

LEGISLATIVE COUNCIL

MINUTES

No. 24

Minutes of the meeting held on Wednesday 26 April 2006 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 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

Members absent:

The Hon LAU Chin-shek, JP
The Hon MA Lik, GBS, JP

Public officers attending:

The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Housing, Planning and Lands

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

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

The Hon Ambrose LEE Siu-kwong, IDSM, JP

Secretary for Security

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

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

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

Noting the absence of a quorum, the President directed the Clerk to summon Members to the meeting. A quorum was then present.

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. Chinese Nationality (Miscellaneous Provisions) Ordinance (Amendment of Schedule — Fees Revision) Order 2006 (gazetted on 7.4.2006)	67/2006
2. Hong Kong Special Administrative Region Passports Ordinance (Amendment of Schedule — Fees Revision) Notice 2006 (gazetted on 7.4.2006)	68/2006
3. Immigration (Fees Revision) Regulation 2006 (gazetted on 7.4.2006)	69/2006
4. Registration of Persons (Fees Revision) Regulation 2006 (gazetted on 7.4.2006)	70/2006
5. Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2006 (gazetted on 21.4.2006)	71/2006

Other Papers

- No.84 - Report No. 46 of the Director of Audit on the results of value for money audits - March 2006 (published on 26.4.2006)
- No.85 - Audited Statement of Accounts of the Quality Education Fund together with the Director of Audit's Report for the year ended 31 August 2005 (published on 20.4.2006)
- No.86 - Audited Statement of Accounts of the Education Development Fund together with the Director of Audit's Report for the year ended 31 August 2005 (published on 20.4.2006)
- No.87 - Audited Statement of Accounts of the Language Fund together with the Director of Audit's Report for the year ended 31 August 2005 (published on 21.4.2006)

- No.88 - Approved Estimates of Income and Expenditure for the financial year 2006/2007, Securities and Futures Commission (published on 21.4.2006)
- No.89 - Annual Report 2005 Kowloon-Canton Railway Corporation (published on 26.4.2006)

Questions

1. Hon Daniel LAM Wai-keung asked Question 1.

The Secretary for Housing, Planning and Lands replied.

Eight Members asked supplementaries. The Secretary for Housing, Planning and Lands and the Secretary for Security replied.

2. Hon LEE Wing-tat asked Question 2.

The Secretary for Housing, Planning and Lands replied.

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

3. Hon Albert CHAN asked Question 3.

The Secretary for Health, Welfare and Food replied.

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

4. Hon James TO asked Question 4.

The Secretary for Home Affairs replied.

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

5. Dr Hon YEUNG Sum asked Question 5.

The Secretary for Health, Welfare and Food replied.

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

6. Hon Patrick LAU Sau-shing asked Question 6.

The Secretary for Home Affairs replied.

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

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

Bills

First Reading

Betting Duty (Amendment) Bill 2006

Freight Containers (Safety) (Amendment) Bill 2006

Revenue Bill 2006

The Bills were 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

Betting Duty (Amendment) Bill 2006

The Secretary for Home Affairs 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.

Freight Containers (Safety) (Amendment) Bill 2006

The Secretary for Economic Development and Labour 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.

Revenue Bill 2006

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.

Members' Motions

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

Hon Mrs Sophie LEUNG moved the following motion and addressed the Council:

Resolved that Rule 83(5)(a) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended by adding ", and if the company concerned is a subsidiary of another company within the meaning of section 2(4) of the Companies Ordinance (Cap. 32), also the name of that other company" after "public or private".

Question on the motion proposed, put and agreed to.

Donation of organs

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

That, as the situation of organ donation in Hong Kong is still not satisfactory despite many years of publicity, and the number of organs donated is not sufficient to meet the demands of those waiting for organ transplants, this Council urges the Government to immediately conduct a comprehensive review on the current policy on organ donation, with a view to formulating a package of effective measures for needy patients to receive as soon as possible suitable organs to extend their lives; such measures should include: deploying more resources to improve the methods currently adopted by the Government, the Hospital Authority and the Hong Kong Medical Association for collecting people's wish to become organ donors and for registering their information, so as to enable the public to sign up as donors more easily; enhancing the information processing system, e.g. establishing a back-end computer system to more effectively process the information of all organ donors in Hong Kong, so as to facilitate easy access to such information by authorized persons; as well as stepping up publicity efforts on organ donation and encouraging the public to actively sign up as organ donors.

While Hon Bernard CHAN was speaking, the President left the chair at 1:30 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

Seven Members and Dr Hon KWOK Ka-ki spoke on the motion.

While Dr Hon Kwok Ka-ki was speaking, a man in the Public Gallery yelled noisily and continuously. The President's Deputy ordered that the man be removed. Security staff escorted him away from the Chamber accordingly.

Dr Hon KWOK Ka-ki continued to speak on the motion.

Hon WONG Kwok-hing spoke on the motion. At 2:30 pm, while he was speaking, the President resumed the chair.

Another two Members and the Secretary for Health, Welfare and Food spoke on the motion.

Hon Bernard CHAN replied.

Question on the motion put and agreed to.

Universal retirement protection

Hon LEE Cheuk-yan moved the following motion and addressed the Council:

That this Council urges the Government to set up a sustainable universal retirement protection scheme, so that all senior citizens can enjoy financial security to maintain a basic standard of living immediately after retirement.

Question on Hon LEE Cheuk-yan's motion proposed.

The President stated that Hon Howard YOUNG 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 Howard YOUNG moved the following amendment to Hon LEE Cheuk-yan's motion and addressed the Council:

To add ", to enable retired people to enjoy a higher basic standard of living and better financial security," after "That"; to delete "set up" after "this Council urges the Government to" and substitute with "adopt more incentive measures, including offering tax deduction for voluntary contributions under the Mandatory Provident Fund Scheme, with a view to assisting members of the public in making more

comprehensive retirement protection plans that suit their needs; the Government should also, provided that the existing burden on the community will not be increased, actively study the feasibility of setting up"; and to delete ", so that all senior citizens can enjoy financial security to maintain a basic standard of living immediately after retirement" after "universal retirement protection scheme".

Question on Hon Howard YOUNG's amendment to Hon LEE Cheuk-yan's motion proposed.

Five Members and Hon Ronny TONG Ka-wah spoke on the motion and the amendment.

While Hon Ronny TONG Ka-wah was speaking, the President left the chair at 4:05 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another Member and Hon Albert HO spoke on the motion and the amendment.

At 4:14 pm, while Hon Albert HO was speaking, the President resumed the chair.

Another 13 Members spoke on the motion and the amendment.

Hon LEE Cheuk-yan spoke on the amendment.

The Secretary for Health, Welfare and Food spoke on the motion and the amendment.

Question on Hon Howard YOUNG's amendment to Hon LEE Cheuk-yan's motion put.

Hon Albert HO 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, 22 were present, 13 were in favour of the amendment and nine against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, eight were in favour of the amendment and 17 against it. (Voting record in Appendix I.) 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 LEE Cheuk-yan replied.

Question on Hon LEE Cheuk-yan's motion put.

Hon Howard YOUNG 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, 20 were present, 10 were in favour of the motion, one against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 23 were in favour of the motion and two abstained. (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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 3 May 2006 at 11:00 am.

The Council was adjourned at 6:27 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 26/04/2006
時間 TIME: 06:18:17 下午

動議 MOTION: 楊孝華議員對李卓人議員就「全民退休保障」所提議案作出的修正案
AMENDMENT BY HON HOWARD YOUNG TO HON LEE CHEUK-YAN'S MOTION ON
"UNIVERSAL RETIREMENT PROTECTION"

動議人 MOVED BY: 楊孝華Howard YOUNG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	26	
投票 Vote	22	25	
贊成 Yes	13	8	
反對 No	9	17	
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
功能團體 Functional Constituencies				地方選區 Geographical Constituencies			
何鍾泰	Dr Raymond HO	贊成	YES	范徐麗泰	Mrs Rita FAN	出席	PRESENT
李國寶	Dr David LI			田北俊	James TIEN	贊成	YES
呂明華	Dr LUI Ming-wah	贊成	YES	何俊仁	Albert HO	反對	NO
吳靄儀	Margaret NG	反對	NO	李卓人	LEE Cheuk-yan	反對	NO
張文光	CHEUNG Man-kwong	反對	NO	李柱銘	Martin LEE		
陳智思	Bernard CHAN	贊成	YES	李華明	Fred LI	反對	NO
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	周梁淑怡	Mrs Selina CHOW	贊成	YES
單仲偕	SIN Chung-kai			涂謹申	James TO	反對	NO
黃宜弘	Dr Philip WONG	贊成	YES	陳婉嫻	CHAN Yuen-han	反對	NO
黃容根	WONG Yung-kan			陳鑑林	CHAN Kam-lam	贊成	YES
楊孝華	Howard YOUNG	贊成	YES	梁耀忠	LEUNG Yiu-chung	反對	NO
劉皇發	LAU Wong-fat			曾鈺成	TSANG Yok-sing	贊成	YES
劉健儀	Miriam LAU	贊成	YES	楊森	Dr YBUNG Sum	反對	NO
霍震霆	Timothy FOK	贊成	YES	劉千石	LAU Chin-shek		
石禮謙	Abraham SHEK	贊成	YES	劉江華	LAU Kong-wah	贊成	YES
李鳳英	LI Fung-ying	反對	NO	劉慧卿	Emily LAU	反對	NO
張宇人	Tommy CHEUNG	贊成	YES	蔡素玉	CHOY So-yuk	贊成	YES
方剛	Vincent FANG			鄭家富	Andrew CHENG	反對	NO
王國興	WONG Kwok-hing	反對	NO	譚耀宗	TAM Yiu-chung		
李國麟	Dr Joseph LEE	反對	NO	陳偉業	Albert CHAN	反對	NO
林偉強	Daniel LAM			馮檢基	Frederick FUNG	反對	NO
林健鋒	Jeffrey LAM	贊成	YES	余若薇	Audrey EU	反對	NO
梁君彥	Andrew LEUNG	贊成	YES	李永達	LEE Wing-tat	反對	NO
郭家麒	Dr KWOK Ka-ki	反對	NO	李國英	LI Kwok-ying	贊成	YES
張超雄	Dr Fernando CHEUNG	反對	NO	馬力	MA Lik		
黃定光	WONG Ting-kwong	贊成	YES	梁家傑	Alan LEONG	反對	NO
詹培忠	CHIM Pui-chung			梁國雄	LEUNG Kwok-hung	反對	NO
劉秀成	Patrick LAU			張學明	CHEUNG Hok-ming	贊成	YES
鄭志堅	KWONG Chi-kin	反對	NO	湯家驊	Ronny TONG	反對	NO
譚香文	TAM Heung-man	反對	NO	鄭經翰	Albert CHENG	反對	NO

投票 VOTE: 2
 日期 DATE: 26/04/2006
 時間 TIME: 06:25:20 下午

動議 MOTION: 「全民退休保障」議案
 MOTION "UNIVERSAL RETIREMENT PROTECTION"

動議人 MOVED BY: 李卓人 LEE Cheuk-yan

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	20	26	
投票 Vote	20	25	
贊成 Yes	10	23	
反對 No	1	0	
棄權 Abstain	9	2	
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	
何鍾泰 Dr Raymond HO		范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	棄權 ABSTAIN
呂明華 Dr LUI Ming-wah	棄權 ABSTAIN	何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
張文光 CHEUNG Man-kwong	贊成 YES	李柱銘 Martin LEE	
陳智思 Bernard CHAN	棄權 ABSTAIN	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	棄權 ABSTAIN	周梁淑怡 Mrs Selina CHOW	棄權 ABSTAIN
單仲偕 SIN Chung-kai		涂謹申 James TO	贊成 YES
黃宜弘 Dr Philip WONG	反對 NO	陳婉嫻 CHAN Yuen-han	贊成 YES
黃容根 WONG Yung-kan		陳鑑林 CHAN Kam-lam	贊成 YES
楊孝華 Howard YOUNG	棄權 ABSTAIN	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	棄權 ABSTAIN	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK	棄權 ABSTAIN	劉千石 LAU Chin-shek	
石禮謙 Abraham SHEK		劉江華 LAU Kong-wah	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	贊成 YES
張宇人 Tommy CHEUNG	棄權 ABSTAIN	蔡素玉 CHOY So-yuk	贊成 YES
方剛 Vincent FANG		鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李國麟 Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	贊成 YES
林偉強 Daniel LAM		馮檢基 Frederick FUNG	贊成 YES
林健鋒 Jeffrey LAM	棄權 ABSTAIN	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	棄權 ABSTAIN	李永達 LEE Wing-tat	贊成 YES
郭家麒 Dr KWOK Ka-ki	贊成 YES	李國英 LI Kwok-ying	贊成 YES
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong	贊成 YES	梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	贊成 YES
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	贊成 YES
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	贊成 YES
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	贊成 YES