

LEGISLATIVE COUNCIL

MINUTES

No. 3

Minutes of the meeting held on Wednesday 19 October 2005 at 11:00 am

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 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 Timothy FOK Tsun-ting, GBS, JP

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 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

Members absent:

The Hon LAU Chin-shek, JP
The Hon WONG Ting-kwong, BBS

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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

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. Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2005 (gazetted on 14.10.2005)	165/2005
2. Construction Workers Registration (Fees) Regulation (gazetted on 14.10.2005)	166/2005
3. Construction Workers Registration Ordinance (Commencement) Notice 2005 (gazetted on 14.10.2005)	167/2005
4. Barristers (Admission) (Amendment) Rules 2005 (gazetted on 14.10.2005)	168/2005
5. Import and Export (General) Regulations (Amendment of Seventh Schedule) (Lebanon) Notice 2005 (gazetted on 14.10.2005)	169/2005

Other Papers

- No.3 - Environment and Conservation Fund
Trustee Report 2004-2005 (published on 6.10.2005)
- No.4 - Annual Report of The Prince Philip Dental Hospital by its Board of Governors, and Audited Statement of Accounts and Auditor's Report for the Hospital, for the period from 1 April 2003 to 31 March 2004 (published on 6.10.2005)
- No.5 - Traffic Accident Victims Assistance Fund
Annual Report for the year from 1 April 2004 to 31 March 2005 (published on 6.10.2005)
- No.6 - Annual Report 2004-05 of the Protection of Wages on Insolvency Fund Board (published on 6.10.2005)
- No.7 - Electrical and Mechanical Services Trading Fund
Annual Report 2004/05 (published on 7.10.2005)
- No.8 - The Legislative Council Commission
Annual Report 2004-2005 (published on 19.10.2005)
- No.9 - Report of changes to the approved Estimates of Expenditure approved during the first quarter of 2005-06 (Public Finance Ordinance : Section 8) (published on 10.10.2005)

- No.10 - The Land Registry Trading Fund Hong Kong Annual Report 2004-2005 (published on 12.10.2005)
- No.11 - Report by the Trustee of the Prisoners' Education Trust Fund for the period from 1 April 2004 to 31 March 2005 (published on 13.10.2005)
- No.12 - Companies Registry Trading Fund Annual Report for the period from 1 April 2004 to 31 March 2005 (published on 13.10.2005)
- No.13 - Construction Workers Registration Authority Annual Report 2004/05 (published on 13.10.2005)

Report of the Subcommittee to Study Tate's Cairn Tunnel Ordinance (Replacement of Schedule) Notice 2005 and Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Replacement of Schedule 1) Notice 2005 (published on 17.10.2005)

Address

Hon LAU Kong-wah, Chairman of the Subcommittee to Study Tate's Cairn Tunnel Ordinance (Replacement of Schedule) Notice 2005 and Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Replacement of Schedule 1) Notice 2005, addressed the Council on the Subcommittee's Report.

Questions

1. Hon Ronny TONG Ka-wah asked Question 1.

The Secretary for Housing, Planning and Lands replied.

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

2. Hon Jeffrey LAM Kin-fung asked Question 2.

The Financial Secretary replied.

Seven Members asked supplementaries and the Financial Secretary replied.

3. Hon LAU Kong-wah asked Question 3.

The Secretary for Commerce, Industry and Technology replied.

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

4. Dr Hon YEUNG Sum asked Question 4.

The Secretary for Constitutional Affairs replied.

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

5. Hon James TIEN asked Question 5.

The Secretary for the Environment, Transport and Works replied.

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

6. Hon TAM Heung-man asked Question 6.

The Secretary for Home Affairs replied.

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

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

Statements

The Chief Secretary for Administration made a statement on The Fifth Report of the Constitutional Development Task Force.

18 Members sought elucidation on the statement and the Chief Secretary for Administration replied.

Members' Motions

Proposed resolution under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

Hon TSANG Yok-sing moved the following motion and addressed the Council:

Resolved that Rule 77 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended -

(a) by adding -

“(9A) Two or more Panels may, if they consider appropriate, appoint joint subcommittees to study any matter of common interest to the relevant Panels and to report to the Panels.”;

(b) in subrule (15), by repealing everything after “that Panel.” and substituting “The practice and procedure of a joint subcommittee appointed by two or more Panels shall, subject to these Rules of Procedure, be determined by the relevant Panels. In any such determination, a Panel or, in the case of a joint subcommittee appointed by two or more Panels, the relevant Panels shall take into account any guidelines provided under Rule 75(8) (House Committee).”.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

Hon TSANG Yok-sing moved the motion in the Appendix and addressed the Council.

Question on the motion proposed, put and agreed to.

Facing up to the needs of people with disabilities in using transport

Hon LEUNG Yiu-chung moved the following motion and addressed the Council:

That this Council expresses deep regret that the government departments concerned, some statutory transport corporations, and public transport operators have failed to face up to the motions passed by this Council in the 2002-03 and 2003-04 sessions calling for improvement to transport facilities for people with disabilities and the offer of concessionary fares to them, and this Council requests the Administration to expeditiously adopt effective measures to fulfil the following demands:

(a) following up the motions passed by this Council and a relevant motion passed by the Panel on Transport on 22 July this year, and implementing the arrangements for

offering public transport half-fare concessions to people with disabilities;

- (b) pressing various public transport operators to improve their facilities so as to reduce the barriers to people with disabilities; and
- (c) allocating additional resources to expeditiously improve the Rehabus service.

While Hon LEUNG Yiu-chung was addressing the Council, the President left the chair at 2:33 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on Hon LEUNG Yiu-chung's motion proposed.

10 Members and Ir Dr Hon Raymond HO Chung-tai spoke on the motion.

At 3:59 pm, while Ir Dr Hon Raymond HO Chung-tai was speaking, the President resumed the chair.

Another 12 Members and the Secretary for the Environment, Transport and Works spoke on the motion.

Question on the motion put and agreed to.

Assisting Hong Kong residents encountering problems in the Mainland

Hon James TO moved the following motion and addressed the Council:

That, as the number of Hong Kong people working, travelling and doing business in the Mainland has been on the rise, with increasing occasions on which they need help when encountering problems such as those relating to medical cases, law and order, commercial activities or other disputes in the Mainland, but very often cannot get proper assistance when their personal safety and property are at stake, this Council urges the Government to adopt the following measures:

- (a) enhancing the intermediary roles of the Office of the Government of HKSAR in Beijing and the Economic and Trade Office of the Government of the HKSAR in Guangdong, so as to assist Hong Kong people who need help in the Mainland;
- (b) developing communication and coordinating mechanisms with the Mainland authorities progressively, with a view to enabling Hong Kong residents to receive proper assistance and support as soon as possible when they encounter difficulties in the Mainland; and

- (c) enhancing the efforts of government departments in disseminating information to the media in order to promote Hong Kong people's understanding of the government policies, legislation and social condition in the Mainland, so as to reduce misunderstanding and enable Hong Kong people to adopt suitable measures to protect their personal rights and interests.

Question on Hon James TO's motion proposed.

The President stated that Hon Jeffrey LAM Kin-fung would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Hon Jeffrey LAM Kin-fung moved the following amendment to Hon James TO's motion and addressed the Council:

To add "contacts between Hong Kong and the Mainland are increasing, and" after "That, as"; to add "on the premise of 'one country, two systems' and respect for Mainland laws" after "the Government to adopt the following measures"; to delete "enhancing the intermediary roles" after "(a)" and substitute with "exploiting more effectively the functions"; to delete "and" after "the Office of the Government of HKSAR in Beijing" and substitute with ","; to add "and other offices to be established in the Mainland, and enhancing their intermediary roles" after "the Economic and Trade Office of the Government of the HKSAR in Guangdong"; to add "more efficiently and appropriately" after "so as to"; to add "closer" after "(b) developing"; to delete "the" after "communication and coordinating mechanisms with" and substitute with "provincial/municipal governments such as that of Guangdong, and other"; to add "such" after "as soon as possible when they encounter"; and to add "as special incidents, accidents or commercial/business disputes" after "difficulties".

Question on Hon Jeffrey LAM Kin-fung's amendment to Hon James TO's motion proposed.

14 Members spoke on the motion and the amendment.

Hon James TO spoke on the amendment.

The Secretary for Security spoke on the motion and the amendment.

Question on Hon Jeffrey LAM Kin-fung's amendment to Hon James TO's motion put and agreed to.

Hon James TO replied.

Question on Hon James TO's motion as amended by Hon Jeffrey LAM Kin-fung put and agreed to.

That this Council do now adjourn

Hon LAU Kong-wah moved the following motion and addressed the Council:

That this Council do now adjourn for the purpose of debating the following issue: Toll adjustment issues of Tate's Cairn Tunnel and Route 3 (Country Park Section).

Question on the motion proposed.

11 Members and the Secretary for the Environment, Transport and Works spoke on the motion.

Question on the motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 26 October 2005 at 11:00 am.

The Council was adjourned at 8:49 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF
THE PEOPLE'S REPUBLIC OF CHINA

RESOLUTION

(Under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of
the People's Republic of China)

RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong
Special Administrative Region be amended —

(a) in Rule 75 —

(i) in subrule (2), by repealing everything after “such absence.”;

(ii) by adding —

“(12A) 20 members, including the chairman, shall form a quorum of the committee. All matters for the decision of the committee or its subcommittees shall be decided by a majority of the members voting.

(12B) The chairman of, or any other member presiding at, the committee or its subcommittees (other than those appointed under subrule (12) for the purpose of assisting the committee in the consideration of subsidiary legislation referred to in subrule (10)) shall not vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(12C) The chairman of, or any other member presiding at, a subcommittee appointed under subrule (12) for the purpose of assisting the committee in the consideration of subsidiary legislation referred to in subrule (10) shall have an original vote but not a casting vote.

(12D) If the chairman or the member presiding wishes to exercise his original vote on a matter before a subcommittee referred to in subrule (12C), the vote shall only be exercised at the same time as other members of the subcommittee exercise their votes; otherwise, he shall be regarded as having given up his right to vote on the relevant matter.

(12E) Notwithstanding the provisions in subrules (12B) and (12C), the chairman or the member presiding, as the case may be, shall have both an original vote and a casting vote in the election of the chairman or deputy chairman of the committee or its subcommittees.”;

(iii) by repealing subrule (16);

(b) in Rule 76 —

(i) by repealing subrule (8) and substituting —

“(8) All matters for the decision of a Bills Committee or its subcommittees shall be decided by a majority of the members voting. The chairman or any other member presiding shall have an original vote but not a casting vote.”;

(ii) by adding —

“(8A) If the chairman or the member presiding wishes to exercise his original vote on a matter before a Bills Committee or its subcommittees, the vote shall only be exercised at the same time as other members of the Bills Committee or its subcommittees exercise their votes; otherwise, he shall be regarded as having given up his right to vote on the relevant matter.

(8B) Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have a casting vote in addition to his original vote in the election of the chairman or deputy chairman of a Bills Committee or its subcommittees.”;

(c) in Rule 77 —

(i) in subrule (10), by repealing everything after “disregarded.”;

(ii) by repealing subrule (13) and substituting —

“(13) All matters for the decision of a Panel, a subcommittee appointed under subrule (9) or a joint subcommittee appointed under subrule (9A), and all matters for decision at a joint meeting referred to in subrule (10) shall be decided by a majority of the members voting. The chairman or any other member presiding shall have an original vote but not a casting vote. Such voting shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.”;

(iii) by adding —

“(13A) If the chairman or the member presiding wishes to exercise his original vote on a matter before a Panel, a subcommittee, a joint subcommittee or a joint meeting referred to in subrule (13), the vote shall only be exercised at the same time as other members of the Panel, subcommittee, joint subcommittee or joint meeting exercise their votes; otherwise, he shall be regarded as having given up his right to vote on the relevant matter.

(13B) Notwithstanding the provision in subrule (13), the chairman of, or the member presiding at, a Panel, a subcommittee appointed under subrule (9), a joint subcommittee appointed under subrule (9A) or a joint meeting referred to in subrule (10), as the case may be, shall have a casting vote in addition to his original vote in the election of its chairman or deputy chairman.”.