

LEGISLATIVE COUNCIL

MINUTES

No. 20

**Minutes of the meeting held on Wednesday 29 February 2012 at 11:00 am
and Thursday 1 March 2012 at 9:00 am**

Members present:

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan

(absent on 1.3.2012)

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 (absent on 1.3.2012)

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 (absent on 1.3.2012)

The Hon Frederick FUNG Kin-kee, SBS, JP (absent on 1.3.2012)

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 WONG Ting-kwong, BBS, 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-yee, 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

The Hon WONG Yuk-man

Public officers attending:

On 29.2.2012

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

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

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

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

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

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

Ms Florence HUI Hiu-fai, JP
Under Secretary for Home Affairs

On 1.3.2012

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

Miss Adeline WONG Ching-man, JP
Under Secretary for Constitutional and Mainland Affairs

On 29.2.2012 and 1.3.2012

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

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

Clerks in attendance:

On 29.2.2012

Ms Pauline NG Man-wah, Secretary General

Miss Odelia LEUNG Hing-ye, Assistant Secretary General (2)

On 29.2.2012 and 1.3.2012

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (3)

Mrs Percy MA, Assistant Secretary General (4)

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 under Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instrument</u>	<u>L.N. No.</u>
Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2012 (gazetted on 24.2.2012)	29/2012

Other Papers

- No. 73 - Hong Kong Arts Development Council Annual Report 2010/11
(published on 23.2.2012)
- No. 74 - The Hong Kong Academy for Performing Arts Annual Report 2010-2011 and financial statements together with the independent auditor's report for the year ended 30 June 2011
(published on 23.2.2012)
- No. 75 - AIDS Trust Fund
Financial statements together with the Report of the Director of Audit for the year ended 31 March 2011
(published on 23.2.2012)
- No. 76 - Report on Activities of the Hong Kong Examinations and Assessment Authority and financial statements together with the independent auditor's report for the year ended 31 August 2011
(published on 24.2.2012)

Report No. 13/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(published on 23.2.2012)

Questions under Rule 24(4) of the Rules of Procedure

Written replies to urgent Questions 1 to 8 were tabled for Members' information.

Questions

1. Hon Andrew CHENG asked Question 1.

The Chief Secretary for Administration replied.

Hon Andrew CHENG asked a supplementary question and the Chief Secretary for Administration replied.

After the Chief Secretary for Administration had replied, Dr Hon Philip WONG raised a point of order on whether the supplementary question raised by Hon Andrew CHENG had contravened Rule 41(7) of the Rules of Procedure. The President stated that he did not consider the supplementary question raised by Hon Andrew CHENG had contravened the provision.

Four Members asked supplementary questions and the Chief Secretary for Administration and the Secretary for Civil Service replied.

2. In accordance with Rule 26(6A) of the Rules of Procedure, the President called upon the Chairman of House Committee, Hon Miriam LAU, to ask Question 2 on behalf of Hon Mrs Regina IP, who was not present to ask her question.

The Secretary for Constitutional and Mainland Affairs replied.

Hon Mrs Regina IP, who was then present, asked a supplementary question and the Secretary for Constitutional and Mainland Affairs replied.

Two other Members asked supplementary questions and the Secretary for Constitutional and Mainland Affairs replied.

3. Hon Starry LEE asked Question 3.

The Secretary for Education replied.

Four Members asked supplementary questions and the Secretary for Education replied.

4. Hon Alan LEONG asked Question 4.

The Secretary for Development replied.

Three Members asked supplementary questions. The Secretary for Development and the Secretary for Transport and Housing replied.

5. Hon CHEUNG Kwok-che asked Question 5.

The Secretary for Labour and Welfare replied.

Four Members asked supplementary questions. The Secretary for Labour and Welfare and the Secretary for Education replied.

6. Dr Hon PAN Pey-chyou asked Question 6.

The Secretary for Financial Services and the Treasury replied.

While the Secretary for Financial Services and the Treasury was speaking, the President left the chair at 12:57 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Four Members asked supplementary questions and the Secretary for Financial Services and the Treasury replied.

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

Bills

First Reading

Construction Industry Legislation (Miscellaneous Amendments) Bill 2012

Trade Descriptions (Unfair Trade Practices) (Amendment) Bill 2012

Trade Descriptions (Amendment) Bill 2012

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

Second Reading

Construction Industry Legislation (Miscellaneous Amendments) Bill 2012

The Secretary for Development moved the Second Reading and spoke on the Bill.

While the Secretary for Development was speaking, Hon Albert CHAN drew the attention of the President's Deputy to the absence of a quorum. The President's Deputy directed the Clerk to summon Members to the meeting. A quorum was then present.

The Secretary for Development continued to speak on the Bill.

Question on the Second Reading proposed. The President's Deputy 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.

Trade Descriptions (Unfair Trade Practices) (Amendment) Bill 2012

Trade Descriptions (Amendment) Bill 2012

The Secretary for the Commerce and Economic Development moved the Second Reading and spoke on the above two Bills respectively.

Question on the Second Reading proposed. The President's Deputy stated that in accordance with Rule 54(4) of the Rules of Procedure, the debates on the above Bills were adjourned and the Bills were referred to the House Committee.

Banking (Amendment) Bill 2011

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 21 December 2011 resumed.

The Secretary for Financial Services and the Treasury spoke on the Bill.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a committee of the whole Council.

Committee stage

The Council went into committee and considered the Banking (Amendment) Bill 2011.

Question that clauses 1, 2, 5, 6, 7, 9 to 17, 19, 20 and 21 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 4, 8 and 18 stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved the amendments to clauses 3, 4, 8 and 18 and spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 3, 4, 8 and 18 as amended stand part of the Bill proposed, put and agreed to.

New clause 18A read the first time.

The Secretary for Financial Services and the Treasury moved the Second Reading of new clause 18A and spoke on the new clause.

Question on the Second Reading of new clause 18A proposed, put and agreed to.

New clause 18A read the second time.

The Secretary for Financial Services and the Treasury moved the addition of new clause 18A to the Bill.

Question on the addition proposed, put and agreed to.

Question that the long title stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved an amendment to the long title and spoke on the amendment.

Question on the amendment put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services and the Treasury reported that

the Banking (Amendment) Bill 2011

had passed through the Committee stage with amendments. The Bill was ordered to be set down for Third Reading under Rule 59 of the Rules of Procedure.

The Secretary for Financial Services and the Treasury moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

Motions

Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Food and Health moved the following motion and spoke on the motion:

Resolved that the following Regulations, made by the Pharmacy and Poisons Board on 3 February 2012, be approved –

- (a) the Pharmacy and Poisons (Amendment) Regulation 2012; and
- (b) the Poisons List (Amendment) Regulation 2012.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Criminal Procedure Ordinance and the Interpretation and General Clauses Ordinance

The Secretary for Home Affairs moved the motion in **Appendix I** and spoke on the motion.

At 2:25 pm, while the Secretary for Home Affairs was speaking, the President resumed the chair.

Question on the motion proposed.

Dr Hon Margaret NG declared interest as counsel who might be instructed by the Director of Legal Aid from time to time. She then spoke on the motion.

Hon Audrey EU declared that she was a barrister who might handle criminal cases involving legal aid. She then spoke on the motion.

Another Member spoke on the motion.

The Secretary for Home Affairs 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 Mrs Sophie LEUNG moved the following motion and spoke on the motion:

Resolved that in relation to the Rating (Exemption) Order 2012, published in the Gazette as Legal Notice No. 14 of 2012, and laid on the table of the Legislative Council on 8 February 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 28 March 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. 13/11-12 of the House Committee laid on the Table of the Council on 29 February 2012 in relation to the subsidiary legislation and instrument(s) as listed below.

Item Number

Title of Subsidiary Legislation or Instrument

- | | |
|-----|--|
| (1) | Places of Public Entertainment (Exemption) (Amendment) Order 2011 (L.N. 183/2011). |
|-----|--|

Question on the motion proposed.

Hon Cyd HO spoke on the motion as the Chairman of the Subcommittee on Places of Public Entertainment (Exemption) (Amendment) Order 2011 and then in her personal capacity as a Member.

Four Members spoke on the motion.

The Secretary for Home Affairs 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.

Proposed resolution under the Legislative Council (Powers and Privileges) Ordinance

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

That this Council appoints a select committee for the purpose of studying Mr LEUNG Chun-ying's involvement as a member of the Jury in the West Kowloon Reclamation Concept Plan Competition, and related issues; and that in the performance of its duties the committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance.

Question on the motion proposed.

The Secretary for Home Affairs spoke on the motion.

After the Secretary for Home Affairs had spoken, Hon Paul CHAN raised a point of order on whether it was appropriate for Members who had nominated individual candidates for the Chief Executive Election to remain in the meeting and take part in the voting when the motion was put to vote.

The President stated that according to the Rules of Procedure, a Member shall not vote upon any question and shall withdraw when a vote was taken on a question in which he had a direct pecuniary interest. He therefore reminded Members that if any of them had a direct pecuniary interest in a question on which a vote was taken, the Member concerned must withdraw from the meeting.

Hon Miriam LAU declared that she had nominated Mr Henry TANG, but she had not contributed any money or effort.

The President also reminded Members that if any Member had a direct or indirect pecuniary interest in the question under debate, it was necessary for the Member concerned to declare the nature of his interest.

Hon LEE Wing-tat declared that he had nominated Mr Albert HO as a Chief Executive candidate, and he did not have any direct or indirect pecuniary interest relating to this motion. He then spoke on the motion.

Hon LI Fung-ying declared that she was a member of the Election Committee selecting the Chief Executive but she did not nominate anyone to stand in this Chief Executive Election. She then spoke on the motion.

Six other Members spoke on the motion.

Hon Vincent FANG declared that he had already nominated a Chief Executive candidate. He then spoke on the motion.

Hon Alan LEONG declared that he had already nominated one of the candidates, Mr Albert HO. He then spoke on the motion.

A Member spoke on the motion.

Hon CHIM Pui-chung declared that he was one of the nominators of Mr Henry TANG who was a candidate for the election, but no pecuniary interest was involved. He then spoke on the motion.

While Hon CHIM Pui-chung was speaking, Hon Andrew CHENG drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

The President called upon Hon CHIM Pui-chung to continue to speak.

While Hon CHIM Pui-chung was speaking, Hon LEUNG Yiu-chung interrupted and requested to elucidate a point he had made earlier which he considered to be misunderstood by Hon CHIM Pui-chung. The President stated that he would let Hon LEUNG Yiu-chung make an elucidation after Mr CHIM had finished his speech.

After Hon CHIM Pui-chung had spoken, the President gave permission for Hon LEUNG Yiu-chung to elucidate a point which he considered to be misunderstood by Hon CHIM Pui-chung.

Hon Cyd HO declared that she had nominated Mr Albert HO to take part in the unjust small-circle election. She then spoke on the motion.

Dr Hon Priscilla LEUNG spoke on the motion and declared that she had not nominated any candidate for the Chief Executive Election.

Prof Hon Patrick LAU declared that he was a member of the Jury of the West Kowloon Reclamation Concept Plan Competition. He then spoke on the motion.

Dr Hon PAN Pey-chyau declared that he had not nominated any candidate for the Chief Executive Election. He then spoke on the motion.

Hon Paul CHAN declared that he was one of the nominators of Mr LEUNG Chun-ying in the Chief Executive Election and he was appointed as a member of the Board of the West Kowloon Cultural District Authority in the second half of 2008. He then spoke on the motion.

Hon Paul TSE declared that he was a member of an advisory committee under the West Kowloon Cultural District Authority and had not nominated any candidate in the Chief Executive Election so far. He then spoke on the motion.

While Hon Paul TSE was speaking, the President left the chair at 7:54 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Hon Audrey EU declared that she was an Election Committee member and had nominated Mr Albert HO, and there was no direct or indirect interest or pecuniary connection. She then spoke on the motion.

Ir Dr Hon Raymond HO declared that he was a member of the Election Committee selecting the Chief Executive and had nominated Mr Henry TANG. He then spoke on the motion.

At 8:25 pm, while Ir Dr Hon Raymond HO was speaking, the President resumed the chair.

A Member spoke on the motion.

Hon Abraham SHEK spoke on the motion and declared that he supported Mr Henry TANG.

While Hon Abraham SHEK was speaking, Hon Paul CHAN interrupted and elucidated a point he had made earlier which he considered to be misunderstood by Hon Abraham SHEK.

Dr Hon LAM Tai-fai declared that he had not nominated Mr LEUNG Chun-ying, who was involved in the incident as set out in this motion, and he had no intention to vote for him. He then spoke on the motion.

The Secretary for Home Affairs spoke again on the motion.

After the Secretary for Home Affairs had spoken, Hon Cyd HO elucidated a point she had made earlier which she considered to be misunderstood by the Secretary for Home Affairs.

Hon Miriam LAU replied.

Hon Ronny TONG declared that he had nominated Mr Albert HO.

Hon Mrs Sophie LEUNG declared that she had nominated Mr Henry TANG.

Hon LAU Wong-fat declared that he was an Executive Council Member, and he had nominated Mr Henry TANG.

Ir Dr Hon Raymond HO declared that he was a member of the Election Committee and had nominated Mr Henry TANG, but no direct or indirect interests were involved.

Hon LEE Cheuk-yan declared that he had nominated Mr Albert HO, but he would not vote for him, as he would cast an invalid vote.

Dr Hon Philip WONG declared that he had nominated Mr Henry TANG.

Hon KAM Nai-wai, Dr Hon Joseph LEE, Hon CHEUNG Kwok-che and Hon Frederick FUNG declared that they had nominated Mr Albert HO for the Chief Executive Election.

Hon Fred LI declared that all Members of the Democratic Party had nominated Mr Albert HO.

Dr David LI declared that he assisted Mr Henry TANG.

Dr Hon LAM Tai-fai declared that he had nominated Mr Henry TANG.

Question on the motion put.

Hon WONG Ting-kwong claimed a division. The President then ordered the Council to proceed to a division.

While the division bell was ringing, Hon Tanya CHAN declared that she had nominated Mr Albert HO.

Hon Tommy CHEUNG, Hon Jeffrey LAM and Hon Andrew LEUNG declared that they had nominated Mr Henry TANG.

The President announced that among the Members returned by functional constituencies, 28 were present, 16 were in favour of the motion, two against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 18 were in favour of the motion and nine abstained (voting record in **Appendix II**). Since the question was agreed by a majority of each of the two groups of Members present, he declared that the motion was passed.

The President suspended the meeting at 9:33 pm.

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The Council resumed at 9:00 am on 1 March 2012.

Motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedure

Hon Cyd HO moved the following motion and spoke on the motion:

That this Council do now adjourn for the purpose of debating the following issue: the integrity and probity of the Chief Executive and his responsibility for upholding the fairness and impartiality of the next Chief Executive Election to be held on 25 March.

Question on the motion proposed.

The Secretary for Constitutional and Mainland Affairs spoke on the motion.

Hon Emily LAU declared that she had nominated Mr Albert HO to run in the small-circle Chief Executive Election. She then spoke on the motion.

Eight Members and Hon Albert CHAN spoke on the motion.

While Hon Albert CHAN was speaking, the President left the chair at 11:50 am temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Five other Members and Dr Hon Margaret NG spoke on the motion.

At 1:18 pm, while the Dr Hon Margaret NG was speaking, the President resumed the chair.

Four more Members spoke on the motion.

The President reminded Members that if the motion was passed, he would adjourn the Council under Rule 16(3) of the Rules of Procedure. In such a case, this meeting could not proceed for considering the remaining items on the Agenda.

While the President was about to put the question to vote, Hon Paul TSE indicated a wish to speak on the motion.

With the permission of the President, Hon Paul TSE spoke on the motion.

After Hon Paul TSE had spoken, the President stated that as some Members had enquired about how the provisions in the Rules of Procedure should be applied to references made to the conduct of the Chief Executive or questions raised regarding the conduct of the Chief Executive in the speeches made by Members, he would give an explanation on the matter.

The President stated that Rule 41(7) of the Rules of Procedure was made for contents of speeches, which provided that "the conduct of the Chief Executive.....otherwise than in the performance of his official duties shall not be raised". The motion currently under debate concerned "the integrity and probity of the Chief Executive and his responsibility for upholding the fairness and impartiality of the next Chief Executive Election to be held on 25 March", which was triggered by certain acts of the Chief Executive widely reported by the media. Strictly speaking, he considered the acts of the Chief Executive referred to by Members in their speeches made earlier were not acts done by the Chief Executive in performing official duties. However, if it was because of the restriction imposed by Rule 41(7) that Members were unable to refer to

such acts in the debate, it was unlikely that the debate could proceed in a reasonable and meaningful manner. Therefore, when chairing this motion debate, he would pay attention to whether those acts of the Chief Executive mentioned by Members were related directly to the subject of the motion. His doing was to strike a reasonable balance between enforcing the Rules of Procedure and permitting Members to engage in a meaningful debate.

The President also stated that regarding the Chief Executive's Question and Answer Session to be held at 3:00 pm the same day, as questions raised by Members to the Chief Executive were not considered to be speeches, they were bound by Rule 25(1)(j) of the Rules of Procedure which was made for contents of questions. The President further stated that the Chief Executive had agreed to attend the Question and Answer Session this time in accordance with Rule 8 of the Rules of Procedure and the purpose of which was to enable Members to raise questions regarding the acceptance of hospitality extended to the Chief Executive by his friends and on matters relating to the flat he had leased in Shenzhen. As this Question and Answer was a special one, he would not follow the practice as in other Question and Answer Sessions and make reference to the number of questions raised by each Member in order to determine the order of Members raising questions. In other words, every Member would be rendered equal opportunity in raising questions.

The President added that the Secretariat had already conveyed to the Chief Executive that Members wished the duration of the Question and Answer Session to be longer. The Chief Executive's Office had replied that the Question and Answer Session should be kept within one hour as far as practicable. However, should there be a considerable number of Members from various political parties and groupings who had not been able to ask a question, the Chief Executive would be willing to stay and take a few more questions. Also, since this Question and Answer Session was a special one, the originally scheduled ones would not be affected.

Hon Paul TSE raised a point of order on whether the President would consider following the practice of the panel meetings by setting a time limit for each question asked at the Chief Executive's Question and Answer Session to be held that day, so that more Members could put questions to the Chief Executive and there would be a better control of time used. The President stated that if any arrangement regarding the Chief Executive's Question and Answer Session was to be changed, the consent of all Members would have to be sought. Thus, the Chief Executive's Question and Answer Session held that day would follow the established practice.

Hon Albert CHAN said that as the questions to be raised by Members in the Chief Executive's Question and Answer Session might contain words accusing the Chief Executive, he sought clarification on the Rules of Procedure concerning the interpretation of offensiveness.

The President stated that he would make a ruling on whether a Member had used offensive language about the Chief Executive. If a question asked by a Member was a genuine question, he would not regard it as being offensive. But if a Member tried to heap offensive remarks onto the person to whom a question was directed and asked if he would agree, then he would consider the question offensive.

The President then suspended the meeting at 2:42 pm for holding the Chief Executive's Question and Answer Session scheduled to be held from 3:00 pm to 4:00 pm.

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The Council resumed at 4:45 pm.

Three other Members spoke on the motion.

Question on the motion put and negatived.

Report of the Subcommittee to Study Issues Relating to the Power of the Legislative Council to Amend Subsidiary Legislation

Dr Hon Margaret NG moved the following motion as the Chairman of the Subcommittee to Study Issues Relating to the Power of the Legislative Council to Amend Subsidiary Legislation, and then spoke on the motion in her personal capacity as a Member:

That this Council notes the Report of the Subcommittee to Study Issues Relating to the Power of the Legislative Council to Amend Subsidiary Legislation.

Question on the motion proposed.

The Secretary for Justice spoke on the motion.

Six Members spoke on the motion.

The Secretary for Justice spoke again.

Dr Hon Margaret NG replied.

Question on the motion put and agreed to.

Expanding land resources

Hon CHEUNG Hok-ming moved the following motion and spoke on the motion:

That the Government estimates that Hong Kong's population will reach 8.9 million in 2039, while the number of households will reach 3.1 million; in the Policy Address announced last year, the Chief Executive stated that the Government would innovate to expand land resources, so as to meet the demand of housing and economic development; recently, the authorities have also conducted consultation on the development of rock caverns and possible reclamation sites outside the Victoria Harbour; in this connection, this Council urges the Government to:

- (a) formulate a concrete policy and timetable for materializing the concept of land reserve, and build a land reserve under a sustainable development approach, so as to formulate long-term land planning and stabilize land supply;
- (b) innovate to encourage residential development projects on private lands, including studying allowing owners of private lands to participate in the land development of new development areas or new towns, appropriately relaxing the plot ratio for rural residential land, and enhancing the transparency of premium payment;
- (c) review the existing compensation mechanism for land resumption, so as to expedite the Government's pace of land resumption for building new towns or new development areas;
- (d) comprehensively look into the use of green belt areas and agricultural land in the New Territories which are devegetated, deserted or formed, thus no longer performing their original functions, and convert them into housing sites;

- (e) before finalizing any reclamation works project outside the Victoria Harbour, release as a mandatory requirement important information such as environmental impact and project costs, etc. for conducting intensive consultation with affected stakeholders, and make compensation in respect of affected fishermen and the ecological environment; and
- (f) expedite the construction of the Northern Link with a view to driving land development in the Northwest New Territories.

Question on the motion proposed.

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

Hon CHAN Hak-kan and Hon LEE Wing-tat, who intended to move amendments, spoke on the motion and the amendments.

While Hon LEE Wing-tat was speaking, the President left the chair at 7:02 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Hon Tanya CHAN and Hon Albert CHAN, who intended to move amendments, spoke on the motion and the amendments.

At 7:28 pm, while Hon Albert CHAN was speaking, the President resumed the chair.

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

Twelve Members spoke on the motion and the amendments.

Hon CHEUNG Hok-ming spoke on the amendments.

The Secretary for Development spoke again.

Hon CHAN Hak-kan moved the following amendment to Hon CHEUNG Hok-ming's motion:

To add “, given that” after “That”; to add “, and have materialized the opening of the Frontier Closed Area” after “sites outside the Victoria Harbour”; to delete “and” after “the ecological environment;”; and to add “; and (g) expedite the development of the Lok Ma Chau Loop and Liantang/Heung

Yuen Wai Boundary Control Point, and formulate a concrete plan for developing the land of the former Frontier Closed Area, so as to optimize the use of 2400 hectares of land as released” immediately before the full stop.

Question on Hon CHAN Hak-kan’s amendment to Hon CHEUNG Hok-ming’s motion proposed and put.

Hon Fred LI claimed a division. The President then ordered the Council to proceed to a division.

After the division bell had stopped ringing, the President noted the absence of a quorum, he therefore directed the Clerk to summon Members to the meeting. A quorum was then present.

The President announced that among the Members returned by functional constituencies, 11 were present, 10 were in favour of the amendment and one abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, six were in favour of the amendment, two against it and 10 abstained (voting record in **Appendix III**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negatived.

Hon Fred LI rose to move the following motion without notice:

That in the event of further divisions in relation to the motion on “Expanding land resources” or amendments thereto, 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 LEE Wing-tat moved the following amendment to Hon CHEUNG Hok-ming’s motion:

To delete “the Government estimates that” after “That” and substitute with “, according to the projection of the Government,”; to delete “innovate” after “(b)” and substitute with “strengthen public participation through public consultation for perfecting the planning and design of new development areas or new towns, and study using innovative ideas”; to add “including allowing affected households to apply for purchasing Home Ownership Scheme flats without having to undergo income and asset tests,” after “mechanism for land resumption,”; to delete “thus no longer performing their original functions, and convert them into housing sites” after “deserted or formed,” and substitute

with “regulate the use and development of the land in the New Territories, expeditiously include the land in the New Territories in the Outline Zoning Plan, and draw up a draft development permission area plan for the land adjacent to country parks, so as to actively combat ‘destroy first, develop later’ practices, restore the damaged natural environment to the original state, and convert the lands which no longer perform their original functions into housing, commercial, cultural and eco-tourism sites, etc.”; to delete “release as a mandatory requirement” after “outside the Victoria Harbour,” and substitute with “ensure as a mandatory requirement that such reclamation works projects will not cause serious impact on the nearby marine ecological environment and the development of nearby areas, and that the land use under the relevant development plans suits Hong Kong’s long-term development and have the support of appropriate ancillary measures and social consensus, release”; to add “and adopt remedial measures” after “and make compensation”; and to delete “fishermen” after “respect of affected” and substitute with “people (including fishermen)”.

Question on Hon LEE Wing-tat’s amendment to Hon CHEUNG Hok-ming’s motion proposed and put.

Hon IP Kwok-him claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 11 were present, one was in favour of the amendment, eight against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, seven were in favour of the amendment, six against it and five abstained (voting record in **Appendix IV**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negatived.

Hon Tanya CHAN moved the following amendment to Hon CHEUNG Hok-ming’s motion:

To add “the land in Hong Kong falls short of the demand in recent years, thereby directly driving up property prices, therefore a comprehensive land policy is very important to society;” after “That”; to add “strike an appropriate balance between development and conservation when formulating a land policy, and to” after “urges the Government to”; to add “(b) expeditiously include all lands within the territory of Hong Kong in statutory plans, so as to monitor the planned use of all lands and regulate the development of land

resources; (c) comprehensively review the Town Planning Ordinance and the functions of the Town Planning Board, and strengthen the Town Planning Board's independence and effectiveness in monitoring, vetting and approving plans for developing land resources;" after "stabilize land supply;"; to delete the original "(b)" and substitute with "(d)"; to delete "including studying allowing owners of private lands to participate in the land development of new development areas or new towns, appropriately relaxing the plot ratio for rural residential land, and enhancing the transparency of premium payment" after "on private lands," and substitute with "and strengthen the support and co-ordination for property owners in old districts to participate in redeveloping old districts, and incorporate conservation elements such as historical buildings and local cultural features in the course of redeveloping old districts"; to delete the original "(c)" and substitute with "(e)"; to add "as well as the rehousing and removal arrangements for affected residents" after "mechanism for land resumption"; to delete "(d) comprehensively look into the use of green belt areas and agricultural land in the New Territories which are devegetated, deserted or formed, thus no longer performing their original functions, and convert them into housing sites;" after "new development areas;" and substitute with "(f) strengthen the enforcement of the Town Planning Ordinance and other relevant laws to prevent land owners from damaging the agricultural land and land in green belt areas and from developing residential sites by unlawful means, so as to ensure the lawful and sustainable development of land resources;"; to delete the original "(e)" and substitute with "(g)"; and to delete the original "(f)" and substitute with "(h)".

Question on Hon Tanya CHAN's amendment to Hon CHEUNG Hok-ming's motion proposed and put.

Hon IP Kwok-him claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 11 were present, two were in favour of the amendment, eight against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 15 were in favour of the amendment and three against it (voting record in **Appendix V**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negatived.

Hon Albert CHAN moved the following amendment to Hon CHEUNG Hok-ming's motion:

To delete “and” after “of land reserve,” and substitute with “draw up an annual ‘10-year rolling mechanism for land supply’ and regularly inject new lands to serve as reserve so as to ensure that Hong Kong can”; and to delete “so as to” after “sustainable development approach,” and substitute with “and to”.

Question on Hon Albert CHAN’s amendment to Hon CHEUNG Hok-ming’s motion proposed and put.

Hon LEE Wing-tat claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 11 were present, nine were in favour of the amendment, one against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, seven were in favour of the amendment, two against it and nine abstained (voting record in **Appendix VI**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negated.

Hon CHEUNG Hok-ming replied.

Question on Hon CHEUNG Hok-ming’s motion put.

Hon Tanya CHAN claimed a division. The President then ordered the Council to proceed to a division under Rule 49(5) of the Rules of Procedure.

After the division bell had stopped ringing, the President noted the absence of a quorum and directed the Clerk to summon Members to the meeting. A quorum was then present.

The President announced that among the Members returned by functional constituencies, 12 were present, 11 were in favour of the motion and one against it; while among the Members returned by geographical constituencies through direct elections, 18 were present, five were in favour of the motion, eight against it and four abstained (voting record in **Appendix VII**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the motion was negated.

Next meeting

The President declared that the next meeting of the Council would be held on 21 March 2012 at 11:00 am.

The Council was adjourned at 9:55 pm.

(Jasper TSANG Yok-sing)
President
Legislative Council

Council Chamber
Hong Kong

25 September 2012

**Criminal Procedure Ordinance
and
Interpretation and General Clauses Ordinance**

Resolution

(Under section 9A of the Criminal Procedure Ordinance (Cap. 221) and section 35 of the Interpretation and General Clauses Ordinance (Cap. 1))

Legal Aid in Criminal Cases (Amendment) Rules 2012

Resolved that the Legal Aid in Criminal Cases (Amendment) Rules 2012, made by the Criminal Procedure Rules Committee on 19 January 2012, be approved, subject to the amendments as set out in the Schedule.

Schedule

**Amendments to Legal Aid in Criminal Cases
(Amendment) Rules 2012**

1. **Rule 5 amended (rule 4 amended (legal aid for accused persons and appellants))**
 - (1) Rule 5(1), new rule 4(1)(c)—
Delete
“the offence”
Substitute
“any offence”.
 - (2) Rule 5(1), new rule 4(1)(c)(i)—
Delete
“in relation to that offence”
Substitute
“arising out of or connected with the charge”.
 - (3) Rule 5(4), new rule 4(1)(f)—
Delete
“the offence”
Substitute
“any offence”.
 - (4) Rule 5(4), new rule 4(1)(f)(i)—
Delete
“in relation to that offence”
Substitute
“arising out of or connected with the charge”.
 - (5) Rule 5(6), new rule 4(1)(h)—

Delete

“the offence”

Substitute

“any offence”.

(6) Rule 5(6), new rule 4(1)(h)(i)—

Delete

“in relation to that offence”

Substitute

“arising out of or connected with the charge”.

2. **Rule 7 amended (rule 21 amended (solicitor and counsel fees))**

Rule 7(1), Chinese text, new rule 21(1), after “實際”—

Add

“地”.

3. **Rule 8 amended (Schedule added)**

Rule 8, Chinese text, new Schedule, Part 1, section 3—

Delete

“獲被”

Substitute

“獲”.

Legal Aid in Criminal Cases (Amendment) Rules 2012

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Legal Aid in Criminal Cases (Amendment) Rules 2012

(Made by the Criminal Procedure Rules Committee under section 9A of the Criminal Procedure Ordinance (Cap. 221) with the approval of the Legislative Council)

1. **Commencement**
These Rules come into operation on 9 March 2012.
2. **Legal Aid in Criminal Cases Rules amended**
The Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) are amended as set out in rules 3 to 8.
3. **Rule 2 amended (interpretation)**
 - (1) Rule 2(1), definition of *appellant*—
Repeal
 “paragraph (c), (d), (e), (f), (g), or (h) of rule 4”
Substitute
 “rule 4(1)(c), (f) or (h)”.
 - (2) Before rule 2(2)(c)—
Add
 “(ba) any references to an appeal to the Court of First Instance includes any opposition to such an appeal;
 (bb) any references to an appeal to the Court of Appeal includes proceedings before the Court of Appeal under Part IV of the Ordinance and proceedings before the Court of Appeal under section 84 of the District Court Ordinance (Cap. 336), and any references to such an appeal includes any opposition to the appeal;”.
 - (3) Rule 2(2)(c)—
Repeal

“proceedings relating to” (wherever appearing).

- (4) Rule 2(3)(b)—

Repeal sub-subparagraph (iii)

Substitute

“(iii) rule 21(4)(a) and items 1 and 7 in the Table of Fees in Part 2 of the Schedule are to be read as if any reference to “the trial” or “any trial” were a reference to the proceedings instituted under section 67C of the Ordinance.”.

4. **Rule 3 amended (panels of counsel and solicitors)**

Rule 3—

Repeal paragraph (6)

Substitute

“(6) To avoid doubt, if a solicitor is assigned to an aided person for the purpose of any proceedings, any other solicitor in the same firm as the solicitor assigned may act for the aided person; however, this paragraph does not apply to the assignment of a solicitor described in item 6, 17 or 19 in the Table of Fees in Part 2 of the Schedule unless the Director gives prior consent.”.

5. **Rule 4 amended (legal aid for accused persons and appellants)**

- (1) Rule 4(1)—

Repeal subparagraph (c)

Substitute

“(c) a person who is or was charged before the Court of First Instance or the District Court with any offence (whether or not the person has been convicted of the offence) may be granted legal aid under these rules for—

- (i) any appeal to the Court of Appeal in relation to that offence; and

- (ii) any proceedings preliminary or incidental to the appeal;”.

- (2) Rule 4(1)—

Repeal subparagraph (d).

- (3) Rule 4(1)—

Repeal subparagraph (e).

- (4) Rule 4(1)—

Repeal subparagraph (f)

Substitute

“(f) a person who is or was charged before a magistrate with any offence (whether or not the person has been convicted of the offence), or who is aggrieved by an order or determination of a magistrate in respect of or in connection with any offence, may be granted legal aid under these rules for—

- (i) any appeal to the Court of First Instance in relation to that offence; and
(ii) any proceedings preliminary or incidental to the appeal;”.

- (5) Rule 4(1)—

Repeal subparagraph (g).

- (6) Rule 4(1)—

Repeal subparagraph (h)

Substitute

“(h) a person who is or was charged with any offence (whether or not the person has been convicted of the offence) may be granted legal aid under these rules for—

- (i) any appeal to, or any application for leave to appeal to, the Court of Final Appeal in relation to that offence; and

- (ii) any proceedings preliminary or incidental to the appeal or application for leave to appeal;”.

6. **Rule 13A amended (power of Director to make inquiries)**

Rule 13A—

Repeal

“paragraph (h) of rule 4”

Substitute

“rule 4(1)(h)”.

7. **Rule 21 amended (solicitor and counsel fees)**

(1) Rule 21—

Repeal paragraph (1)

Substitute

“(1) The fees payable to a solicitor or counsel described in column 2 of the Table of Fees in Part 2 of the Schedule is to be determined by the Director having regard to the work reasonably expected to be done or work actually and reasonably done and, subject to this rule and Part 1 of that Schedule, in accordance with the corresponding paragraph or paragraphs in column 3 of that Table.”.

(2) Rule 21—

Repeal paragraph (2).

(3) Rule 21—

Repeal paragraph (3).

(4) Rule 21(4)(a) and (b), Chinese text—

Repeal

“實際及合理”

Substitute

“在合理情況下實際”.

(5) Rule 21—

Repeal paragraph (5).

(6) Rule 21—

Repeal paragraph (6).

(7) After rule 21(7)—

Add

“(8) The Director may re-determine the fees determined under this rule in accordance with items 1(a) and (b)(i) and (ii), 2(a) and (b)(i) and (ii), 3(a) and (b)(i) and (ii), 4(a) and (b)(i) and (ii), 5(a) and (b)(i) and (ii), 6(a)(i) and (ii), 7(a)(i) and (ii), 8(a)(i) and (ii), 9(a)(i) and (ii), 10(a)(i) and (ii) and 11(a)(i) and (ii) in the Table of Fees in Part 2 of the Schedule, payable to a solicitor or counsel (other than Senior Counsel), in circumstances that the Director considers appropriate having regard to any change in the work reasonably expected to be done or work actually and reasonably done, and in accordance with the following rates—

(a) in respect of proceedings in the District Court—

(i) for a solicitor acting as an instructing solicitor, \$620 per hour in the case of item 5(a) and (b)(i) and (ii) in that Table;

(ii) for a solicitor acting as an advocate as well as an instructing solicitor, \$1,150 per hour in the case of item 6(a)(i) and (ii) in that Table; and

(iii) for counsel (other than Senior Counsel), \$960 per hour in the case of item 11(a)(i) and (ii) in that Table;

(b) in respect of proceedings in the Court of First Instance—

(i) for a solicitor acting as an instructing solicitor, \$740 per hour in the case of item

- 1(a) and (b)(i) and (ii) or 2(a) and (b)(i) and (ii) in that Table; and
- (ii) for counsel (other than Senior Counsel), \$1,170 per hour in the case of item 7(a)(i) and (ii) or 8(a)(i) and (ii) in that Table;
- (c) in respect of proceedings in the Court of Appeal—
- (i) for a solicitor acting as an instructing solicitor, \$1,000 per hour in the case of item 3(a) and (b)(i) and (ii) or 4(a) and (b)(i) and (ii) in that Table; and
- (ii) for counsel (other than Senior Counsel), \$1,170 per hour in the case of item 9(a)(i) and (ii) or 10(a)(i) and (ii) in that Table.”.

8. **Schedule added**
After rule 21—
Add

“**Schedule** [rr. 2, 3 & 21]

Solicitor and Counsel Fees

Part 1

Preliminary

1. In the Table of Fees in Part 2—
bundles (文件冊) means the trial or appeal bundles prepared by the prosecution or the court for an aided person’s case;

conference (會議) does not include a conference held on a day on which there is court attendance by the relevant solicitor or counsel for the relevant case;

solicitor or counsel (律師或大律師), in relation to item 21 in the Table of Fees in Part 2, includes a solicitor, counsel or person entitled to practise the law of a jurisdiction outside Hong Kong.

2. In the Table of Fees in Part 2, if a fee is payable on a time basis, the time reasonably and properly required for the relevant work is to be assessed by the Director.
3. To avoid doubt, if a solicitor or counsel (other than Senior Counsel) represents 2 or more accused persons or 2 or more appellants to whom the solicitor or counsel has been assigned under these rules and whose trials, pleas, sentences, appeals or other proceedings are heard together (whether in the same case or 2 or more cases grouped together), the fees described in the following items in the Table of Fees in Part 2 are to be payable in respect of 1 accused person or 1 appellant only, but subject to an increase of 10% for each additional accused person or appellant so represented up to a maximum of 50% if 6 or more accused persons or appellants are so represented—
- item 1(d) and (e);
 - item 2(d) and (e);
 - item 3(d) and (e);
 - item 4(d) and (e);
 - item 5(d) and (e);
 - item 6(b)(i) and (ii) and (c);
 - item 7(b) and (c);
 - item 8(b) and (c);
 - item 9(b) and (c);
 - item 10(b) and (c);

- (k) item 11(b) and (c);
- (l) item 17(a) and (b);
- (m) item 18(a) and (b);
- (n) item 19(a) and (b).

Part 2

Table of Fees

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
1.	Solicitor assigned under a legal aid certificate to act as an instructing solicitor in respect of proceedings in the Court of First Instance	<ul style="list-style-type: none"> (a) A fee for reading bundles at the rate of \$740 per hour. (b) (i) A fee of \$2,960 for preparation (other than the work described in paragraphs (a), (c) and (e)). (ii) Additionally, if more than 4 hours are required for the preparation, a fee at the rate of \$2,960 per unit for every additional 4-hour unit (or part of it). (c) A fee for conferences with counsel (including time for travelling to and from conference venues and waiting time) approved by the Director at the rate of \$740 per hour.

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		<ul style="list-style-type: none"> (d) A fee of \$5,930 for every day of attendance at the Court of First Instance for the trial, plea or sentence (irrespective of the duration of the hearing on any day). (e) A fee for attendance at the Court of First Instance (other than for the trial, plea or sentence) at a rate that appears to the Director to be reasonable and proper.
2.	Solicitor assigned under an appeal aid certificate to act as an instructing solicitor in respect of an appeal from a magistrate to the Court of First Instance	<ul style="list-style-type: none"> (a) A fee for reading bundles at the rate of \$740 per hour. (b) (i) A fee of \$2,960 for preparation (other than the work described in paragraphs (a), (c) and (e)). (ii) Additionally, if more than 4 hours are required for the preparation, a fee at the rate of \$2,960 per unit for every additional 4-hour unit (or part of it). (c) A fee for conferences with counsel (including time for travelling to and from conference venues and

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		waiting time) approved by the Director at the rate of \$740 per hour.
		(d) A fee of \$5,930 for every day of attendance at the Court of First Instance for the appeal hearing (irrespective of the duration of the hearing on any day).
		(e) A fee for attendance at the Court of First Instance (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.
3.	Solicitor assigned under an appeal aid certificate to act as an instructing solicitor in respect of an appeal from the Court of First Instance to the Court of Appeal, or in respect of an appeal, or any point in an appeal, reserved to be considered by or directed to be argued before the Court of Appeal	<p>(a) A fee for reading bundles at the rate of \$1,000 per hour.</p> <p>(b) (i) A fee of \$4,020 for preparation (other than the work described in paragraphs (a), (c) and (e)).</p> <p>(ii) Additionally, if more than 4 hours are required for the preparation, a fee at the rate of \$4,020 per unit for every additional 4-hour unit (or part of it).</p> <p>(c) A fee for conferences with counsel (including time for</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
	under section 118 of the Magistrates Ordinance (Cap. 227)	travelling to and from conference venues and waiting time) approved by the Director at the rate of \$1,000 per hour.
		(d) A fee of \$8,040 for every day of attendance at the Court of Appeal for the appeal hearing (irrespective of the duration of the hearing on any day).
		(e) A fee for attendance at the Court of Appeal (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.
4.	Solicitor assigned under an appeal aid certificate to act as an instructing solicitor in respect of an appeal from the District Court to the Court of Appeal	<p>(a) A fee for reading bundles at the rate of \$1,000 per hour.</p> <p>(b) (i) A fee of \$4,020 for preparation (other than the work described in paragraphs (a), (c) and (e)).</p> <p>(ii) Additionally, if more than 4 hours are required for the preparation, a fee at the rate of \$4,020 per unit for every additional 4-hour unit (or part of it).</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		<p>(c) A fee for conferences with counsel (including time for travelling to and from conference venues and waiting time) approved by the Director at the rate of \$1,000 per hour.</p> <p>(d) A fee of \$8,040 for every day of attendance at the Court of Appeal for the appeal hearing (irrespective of the duration of the hearing on any day).</p> <p>(e) A fee for attendance at the Court of Appeal (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.</p>
5.	Solicitor assigned under a legal aid certificate to act as an instructing solicitor in respect of proceedings in the District Court	<p>(a) A fee for reading bundles at the rate of \$620 per hour.</p> <p>(b) (i) A fee of \$2,510 for preparation (other than the work described in paragraphs (a), (c) and (e)).</p> <p>(ii) Additionally, if more than 4 hours are required for the preparation, a fee at the rate of \$2,510 per unit</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		<p>for every additional 4-hour unit (or part of it).</p> <p>(c) A fee for conferences with counsel (including time for travelling to and from conference venues and waiting time) approved by the Director at the rate of \$620 per hour.</p> <p>(d) A fee of \$5,030 for every day of attendance at the District Court for the trial, plea or sentence (irrespective of the duration of the hearing on any day).</p> <p>(e) A fee for attendance at the District Court (other than for the trial, plea or sentence) at a rate that appears to the Director to be reasonable and proper.</p>
6.	Solicitor assigned under a legal aid certificate to act as an advocate as well as an instructing solicitor in respect of proceedings in the District Court	<p>(a) (i) A fee not exceeding \$9,240 for preparation (other than the work described in paragraph (c)) that appears to the Director to be reasonable and proper.</p> <p>(ii) Additionally, if more than 8 hours are</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		required for the preparation, a fee at a rate not exceeding \$4,610 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.
	(b)	Irrespective of the duration of the hearing on any day—
	(i)	a fee not exceeding \$9,240 for attendance at the District Court for the trial, plea or sentence that appears to the Director to be reasonable and proper; and
	(ii)	additionally, if the trial, plea or sentence is not concluded on the day on which it started, a fee not exceeding \$10,240 for every subsequent day that appears to the Director to be reasonable and proper.
	(c)	A fee for attendance at the District Court (other than for the trial, plea or sentence) at a rate that appears to the

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		Director to be reasonable and proper.
7.	Counsel (other than Senior Counsel) assigned under a legal aid certificate in respect of proceedings in the Court of First Instance	(a) (i) A fee not exceeding \$11,220 for preparation (other than the work described in paragraph (c) and item 13) that appears to the Director to be reasonable and proper. (ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$4,710 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper. (b) A fee not exceeding \$11,220 for every day of attendance at the Court of First Instance for the trial, plea or sentence (irrespective of the duration of the hearing on any day) that appears to the Director to be reasonable and proper. (c) A fee for attendance at the Court of First Instance

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee (other than for the trial, plea or sentence) at a rate that appears to the Director to be reasonable and proper.
8.	Counsel (other than Senior Counsel) assigned under an appeal aid certificate in respect of an appeal from a magistrate to the Court of First Instance	<p>(a) (i) A fee not exceeding \$11,220 for preparation (other than the work described in paragraph (c) and item 13) that appears to the Director to be reasonable and proper.</p> <p>(ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$4,710 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.</p> <p>(b) A fee not exceeding \$11,220 for every day of attendance at the Court of First Instance for the appeal hearing (irrespective of the duration of the hearing on any day) that appears to the Director to be reasonable and proper.</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee (c) A fee for attendance at the Court of First Instance (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.
9.	Counsel (other than Senior Counsel) assigned under an appeal aid certificate in respect of an appeal from the Court of First Instance to the Court of Appeal, or in respect of an appeal, or any point in an appeal, reserved to be considered by or directed to be argued before the Court of Appeal under section 118 of the Magistrates Ordinance (Cap. 227)	<p>(a) (i) A fee not exceeding \$14,960 for preparation (other than the work described in paragraph (c) and item 13) that appears to the Director to be reasonable and proper.</p> <p>(ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$4,710 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.</p> <p>(b) A fee not exceeding \$14,960 for every day of attendance at the Court of Appeal for the appeal hearing (irrespective of the duration of the hearing on any day) that appears to the Director</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		to be reasonable and proper.
		(c) A fee for attendance at the Court of Appeal (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.
10.	Counsel (other than Senior Counsel) assigned under an appeal aid certificate in respect of an appeal from the District Court to the Court of Appeal	<p>(a) (i) A fee not exceeding \$11,960 for preparation (other than the work described in paragraph (c) and item 13) that appears to the Director to be reasonable and proper.</p> <p>(ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$4,710 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.</p> <p>(b) A fee not exceeding \$11,960 for every day of attendance at the Court of Appeal for the appeal hearing (irrespective of the duration</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		of the hearing on any day) that appears to the Director to be reasonable and proper.
		(c) A fee for attendance at the Court of Appeal (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.
11.	Counsel (other than Senior Counsel) assigned under a legal aid certificate in respect of proceedings in the District Court	<p>(a) (i) A fee not exceeding \$7,470 for preparation (other than the work described in paragraph (c) and item 14) that appears to the Director to be reasonable and proper.</p> <p>(ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$3,860 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.</p> <p>(b) A fee not exceeding \$7,470 for every day of attendance at the District Court for the</p>

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
		trial, plea or sentence (irrespective of the duration of the hearing on any day) that appears to the Director to be reasonable and proper.
		(c) A fee for attendance at the District Court (other than for the trial, plea or sentence) at a rate that appears to the Director to be reasonable and proper.
12.	Senior Counsel assigned under a legal aid certificate in respect of proceedings in the Court of First Instance or District Court, or assigned under an appeal aid certificate	Fees at an hourly rate that appears to the Director to be reasonable and proper.
13.	Counsel (other than Senior Counsel) assigned under a legal aid certificate in respect of proceedings in the Court of First Instance, or assigned under an	Fees for conferences (including time for travelling to and from conference venues and waiting time) approved by the Director at a rate not exceeding \$1,170 per hour that appear to the Director to be reasonable and proper.

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
	appeal aid certificate	
14.	Counsel (other than Senior Counsel) assigned under a legal aid certificate in respect of proceedings in the District Court	Fees for conferences (including time for travelling to and from conference venues and waiting time) approved by the Director at a rate not exceeding \$960 per hour that appear to the Director to be reasonable and proper.
15.	Solicitor or counsel assigned under an appeal aid certificate in respect of appeals to, or applications for leave to appeal to, the Court of Final Appeal	Fees that appear to the Director to be reasonable and proper.
16.	Solicitor or counsel to whom an application or matter has been referred under rule 13A	Fees that appear to the Director to be reasonable and proper.
17.	Solicitor or counsel assigned under a legal aid certificate	(a) A fee not exceeding \$8,970 that appears to the Director to be reasonable and proper.

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
	to act as an advocate in respect of a preliminary inquiry	(b) Additionally, if the inquiry is not concluded on the day on which it started, a fee not exceeding one half of the fee allowed under paragraph (a) for every subsequent day that appears to the Director to be reasonable and proper.
18.	Solicitor assigned under a legal aid certificate to act as an instructing solicitor in committal proceedings (including a preliminary inquiry)	(a) A fee of \$2,420. (b) Additionally, if the proceedings are not concluded on the day on which they started, a fee not exceeding \$1,990 for every subsequent day that appears to the Director to be reasonable and proper.
19.	Solicitor or counsel assigned under a legal aid certificate to act as an advocate in committal proceedings otherwise than by way of a preliminary inquiry	(a) A fee not exceeding \$8,970 that appears to the Director to be reasonable and proper. (b) Additionally, if the proceedings are not concluded on the day on which they started, a fee not exceeding \$4,480 for every subsequent day that appears to the Director to be reasonable and proper.

Column 1 Item	Column 2 Solicitor or counsel	Column 3 Fee
20.	Solicitor or counsel assigned under an appeal aid certificate settling a notice of appeal, other than grounds of appeal settled under rule 9(a)	A fee not exceeding \$2,970 that appears to the Director to be reasonable and proper.
21.	Solicitor or counsel engaged under rule 7(1A)	Fees that appear to the Director to be reasonable and proper.”.

9. Transitional provisions

The Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) (*the principal Rules*) as amended by these Rules apply only in relation to a solicitor or counsel assigned under the principal Rules on or after the date on which these Rules come into operation.

Made this 19th day of January 2012.

The Hon. Mr. Justice CHEUNG
Chief Judge of the High Court

The Hon. Mr. Justice STOCK, VP

The Hon. Mr. Justice TONG

Mr. Selwyn YU

Mr. Stephen HUNG

Mr. William TAM Yiu-ho

Mr. Thomas E KWONG

Mr. Andy HO Chi-yin
Secretary

Explanatory Note

The purpose of these Rules is to amend rules 4 and 21 of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) (*the principal Rules*) so as—

- (a) to allow for legal aid to be granted in relation to appeal cases dealt with by the Court of First Instance (*CFI*), Court of Appeal (*CA*) and Court of Final Appeal (*CFA*) which do not involve a conviction; and
 - (b) to improve the structure of payment of criminal legal aid fees to solicitors and counsel.
2. Rule 3 amends rule 2 of the principal Rules—
 - (a) to clarify the meaning of references to an appeal; and
 - (b) to make consequential amendments.
 3. Rule 4 amends rule 3 of the principal Rules to make the sentence more readable and to make consequential amendments.
 4. Rule 5 amends rule 4(1) of the principal Rules to expand the scope of legal aid in criminal cases so that even if the accused person or defendant is not convicted, legal aid can still be granted in appeal cases dealt with by CFI, CA and CFA. The rule also repeals rule 4(1)(d), (e) and (g) of the principal Rules because cases under those subparagraphs are now covered by the amended rule 4(1)(c) and (f).
 5. Rule 6 amends rule 13A of the principle Rules to correct a minor error in cross-referencing.
 6. Rule 7(1) amends rule 21 of the principle Rules and rule 8 adds a new Schedule to the principal Rules. The amendments are for the purposes of improving the structure of payment of criminal legal aid fees to solicitors and counsel. The main changes implemented by the new structure include the following—
 - (a) to pay for preparation work on a time basis as opposed to a flat fee;
 - (b) to pay conference fees to solicitors.

7. Rule 7(2) and (3) repeals rule 21(2) and (3) of the principal Rules which provides for cases of exceptional length or complexity.
8. Rule 7(5) and (6) repeals rule 21(5) and (6) of the principal Rules which provides for the fees payable to solicitors or counsel (other than Senior Counsel) who represent 2 or more accused persons or appellants if their proceedings are heard together. These matters under the new structure of payment are now provided for in the new Schedule.
9. Rule 7(7) adds a new paragraph (8) to rule 21 of the principal Rules to allow the Director of Legal Aid to re-determine the fees payable to a solicitor or counsel (other than Senior Counsel) under certain circumstances having regard to any change in the work reasonably expected to be done or work actually and reasonably done.
10. Rule 9 provides for transitional arrangements.

投票 VOTE: 1
 日期 DATE: 29/02/2012
 時間 TIME: 09:32:28 下午 PM

Appendix II

動議 MOTION: 根據《立法會（權力及特權）條例》動議的擬議決議案
 PROPOSED RESOLUTION UNDER THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE

動議人 MOVED BY: 劉健儀 Miriam LAU

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	28	28	
投票 Vote	27	27	
贊成 Yes	16	18	
反對 No	2	0	
棄權 Abstain	9	9	
結果 Result	通過 Passed	通過 Passed	通過 Passed

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	曾鈺成	TSANG Yok-sing	出席	PRESENT
李國寶	Dr David LI	贊成	YES	何俊仁	Albert HO		
吳靄儀	Dr Margaret NG	贊成	YES	李卓人	LEE Cheuk-yan	贊成	YES
張文光	CHEUNG Man-kwong	贊成	YES	李華明	Fred LI	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG	棄權	ABSTAIN	涂謹申	James TO	贊成	YES
黃宜弘	Dr Philip WONG	棄權	ABSTAIN	陳鑑林	CHAN Kam-lam	棄權	ABSTAIN
黃容根	WONG Yung-kan	棄權	ABSTAIN	梁耀忠	LEUNG Yiu-chung	贊成	YES
劉皇發	LAU Wong-fat	棄權	ABSTAIN	劉江華	LAU Kong-wah	棄權	ABSTAIN
劉健儀	Miriam LAU	贊成	YES	劉慧卿	Emily LAU	贊成	YES
霍震霆	Timothy FOK	反對	NO	鄭家富	Andrew CHENG	贊成	YES
石禮謙	Abraham SHEK	贊成	YES	譚耀宗	TAM Yiu-chung	棄權	ABSTAIN
李鳳英	LI Fung-ying	反對	NO	馮檢基	Frederick FUNG	贊成	YES
張宇人	Tommy CHEUNG	贊成	YES	余若薇	Audrey EU	贊成	YES
方剛	Vincent FANG	贊成	YES	王國興	WONG Kwok-hing	棄權	ABSTAIN
李國麟	Dr Joseph LEE	贊成	YES	李永達	LEE Wing-tat	贊成	YES
林健鋒	Jeffrey LAM	贊成	YES	張學明	CHEUNG Hok-ming	棄權	ABSTAIN
梁君彥	Andrew LEUNG	贊成	YES	湯家驊	Ronny TONG	贊成	YES
黃定光	WONG Ting-kwong	棄權	ABSTAIN	甘乃威	KAM Nai-wai	贊成	YES
詹培忠	CHIM Pui-chung			何秀蘭	Cyd HO	贊成	YES
劉秀成	Prof Patrick LAU	贊成	YES	李慧琼	Starry LEE	棄權	ABSTAIN
林大輝	Dr LAM Tai-fai	贊成	YES	陳克勤	CHAN Hak-kan	棄權	ABSTAIN
陳茂波	Paul CHAN	出席	PRESENT	梁美芬	Dr Priscilla LEUNG	棄權	ABSTAIN
陳健波	CHAN Kin-por			黃成智	WONG Sing-chi	贊成	YES
梁家駒	Dr LEUNG Ka-lau	贊成	YES	黃國健	WONG Kwok-kin	棄權	ABSTAIN
張國柱	CHEUNG Kwok-che	贊成	YES	葉劉淑儀	Mrs Regina IP		
葉偉明	IP Wai-ming	棄權	ABSTAIN	梁家傑	Alan LEONG	贊成	YES
葉國謙	IP Kwok-him	棄權	ABSTAIN	梁國雄	LEUNG Kwok-hung	贊成	YES
潘佩瑋	Dr PAN Pey-chyou	棄權	ABSTAIN	陳淑莊	Tanya CHAN	贊成	YES
謝偉俊	Paul TSE	贊成	YES	陳偉業	Albert CHAN	贊成	YES
譚偉豪	Dr Samson TAM	棄權	ABSTAIN	黃毓民	WONG Yuk-man	贊成	YES

秘書 CLERK

投票 VOTE: 2
 日期 DATE: 01/03/2012
 時間 TIME: 09:41:37 下午 PM

動議 MOTION: 陳克勤議員對張學明議員的「開拓土地資源」議案作出的修正案
 AMENDMENT BY HON CHAN HAK-KAN TO HON CHEUNG HOK-MING'S MOTION ON "EXPANDING LAND RESOURCES"

動議人 MOVED BY: 陳克勤 CHAN Hak-kan

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	11	19	
投票 Vote	11	18	
贊成 Yes	10	6	
反對 No	0	2	
棄權 Abstain	1	10	
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	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國寶 Dr David LI		何俊仁 Albert HO	
吳靄儀 Dr Margaret NG		李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	棄權 ABSTAIN	李華明 Fred LI	棄權 ABSTAIN
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳鑑林 CHAN Kam-lam	
黃容根 WONG Yung-kan	贊成 YES	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	
劉健儀 Miriam LAU		劉慧卿 Emily LAU	棄權 ABSTAIN
聶震燾 Timothy FOK		鄭家富 Andrew CHENG	
石禮謙 Abraham SHEK	贊成 YES	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	
張宇人 Tommy CHEUNG		Audrey EU	棄權 ABSTAIN
方剛 Vincent FANG		王國興 WONG Kwok-hing	贊成 YES
李國麟 Dr Joseph LEE		李永達 LEE Wing-tat	棄權 ABSTAIN
林健鋒 Jeffrey LAM	贊成 YES	張學明 CHEUNG Hok-ming	贊成 YES
梁君彥 Andrew LEUNG		湯家驊 Ronny TONG	棄權 ABSTAIN
黃定光 WONG Ting-kwong		甘乃威 KAM Nai-wai	棄權 ABSTAIN
詹培忠 CHIM Pui-chung		何秀蘭 Cyd HO	反對 NO
劉秀成 Prof Patrick LAU	贊成 YES	李慧琼 Starry LEE	
林大輝 Dr LAM Tai-fai		陳克勤 CHAN Hak-kan	贊成 YES
陳茂波 Paul CHAN		梁美芬 Dr Priscilla LEUNG	贊成 YES
陳健波 CHAN Kin-por	贊成 YES	黃成智 WONG Sing-chi	棄權 ABSTAIN
梁家驊 Dr LEUNG Ka-lau		黃國健 WONG Kwok-kin	
張國柱 CHEUNG Kwok-che		葉劉淑儀 Mrs Regina IP	
葉偉明 IP Wai-ming		梁家傑 Alan LEONG	棄權 ABSTAIN
葉國謙 IP Kwok-him	贊成 YES	梁國雄 LEUNG Kwok-hung	棄權 ABSTAIN
潘佩璆 Dr PAN Pey-chyou	贊成 YES	陳淑莊 Tanya CHAN	棄權 ABSTAIN
謝偉俊 Paul TSE		陳偉業 Albert CHAN	贊成 YES
譚偉豪 Dr Samson TAM		黃毓民 WONG Yuk-man	

秘書 CLERK

投票 VOTE: 3
 日期 DATE: 01/03/2012
 時間 TIME: 09:44:23 下午 PM

Appendix IV

動議 MOTION: 李永達議員對張學明議員的「開拓土地資源」議案作出的修正案
 AMENDMENT BY HON LEE WING-TAT TO HON CHEUNG HOK-MING'S MOTION ON "EXPANDING LAND RESOURCES"

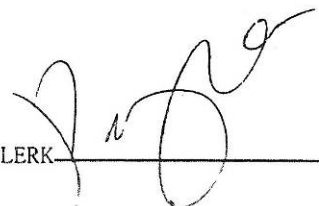
動議人 MOVED BY: 李永達 LEE Wing-tat

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	11	19	
投票 Vote	11	18	
贊成 Yes	1	7	
反對 No	8	6	
棄權 Abstain	2	5	
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	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國賢 Dr David LI		何俊仁 Albert HO	
吳靄儀 Dr Margaret NG		李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	贊成 YES	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳鑑林 CHAN Kam-lam	
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	
劉健儀 Miriam LAU		劉慧卿 Emily LAU	贊成 YES
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	棄權 ABSTAIN	馮檢基 Frederick FUNG	
張宇人 Tommy CHEUNG		余若薇 Audrey EU	棄權 ABSTAIN
方剛 Vincent FANG		王國興 WONG Kwok-hing	棄權 ABSTAIN
李國麟 Dr Joseph LEE		李永達 LEE Wing-tat	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	張學明 CHEUNG Hok-ming	反對 NO
梁君彥 Andrew LEUNG		湯家驊 Ronny TONG	棄權 ABSTAIN
黃定光 WONG Ting-kwong		甘乃威 KAM Nai-wai	贊成 YES
詹培忠 CHIM Pui-chung		何秀蘭 Cyd HO	反對 NO
劉秀成 Prof Patrick LAU	反對 NO	李慧琼 Starry LEE	
林大輝 Dr LAM Tai-fai		陳克勤 CHAN Hak-kan	反對 NO
陳茂波 Paul CHAN		梁美芬 Dr Priscilla LEUNG	反對 NO
陳健波 CHAN Kin-por	反對 NO	黃成智 WONG Sing-chi	贊成 YES
梁家駒 Dr LEUNG Ka-lau		黃國健 WONG Kwok-kin	
張國柱 CHEUNG Kwok-che		葉劉淑儀 Mrs Regina IP	
葉偉明 IP Wai-ming		梁家傑 Alan LEONG	棄權 ABSTAIN
葉國謙 IP Kwok-him	反對 NO	梁國雄 LEUNG Kwok-hung	贊成 YES
潘佩嫻 Dr PAN Pey-chyou	棄權 ABSTAIN	陳淑莊 Tanya CHAN	棄權 ABSTAIN
謝偉俊 Paul TSE		陳偉業 Albert CHAN	贊成 YES
譚偉豪 Dr Samson TAM		黃毓民 WONG Yuk-man	

秘書 CLERK



投票 VOTE: 4
 日期 DATE: 01/03/2012
 時間 TIME: 09:46:26 下午 PM

Appendix V

動議 MOTION: 陳淑莊議員對張學明議員的「開拓土地資源」議案作出的修正案
 AMENDMENT BY HON TANYA CHAN TO HON CHEUNG HOK-MING'S MOTION ON "EXPANDING LAND RESOURCES"

動議人 MOVED BY: 陳淑莊 Tanya CHAN

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	11	19	
投票 Vote	11	18	
贊成 Yes	2	15	
反對 No	8	3	
棄權 Abstain	1	0	
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	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國寶 Dr David LI		何俊仁 Albert HO	
吳靄儀 Dr Margaret NG		李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	贊成 YES	李華明 Fred LI	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	涂謹申 James TO	
黃宜弘 Dr Philip WONG		陳鑑林 CHAN Kam-lam	
黃容根 WONG Yung-kan	反對 NO	梁耀忠 LEUNG Yiu-chung	贊成 YES
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	
劉健儀 Miriam LAU		劉慧卿 Emily LAU	贊成 YES
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
李鳳英 LI Fung-ying	棄權 ABSTAIN	馮檢基 Frederick FUNG	
張宇人 Tommy CHEUNG		余若薇 Audrey EU	贊成 YES
方剛 Vincent FANG		王國興 WONG Kwok-hing	贊成 YES
李國麟 Dr Joseph LEE		李永達 LEE Wing-tat	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	張學明 CHEUNG Hok-ming	反對 NO
梁君彥 Andrew LEUNG		湯家驊 Ronny TONG	贊成 YES
黃定光 WONG Ting-kwong		甘乃威 KAM Nai-wai	贊成 YES
詹培忠 CHIM Pui-chung		何秀蘭 Cyd HO	贊成 YES
劉秀成 Prof Patrick LAU	反對 NO	李慧琼 Starry LEE	
林大輝 Dr LAM Tai-fai		陳克勤 CHAN Hak-kan	反對 NO
陳茂波 Paul CHAN		梁美芬 Dr Priscilla LEUNG	贊成 YES
陳健波 CHAN Kin-por	反對 NO	黃成智 WONG Sing-chi	贊成 YES
梁家驊 Dr LEUNG Ka-lau		黃國健 WONG Kwok-kin	
張國柱 CHEUNG Kwok-che		葉劉淑儀 Mrs Regina IP	
葉偉明 IP Wai-ming		梁家傑 Alan LEONG	贊成 YES
葉國謙 IP Kwok-him	反對 NO	梁國雄 LEUNG Kwok-hung	贊成 YES
潘佩嫻 Dr PAN Pey-chyou	贊成 YES	陳淑莊 Tanya CHAN	贊成 YES
謝偉俊 Paul TSE		陳偉業 Albert CHAN	贊成 YES
譚偉豪 Dr Samson TAM		黃毓民 WONG Yuk-man	

秘書 CLERK

投票 VOTE: 5
 日期 DATE: 01/03/2012
 時間 TIME: 09:48:29 下午 PM

Appendix VI

動議 MOTION: 陳偉業議員對張學明議員的「開拓土地資源」議案作出的修正案
 AMENDMENT BY HON ALBERT CHAN TO HON CHEUNG HOK-MING'S MOTION ON "EXPANDING LAND RESOURCES"

動議人 MOVED BY: 陳偉業 Albert CHAN

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	11	19	
投票 Vote	11	18	
贊成 Yes	9	7	
反對 No	1	2	
棄權 Abstain	1	9	
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	曾鈺成 TSANG Yok-sing	出席 PRESENT
李國賢 Dr David LI		何俊仁 Albert HO	
吳靄儀 Dr Margaret NG		李卓人 LEE Cheuk-yan	
張文光 CHEUNG Man-kwong	棄權 ABSTAIN	李華明 Fred LI	棄權 ABSTAIN
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	涂鑑申 James TO	
黃宜弘 Dr Philip WONG		陳鑑林 CHAN Kam-lam	
黃容根 WONG Yung-kan	贊成 YES	梁耀忠 LEUNG Yiu-chung	反對 NO
劉皇發 LAU Wong-fat		劉江華 LAU Kong-wah	
劉健儀 Miriam LAU		劉慧卿 Emily LAU	棄權 ABSTAIN
霍震霆 Timothy FOK		鄭家富 Andrew CHENG	
石禮謙 Abraham SHEK	反對 NO	譚耀宗 TAM Yiu-chung	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	
張宇人 Tommy CHEUNG		余若薇 Audrey EU	棄權 ABSTAIN
方剛 Vincent FANG		王國興 WONG Kwok-hing	贊成 YES
李國麟 Dr Joseph LEE		李永達 LEE Wing-tat	棄權 ABSTAIN
林健鋒 Jeffrey LAM	贊成 YES	張學明 CHEUNG Hok-ming	贊成 YES
梁君彥 Andrew LEUNG		湯家驊 Ronny TONG	棄權 ABSTAIN
黃定光 WONG Ting-kwong		甘乃威 KAM Nai-wai	棄權 ABSTAIN
詹培忠 CHIM Pui-chung		何秀蘭 Cyd HO	反對 NO
劉秀成 Prof Patrick LAU	贊成 YES	李慧琼 Starry LEE	
林大輝 Dr LAM Tai-fai		陳克勤 CHAN Hak-kan	贊成 YES
陳茂波 Paul CHAN		梁美芬 Dr Priscilla LEUNG	贊成 YES
陳健波 CHAN Kin-por	贊成 YES	黃成智 WONG Sing-chi	棄權 ABSTAIN
梁家駒 Dr LEUNG Ka-lau		黃國健 WONG Kwok-kin	
張國柱 CHEUNG Kwok-che		葉劉淑儀 Mrs Regina IP	
葉偉明 IP Wai-ming		梁家傑 Alan LEONG	棄權 ABSTAIN
葉國謙 IP Kwok-him	贊成 YES	梁國雄 LEUNG Kwok-hung	贊成 YES
潘佩璆 Dr PAN Pey-chyou	贊成 YES	陳淑莊 Tanya CHAN	棄權 ABSTAIN
謝偉俊 Paul TSE		陳偉業 Albert CHAN	贊成 YES
譚偉豪 Dr Samson TAM		黃毓民 WONG Yuk-man	

秘書 CLERK

投票 VOTE: 6
 日期 DATE: 01/03/2012
 時間 TIME: 09:55:21 下午 PM

Appendix VII

動議 MOTION: 「開拓土地資源」議案
 MOTION ON "EXPANDING LAND RESOURCES"

動議人 MOVED BY: 張學明 CHEUNG Hok-ming

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	12	18	
投票 Vote	12	17	
贊成 Yes	11	5	
反對 No	1	8	
棄權 Abstain	0	4	
結果 Result	通過 Passed	否決 Negated	否決 Negated

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			
何鍾華	Dr Raymond HO	贊成	YES	曾鈺成	TSANG Yok-sing	出席	PRESENT
李國寶	Dr David LI			何俊仁	Albert HO		
吳靄儀	Dr Margaret NG			李卓人	LEE Cheuk-yan		
張文光	CHEUNG Man-kwong	反對	NO	李華明	Fred LI	反對	NO
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	涂耀申	James TO		
黃宜弘	Dr Philip WONG			陳鑑林	CHAN Kam-lam		
黃容根	WONG Yung-kan	贊成	YES	梁耀忠	LEUNG Yiu-chung	反對	NO
劉皇發	LAU Wong-fat			劉江華	LAU Kong-wah		
劉健儀	Miriam LAU	贊成	YES	劉慧卿	Emily LAU	反對	NO
霍震霆	Timothy FOK			鄭家富	Andrew CHENG		
石禮謙	Abraham SHEK	贊成	YES	譚耀宗	TAM Yiu-chung	贊成	YES
李鳳英	LI Fung-ying	贊成	YES	馮檢基	Frederick FUNG		
張宇人	Tommy CHEUNG			余若薇	Audrey EU	棄權	ABSTAIN
方剛	Vincent FANG			王國興	WONG Kwok-hing		
李國麟	Dr Joseph LEE			李永達	LEE Wing-tat	反對	NO
林健鋒	Jeffrey LAM	贊成	YES	張學明	CHEUNG Hok-ming	贊成	YES
梁君彥	Andrew LEUNG			馮家驊	Ronny TONG	棄權	ABSTAIN
黃定光	WONG Ting-kwong			甘乃威	KAM Nai-wai	反對	NO
詹培忠	CHIM Pui-chung			何秀蘭	Cyd HO	反對	NO
劉秀成	Prof Patrick LAU	贊成	YES	李慧琼	Starry LEE		
林大輝	Dr LAM Tai-fai			陳克勤	CHAN Hak-kan	贊成	YES
陳茂波	Paul CHAN			梁美芬	Dr Priscilla LEUNG	贊成	YES
陳健波	CHAN Kin-por	贊成	YES	黃成智	WONG Sing-chi	反對	NO
梁家驊	Dr LEUNG Ka-lau			黃國健	WONG Kwok-kin		
張國柱	CHEUNG Kwok-che			葉劉淑儀	Mrs Regina IP		
葉偉明	IP Wai-ming			梁家傑	Alan LEONG	棄權	ABSTAIN
葉國謙	IP Kwok-him	贊成	YES	梁國雄	LEUNG Kwok-hung	反對	NO
潘佩璆	Dr PAN Pey-chyou	贊成	YES	陳淑莊	Tanya CHAN	棄權	ABSTAIN
謝偉俊	Paul TSE			陳偉業	Albert CHAN	贊成	YES
譚偉豪	Dr Samson TAM			黃毓民	WONG Yuk-man		

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