

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 10 October 2012

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

DR THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, S.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

DR THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, S.B.S., J.P.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING, J.P.

DR THE HONOURABLE LAM TAI-FAI, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, J.P.

THE HONOURABLE CHAN KIN-POR, B.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, J.P.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN

THE HONOURABLE FRANKIE YICK CHI-MING

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN

DR THE HONOURABLE KENNETH CHAN KA-LOK

THE HONOURABLE CHAN YUEN-HAN, S.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, B.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

THE HONOURABLE TANG KA-PIU

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, B.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN

CLERKS IN ATTENDANCE:

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, DEPUTY SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

TAKING OF LEGISLATIVE COUNCIL OATH

CLERK (in Cantonese): Honourable Members will now proceed to take the Oath.

CLERK (in Cantonese): Members will take the Oath in accordance with the order printed on the Agenda. When I call the name of a Member, will the Member please come forward to the table to take the Oath, and then sign on the printed version of the Oath or Affirmation.

CLERK (in Cantonese): During the oath-taking process, except the Member who is taking the Oath and the next Member waiting to take the Oath, will all other Members please remain seated.

The Honourable Albert HO Chun-yan took the Legislative Council Affirmation

The Honourable LEE Cheuk-yan took the Legislative Council Oath

The Honourable James TO Kun-sun took the Legislative Council Oath

The Honourable CHAN Kam-lam took the Legislative Council Oath

The Honourable LEUNG Yiu-chung took the Legislative Council Oath

The Honourable Jasper TSANG Yok-sing took the Legislative Council Oath

Dr The Honourable LAU Wong-fat took the Legislative Council Affirmation

The Honourable Emily LAU Wai-hing took the Legislative Council Affirmation

The Honourable TAM Yiu-chung took the Legislative Council Oath

The Honourable Abraham SHEK Lai-him took the Legislative Council Oath

The Honourable Tommy CHEUNG Yu-yan took the Legislative Council Oath

The Honourable Frederick FUNG Kin-kee took the Legislative Council Oath

The Honourable Vincent FANG Kang took the Legislative Council Oath

The Honourable WONG Kwok-hing took the Legislative Council Affirmation

Dr The Honourable Joseph LEE Kok-long took the Legislative Council Oath

The Honourable Jeffrey LAM Kin-fung took the Legislative Council Affirmation

The Honourable Andrew LEUNG Kwan-yuen took the Legislative Council Affirmation

The Honourable WONG Ting-kwong took the Legislative Council Affirmation

The Honourable Ronny TONG Ka-wah took the Legislative Council Affirmation

The Honourable Cyd HO Sau-lan took the Legislative Council Affirmation

The Honourable Starry LEE Wai-king took the Legislative Council Oath

Dr The Honourable LAM Tai-fai took the Legislative Council Affirmation

The Honourable CHAN Hak-kan took the Legislative Council Oath

The Honourable CHAN Kin-por took the Legislative Council Affirmation

Dr The Honourable Priscilla LEUNG Mei-fun took the Legislative Council Oath

Dr The Honourable LEUNG Ka-lau took the Legislative Council Affirmation

The Honourable CHEUNG Kwok-che took the Legislative Council Affirmation

The Honourable WONG Kwok-kin took the Legislative Council Affirmation

The Honourable IP Kwok-him took the Legislative Council Oath

The Honourable Mrs Regina IP LAU Suk-yeek took the Legislative Council Oath

The Honourable Paul TSE Wai-chun took the Legislative Council Oath

The Honourable Alan LEONG Kah-kit took the Legislative Council Oath

The Honourable LEUNG Kwok-hung took the Legislative Council Affirmation

The Honourable Albert CHAN Wai-yip took the Legislative Council Oath

The Honourable WONG Yuk-man took the Legislative Council Oath⁽¹⁾

The Honourable Claudia MO took the Legislative Council Affirmation

The Honourable Michael TIEN Puk-sun took the Legislative Council Oath

The Honourable James TIEN Pei-chun took the Legislative Council Affirmation

The Honourable NG Leung-sing took the Legislative Council Affirmation

The Honourable Steven HO Chun-yin took the Legislative Council Affirmation

The Honourable Frankie YICK Chi-ming took the Legislative Council Oath

The Honourable WU Chi-wai took the Legislative Council Oath

The Honourable YIU Si-wing took the Legislative Council Affirmation

The Honourable Gary FAN Kwok-wai took the Legislative Council Affirmation

The Honourable MA Fung-kwok took the Legislative Council Affirmation

The Honourable Charles Peter MOK took the Legislative Council Oath

The Honourable CHAN Chi-chuen took the Legislative Council Affirmation

The Honourable CHAN Han-pan took the Legislative Council Affirmation

⁽¹⁾ The President of the Legislative Council ruled on 12 October 2012 that as Mr WONG Yuk-man had not fully complied with the Oaths and Declarations Ordinance (Cap. 11) in taking the oath, he had to re-take the oath in accordance with the law.

Dr The Honourable Kenneth CHAN Ka-lok took the Legislative Council Oath

The Honourable CHAN Yuen-han took the Legislative Council Affirmation

The Honourable LEUNG Che-cheung took the Legislative Council Affirmation

The Honourable Kenneth LEUNG took the Legislative Council Affirmation

The Honourable Alice MAK Mei-kuen took the Legislative Council Oath

Dr The Honourable KWOK Ka-ki took the Legislative Council Affirmation

The Honourable KWOK Wai-keung took the Legislative Council Affirmation

The Honourable Dennis KWOK took the Legislative Council Oath

The Honourable Christopher CHEUNG Wah-fung took the Legislative Council Affirmation

Dr The Honourable Fernando CHEUNG Chiu-hung took the Legislative Council Oath

The Honourable SIN Chung-kai took the Legislative Council Affirmation

Dr The Honourable Helena WONG Pik-wan took the Legislative Council Oath

The Honourable IP Kin-yuen took the Legislative Council Affirmation

Dr The Honourable Elizabeth QUAT took the Legislative Council Affirmation

The Honourable Martin LIAO Cheung-kong took the Legislative Council Oath

The Honourable POON Siu-ping took the Legislative Council Affirmation

The Honourable TANG Ka-piu took the Legislative Council Affirmation

Dr The Honourable CHIANG Lai-wan took the Legislative Council Oath

Ir Dr The Honourable LO Wai-ki took the Legislative Council Affirmation

The Honourable CHUNG Kwok-pan took the Legislative Council Oath

The Honourable Christopher CHUNG Shu-kun took the Legislative Council Affirmation

The Honourable Tony TSE Wai-chuen took the Legislative Council Affirmation

CLERK (in Cantonese): That concludes the oath-taking.

ELECTION OF PRESIDENT

CLERK (in Cantonese): Council will now proceed to elect the President of the Legislative Council.

The procedure for the election of the President of the Legislative Council is set out in the Schedule to the Rules of Procedure. In accordance with Rule 1A of the Rules of Procedure, I now invite Mr Albert HO to preside at the election.

MR ALBERT HO (in Cantonese): Honourable colleagues, the Legislative Council Secretariat issued a notice on 5 October 2012 informing Members that two valid nominations for the office of President had been received by the close of the nomination period at 12 midnight on 4 October 2012.

The Members being nominated, in the order of receipt of the nominations by the Secretariat, are Mr Alan LEONG and Mr Jasper TSANG. Mr Alan LEONG is nominated by Mr LEE Cheuk-yan and seconded by Dr Fernando CHEUNG, Mr IP Kin-yuen, Mr Charles MOK, Mr Frederick FUNG, Dr Kenneth CHAN, Mr Kenneth LEUNG, Ms Claudia MO, Mr Ronny TONG, Ms Emily LAU and Ms Cyd HO. Mr Jasper TSANG is nominated by Mr TAM Yiu-chung and seconded by Mr WONG Kwok-kin, Mr James TIEN, Mr Jeffrey LAM, Mr CHAN Kin-por and Mr MA Fung-kwok.

In accordance with the procedure for the election of the President of the Legislative Council, a vote by secret ballot shall now be conducted. Each Member present, including myself, will receive a ballot paper and a chop with a "✓". The names of the two candidates have been printed on the ballot paper. Members taking part in voting shall mark a "✓" in the box opposite the name of the candidates — only one candidate — on the ballot paper using the chop received.

Each ballot paper to be collected later shall be marked with only one "✓"; any ballot paper marked with more than one "✓" or not marked shall be discarded. So, the procedure of today is very simple, and Members only take part in voting. Are there any questions?

(Mr LEUNG Kwok-hung stood up)

Mr LEUNG Kwok-hung, you may speak in your seat.

MR LEUNG KWOK-HUNG (in Cantonese): I have a question. It is said that Mr Jasper TSANG is a member of the Chinese Kuomintang and I would like to ask him this question as today is the Double Ten Day. I once asked him if he was a member of the Chinese Communist Party but he told me that it was inappropriate for him to respond. I have just come back from Taiwan. I received a secret report yesterday, stating that Mr Jasper TSANG, a secret member of the Kuomintang, might take up the reins of the Legislative Council is he present in this Chamber I once asked him if he was a member of the Communist Party

MR ALBERT HO (in Cantonese): Mr LEUNG, I have heard your question. I am really sorry, a two-hour special forum was held the day before yesterday, and Members had in fact, someone raised a similar question on that day but

MR LEUNG KWOK-HUNG (in Cantonese): I am talking about being a member of the Kuomintang

MR ALBERT HO (in Cantonese): we do not have a question and answer session today and Members can only take part in voting

MR LEUNG KWOK-HUNG (in Cantonese): Is that so? Mr Jasper TSANG, please state whether you are a member of the Kuomintang

MR ALBERT HO (in Cantonese): Mr Albert CHAN.

MR ALBERT CHAN (in Cantonese): President, can the Legal Adviser or the Secretary General answer my question? It is very important for the President of the Legislative Council to be impartial. If he does not disclose his special status, the impartiality of the President of the Legislative Council will be affected when he has to perform certain tasks in secret. My question is: on such an important issue in fact, over the many years in the past, I have kept asking on different occasions whether certain candidates were members of certain political parties, because being a member of a certain political party would affect the impartiality of the candidate if he took up the post of the President. Will the Secretary General or the Legal Adviser give a clear answer? If he is a member and he does not respond

MR ALBERT HO (in Cantonese): Mr CHAN, your question is very clear. In chairing the meeting today, I can only tell you that, in accordance with the Rules of Procedure, nobody can answer your question today. You can certainly follow up; we can all follow up this issue in accordance with law. If you want to make a challenge, you may do so in various ways. Yet, under the order of business today, it is impossible for a question and answer session to be arranged, and I believe neither the Secretary General nor the Legal Adviser can answer your question today.

Mr WONG Yuk-man.

MR ALBERT CHAN (in Cantonese): President, I would like to follow up this issue again. If the person concerned neither admits nor denies his status, will

this uncertainty cast doubts on the authority or impartiality of the President of the Legislative Council? Why am I so concerned about this issue? It is because when the President ended the filibuster at the last session, rumour had it that the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ordered to end the filibuster, and this is why the filibuster was halted abruptly

MR ALBERT HO (in Cantonese): I have heard your question but

MR ALBERT CHAN (in Cantonese): this readily confirms the importance that "being a member of the Communist Party will affect the impartiality of the President".

MR ALBERT HO (in Cantonese): Mr CHAN, I know that all of us are concerned about these issues. Nevertheless, as you may also understand, in accordance with the Rules of Procedure, the agenda of today is only to elect the President. If you think the President elected has shortcomings or he is not qualified to serve as President, you can certainly exercise your legal rights and make a challenge in accordance with law.

Mr WONG Yuk-man.

MR WONG YUK-MAN (in Cantonese): This is to give Mr Jasper TSANG an opportunity, but he simply repeated the same reply given four years ago. He should either say "No" — telling lies like LEUNG Chun-ying — or say "Yes", he should not resort to sophistry by playing language "hypocrisy" — a deceitful tactic. We may have a less favourable impression of him. He has done a pretty good job over the past four years, except the worst ever decision to cut the filibuster. Why did he refuse to admit?

MR ALBERT HO (in Cantonese): That is enough, Mr WONG.

MR WONG YUK-MAN (in Cantonese): I raise the question today to let the public hear.

MR ALBERT HO (in Cantonese): Mr WONG, the question raised by you the day before yesterday was loud and clear. Everyone had heard it, and he had also given a reply in his own way. I am sorry that we really cannot spare any more time for Members to raise questions today.

If there are no questions, we now proceed to vote.

MR LEUNG KWOK-HUNG (in Cantonese): Can a legal person run for the President?

MR ALBERT HO (in Cantonese): Today, all votes are personal votes and each Member can only have one vote.

MR LEUNG KWOK-HUNG (in Cantonese): I have no idea if he is a human being. If someone asks him if he is a human being, his reply is "maybe", "maybe not", "inappropriate to talk about"

MR ALBERT HO (in Cantonese): Your opinion has been clearly heard.

MR LEUNG KWOK-HUNG (in Cantonese): Is there any difference between him and a legal person?

MR ALBERT HO (in Cantonese): Fine. May I ask the Secretariat staff to distribute the ballot papers?

(Each Member present received one ballot paper and one chop)

MR ALBERT HO (in Cantonese): Members should be ready to vote, right?

If there is no question, the Secretariat staff will now collect the ballot papers. Members need not fold the ballot papers, just put them into the ballot box. The Secretariat staff will collect the ballot papers row by row.

(After the collection of ballot papers and chops)

MR ALBERT HO (in Cantonese): Have all Members cast their votes? Has anyone not cast his vote? No?

Good. The ballot papers shall now be counted by way of reading out aloud the votes. Will the two Members making the nominations, Mr LEE Cheuk-yan and Mr TAM Yiu-chung, please come forward to the table to supervise the counting of ballot papers.

Staff members of the Secretariat will assist in reading out the votes. Let us first count the number of ballot papers.

(Mr LEE Cheuk-yan and Mr TAM Yiu-chung stood before the table to supervise the counting of ballot papers while staff members of the Secretariat read out and counted the votes)

MR ALBERT HO (in Cantonese): Will the two Members please return to their seats.

(The Clerk reported the result to Mr Albert HO, who then checked and confirmed the result)

MR ALBERT HO (in Cantonese): Honourable Members, I now announce the voting result: Mr Alan LEONG has received 27 votes, and Mr Jasper TSANG, 43 votes. I now declare Mr Jasper TSANG elected as the President of the current-term Legislative Council. Congratulations, Mr TSANG.

Will the President please take the chair?

(Mr Albert HO returned to his seat)

PRESIDENT (in Cantonese): I thank Members for supporting me to take up the post of the President of the current-term Legislative Council. Also, I have to thank them for voicing their views and requests to me, as well as levelling criticisms at my work as President of the last-term Legislative Council on different occasions and through various channels, especially at the forum held the day before yesterday. I will stay cautious and apprehensive, perform my duties faithfully and work together with Members to do our best to enable this Council to effectively perform its constitutional duty, so as to live up to the expectations of the public.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Prevention and Control of Disease Ordinance (Amendment of Schedule 1) Notice 2012	138/2012
Prevention and Control of Disease (Amendment) Regulation 2012.....	143/2012
Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2012.....	144/2012
Legal Aid (Amendment) Regulation 2012	145/2012
Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2012	146/2012
Immigration (Amendment) Ordinance 2012 (Commencement) Notice.....	147/2012

Legal Aid Ordinance — Resolution of the Legislative Council (Commencement) Notice	148/2012
Construction Industry Legislation (Miscellaneous Amendments) Ordinance 2012 (Commencement) Notice	149/2012

Other Paper

No. 1 — Urban Renewal Authority Annual Report 2011-2012

NEXT MEETING

PRESIDENT (in Cantonese): In accordance with Rule 14(1) of the Rules of Procedure, I now determine Wednesday, 17 October 2012 at 11 am as the date and time for holding the next meeting.

In accordance with Rule 14(5) of the Rules of Procedure, I now adjourn the Council until 11 am next Wednesday.

Adjourned accordingly at seventeen minutes to One o'clock.