

LEGISLATIVE COUNCIL

MINUTES

No. 32

Minutes of the meeting held on Wednesday 21 June 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 Martin LEE Chu-ming, SC, 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-ye, 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 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 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 Hon 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 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 LEE Cheuk-yan

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

The Hon WONG Yung-kan, JP

The Hon MA Lik, GBS, JP

The Hon Ronny TONG Ka-wah, SC

Public officers attending:

Prof the Hon Arthur LI Kwok-cheung, GBS, JP
Secretary for Education and Manpower

The Hon Joseph WONG Wing-ping, GBS, JP
Secretary for Commerce, Industry and Technology

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

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. Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2006 (gazetted on 16.6.2006)	141/2006
2. Securities and Futures (Reduction of Levy) Order 2006 (gazetted on 16.6.2006)	142/2006
3. Legal Aid Ordinance — Resolution of the Legislative Council (Commencement) Notice (gazetted on 16.6.2006)	143/2006

Questions

1. Hon Martin LEE asked Question 1.

The Secretary for the Environment, Transport and Works replied.

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

2. Hon LEE Wing-tat 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 SIN Chung-kai asked Question 3.

The Secretary for the Environment, Transport and Works replied.

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

4. Hon WONG Kwok-hing asked Question 4.

The Secretary for Economic Development and Labour replied.

Seven Members asked supplementaries and the Secretary for Economic Development and Labour replied.

5. Hon Frederick FUNG asked Question 5.

The Secretary for Health, Welfare and Food replied.

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

6. In accordance with Rule 26(6) of the Rules of Procedure, Hon Audrey EU asked Question 6 on behalf of Hon Ronny TONG Ka-wah, who was absent.

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 Copyright (Suspension of Amendments) Ordinance 2001

The Secretary for Commerce, Industry and Technology moved the following motion and addressed the Council:

Resolved that the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2006, made by the Secretary for Commerce, Industry and Technology on 30 May 2006, be approved.

Question on the motion proposed.

One Member spoke on the motion.

Question on the motion put and agreed to.

Proposed resolution under the District Councils Ordinance

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

Resolved that the District Councils Ordinance (Amendment of Schedule 1) Order 2006, made by the Chief Executive in Council on 9 May 2006, be approved.

Question on the motion proposed, put and agreed to.

Members' Bills

First Reading

**Hong Kong Society for the Protection of Children Incorporation
(Amendment) Bill 2006**

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

**Hong Kong Society for the Protection of Children Incorporation
(Amendment) Bill 2006**

Hon Bernard CHAN 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 resolutions under the Interpretation and General
Clauses Ordinance**

**1. Security and Guarding Services (Fees) (Amendment)
Regulation 2006**

Hon KWONG Chi-kin moved the following motion and addressed the Council:

Resolved that in relation to the Security and Guarding Services (Fees) (Amendment) Regulation 2006, published in the

Gazette as Legal Notice No. 104 of 2006 and laid on the table of the Legislative Council on 24 May 2006, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 12 July 2006.

Question on the motion proposed, put and agreed to.

2. Four items of subsidiary legislation made under the Deposit Protection Scheme Ordinance

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

Resolved that in relation to the –

- (a) Deposit Protection Scheme Ordinance (Amendment of Schedules 1 and 4) Notice 2006, published in the Gazette as Legal Notice No. 107 of 2006;
- (b) Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) Rules, published in the Gazette as Legal Notice No. 108 of 2006;
- (c) Deposit Protection Scheme (Payment of Contributions, Late Payment Fees and Rebates) Rules, published in the Gazette as Legal Notice No. 109 of 2006; and
- (d) Deposit Protection Scheme Ordinance (Commencement) Notice 2006, published in the Gazette as Legal Notice No. 110 of 2006,

and laid on the table of the Legislative Council on 24 May 2006, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 12 July 2006.

Question on the motion proposed, put and agreed to.

3. Three items of subsidiary legislation made under the Electoral Affairs Commission Ordinance

Hon Howard YOUNG moved the following motion and addressed the Council:

Resolved that in relation to the –

- (a) Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2006, published in the Gazette as Legal Notice No. 112 of 2006;
- (b) Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) (Amendment) Regulation 2006, published in the Gazette as Legal Notice No. 113 of 2006; and
- (c) Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2006, published in the Gazette as Legal Notice No. 114 of 2006,

and laid on the table of the Legislative Council on 24 May 2006, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 12 July 2006.

Question on the motion proposed, put and agreed to.

4. Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Commencement) Notice 2006

Hon LI Fung-ying moved the following motion and addressed the Council:

Resolved that in relation to the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Commencement) Notice 2006, published in the Gazette as Legal Notice No. 120 of 2006 and laid on the table of the Legislative Council on 24 May 2006, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 12 July 2006.

Question on the motion proposed, put and agreed to.

Developing Hong Kong into a regional education hub

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

That, as Hong Kong's education services are diversified, its education programmes and academic qualifications are internationally recognized, and as it has established close

ties with the Mainland, coupled with its background as a meeting point of Eastern and Western cultures, there are favourable conditions for Hong Kong to develop into a regional education hub; in addition, since promoting Hong Kong as a regional education hub will attract talents, enhance Hong Kong's competitiveness and help broaden the horizons of local students, this Council urges the Government to review the relevant policies and formulate measures to facilitate and attract more non-local students to study in Hong Kong, and encourage local education institutions to provide education services outside Hong Kong; the specific measures include:

- (a) relaxing immigration control to reduce barriers for non-local students aspiring to receive education at various levels in Hong Kong;
- (b) on condition that local students' opportunities to pursue further studies in Hong Kong will not be reduced, allowing tertiary institutions to increase the ratio of the admission quotas for non-local students;
- (c) on condition that the employment of local people will not be affected, allowing non-local students to take up part-time jobs while attending full-time programmes so that they can obtain relevant working experience and their financial burden can be alleviated;
- (d) providing affordable boarding facilities to non-local students by such means as granting land to schools and institutions at nominal premium for the construction of hostels or allowing the conversion of vacant school premises into hostels;
- (e) providing more scholarships for non-local students with outstanding academic achievements in specific subjects;
- (f) assisting local institutions to run schools in the Mainland, especially in the Pearl River Delta region, to promote co-operation between the two places; and
- (g) establishing a dedicated department to promote Hong Kong's education services to the Mainland and overseas.

While Hon TSANG Yok-sing was speaking, the President left the chair at 1:28 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

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

At 2:43 pm, while Dr Hon KWOK Ka-ki was speaking, the President resumed the chair.

Another eight Members and the Secretary for Education and Manpower spoke on the motion.

Question on the motion put and agreed to.

Polarization in the job market

Hon LI Fung-ying moved the following motion and addressed the Council:

That, as structural unemployment is serious in our job market and employment polarization has occurred, this Council urges the Government to improve the employment environment for low-skilled employees, create job opportunities and strengthen the training for them, so as to enhance their competitiveness.

Question on Hon LI Fung-ying's motion proposed.

The President stated that two Members would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Hon LEUNG Yiu-chung, Hon Andrew CHENG and 16 other Members spoke on the motion and the amendments.

Hon LI Fung-ying spoke on the amendments.

The Secretary for Economic Development and Labour spoke on the motion and the amendments.

Hon LEUNG Yiu-chung moved the following amendment to Hon LI Fung-ying's motion:

To delete "as" after "That," and substitute with "although there are signs of recovery in some industries in Hong Kong,"; to add "; as such" after "employment polarization has occurred"; and to add "adopt the following measures: (a) expeditiously implementing minimum wage and standard working hours to stabilize and raise the employment rate; (b) introducing amendments to the Employment Ordinance as soon as possible to clearly include commission in the definition of wages so as to reduce the turnover of employees in various sectors and alleviate polarization of employment; (c) creating permanent posts in order to convert non-civil service contract staff and temporary contract staff with longer years of service to permanent staff so as to stabilize their employment prospects; (d) stopping further sale of the operation and management rights of government public facilities and outsourcing of services so as to avoid further job losses; and (e) strengthening on-the-job training for young people and non-skilled middle-aged persons, in order to" after "this Council urges the Government to".

Question on Hon LEUNG Yiu-chung's amendment to Hon LI Fung-ying's motion proposed and put.

Hon LEUNG Yiu-chung 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, 21 were present, five were in favour of the amendment, 13 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 21 were present, six were in favour of the amendment, one against it and 13 abstained. (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 Miriam LAU rose to move the following motion without notice:

That in the event of further divisions in relation to the motion or amendments thereto on "Polarization in the job market", the Council do proceed to each of such divisions after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Hon Andrew CHENG moved the following amendment to Hon LI Fung-ying's motion:

To add "legislate against age discrimination in employment," after "this Council urges the Government to".

Question on Hon Andrew CHENG's amendment to Hon LI Fung-ying's motion proposed and put.

Hon CHAN Kam-lam claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, eight were in favour of the amendment and 13 against it; while among the Members returned by geographical constituencies through direct elections, 22 were present, 14 were in favour of the amendment, one against it and six 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 amendment was negatived.

Hon LI Fung-ying replied.

Question on Hon LI Fung-ying's motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 28 June 2006 at 11:00 am.

The Council was adjourned at 6:35 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 21/06/2006
時間 TIME: 06:30:53 下午

動議 MOTION: 梁耀忠議員對李鳳英議員就「就業市場兩極化」所提議案作出的修正案
AMENDMENT BY HON LEUNG YIU-CHUNG TO HON LI FUNG-YING'S MOTION ON
"POLARIZATION IN THE JOB MARKET"

動議人 MOVED BY: 梁耀忠 LEUNG Yiu-chung

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	21	
投票 Vote	21	20	
贊成 Yes	5	6	
反對 No	13	1	
棄權 Abstain	3	13	
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	
何鍾泰 Dr Raymond HO	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	
呂明華 Dr LUI Ming-wah		何俊仁 Albert HO	棄權 ABSTAIN
吳靄儀 Margaret NG	棄權 ABSTAIN	李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong		李柱銘 Martin LEE	
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	棄權 ABSTAIN
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	反對 NO
單仲偕 SIN Chung-kai		涂謹申 James TO	棄權 ABSTAIN
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	棄權 ABSTAIN
楊孝華 Howard YOUNG	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	曾鈺成 TSANG Yok-sing	
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	棄權 ABSTAIN
霍震霆 Timothy FOK	反對 NO	劉千石 LAU Chin-shek	贊成 YES
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	棄權 ABSTAIN
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
Dr Joseph LEE	贊成 YES	陳偉業 Albert CHAN	贊成 YES
Daniel LAM		馮檢基 Frederick FUNG	贊成 YES
林偉強 Jeffrey LAM	反對 NO	Audrey EU	棄權 ABSTAIN
林健鋒 Andrew LEUNG	反對 NO	李永達 LEE Wing-tat	棄權 ABSTAIN
梁君彥 Andrew LEUNG	反對 NO	李國英 LI Kwok-ying	棄權 ABSTAIN
郭家麒 Dr KWOK Ka-ki	贊成 YES	馬力 MA Lik	
張超雄 Dr Fernando CHEUNG	棄權 ABSTAIN	梁家傑 Alan LEONG	棄權 ABSTAIN
黃定光 WONG Ting-kwong		梁國雄 LEUNG Kwok-hung	
詹培忠 CHIM Pui-chung		張學明 CHEUNG Hok-ming	棄權 ABSTAIN
劉秀成 Patrick LAU		湯家驊 Ronny TONG	
鄭志堅 KWONG Chi-kin	贊成 YES	鄭經翰 Albert CHENG	贊成 YES
譚香文 TAM Heung-man	棄權 ABSTAIN		

投票 VOTE: 2
 日期 DATE: 21/06/2006
 時間 TIME: 06:33:55 下午

動議 MOTION: 鄭家富議員對李鳳英議員就「就業市場兩極化」所提議案作出的修正案
 AMENDMENT BY HON ANDREW CHENG TO HON LI FUNG-YING'S MOTION ON
 "POLARIZATION IN THE JOB MARKET"

動議人 MOVED BY: 鄭家富 Andrew CHENG

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	22	
投票 Vote	21	21	
贊成 Yes	8	14	
反對 No	13	1	
棄權 Abstain	0	6	
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	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
李國寶 Dr David LI		田北俊 James TIEN	
呂明華 Dr LUI Ming-wah		何俊仁 Albert HO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong		李柱銘 Martin LEE	
陳智思 Bernard CHAN	反對 NO	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	周梁淑怡 Mrs Selina CHOW	反對 NO
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	棄權 ABSTAIN
楊孝華 Howard YOUNG	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	曾鈺成 TSANG Yok-sing	棄權 ABSTAIN
劉健儀 Miriam LAU	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
霍震霆 Timothy FOK	反對 NO	劉千石 LAU Chin-shek	贊成 YES
石禮謙 Abraham SHEK	反對 NO	劉江華 LAU Kong-wah	棄權 ABSTAIN
李鳳英 LI Fung-ying	贊成 YES	劉慧卿 Emily LAU	
張宇人 Tommy CHEUNG	反對 NO	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
方剛 Vincent FANG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
王國興 WONG Kwok-hing	贊成 YES	譚耀宗 TAM Yiu-chung	
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	反對 NO	余若薇 Audrey EU	贊成 YES
梁君彥 Andrew LEUNG	反對 NO	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	棄權 ABSTAIN
張超雄 Dr Fernando CHEUNG	贊成 YES	馬力 MA Lik	
黃定光 WONG Ting-kwong		梁家傑 Alan LEONG	贊成 YES
詹培忠 CHIM Pui-chung		梁國雄 LEUNG Kwok-hung	
劉秀成 Patrick LAU		張學明 CHEUNG Hok-ming	棄權 ABSTAIN
鄭志堅 KWONG Chi-kin	贊成 YES	湯家驊 Ronny TONG	
譚香文 TAM Heung-man	贊成 YES	鄭經翰 Albert CHENG	贊成 YES