對	NO	劉江華	LAU Kong-wah	棄權	ABSTAIN
何俊仁	Albert HO	反對	NO	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			劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE			劉慧卿	Emily LAU	反對	NO
李家祥	Dr Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	棄權	ABSTAIN
李國寶	Dr David LI			鄭家富	Andrew CHENG	反對	NO
李華明	Fred LI	反對	NO	司徒華	SZETO Wah	反對	NO
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	反對	NO
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	棄權	ABSTAIN
涂謹申	James TO	反對	NO	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	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	贊成	YES
陳婉嫻	CHAN Yuen-han	棄權	ABSTAIN	麥國風	Michael MAK		
陳智思	Bernard CHAN			陳偉業	Albert CHAN		
陳鑑林	CHAN Kam-lam	棄權	ABSTAIN	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	反對	NO	黃成智	WONG Sing-chi	反對	NO
單仲偕	SIN Chung-kai	反對	NO	馮檢基	Frederick FUNG		
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	棄權	ABSTAIN
黃宜弘	Dr Philip WONG	贊成	YES	劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan			佘若薇	Audrey EU		
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok	贊成	YES

秘書 CLERK _____



Appendix V

投票 VOTE: 5
 日期 DATE: 10/07/2003
 時間 TIME: 11:08:37 上午

動議 MOTION: 《2003年博彩稅（修訂）條例草案》- 三讀
 BETTING DUTY (AMENDMENT) BILL 2003 - THIRD READING

動議人 MOVED BY: 民政事務處處長 Secretary for Home Affairs

出席 Present :55
 投票 Vote :54
 贊成 Yes :30
 反對 No :24
 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	反對	NO
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	反對	NO
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek	反對	NO
何秀蘭	Cyd HO	反對	NO	劉江華	LAU Kong-wah	反對	NO
何俊仁	Albert HO	反對	NO	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			劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE			劉慧卿	Emily LAU	反對	NO
李家祥	Dr Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	反對	NO
李國寶	Dr David LI			鄭家富	Andrew CHENG	反對	NO
李華明	Fred LI	反對	NO	司徒華	SZETO Wah	反對	NO
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	反對	NO
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	反對	NO	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	李鳳英	LI Fung-ying	贊成	YES
許長青	HUI Cheung-chung	贊成	YES	胡經昌	Henry WU	贊成	YES
陳國強	CHAN Kwok-keung	贊成	*YES	張子人	Tommy CHEUNG	贊成	YES
陳婉嫻	CHAN Yuen-han	反對	NO	麥國風	Michael MAK	反對	NO
陳智思	Bernard CHAN			陳偉業	Albert CHAN		
陳鑑林	CHAN Kam-lam	反對	NO	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	反對	NO	黃成智	WONG Sing-chi	反對	NO
單仲偕	SIN Chung-kai	反對	NO	馮檢基	Frederick FUNG	反對	NO
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	反對	NO
黃宜弘	Dr Philip WONG	贊成	YES	劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan	反對	NO	余若薇	Audrey EU	贊成	YES
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok	贊成	YES

秘書 CLERK



Appendix VI

投票 VOTE: 6
 日期 DATE: 10/07/2003
 時間 TIME: 12:45:48 下午

動議 MOTION: 廢除《2003年選舉管理委員會（選舉程序）（區議會）（修訂）規例》決議案
 PROPOSED RESOLUTION TO REPEAL THE ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE) (DISTRICT COUNCILS) (AMENDMENT) REGULATION 2003

動議人 MOVED BY: 黃宏發 Andrew WONG

	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	17	13	
投票 Vote	17	12	
贊成 Yes	2	1	
反對 No	15	11	
棄權 Abstain	0	0	
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		何秀蘭 Cyd HO	反對 NO
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	
李家祥 Dr Eric LI	反對 NO	李柱銘 Martin LEE	
李國寶 Dr David LI		李華明 Fred LI	反對 NO
呂明華 Dr LUI Ming-wah		涂謹申 James TO	
吳靄儀 Margaret NG		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	反對 NO	梁耀忠 LEUNG Yiu-chung	
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung		曾鈺成 TSANG Yok-sing	
陳智忠 Bernard CHAN		楊森 Dr YEUNG Sum	反對 NO
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	
單仲偕 SIN Chung-kai	反對 NO	劉江華 LAU Kong-wah	
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	反對 NO
黃谷根 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	反對 NO
劉皇發 LAU Wong-fat		司徒華 SZETO Wah	
劉健儀 Miriam LAU		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	反對 NO	陳偉業 Albert CHAN	
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	反對 NO
李鳳英 LI Fung-ying		馮檢基 Frederick FUNG	
胡經昌 Henry WU	贊成 YES	余若薇 Audrey EU	
張宇人 Tommy CHEUNG	反對 NO	選舉委員會 Election Committee	
麥國風 Michael MAK	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
梁富華 LEUNG Fu-wah		朱幼麟 Dr David CHU	反對 NO
勞永樂 Dr LO Wing-lok		吳亮星 NG Leung-sing	反對 NO
葉國謙 IP Kwok-him	反對 NO	楊耀忠 YEUNG Yiu-chung	反對 NO
劉炳章 LAU Ping-cheung		劉漢銓 Ambrose LAU	
		馬達國 MA Fung kwok	反對 NO

秘書 CLERK

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)
(DISTRICT COUNCILS)(AMENDMENT) REGULATION 2003

RESOLVED that the Electoral Affairs Commission (Electoral Procedure) (District Councils)(Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 125 of 2003 and laid on the table of the Legislative Council on 21 May 2003, be amended -

(a) in section 1, by repealing "11" and substituting
"21";

(b) in section 2(a), by adding -

"(iiia) in the definition of "verification of
the ballot paper account", by
repealing "(1)(b)";";

(c) in section 2(a)(iv), by adding -

"main counting station" (大點票站) means a place
designated as a main counting station
under section 31;

"small polling station" (小投票站) means a place designated as a small polling station under section 31;"

(d) by repealing section 2(b) and substituting -

"(b) in subsection (3) -

(i) by repealing paragraph (a);

(ii) in paragraph (b), by repealing the full stop at the end and substituting a semicolon;

(iii) by adding -

"(c) references to the counting station are to be construed as including the main counting station and dominant counting station; and

(d) references to the polling station are to be construed as including the small polling station and special polling station."";

(e) in section 4, in the heading, by adding ", **small polling stations, main counting stations**" before "and";

(f) in section 4(a), by adding -

"(1C) The Chief Electoral Officer must designate each polling station (other than a special polling station) at which less than 200 electors are to vote as a small polling station.

(1D) If in relation to a constituency, 2 or more polling stations have been designated and at least one of them is a small polling station or a special polling station, the Chief Electoral Officer must designate a polling station as a main counting station for the purpose of counting the votes of the small polling station or special polling station.

(1E) The Chief Electoral Officer may designate a polling station as a main counting station in respect of the small polling station only if the aggregate of the electors to vote at the polling station to be so designated and the electors to vote at the small polling station is not less than 200.";

- (g) in section 4(b), by adding ", small polling stations, main counting stations" before "and dominant";
- (h) in section 10, in the new section 56A(5)(b), by repealing "becomes" and substituting "has become";
- (i) in section 11, by repealing the heading and substituting "**Steps to be taken at the close of the poll: a polling station which is not a small polling station or a special polling station**";

(j) in section 11, in the new section 63(1), by adding
"(other than a small polling station or a special
polling station)" before "which is";

(k) by adding -

"11A. Section added

The following is added -

**"63A. Steps to be taken at the close
of the poll: a small polling
station or a special polling
station**

(1) As soon as practicable after
the close of the poll at a small polling
station or a special polling station, the
Presiding Officer of that polling station
must, in the presence of the persons, if
any, who are present within the polling
station, take the following steps -

(a) place the ballot box or
boxes where that Officer
and other persons who are
present within the
polling station can see
them;

(b) cover each ballot box
with a device provided
for that purpose so that
a ballot paper or any
other material cannot be

- introduced into or
withdrawn from the ballot
box after it is covered;
- (c) use a padlock to keep the
device secured in
position;
 - (d) seal each ballot box; and
 - (e) make up into separate
sealed packets -
 - (i) ballot papers
which have not
been issued;
 - (ii) the unused
ballot papers;
 - (iii) the spoilt
ballot papers;
and
 - (iv) the marked
copies of the
final register.

(2) A candidate and an election
agent and a polling agent of such
candidate may stay in a polling station
referred to in subsection (1) while it is
closed for taking the steps referred to
in subsection (1)(a), (b), (c), (d) and
(e).

(3) The Presiding Officer of the small polling station or special polling station must then deliver the ballot box or boxes and the sealed packets to the Presiding Officer of the main counting station."

11B. Presiding Officer to prepare a ballot paper account for each packet of sealed ballot papers

Section 64(1) is amended, by adding "or 63A, as the case may be," after "63".";

(1) in section 12, by repealing the heading and substituting "**Returning Officer and Presiding Officer to give notice of place and time of the counting of votes to candidates**";

(m) by repealing section 12(b) and substituting -

"(b) by repealing subsections (3) and (4) and substituting -

"(3) The Returning Officer must give notice in writing to each candidate of the place or places at which counting is to take place for the constituency contested by the candidate.

(4) Notice under subsection
(3) must be given at least 1 working
day before polling day." ;";

(n) in section 12(c), by adding -

"(9) In this section, "Presiding Officer"
(投票站主任) does not include a Presiding Officer
of a small polling station which is not
designated as a main counting station or a
special polling station which is not so
designated." ;

(o) in section 19(b), by adding -

"(4) In this section, "Presiding Officer"
(投票站主任) does not include a Presiding Officer
of a small polling station which is not
designated as a main counting station or a
special polling station which is not so
designated." ;

(p) in section 21(a), by adding "other than a Presiding
Officer of a small polling station which is not
designated as a main counting station or a special
polling station which is not so designated" after "A
Presiding Officer" ;

(q) in section 22(a)(i), by adding "other than a
Presiding Officer of a main counting station" after
"Presiding Officer" ;

(r) in section 22, by adding -

"(aa) by adding -

"(1A) A Presiding Officer in charge of a counting zone of a main counting station must -

(a) count and record the number of ballot papers in each ballot box under his or her charge; and

(b) verify the ballot paper account by comparing it with the number of ballot papers recorded under paragraph (a) and prepare a statement in writing as to the result of the verification." ; ;

(s) in section 23(b), by adding after "subsection (2)" -
"and substituting -

"(2) The Presiding Officer of a main counting station must mix the ballot papers of the polling station designated as the main counting station together with the ballot papers that have been delivered from one or more small polling stations or special polling stations to the main counting station before counting the votes at the main counting station." ; ;

- (t) in section 28, in the new section 80B(7), by adding "which is not the dominant counting station" after "each counting station";
- (u) in section 28, in the new section 80B(12), by repealing "including the dominant counting station";
- (v) in section 28, in the new section 80C(2), by adding "or any other place as determined by the Returning Officer" after "for the constituency";
- (w) by repealing section 29;
- (x) in section 31, by repealing everything after "amended" and substituting -

" -

- (a) by repealing "Returning Officer" wherever it appears and substituting "Presiding Officer";

- (b) by adding -

"(5) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station which is not designated as a main counting station or a special polling station which is not so

designated.".";

(y) in section 32, in the new section 84, by adding -

"(3) In this section, "Presiding Officer"
(投票站主任) does not include a Presiding Officer
of a small polling station which is not
designated as a main counting station or a
special polling station which is not so
designated.";

(z) by repealing section 36(b) and substituting -

"(b) in subsection (2)(j), by repealing "time
and".".

Appendix VIII

投票 VOTE: 7
日期 DATE: 10/07/2003
時間 TIME: 07:07:28 下午

動議 MOTION: 「主要官員問責制」議案
MOTION "ACCOUNTABILITY SYSTEM FOR PRINCIPAL OFFICIALS"

動議人 MOVED BY: 楊森 Dr YEUNG Sum

	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	26	
投票 Vote	24	25	
贊成 Yes	7	15	
反對 No	17	10	
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 Dr 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	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	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN		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	反對 NO
黃宜弘 Dr Philip WONG		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 SZE TO 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		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		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	贊成 YES	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		楊耀忠 YEUNG Yiu-chung	反對 NO
		劉漢銓 Ambrose LAU	
		馬達國 MA Fung kwok	反對 NO

秘書 CLERK

