

LEGISLATIVE COUNCIL

MINUTES

No. 1

Minutes of the meeting held on Wednesday 12 October 2005 at 11:00 am

Present:

The Hon Donald TSANG Yam-kuen, GBM
The Chief Executive of the Hong Kong Special Administrative Region

Members present:

President

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

The Hon James TIEN Pei-chun, GBS, JP

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, S.B.St.J., JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

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

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, SBS, 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 CHAN Yuen-han, JP
The Hon Bernard CHAN, JP
The Hon CHAN Kam-lam, SBS, JP
The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
The Hon LEUNG Yiu-chung
The Hon SIN Chung-kai, JP
Dr the Hon Philip WONG Yu-hong, GBS
The Hon WONG Yung-kan, JP
The Hon Jasper TSANG Yok-sing, GBS, JP
The Hon Howard YOUNG, SBS, JP
Dr the Hon YEUNG Sum
The Hon LAU Chin-shek, JP
The Hon LAU Kong-wah, JP
The Hon LAU Wong-fat, GBM, GBS, JP
The Hon Miriam LAU Kin-yee, GBS, JP
The Hon Emily LAU Wai-hing, JP
The Hon CHOY So-yuk, JP
The Hon Andrew CHENG Kar-foo
The Hon TAM Yiu-chung, GBS, JP
The Hon Abraham SHEK Lai-him, JP
The Hon LI Fung-ying, BBS, JP
The Hon Tommy CHEUNG Yu-yan, JP
The Hon Albert CHAN Wai-yip
The Hon Frederick FUNG Kin-kee, JP
The Hon Audrey EU Yuet-mee, SC, JP
The Hon Vincent FANG Kang, JP
The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

The Hon LI Kwok-ying, MH

Dr the Hon Joseph LEE Kok-long

The Daniel LAM Wai-keung, BBS, JP

The Hon Jeffrey LAM Kin-fung, SBS, JP

The Hon MA Lik, GBS, JP

The Hon Andrew LEUNG Kwan-yuen, SBS, JP

The Hon Alan LEONG Kah-kit, SC

The Hon LEUNG Kwok-hung

Dr the Hon KWOK Ka-ki

Dr the Hon Fernando CHEUNG Chiu-hung

The Hon CHEUNG Hok-ming, SBS, JP

The Hon WONG Ting-kwong, BBS

The Hon Ronny TONG Ka-wah, SC

The Hon CHIM Pui-chung

The Hon Patrick LAU Sau-shing, SBS, JP

The Hon Albert Jinghan CHENG

The Hon KWONG Chi-kin

The Hon TAM Heung-man

Member absent:

The Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending:

The Hon Rafael HUI Si-yan, GBS, 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

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

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 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

The Hon Ambrose LEE Siu-kwong, IDSM, JP
Secretary for Security

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

Dr the Hon York CHOW Yat-ngok, SBS, JP
Secretary for Health, Welfare and Food

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

Clerk in attendance:

Mr Ricky FUNG Choi-cheung, JP, 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. Market to which the Public Health and Municipal Services Ordinance Applies Declaration 2005 (gazetted on 15.7.2005)	125/2005
2. Public Health and Municipal Services (Designation of Public Markets) Order 2005 (gazetted on 22.7.2005)	126/2005
3. Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) Order 2005 (gazetted on 22.7.2005)	127/2005
4. Tax Reserve Certificates (Rate of Interest) (No. 5) Notice 2005 (gazetted on 29.7.2005)	128/2005
5. Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) Order 2005 (gazetted on 2.8.2005)	130/2005
6. Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2005 (gazetted on 2.8.2005)	131/2005
7. Public Health and Municipal Services (Setting Aside Places for Use as Public Pleasure Grounds) (No. 2) Order 2005 (gazetted on 5.8.2005)	132/2005
8. Public Health and Municipal Services Ordinance (Amendment of Fourth Schedule) (No. 2) Order 2005 (gazetted on 5.8.2005)	133/2005
9. Statutes of the University of Hong Kong (Amendment) Statute 2005 (gazetted on 12.8.2005)	135/2005
10. Aviation Security (Amendment) Ordinance 2005 (Commencement) Notice (gazetted on 12.8.2005)	136/2005
11. Harmful Substances in Food (Amendment) Regulation 2005 (gazetted on 26.8.2005)	137/2005
12. Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 2) Notice	138/2005

2005 (gazetted on 26.8.2005)	
13. Transfer of Sentenced Persons (Amendment) (Macau) Ordinance (Commencement) Notice (gazetted on 26.8.2005)	139/2005
14. Places for Autopsies (Amendment) Order 2005 (gazetted on 2.9.2005)	140/2005
15. Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2005 (gazetted on 2.9.2005)	141/2005
16. Barristers (Qualification for Admission and Pupillage) (Amendment) Rules 2005 (gazetted on 16.9.2005)	142/2005
17. Waste Disposal (Amendment) Ordinance 2004 (Commencement) Notice (gazetted on 16.9.2005)	143/2005
18. Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Commencement) Notice 2005 (gazetted on 16.9.2005)	144/2005
19. Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 (Commencement) Notice 2005 (gazetted on 16.9.2005)	145/2005
20. Legal Practitioners (Risk Management Education) (Amendment) Rules 2005 (gazetted on 23.9.2005)	146/2005
21. Market to which the Public Health and Municipal Services Ordinance Applies (No. 2) Declaration 2005 (gazetted on 23.9.2005)	147/2005
22. Banking (Amendment) Ordinance 2005 (Commencement) Notice 2005 (gazetted on 23.9.2005)	148/2005
23. Road Traffic (Public Service Vehicles) (Amendment) Regulation 2005 (Amendment of Commencement Date) Regulation 2005 (gazetted on 30.9.2005)	149/2005
24. Child Abduction and Custody (Parties to Convention) (Amendment) Order 2005 (gazetted on 30.9.2005)	150/2005
25. Public Health and Municipal Services (Designation of Public Markets) (No. 2) Order 2005 (gazetted on 30.9.2005)	151/2005
26. Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No. 2) Order	152/2005

2005 (gazetted on 30.9.2005)

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| 27. Legal Practitioners (Risk Management Education) Rules (Appointment of End Date of First Practice Year) Notice 2005 (gazetted on 30.9.2005) | 153/2005 |
| 28. Legal Practitioners (Risk Management Education) Rules (Appointment of Commencement Date) Notice 2005 (gazetted on 30.9.2005) | 154/2005 |
| 29. Tax Reserve Certificates (Rate of Interest) (No. 7) Notice 2005 (gazetted on 30.9.2005) | 155/2005 |
| 30. Statute Law (Miscellaneous Provisions) Ordinance 2005 (Commencement) Notice 2005 (gazetted on 30.9.2005) | 156/2005 |
| 31. Shipping and Port Control (Ferry Terminals) (Amendment) Regulation 2005 (gazetted on 7.10.2005) | 157/2005 |
| 32. Fixed Penalty (Traffic Contraventions) (Amendment) Regulation 2005 (gazetted on 7.10.2005) | 158/2005 |
| 33. Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2005 (gazetted on 7.10.2005) | 159/2005 |
| 34. Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order (gazetted on 7.10.2005) | 160/2005 |
| 35. Designation of Museum (Hong Kong Heritage Discovery Centre) Order (gazetted on 7.10.2005) | 161/2005 |
| 36. Practising Certificate (Solicitors) (Reduction of Fee for Practising Certificate) Rules 2005 (gazetted on 7.10.2005) | 162/2005 |
| 37. Companies (Amendment) Ordinance 2005 (Commencement) Notice (gazetted on 7.10.2005) | 163/2005 |
| 38. Mutual Legal Assistance in Criminal Matters (Denmark) Order (Commencement) Notice (gazetted on 7.10.2005) | 164/2005 |

Other Papers

- No. 1 - Report by the Trustee of the Customs and Excise Service Children's Education Trust Fund for the year ending 31 March 2005, together with the Director of Audit's Report and the Audited

Statement of Accounts (published on 29.9.2005)

No. 2 - Hong Kong Deposit Protection Board
Annual Report 2004-2005 (published on 6.10.2005)

The Chief Executive of the Hong Kong Special Administrative Region presents the Policy Address to the Council

The Chief Executive attended the Council.

When the Chief Executive was about to address the Council, Hon LEUNG Kwok-hung, wearing a yellow cloak-like cloth adorned with words of protest, interrupted the proceedings by remaining standing and speaking aloud to the Chief Executive. The President ordered Hon LEUNG Kwok-hung to sit down and take off the cloth. She reminded him to observe the Rules of Procedure, and warned him that she would order him to withdraw from the Council if he persisted in such acts and interrupting the proceedings.

As Hon LEUNG Kwok-hung ignored the President and persisted in his acts, the President ordered him to withdraw immediately from the Council for the remainder of the meeting.

Hon LEUNG Kwok-hung expressed his wish to hand over the piece of cloth to the Chief Executive. The President warned him against this as no Member should cross the floor. She then ordered the Clerk to stop Hon LEUNG Kwok-hung from crossing the floor.

Hon LEUNG Kwok-hung handed over the cloth to the Clerk and withdrew from the Council.

The President invited the Chief Executive to present his policy address.

The Chief Executive presented the 2005-06 Policy Address.

At 11:34 am, while the Chief Executive was addressing the Council, a man in the Public Gallery yelled noisily, reading from a piece of sheet. The President ordered that the man be removed. The Security staff removed him from the Chamber accordingly.

The Chief Executive resumed his address.

Next meeting

The President declared that the next meeting of the Council would be held on 13 October 2005 at 3:00 pm.

The Council was adjourned at 12:30 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong