

LEGISLATIVE COUNCIL

MINUTES

No. 16

Minutes of the meeting held on Wednesday 1 February 2012 at 11:00 am

Members present:

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan

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

The Hon LEE Cheuk-yan

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

The Hon Fred LI Wah-ming, SBS, JP

Dr the Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon CHAN Kam-lam, SBS, JP

The Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP

The Hon LEUNG Yiu-chung

Dr the Hon Philip WONG Yu-hong, GBS

The Hon WONG Yung-kan, SBS, 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 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, SBS, JP

The Hon LI Fung-ying, SBS, JP

The Hon Tommy CHEUNG Yu-yan, SBS, JP

The Hon Frederick FUNG Kin-kee, SBS, JP

The Hon Audrey EU Yuet-mee, SC, JP

The Hon Vincent FANG Kang, SBS, JP

The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

Dr the Hon Joseph LEE Kok-long, SBS, JP

The Hon Jeffrey LAM Kin-fung, GBS, JP

The Hon Andrew LEUNG Kwan-yuen, GBS, JP

The Hon CHEUNG Hok-ming, GBS, JP

The Hon Ronny TONG Ka-wah, SC

The Hon CHIM Pui-chung

Prof the Hon Patrick LAU Sau-shing, SBS, JP

The Hon KAM Nai-wai, MH

The Hon Cyd HO Sau-lan

The Hon Starry LEE Wai-king, JP

Dr the Hon LAM Tai-fai, BBS, JP

The Hon CHAN Hak-kan

The Hon Paul CHAN Mo-po, MH, JP

The Hon CHAN Kin-por, JP

Dr the Hon Priscilla LEUNG Mei-fun, JP

Dr the Hon LEUNG Ka-lau

The Hon CHEUNG Kwok-che

The Hon WONG Sing-chi

The Hon WONG Kwok-kin, BBS

The Hon IP Wai-ming, MH

The Hon IP Kwok-him, GBS, JP

The Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun, JP

Dr the Hon Samson TAM Wai-ho, JP

The Hon Alan LEONG Kah-kit, SC

The Hon LEUNG Kwok-hung

The Hon Tanya CHAN

The Hon Albert CHAN Wai-yip

Members absent:

The Hon WONG Ting-kwong, BBS , JP

The Hon WONG Yuk-man

Public officers attending:

The Hon Stephen LAM Sui-lung, GBS, JP
The Chief Secretary for Administration

The Hon John TSANG Chun-wah, GBM, JP
The Financial Secretary

The Hon WONG Yan-lung, SC, JP
The Secretary for Justice

The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Education

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

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

The Hon Denise YUE Chung-ye, GBS, JP
Secretary for the Civil Service

The Hon TSANG Tak-sing, GBS, JP
Secretary for Home Affairs

The Hon Matthew CHEUNG Kin-chung, GBS, JP
Secretary for Labour and Welfare

Prof the Hon K C CHAN, SBS, JP
Secretary for Financial Services and the Treasury

The Hon Mrs Carrie LAM CHENG Yuet-ngor, GBS, JP
Secretary for Development

The Hon Edward YAU Tang-wah, GBS, JP
Secretary for the Environment

The Hon Eva CHENG, GBS, JP
Secretary for Transport and Housing

The Hon Gregory SO Kam-leung, JP
Secretary for Commerce and Economic Development

The Hon Raymond TAM Chi-yuen, JP
Secretary for Constitutional and Mainland Affairs

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

Ms Julia LEUNG Fung-yee, JP
Under Secretary for Financial Services and the Treasury

Clerk in attendance:

Ms Pauline NG Man-wah, Secretary General

Tabling of Papers

The following papers were laid on the table under Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Schedule of Routes (Citybus Limited) Order 2012 (gazetted on 20.1.2012)	4/2012
2. Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2012 (gazetted on 20.1.2012)	5/2012
3. Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2012 (gazetted on 20.1.2012)	6/2012
4. Schedule of Routes (Long Win Bus Company Limited) Order 2012 (gazetted on 20.1.2012)	7/2012
5. Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2012 (gazetted on 20.1.2012)	8/2012
6. Schedule of Routes (New World First Bus Services Limited) Order 2012 (gazetted on 20.1.2012)	9/2012
7. Public Health and Municipal Services (Designation of Public Swimming Pool) Order 2012 (gazetted on 20.1.2012)	10/2012
8. Public Health and Municipal Services Ordinance (Amendment of Fourteenth Schedule) Order 2012 (gazetted on 20.1.2012)	11/2012
9. Public Health and Municipal Services (Setting Aside Places for Use as Public Pleasure Grounds) Order 2012 (gazetted on 20.1.2012)	12/2012

10. Public Health and Municipal Services Ordinance 13/2012
(Amendment of Fourth Schedule) Order 2012
(gazetted on 20.1.2012)

Other Papers

- No. 61 - Legal Aid Services Council Annual Report 2010-2011
(published on 20.1.2012)
- No. 62 - Estimates
for the year ending 31 March 2013
Volume I - General Revenue Account (Page 1 to 524)
Volume I - General Revenue Account (Page 525 to 964)
(published on 1.2.2012)
- No. 63 - Estimates
for the year ending 31 March 2013
Volume II – Fund Accounts
(published on 1.2.2012)

Report No. 10/11-12 of the House Committee on Consideration of Subsidiary
Legislation and Other Instruments
(published on 26.1.2012)

Questions

Written replies to Questions 1 to 20 were tabled for Members' information.

Bills

At the beginning of the meeting, Hon LEUNG Kwok-hung released an inflated balloon in the Chamber. The President stated that Members had already been informed by circular that no inflated balloons should be brought into the Chamber during Council meetings. As Hon LEUNG Kwok-hung had failed to comply with the relevant requirement, the President ordered him to immediately withdraw from the Council. Hon LEUNG Kwok-hung did not

comply with the President's order and spoke aloud. The President ordered again the withdrawal of Hon LEUNG Kwok-hung from the Council. With the assistance of the Clerk and security staff, Hon LEUNG Kwok-hung left the Chamber.

First Reading

Appropriation Bill 2012

The Bill was read the first time and ordered to be set down for Second Reading under Rule 53(3) of the Rules of Procedure.

Second Reading

Appropriation Bill 2012

The Financial Secretary moved the Second Reading and delivered his Budget speech.

While the Financial Secretary was speaking, Hon Albert CHAN stood up and requested the Financial Secretary to elucidate a point made in his speech. The President said that it was not the time for Hon Albert CHAN to speak and ordered him to sit down. Hon Albert CHAN ignored the President's order and continued to speak. The President stated that if Hon Albert CHAN continued to disrupt the order of the meeting, he would have to order him to withdraw from the Council. Ignoring the President's advice, Hon Albert CHAN was ordered to withdraw immediately from the Council. Assisted by security staff, Hon Albert CHAN left the Chamber.

The Financial Secretary continued to deliver his Budget speech.

Question on the Second Reading proposed. In accordance with Rules 67 and 71 of the Rules of Procedure, the President adjourned the debate on the second reading of the Bill and referred the Estimates to the Finance Committee for examination.

Motions

Proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance

The Secretary for Security moved the following motion and spoke on the motion:

Resolved that the Frontier Closed Area (Amendment) Order 2011, published in the Gazette as Legal Notice No. 170 of 2011 and laid on the table of the Legislative Council on 7 December 2011, be amended as set out in the Schedule.

Schedule

Amendments to Frontier Closed Area (Amendment) Order 2011

1. Section 3 amended (Schedule substituted)

(1) Section 3, new Schedule, after section 2—

Add

“3. The coordinates are based on Hong Kong 1980 Grid System.”.

(2) Section 3, new Schedule—

Repeal Note 1.

(3) Section 3, new Schedule—

Renumber Notes 2, 3, 4 and 5 as Notes 1, 2, 3 and 4.

Question on the motion proposed.

Hon LAU Kong-wah spoke on the motion as the Chairman of the Subcommittee on Frontier Closed Area (Amendment) Order 2011, and then in his personal capacity as a Member.

A Member spoke on the motion.

The Secretary for Security replied.

Question on the motion put and agreed to.

Members' Motions

Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance

Hon Miriam LAU moved the following motion and spoke on the motion as the Chairman of the Subcommittee on Road Traffic (Impairment Test) Notice and Road Traffic (Amendment) Ordinance 2011 (Commencement) Notice 2012:

Resolved that in relation to the —

- (a) Road Traffic (Impairment Test) Notice, published in the Gazette as Legal Notice No. 1 of 2012; and
- (b) Road Traffic (Amendment) Ordinance 2011 (Commencement) Notice 2012, published in the Gazette as Legal Notice No. 2 of 2012,

and laid on the table of the Legislative Council on 11 January 2012, 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 29 February 2012.

Question on the motion proposed, put and agreed to.

Motion under Rule 49E(2) of the Rules of Procedure

Hon Miriam LAU moved the following motion and spoke on the motion:

That this Council takes note of Report No. 10/11-12 of the House Committee laid on the Table of the Council on 1 February 2012 in relation to the subsidiary legislation and instrument(s) as listed below:

<u>Item Number</u>	<u>Title of Subsidiary Legislation or Instrument</u>
(2)	Mandatory Provident Fund Schemes (Contributions for Casual Employees) (Amendment) (No. 2) Order 2011 (L.N. 171/2011).

Question on the motion proposed.

A Member spoke on the motion.

The Under Secretary for Financial Services and the Treasury spoke on the motion.

The President stated that under Rule 49E(9) of the Rules of Procedure, he would not put any question on the motion.

Next meeting

The President declared that the next meeting of the Council would be held on 8 February 2012 at 11:00 am.

The Council was adjourned at 1:46 pm.

(Jasper TSANG Yok-sing)
President
Legislative Council

Council Chamber
Hong Kong

14 March 2012