

# LEGISLATIVE COUNCIL

## MINUTES

No. 18

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Minutes of the meeting held on Wednesday 18 February 2004 at 2:30 pm

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### 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

Dr the Hon Eric LI Ka-cheung, 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  
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 Audrey EU Yuet-mee, SC, JP  
The Hon MA Fung-kwok, JP

**Members absent:**

Dr the Hon David LI Kwok-po, GBS, JP  
Dr the Hon Philip WONG Yu-hong, GBS  
The Hon LAU Ping-cheung

**Public officers attending:**

The Hon Donald TSANG Yam-kuen, GBM, JP  
The Chief Secretary for Administration  
  
The Hon Henry TANG Ying-yen, GBS, JP  
The Financial Secretary  
  
The Hon Elsie LEUNG Oi-sie, GBM, JP  
The Secretary for Justice  
  
Prof the Hon Arthur LI Kwok-cheung, GBS, JP  
Secretary for Education and Manpower  
  
Dr the Hon YEOH Eng-kiong, JP  
Secretary for Health, Welfare and Food

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

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

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

The Hon John TSANG Chun-wah, JP  
Secretary for Commerce, Industry and Technology

**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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
1. Specification of Public Office (gazetted on 13.2.2004)	21/2004
2. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2004 (gazetted on 13.2.2004)	22/2004

### **Other Papers**

- No.58 - Occupational Safety and Health Council  
Annual Report 2002-2003 (published on 11.2.2004)
- No.59 - Equal Opportunities Commission  
Annual Report 2002/03 (published on 11.2.2004)

### **Questions**

1. Hon LEUNG Yiu-chung asked Question 1.

The Secretary for Home Affairs replied.

Four Members asked supplementaries and the Secretary for Home Affairs replied.

2. Hon WONG Yung-kan asked Question 2.

The Secretary for Health, Welfare and Food replied.

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

3. Hon CHAN Yuen-han asked Question 3.

The Secretary for Commerce, Industry and Technology replied.

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

4. Hon Michael MAK asked Question 4.

The Secretary for Constitutional Affairs replied.

Six Members asked supplementaries and the Secretary for Constitutional Affairs replied.

5. Hon SIN Chung-kai asked Question 5.

The Secretary for Education and Manpower replied.

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

6. Hon CHOY So-yuk asked Question 6.

The Secretary for Health, Welfare and Food replied.

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

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

### **Motions**

#### **Proposed resolution under the Loans Ordinance**

The Secretary for Financial Services and the Treasury moved the following motion and addressed the Council:

Resolved, in exercise of the powers conferred by section 3(1) of the Loans Ordinance, that the Government be authorized to borrow, for the purposes of the Capital Works Reserve Fund established by resolutions passed under section 29 of the Public Finance Ordinance (Cap. 2), a sum or sums not exceeding in total \$6,000,000,000 or equivalent by way of securitizing Government revenue receivable from the tolls on any or all of the bridges and tunnels specified in the Schedule and such other Government revenue receivable from any or all of those bridges and tunnels as specified by the Financial Secretary.

#### **SCHEDULE**

1. Aberdeen Tunnel.
2. Cross-Harbour Tunnel.
3. Lion Rock Tunnel.

4. Shing Mun Tunnels.
5. Tseung Kwan O Tunnel.
6. Tsing Ma Bridge.
7. Ma Wan Viaduct.
8. Kap Shui Mun Bridge.

Question on the motion proposed.

Hon CHAN Kam-lam spoke on the motion as Chairman of the Subcommittee on proposed resolution under section 3(1) of the Loans Ordinance, and then in his personal capacity.

Another seven Members spoke on the motion.

The Secretary for Financial Services and the Treasury replied.

Question on the motion put.

Hon LAU Chin-shek claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 39 Members were present, 34 were in favour of the motion and four 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.

## **Members' Motions**

### **Policy on broadcasting**

Hon SIN Chung-kai moved the following motion and addressed the Council:

That, to tie in with the introduction of Digital Terrestrial Television Broadcasting, this Council calls upon the Government to review the existing policy on broadcasting, affirm the importance of public broadcasting service, and establish public access television channels which may be operated by public organizations for the broadcast of programmes produced by non-profit making or non-government organizations, community groups and the public, so that the needs of the socially disadvantaged groups in the realm of information dissemination can be catered for and safeguarded, with a view to opening up opportunities for the public broadcasting service in Hong Kong.

Question on Hon SIN Chung-kai's motion proposed.

The President stated that Hon NG Leung-sing and Hon Howard YOUNG would move amendments to the motion and that Hon Andrew CHENG would also move an amendment to Hon Howard YOUNG's proposed amendment. In accordance with the Rules of Procedure, the motion, the two amendments and the amendment to the amendment would be debated together in a joint debate.

Hon NG Leung-sing, Hon Howard YOUNG and Hon Andrew CHENG spoke respectively on the motion and the amendments.

Five Members spoke on the motion and the amendments.

Hon SIN Chung-kai spoke on the amendments.

The Secretary for Commerce, Industry and Technology spoke on the motion and the amendments.

Hon NG Leung-sing moved the following amendment to Hon SIN Chung-kai's motion:

To delete "affirm the importance" after "the existing policy on broadcasting," and substitute with "examine the necessity, role and mission"; to add "encourage operators to" after "of public broadcasting service, and"; to delete "which may be operated by public organizations" after "establish public access television channels"; and to delete "public" after "with a view to opening up opportunities for the" and substitute with "entire".

Question on Hon NG Leung-sing's amendment to Hon SIN Chung-kai's motion proposed and put.

Hon NG Leung-sing 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, 18 were present, 13 were in favour of the amendment and five against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 11 were in favour of the amendment and 16 against it. (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 Miriam LAU rose to move the following motion without notice:

That in the event of further divisions in respect of the motion on Policy on broadcasting or its other amendments, the Council 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.

Hon Howard YOUNG moved the following amendment to Hon SIN Chung-kai's motion:

To add "public," after "for the broadcast of programmes produced by"; to add "; all public channels should be monitored by a committee that has credibility, so as to prevent the broadcast of programmes which have contents that are obscene, indecent, defamatory, discriminatory, and incite social violence" after "community groups and the public"; to add "all walks of life, including" after "so that the needs of"; and to add "and the creative industry," after "the socially disadvantaged groups".

Question on Hon Howard YOUNG's amendment to Hon SIN Chung-kai's motion proposed.

Hon Andrew CHENG moved the following amendment to Hon Howard YOUNG's amendment:

To delete "all public channels should be monitored by a committee that has credibility" after "community groups and the public;" and substitute with "the public access television channels should be regulated by the Broadcasting Authority".

Question on Hon Andrew CHENG's amendment to Hon Howard YOUNG's amendment proposed, put and agreed to.

Question on Hon Howard YOUNG's amendment, as amended by Hon Andrew CHENG, to Hon SIN Chung-kai's motion put and agreed to.

Hon SIN Chung-kai replied.

Question on Hon SIN Chung-kai's motion as amended by Hon Howard YOUNG and Hon Andrew CHENG put and agreed to.

### **Participation in public affairs by young people**

Hon WONG Sing-chi moved the following motion and addressed the Council:

That, as many young people participated in the march on 1 July last year, which demonstrated their increasing concern for public and social affairs, this Council urges the Government to provide additional resources for schools and social organizations so that they have adequate funding to promote civic education, and the government departments concerned should also actively encourage young people to register as voters and exercise their civic rights in elections, as well as give strong impetus to District Councils' efforts in developing youth councils as a forum for facilitating

discussion of and participation in public and social affairs by young people, thereby enhancing their sense of commitment and mission towards society, as well as helping the community in nurturing leaders.

While Hon WONG Sing-chi was addressing the Council, the President left the chair at 6:48 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

Four Members and the Secretary for Home Affairs spoke on the motion.

At 7:31 pm, while the Secretary for Home Affairs was speaking, the President resumed the chair.

Hon WONG Sing-chi 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 25 February 2004 at 2:30 pm.

The Council was adjourned at 7:55 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

投票 VOTE: 1  
 日期 DATE: 18/02/2004  
 時間 TIME: 05:09:31 下午

動議 MOTION: 根據《借款條例》動議決議案  
 PROPOSED RESOLUTION UNDER THE LOANS ORDINANCE

動議人 MOVED BY: 財經事務及庫務局局長 Secretary for Financial Services and the Treasury

出席 Present :39  
 投票 Vote :38  
     贊成 Yes :34  
     反對 No :4  
     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	反對	NO
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		
何鍾泰	Dr Raymond HO			劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan	反對	NO	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			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			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		
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			石禮謙	Abraham SHEK		
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	贊成	YES
陳婉嫻	CHAN Yuen-han			麥國風	Michael MAK	反對	NO
陳智思	Bernard CHAN			陳偉業	Albert CHAN	贊成	YES
陳鑑林	CHAN Kam-lam	贊成	YES	梁富華	LEUNG Fu-wah	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG			勞永樂	Dr LO Wing-lok		
梁耀忠	LEUNG Yiu-chung	反對	NO	黃成智	WONG Sing-chi		
單仲偕	SIN Chung-kai	贊成	YES	馮檢基	Frederick FUNG	贊成	YES
黃宏發	Andrew WONG			葉國謙	IP Kwok-him	贊成	YES
黃宜弘	Dr Philip WONG			劉炳章	LAU Ping-cheung		
黃容根	WONG Yung-kan			余若薇	Audrey EU	贊成	YES
曾鈺成	TSANG Yok-sing			馬逢國	MA Fung kwok	贊成	YES

投票 VOTE: 2  
 日期 DATE: 18/02/2004  
 時間 TIME: 06:42:05 下午

動議 MOTION: 吳亮星議員對單仲偕議員就「廣播政策」所提議案作出的修正案  
 AMENDMENT BY HON NG LEUNG-SING TO HON SIN CHUNG-KAI'S MOTION ON  
 "POLICY ON BROADCASTING"

動議人 MOVED BY: 吳亮星 NG Leung-sing

	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	18	28	
投票 Vote	18	27	
贊成 Yes	13	11	
反對 No	5	16	
棄權 Abstain	0	0	
結果 Result	通過 Passed	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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
丁午壽 Kenneth TING	贊成 YES	何秀蘭 Cyd HO	反對 NO
田北俊 James TIEN		何俊仁 Albert HO	反對 NO
何鍾泰 Dr Raymond HO		李卓人 LEE Cheuk-yan	反對 NO
李家祥 Dr Eric LI	贊成 YES	李柱銘 Martin LEE	反對 NO
李國寶 Dr David LI		李華明 Fred LI	反對 NO
呂明華 Dr LUI Ming-wah		涂謹中 James TO	
吳靄儀 Margaret NG	反對 NO	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	反對 NO	梁耀忠 LEUNG Yiu-chung	反對 NO
許長青 HUI Cheung-ching	贊成 YES	黃宏發 Andrew WONG	反對 NO
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	反對 NO
梁劉柔芬 Mrs Sophie LEUNG		劉千石 LAU Chin-shek	反對 NO
單仲偕 SIN Chung-kai	反對 NO	劉江華 LAU Kong-wah	贊成 YES
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	反對 NO
黃容根 WONG Yung-kan		蔡素玉 CHOY So-yuk	贊成 YES
楊孝華 Howard YOUNG	贊成 YES	鄭家富 Andrew CHENG	反對 NO
劉皇發 LAU Wong-fat	贊成 YES	司徒華 SZETO Wah	反對 NO
劉健儀 Miriam LAU	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
霍震霆 Timothy FOK	贊成 YES	鄧兆棠 Dr TANG Siu-tong	贊成 YES
羅致光 Dr LAW Chi-kwong	反對 NO	陳偉業 Albert CHAN	反對 NO
石禮謙 Abraham SHEK		黃成智 WONG Sing-chi	反對 NO
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	反對 NO
張宇人 Tommy CHEUNG		<b>選舉委員會 Election Committee</b>	
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	贊成 YES
勞永樂 Dr LO Wing-lok		吳亮星 NG Leung-sing	贊成 YES
葉國謙 IP Kwok-him	贊成 YES	楊耀忠 YEUNG Yiu-chung	贊成 YES
劉炳章 LAU Ping-cheung		劉漢銓 Ambrose LAU	贊成 YES
		馬逢國 MA Fung kwok	贊成 YES

秘書 CLERK