

LEGISLATIVE COUNCIL

MINUTES

No. 25

Minutes of the meeting held on Wednesday 25 April 2012 at 11:00 am

Members present:

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan

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

The Hon LEE Cheuk-yan

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

The Hon Fred LI Wah-ming, SBS, JP

Dr the Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon CHAN Kam-lam, SBS, JP

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

The Hon LEUNG Yiu-chung

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-ye, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon Andrew CHENG Kar-foo

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon Abraham SHEK Lai-him, SBS, JP

The Hon LI Fung-ying, SBS, JP

The Hon Tommy CHEUNG Yu-yan, SBS, JP

The Hon Frederick FUNG Kin-kee, SBS, JP

The Hon Audrey EU Yuet-mee, SC, JP

The Hon Vincent FANG Kang, SBS, JP

The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

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

The Hon Jeffrey LAM Kin-fung, GBS, JP

The Hon Andrew LEUNG Kwan-yuen, GBS, JP

The Hon CHEUNG Hok-ming, GBS, JP

The Hon 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

Member absent:

Dr the Hon Philip WONG Yu-hong, GBS

Public officers attending:

Mr Kenneth CHEN Wei-on, JP
Secretary for Education

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

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 Eva CHENG, GBS, JP
Secretary for Transport and Housing

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

Clerks in attendance:

Ms Pauline NG Man-wah, Secretary General

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

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

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:

Report No. 17/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(published on 18.4.2012)

Report of the Bills Committee on Securities and Futures (Amendment) Bill 2011
(published on 20.4.2012)

Report of the Bills Committee on The Hong Kong Polytechnic University (Amendment) Bill 2011
(published on 20.4.2012)

Questions

1. Hon LEUNG Kwok-hung asked Question 1.

The Secretary for Labour and Welfare replied.

Two Members asked supplementary questions and the Secretary for Labour and Welfare replied.

Hon WONG Yuk-man asked a supplementary question and the Secretary for Labour and Welfare replied.

While the Secretary for Labour and Welfare was speaking, Hon WONG Yuk-man interrupted the Secretary. The President ordered Hon WONG Yuk-man to stop interruption and called upon the Secretary to give his reply.

The Secretary for Labour and Welfare continued to reply.

While the Secretary for Labour and Welfare was speaking, Hon WONG Yuk-man interrupted the Secretary again. The President asked Hon WONG Yuk-man to stop interruption. The President stated that it was not the time for him to speak, and if he violated the Rules of Procedure again, he would be ordered to withdraw from the Chamber.

The Secretary for Labour and Welfare continued to reply.

Another Member asked a supplementary question and the Secretary for Labour and Welfare replied.

2. Hon James TO asked Question 2.

The Secretary for Transport and Housing replied.

Four Members asked supplementary questions and the Secretary for Transport and Housing replied.

3. Hon CHAN Hak-kan asked Question 3.

The Secretary for Transport and Housing replied.

Four Members asked supplementary questions and the Secretary for Transport and Housing replied.

4. Hon CHEUNG Kwok-che asked Question 4.

The Secretary for Security replied.

Five Members asked supplementary questions and the Secretary for Security replied.

5. Ir Dr Hon Raymond HO asked Question 5.

The Secretary for Commerce and Economic Development replied.

Four Members asked supplementary questions and the Secretary for Commerce and Economic Development replied.

6. Hon Paul CHAN asked Question 6.

The Secretary for Transport and Housing replied.

Four Members asked supplementary questions and the Secretary for Transport and Housing replied.

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

Bills

Securities and Futures (Amendment) Bill 2011

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 29 June 2011 resumed.

Hon CHAN Kam-lam, Chairman of the Bills Committee on Securities and Futures (Amendment) Bill 2011, addressed the Council on the Committee's Report. After the address, he spoke on the Bill in his personal capacity as a Member.

While Hon CHAN Kam-lam was speaking, the President left the chair at 1:24 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

A Member spoke on the Bill.

Hon Andrew LEUNG declared that he was an independent non-executive director of two listed companies. He then spoke on the Bill.

After Hon Andrew LEUNG had spoken, Hon CHAN Kam-lam declared that he was a non-executive director of the Securities and Futures Commission Board.

The Secretary for Financial Services and the Treasury replied.

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 Securities and Futures (Amendment) Bill 2011.

Question that clauses 1, 2, 4 to 10, 12, 14 to 18, 22, 25, 26, 27, 30 to 35, 38 to 43 and 45 to 49 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 11, 13, 19, 20, 21, 23, 24, 28, 29, 36, 37 and 44 stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved the amendments to clauses 3, 11, 13, 19, 20, 21, 23, 24, 28, 29, 36, 37 and 44, and spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 3, 11, 13, 19, 20, 21, 23, 24, 28, 29, 36, 37 and 44 as amended stand part of the Bill proposed, put and agreed to.

The new Division heading before clause 29, the new Division heading before new clause 33A, new clauses 33A, 33B, 40A and 42A, the new Division heading before new clause 44A, and new clauses 44A, 44B and 44C read the first time.

The Secretary for Financial Services and the Treasury moved the Second Reading of the new Division heading before clause 29, the new Division heading before new clause 33A, new clauses 33A, 33B, 40A and 42A, the new Division heading before new clause 44A, and new clauses 44A, 44B and 44C, and spoke on the new Division headings and new clauses.

Question on the Second Reading of the new Division heading before clause 29, the new Division heading before new clause 33A, new clauses 33A, 33B, 40A and 42A, the new Division heading before new clause 44A, and new clauses 44A, 44B and 44C proposed, put and agreed to.

The new Division heading before clause 29, the new Division heading before new clause 33A, new clauses 33A, 33B, 40A and 42A, the new Division heading before new clause 44A, and new clauses 44A, 44B and 44C read the second time.

The Secretary for Financial Services and the Treasury moved the addition of the new Division heading before clause 29, the new Division heading before new clause 33A, new clauses 33A, 33B, 40A and 42A, new Division heading before new clause 44A, and new clauses 44A, 44B and 44C to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services and the Treasury reported that

the Securities and Futures (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.

Members' Bills

The Hong Kong Polytechnic University (Amendment) Bill 2011

Resumption of Second Reading debate

The debate on the Second Reading which was moved on 13 July 2011 resumed.

Ir Dr Raymond HO, Chairman of the Bills Committee on The Hong Kong Polytechnic University (Amendment) Bill 2011, addressed the Council on the Committee's Report. After the address, he spoke on the Bill in his personal capacity as a Member.

Hon Audrey EU spoke on the Bill.

At 2:42 pm, while Hon Audrey EU was speaking, the President resumed the chair.

Dr Hon LAM Tai-fai replied.

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 Hong Kong Polytechnic University (Amendment) Bill 2011.

Question that clauses 1 to 4, 7, 8, 10 and 11 stand part of the Bill proposed, put and agreed to.

Question that clauses 5, 6, 9, 12 and 13 stand part of the Bill proposed.

Dr Hon LAM Tai-fai moved the amendments to clauses 5, 6, 9, 12 and 13, and spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 5, 6, 9, 12 and 13 as amended stand part of the Bill put and agreed to.

The Council then resumed.

Third Reading

Dr Hon LAM Tai-fai reported that

The Hong Kong Polytechnic University (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.

Dr Hon LAM tai-fai 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.

Members' Motions

Making recommendations to the fourth term Chief Executive

Hon CHIM Pui-chung moved the following motion and spoke on the motion:

That, as the fourth term Chief Executive has been smoothly elected under the Chief Executive Election Ordinance, this Council urges all sides to make recommendations to the fourth term Chief Executive; the relevant recommendations should include:

- (a) to care about the disparity between the rich and the poor, especially paying regard to the aspirations of the middle and lower strata ;
- (b) to address the issue of travelling expenses of the elderly;
- (c) to review the Work Incentive Transport Subsidy Scheme;
- (d) to address the issue of Old Age Allowance;
- (e) to plan for the construction of an additional cross-harbour tunnel in the vicinity of Tsim Sha Tsui connecting directly to the Central District on Hong Kong Island;

- (f) to construct large-scale underground cities in various districts;
- (g) to study the construction of towns for the elderly in Mainland China;
- (h) to plan for massive reclamation projects;
- (i) to review the country park policy; and
- (j) to nurture talents.

Question on the motion proposed.

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

Hon Albert HO, Hon Frederick FUNG, Dr Hon PAN Pey-chyou, Hon Miriam LAU, Hon IP Wai-ming, Hon Ronny TONG and Hon CHEUNG Hok-ming, who intended to move amendments, spoke on the motion and the amendments.

Twenty Members spoke on the motion and the amendments.

Hon CHIM Pui-chung spoke on the amendments.

Hon Albert HO moved the following amendment to Hon CHIM Pui-chung's motion:

To delete “, as” after “That”; to add “in a small-circle election” after “smoothly elected”; to add “, and the fourth term Chief Executive must implement such recommendations” after “to the fourth term Chief Executive”; to add “(a) to uphold ‘one country, two systems’, implement ‘Hong Kong people ruling Hong Kong with a high degree of autonomy’, urge the Central Government to adhere to Article 22 of the Basic Law and request all departments under the Central Government (such as the Liaison Office of the Central People’s Government in the Hong Kong Special Administrative Region), provinces and municipalities as well as autonomous regions to stop interfering in the affairs which HKSAR administers on its own; (b) to respect and uphold the core values of Hong Kong, and stop suppressing freedom of the press, freedom of speech and freedom of assembly; (c) to refrain from enacting legislation to implement Article 23 of the Basic Law during his term of office; (d) to implement universal suffrage with a low threshold for the Chief Executive

Election in 2017, allow people with different political views to run in the election and let the people elect the Chief Executive by ‘one person, one vote’; and abolish all functional constituencies and implement universal suffrage for the Legislative Council Election no later than 2020; (e) to abolish the split voting system of the Legislative Council in 2016; (f) to implement the various recommendations made by the various committees on United Nations human rights treaties after scrutiny of HKSAR’s report on its implementation of various international treaties on human rights, establish an independent human rights commission with statutory status and pluralistic representation to deal with cases of human rights infringement in Hong Kong, improve the human rights situation in HKSAR, set up a committee dedicated to promote the work on human rights education, and increase resources to promote human rights education; (g) to conduct a review of the population policy, including establishing an old age population fund to meet the soaring public expenditure arising from population ageing, and strive for the vetting and approval of one-way permit applications by HKSAR Government;” after “include:”; to delete the original “(a)” and substitute with “(h)”; to delete “;” after “strata” and substitute with “, re-establish the Commission on Poverty, set a poverty line, formulate a comprehensive poverty elimination policy, and implement a universal retirement protection scheme to provide protection for the retirement life of the elderly; (i) to build more public rental housing flats, so as to achieve the target of allocating flats in two years, and review the public rental housing allocation policy to meet the housing needs of grass-root people; (j) to increase the provision of residential land, continuously roll out the Home Ownership Scheme and re-launch the Tenants Purchase Scheme, so as to help people acquire their homes;”; to delete the original “(b)” and substitute with “(k)”; to add “, and expeditiously implement the \$2 transport fare concession for the elderly” after “of the elderly”; to delete the original “(c)” and substitute with “(l)”; to add “, expeditiously implement a dual-track system and relax the income and family asset limits, so as to benefit more members of the public” after “Transport Subsidy Scheme”; and to delete “(d) to address the issue of Old Age; (e) to plan for the construction of an additional cross-harbour tunnel in the vicinity of Tsim Sha Tsui connecting directly to the Central District on Hong Kong Island; (f) to construct large-scale underground cities in various districts; (g) to study the construction of towns for the elderly in Mainland China; (h) to plan for massive reclamation projects; (i) to review the country park policy; and (j) to nurture talents” immediately before the full stop and substitute with “(m) to address the issues relating to Old Age Allowance (‘OAA’) and Comprehensive Social Security Assistance (‘CSSA’), and formally remove the absence limit so that those elderly residents living in Mainland China can receive OAA and CSSA even if they only return to Hong Kong once a year; (n) to proactively

consider playing a more active and important role on issues such as the ownership of the major transport corridors and fare adjustments, for example, the Government allocates funding to buy back the Western Harbour Crossing and establish a 'tunnels and bridges authority' to take charge of their management and operation; (o) to enhance public engagement in urban planning, explore a diversified range of means to increase land supply, including developing lands in the New Territories, redeveloping old districts, developing rock caverns and constructing large-scale underground cities in suitable locations of various districts, build a green city and easily accessible harbourfront promenades, and designate more public realms at ground level as well as green buffer zones and public open spaces for enjoyment by the public; (p) to study plans for reclamation projects outside the Victoria Harbour, on the premise of ensuring that such projects will not cause serious impact on the 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 as well as social consensus; (q) to review the composition of the Town Planning Board, increase the number of elected members with public representation, set up an independent secretariat, strengthen its independence and creditability, and expeditiously draw up a statutory plan to regulate the development of periphery areas of country parks, so as to protect the natural environment; (r) build an open government, nurture political talents, establish a sound education system, implement 15-year free education and small-class teaching in secondary schools to enhance the quality of secondary school education, increase the number of subsidized university places, increase opportunities of upward social mobility for youngsters, ensure that national education is not brainwashing education for instilling love for the party, and enhance students' ability of independent and critical thinking; (s) to implement a series of comprehensive, feasible and effective measures to motivate the public to more actively practise waste reduction at source, waste separation and recycling in their daily life; (t) to legislate for setting the number of standard working hours at 44 per week and the payment of compensation for overtime work, and assist Hong Kong people in returning to a wholesome living, with their time evenly distributed among work, rest and leisure activities so as to achieve balanced development in different areas; (u) to adopt measures to address the problem of manpower shortage in the public healthcare system, including improving remunerations and working environment, providing more training for healthcare manpower as well as recruiting additional healthcare personnel with overseas practising qualifications, undertake proper long-term manpower planning, and review the policy direction and the pace of developing the healthcare industry and private medical services, so as to prevent public medical services from suffering

medical inflation and manpower wastage as a result of the expansion of the private healthcare market; (v) to prepare for opening up the electricity market, materialize the ‘segregation of the generation sector from the network sector’, and enhance competition in the electricity market; (w) to promote a diversified economy, and realize during his term of office a marked increase in the contribution to the Gross Domestic Product and the workforce by the creative, technological and environmental industries; and (x) to review the public finance strategy, optimize the use of fiscal reserve, and reduce the erroneous discrepancies in respect of estimated government revenue and expenditure each year”.

Question on Hon Albert HO’s amendment to Hon CHIM Pui-chung’s motion proposed and put.

Hon Albert HO 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, 26 were present, four were in favour of the amendment, 19 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 14 were in favour of the amendment, 10 against it and two abstained (voting record in **Appendix 1**). 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 divisions in relation to the motion on “Making recommendations to the fourth term Chief Executive” 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 Frederick FUNG moved the following amendment to Hon CHIM Pui-chung’s motion:

To delete “as the fourth term Chief Executive has been smoothly” after “That,” and substitute with “with the prevalence of numerous twists and turns, helplessness and feelings of powerlessness in society, after a small-circle election marked by confusion, injustice and unscrupulousness, and given the

blatant interference of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region as well as the serious intensification of class and political conflicts in society, the fourth term Chief Executive was eventually"; to add "; in this connection" after "Executive Election Ordinance"; to delete "all sides to make recommendations to the fourth term Chief Executive; the relevant recommendations should include:" after "urges" and substitute with "the fourth term Chief Executive"; and to delete "(a) to care about the disparity between the rich and the poor, especially paying regard to the aspirations of the middle and lower strata ; (b) to address the issue of travelling expenses of the elderly; (c) to review the Work Incentive Transport Subsidy Scheme; (d) to address the issue of Old Age Allowance; (e) to plan for the construction of an additional cross-harbour tunnel in the vicinity of Tsim Sha Tsui connecting directly to the Central District on Hong Kong Island; (f) to construct large-scale underground cities in various districts; (g) to study the construction of towns for the elderly in Mainland China; (h) to plan for massive reclamation projects; (i) to review the country park policy; and (j) to nurture talents" immediately before the full stop and substitute with "to rectify the mistakes and return to the right path, defend Hong Kong's core values, resolutely uphold 'one country, two systems' as well as 'Hong Kong people ruling Hong Kong' and 'a high degree of autonomy', rectify the past policy blunders of the Government and the distortion of the political system, reposition the roles and functions of the new government in the future, establish a set of principles of development for all people that give consideration to all social strata, formulate fair social and economic policies, promote genuine universal suffrage, set up a democratic and open political system, proactively address deep-rooted social conflicts such as the disparity between the rich and the poor, housing difficulties, the lack of social mobility opportunities and unitary development of the economy, so as to build a truly harmonious and just society".

Question on Hon Frederick FUNG's amendment to Hon CHIM Pui-chung's motion proposed and put.

Hon Frederick FUNG 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, four were in favour of the amendment, 17 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 14 were in favour of the amendment, 10 against it and one abstained (voting record in **Appendix 2**). 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.

Dr Hon PAN Pey-chyou moved the following amendment to Hon CHIM Pui-chung's motion:

To delete "as the fourth term Chief Executive has been" after "That," and substitute with "the fourth term Chief Executive was"; to add "on 25 March 2012; in this connection" after "Executive Election Ordinance"; to add ", expeditiously include trams and public light buses in the fare concession schemes for the elderly and persons with disabilities, and study the provision of taxi fare concession for elderly persons with mobility difficulties who must go out (for instance, attending follow-up consultation in hospitals and receiving services at elderly day care centres)" after "of the elderly"; to add ", and expeditiously implement a dual-track system" after "Transport Subsidy Scheme"; to delete "plan for the construction of" after "(e) to" and substitute with "study the feasibility of constructing"; to delete "construct" after "(f) to" and substitute with "study the construction of"; to delete "to study the construction of towns for the elderly in Mainland China" after "(g)" and substitute with "to proactively study ways of responding to population ageing, including increasing the number of places in local residential care homes for the elderly and strengthening elderly community services; provide a carer allowance for relatives caring for elderly persons with disabilities; construct towns for the elderly on the Mainland to provide appropriate residential services for elderly persons with varying degrees of self-care capability; and study providing Hong Kong's public-sector healthcare services to elderly persons of Hong Kong living on the Mainland"; to delete "massive" after "(h) to plan for"; to delete "and" after "country park policy;"; and to add "; and (k) to review the problems of manpower shortage, uneven distribution of resources and inadequate effectiveness of the public-sector healthcare services, and enhance effectiveness of the services through management and services reorganization to satisfy people's needs" immediately before the full stop.

Question on Dr Hon PAN Pey-chyou's amendment to Hon CHIM Pui-chung's motion proposed and put.

Hon Emily LAU 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, 24 were present, 19 were in favour of the amendment, one against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 10 were in favour of the amendment, two against it and 13 abstained (voting record in **Appendix 3**). 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 Miriam LAU moved the following amendment to Hon CHIM Pui-chung's motion:

To add "although it has been many years since Hong Kong's reunification with the Motherland, many deep-rooted conflicts have yet to be properly resolved;" after "That,."; to add "requests the fourth term Chief Executive to continue to resolutely implement the principles of 'one country, two systems', 'Hong Kong people ruling Hong Kong' and 'a high degree of autonomy', and continue to uphold the free economy belief, create a more business-friendly environment, explore more opportunities and room for upward mobility for people of all strata, especially the middle class and the disadvantaged, and provide more care and assistance to them when necessary; this Council also" after "this Council"; to add "(including low-income families and the elderly poor)" after "strata"; to delete "massives" after "(h) to plan for"; to add "on an appropriate scale" after "reclamation projects"; and to delete "and (j) to nurture talents" immediately before the full stop and substitute with "(j) to strenuously focus on the various problems faced by the middle class, and put forward concrete and comprehensive response strategies in a focused manner; (k) to further improve the system of education and manpower training, so as to nurture talents in all areas; and (l) to optimize the use of land resources so as to provide more adequate commercial and residential space".

Question on Hon Miriam LAU's amendment to Hon CHIM Pui-chung's motion proposed and put.

Hon Emily LAU 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, 22 were in favour of the amendment, one against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 10 were in favour of the amendment, six against it and nine abstained (voting record in **Appendix 4**). 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 IP Wai-ming moved the following amendment to Hon CHIM Pui-chung's motion:

To delete “, as the fourth term Chief Executive has been smoothly elected” after “That” and substitute with “the fourth term Chief Executive was smoothly elected in March 2012”; to add “that are in the overall interest of society and conducive to the sustainable development of Hong Kong” after “make recommendations”; to delete “care about” after “(a) to” and substitute with “narrow”; to add “, and reduce working poverty” after “the poor”; to delete “the elderly” after “travelling expenses of” and substitute with “senior citizens”; to add “(e) to establish a comprehensive retirement protection scheme; (f) to enhance the Mandatory Provident Fund (‘MPF’) system by abolishing the mechanism whereby employers’ contributions under the MPF Scheme are offset by severance payments and long service payments; (g) to expeditiously enact legislation on standard working hours; (h) to standardize the number of statutory holidays and public holidays to 17 days; (i) to increase the annual public rental housing (‘PRH’) production to 30 000 units or more, so as to reduce PRH applicants’ waiting time for housing allocation to two years;” after “Old Age Allowance;”; to delete the original “(e)” and substitute with “(j)”; to delete “plan for” before “the construction of an” and substitute with “study”; to delete the original “(f)” and substitute with “(k)”; to delete “construct” before “large-scale” and substitute with “study the construction of”; to delete “(g) to study the construction of towns for the elderly in Mainland China;”; to delete the original “(h)” and substitute with “(l)”; to delete “plan for massive” before “reclamation projects;” and substitute with “study”; to delete the original “(i)” and substitute with “(m)”; and to delete the original “(j)” and substitute with “(n)”.

Question on Hon IP Wai-ming's amendment to Hon CHIM Pui-chung's motion proposed and put.

Hon Andrew LEUNG 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, nine were in favour of the amendment, 10 against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, eight were in favour of the amendment, four against it and 14 abstained (voting record in **Appendix 5**). 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 Ronny TONG moved the following amendment to Hon CHIM Pui-chung's motion:

To delete "all sides to make recommendations to the fourth term Chief Executive; the relevant recommendations should include:" after "urges" and substitute with "the fourth term Chief Executive to, under the principle of not interfering in the work of the incumbent Government, implement the following when planning his work during his term of office: (a) to expeditiously discuss how to implement the election of the Chief Executive by universal suffrage, the abolition of the functional constituency seats and the election of all Members of the Legislative Council by universal suffrage; (b) to adopt measures to ensure that the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region will not once again contravene Article 22 of the Basic Law by interfering in the internal affairs of HKSAR; (c) to refrain from enacting legislation to implement Article 23 of the Basic Law before the implementation of genuine universal suffrage; (d) to study the implementation of a universal retirement protection scheme; (e) to perfect the existing medical policy;"; to delete the original "(a)" and substitute with "(f)"; to delete the original "(b)" and substitute with "(g)"; to add "and people with disabilities" after "of the elderly"; to delete the original "(c)" and substitute with "(h)"; to delete the original "(d)" and substitute with "(i)"; to delete "(e) to plan for the construction of an additional cross-harbour tunnel in the vicinity of Tsim Sha Tsui connecting directly to the Central District on Hong Kong Island;"; to delete the original "(f)" and substitute with "(j)"; to delete the original "(g)" and substitute with "(k)"; to delete "(h) to plan for massive reclamation projects;"; to delete the original "(i)" and substitute with "(l)"; to delete "and" after "country park policy;"; to delete the original "(j)" and substitute with "(m)"; and to add "; and (n) to study the option of operating the 'three tunnels and one bridge' by the public sector" immediately before the full stop.

Question on Hon Ronny TONG's amendment to Hon CHIM Pui-chung'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, 27 were present, five were in favour of the amendment, 17 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 14 were in favour of the amendment, 11 against it and one abstained (voting record in **Appendix 6**). 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 CHEUNG Hok-ming moved the following amendment to Hon CHIM Pui-chung's motion:

To delete "plan for" after "(e) to" and substitute with "study"; to delete "plan for massive" after "(h) to" and substitute with "study"; and to add "; in addition, this Council also urges the fourth term Chief Executive to accord priority to tackling the problem of 'doubly non-permanent resident pregnant women' giving birth in Hong Kong, improve the quality of public hospitals and shorten service waiting time, and resolve problems such as high property prices, exorbitant rents, poor living environment of people, as well as incessant fare increases by public transport operators, so as to respond to the aspirations of the general public" immediately before the full stop.

Question on Hon CHEUNG Hok-ming's amendment to Hon CHIM Pui-chung's motion proposed and put.

Hon LEE Cheuk-yan 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, 27 were present, 22 were in favour of the amendment, one against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 10 were in favour of the amendment, two against it and 13 abstained (voting record in **Appendix 7**). 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 CHIM Pui-chung replied.

Question on the motion put.

Hon Albert HO 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, 27 were present, 12 were in favour of the motion, four against it and 11 abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, two were in favour of the motion, 11 against it and 12 abstained (voting record in **Appendix 8**). Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the motion was negatived.

Defending academic freedom and institutional autonomy

Hon CHEUNG Man-kwong moved the following motion and spoke on the motion:

That this Council condemns HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, for publicly criticizing a number of times the public opinion poll on Hong Kong people's ethnic identity under the charge of Robert CHUNG, scholar of The University of Hong Kong, as 'unscientific' and 'illogical', and creating a chilling effect through political interference in academic pursuit, which is in contravention of the spirit of Article 137 of the Basic Law which provides that '[e]ducational institutions of all kinds may retain their autonomy and enjoy academic freedom', as well as the provision of Article 22 of the Basic Law, i.e. '[n]o department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law'; in this connection, this Council urges the Government and educational institutions to legislate for safeguarding academic freedom and to ensure that scholars can enjoy academic freedom in accordance with law, free from any interference and fear; academic freedom is the cornerstone for promoting social civilization and progress as well as an integral part of the autonomy of educational institutions, and therefore universities must not respond in silence to the interference and intimidation faced by their teaching staff and students, and not curry favour with and bow to the rich and powerful in the face of their enticement and pressure, in order to defend the legitimate autonomy and dignity of universities.

While Hon CHEUNG Man-kwong was speaking, the President left the chair at 7:10 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

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

Hon Audrey EU and Hon Albert CHAN, who would move amendments, spoke on the motion and the amendments.

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

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

At 8:00 pm, while Hon LEE Cheuk-yan was speaking, the President resumed the chair.

Eight other Members spoke on the motion and the amendments.

Hon CHEUNG Man-kwong spoke on the amendments.

The Secretary for Education spoke again.

Hon Audrey EU moved the following amendment to Hon CHEUNG Man-kwong's motion:

To add "this Council expresses deep concern over the opinions expressed by 'leftist newspapers' about two academics in Hong Kong, Ming SING and CHOY Chi-keung, such as strongly insinuating that Ming SING is a follower of Falun Gong who opposes China, stirs up trouble in Hong Kong and even advocates political violence, and alleging that the two of them are 'politicians posing as academics who are against China and stir up trouble in Hong Kong under the guise of academic research';" after "with this Law';"; to delete "enjoy academic freedom" after "scholars can" and substitute with ","; to add "be" after "in accordance with law,;" and to delete ";" after "fear" and substitute with ", and to strive to reduce the ratio of members directly appointed by the Government to the governing bodies of higher educational institutions, so as to promote the democratic management of institutions by teaching staff and students;".

Question on Audrey EU's amendment to Hon CHEUNG Man-kwong's motion proposed and put.

Hon Audrey EU 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, 13 were present, two were in favour of the amendment, seven against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 16 were in favour of the amendment, five against it and two abstained (voting record in **Appendix 9**). 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 “Defending academic freedom and institutional autonomy” 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 Albert CHAN moved the following amendment to Hon CHEUNG Man-kwong’s motion:

To add “expresses deep regret that the heads of various universities did not openly condemn the aforesaid acts of infringing academic freedom, strongly condemns those academics who clung onto the rich and powerful and failed to stand forward to defend academic freedom, and” after “connection, this Council”.

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

Hon Albert CHAN claimed 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, 13 were present, two were in favour of the amendment, seven against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 16 were in favour of the amendment, five against it and two abstained (voting record in **Appendix 10**). 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 CHEUNG Man-kwong replied.

Question on the motion 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, 13 were present, two were in favour of the motion, seven against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 16 were in favour of the motion, five against it and two abstained (voting record in **Appendix 11**). 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 2 May 2012 at 11:00 am.

The Council was adjourned at 9:24 pm.

(Jasper TSANG Yok-sing)
President
Legislative Council

Council Chamber
Hong Kong

25 September 2012