

LEGISLATIVE COUNCIL

MINUTES

No. 22

**Minutes of the meeting held on Wednesday 21 March 2012 at 11:00 am
and Thursday 22 March 2012 at 9:00 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-yea, 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 (absent on 21.3.2012)

The Hon LI Fung-ying, SBS, JP (absent on 22.3.2012)

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 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 (absent on 21.3.2012)

Dr the Hon LAM Tai-fai, BBS, JP

The Hon CHAN Hak-kan (absent on 21.3.2012)

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 (absent on 22.3.2012)

The Hon IP Wai-ming, MH

The Hon IP Kwok-him, GBS, JP

The Hon Mrs Regina IP LAU Suk-ye, GBS, JP (absent on 22.3.2012)

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

(absent on 21.3.2012)

The Hon Albert CHAN Wai-yip

The Hon WONG Yuk-man

Public officers attending:

On 21.3.2012

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

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

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

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

Mr Kenneth CHEN Wei-on, JP
Under Secretary for Education

On 21.3.2012 and 22.3.2012

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

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

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

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

On 22.3.2012

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

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

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

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

Mr YAU Shing-mu, JP
Under Secretary for Transport and Housing

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

Clerks in attendance:

On 21.3.2012

Ms Pauline NG Man-wah, Secretary General

On 21.3.2012 and 22.3.2012

Mrs Constance LI TSOI Yeuk-lin, Assistant Secretary General (1)

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 / Instruments</u>	<u>L.N. No.</u>
1. Public Health and Municipal Services Ordinance (Civic Centres) (Amendment of Thirteenth Schedule) Order 2012 (gazetted on 2.3.2012)	31/2012
2. Prevention of Bribery Ordinance (Amendment of Schedules 1 and 2) Order 2012 (gazetted on 16.3.2012)	38/2012
3. Companies Ordinance (Amendment of Eighth Schedule) Order 2012 (gazetted on 16.3.2012)	39/2012
4. Veterinary Surgeons Registration Ordinance (Amendment of Schedule 2) Order 2012 (gazetted on 16.3.2012)	40/2012
5. Education Ordinance (Amendment of Schedule 3) Notice 2012 (gazetted on 16.3.2012)	41/2012

Other Papers

- No. 77 - HKSAR Government Scholarship Fund
Financial statements together with the Report of the Director of Audit for the year ended 31 August 2011
(published on 8.3.2012)

- No. 78 - Hong Kong Rotary Club Students' Loan Fund
Financial statements together with the Report of the Director of Audit for the year ended 31 August 2011
(published on 14.3.2012)
- No. 79 - Sing Tao Charitable Foundation Students' Loan Fund
Financial statements together with the Report of the Director of Audit for the year ended 31 August 2011
(published on 14.3.2012)
- No. 80 - The Lord Wilson Heritage Trust Annual Report 2010-2011
(published on 15.3.2012)
- No. 81 - Quality Education Fund
Financial statements together with the Report of the Director of Audit for the year ended 31 August 2011
(published on 15.3.2012)
- No. 82 - Education Development Fund
Financial statements together with the Report of the Director of Audit for the year ended 31 August 2011
(published on 15.3.2012)

Report No. 14/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(published on 15.3.2012)

Addresses

Hon LEE Wing-tat, Hon WONG Sing-chi as well as the Secretary for Transport and Housing addressed the Council respectively on the Schedule of Routes (Citybus Limited) Order 2012, the Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2012, the Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2012, the Schedule of Routes (Long Win Bus Company Limited) Order 2012, the Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2012 and the Schedule of Routes (New World First Bus Services Limited) Order 2012, which were subsidiary legislation laid on the Table of the Council on 1 February 2012.

Questions

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

Bills

First Reading

Residential Properties (First-hand Sales) Bill

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

Residential Properties (First-hand Sales) Bill

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

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.

Appropriation Bill 2012

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 1 February 2012 resumed.

Six Members and Dr Hon Margaret NG spoke on the motion.

While Dr Hon Margaret NG was speaking, the President left the chair at 1:00 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Eight Members and Hon Tommy CHEUNG spoke on the motion.

At 2:58 pm, while Hon Tommy CHEUNG was speaking, the President resumed the chair.

Twelve Members spoke on the motion.

Hon Fred LI declared that he was a member of the Consumer Council and then spoke on the motion.

Four Members and Hon Mrs Regina IP spoke on the motion.

While Hon Mrs Regina IP was speaking, the President left the chair at 7:10 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three other Members and Dr Hon PAN Pey-chyou spoke on the motion.

At 8:10 pm, while Dr Hon PAN Pey-chyou was speaking, the President resumed the chair.

Seven more Members spoke on the motion.

The President suspended the meeting at 10:03 pm.

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The Council resumed at 9:00 am on 22 March 2012 and continued to debate the motion for the Second Reading of the Appropriation Bill 2012.

A Member spoke on the motion.

Prof Hon Patrick LAU spoke on the motion and declared that he had taken part in the work of many residential care homes for the elderly.

Seven other Members spoke on the motion.

Hon Miriam LAU moved that the debate on the motion be adjourned to the meeting to be held on 28 March 2012.

Question on the motion proposed, put and agreed to.

Members' Motions

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

Hon LEE Wing-tat moved the following motion and spoke on the motion:

That the Panel on Constitutional Affairs 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 the Ordinance for the purpose of inquiring into the Chief Executive of the Hong Kong Special Administrative Region Mr Donald TSANG's travels to Macao, Japan and Phuket of Thailand with friends between October 2009 and February 2012 involving private passages as well as the accommodation arrangements in such places, and related issues; his renting a penthouse at East Pacific Garden in Futian District in Shenzhen, and related issues; and whether there was any connection between his acceptance of such travel arrangements as well as renting the penthouse at East Pacific Garden and the policies which he had taken part in their formulation and decisions which he had made pursuant to such policies in the capacity as Chief Executive that had given rise to any potential or actual conflict of interest, as well as related issues.

Question on Hon LEE Wing-tat's motion proposed.

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

Hon Cyd HO moved the following amendment to Hon LEE Wing-tat's motion and spoke on the motion and the amendment:

To delete "the Panel on Constitutional Affairs" after "That" and substitute with "this Council appoints a select committee and that the committee"; and to delete "between October 2009 and February 2012" after "with friends".

Question on Hon Cyd HO's amendment to Hon LEE Wing-tat's motion proposed.

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

A Member and Hon LEE Cheuk-yan spoke on the motion and the amendment.

While Hon LEE Cheuk-yan was speaking, the President left the chair at 12:15 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Three other Members and Hon WONG Yuk-man spoke on the motion and the amendment.

At 1:10 pm, while Hon WONG Yuk-man was speaking, the President resumed the chair.

Twelve more Members spoke on the motion and the amendment.

Hon Tanya CHAN spoke on the motion and the amendment and declared that she knew Mr Patrick LEUNG, who was the lyricist of a song which was sung by "Kolor", an independent band in Hong Kong.

Hon LEE Wing-tat spoke on the amendment.

The Chief Secretary for Administration spoke on the motion and the amendment.

Question on Hon Cyd HO's amendment to Hon LEE Wing-tat's motion put.

Hon Tanya CHAN claimed a division. The President then ordered the Council to proceed to a division.

The President announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendment, 17 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 20 were in favour of the amendment, three against it and one abstained (voting record in **Appendix I**). 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 Miriam LAU rose to move the following motion without notice:

That in the event of further division on the "Proposed resolution under the Legislative Council (Powers and Privileges) Ordinance", 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 replied.

Hon Miriam LAU sought elucidation of a point raised by Hon LEE Wing-tat in his speech, which was in relation to the content of the motion.

With the President's permission, Hon LEE Wing-tat elucidated.

Question on Hon LEE Wing-tat's motion 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, 26 were present, six were in favour of the motion, 17 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 20 were in favour of the motion, four against it and one abstained (voting record in **Appendix II**). 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 28 March 2012 at 11:00 am.

The Council was adjourned at 4:54 pm.

(Jasper TSANG Yok-sing)
President
Legislative Council

Council Chamber
Hong Kong

25 September 2012