

**LEGISLATIVE COUNCIL**

**MINUTES**

**No. 10**

---

**Minutes of the meeting held on Wednesday 14 December 2016 at 11:00 am  
and Thursday 15 December 2016 at 9:00 am**

---

**Attendance**

The attendance of Members, public officers and Clerks is in the Official Record of Proceedings.

**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. Declaration of Mental Hospital (Consolidation) (Amendment of Schedule) Order 2016 (gazetted on 9.12.2016)	185/2016
2. Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2016 (gazetted on 9.12.2016)	186/2016

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
3. Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2016 (gazetted on 9.12.2016)	187/2016
4. Construction Workers Registration (Exemption) Regulation (gazetted on 9.12.2016)	188/2016
5. Construction Workers Registration Ordinance (Amendment of Schedules 1 and 1A) Notice 2016 (gazetted on 9.12.2016)	189/2016
6. Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016 (Commencement) Notice 2016 (gazetted on 9.12.2016)	190/2016

Other Papers

1. No. 44 - Equal Opportunities Commission  
Annual Report 2015/16  
(published on 8.12.2016)
2. No. 45 - Prisoners' Education Trust Fund  
Report by the Trustee, Financial Statements and Report of the  
Director of Audit for the period 1 April 2015 to 31 March 2016  
(published on 8.12.2016)
3. No. 46 - Lotteries Fund  
The Accounts of the Fund 2015-16  
(published on 8.12.2016)
4. No. 47 - Communications Authority  
Annual Report 2015/16  
(published on 8.12.2016)

5. No. 48 - Emergency Relief Fund  
Annual Report by the Trustee for the year ending 31 March 2016  
(published on 8.12.2016)
6. No. 49 - Social Work Training Fund  
Fifty-fifth Annual Report by the Trustee for the year ending on 31 March 2016  
(published on 8.12.2016)
7. No. 50 - Queen Elizabeth Foundation for the Mentally Handicapped  
Report and Accounts 2015-2016  
(published on 8.12.2016)
8. No. 51 - Hong Kong Tourism Board  
Annual Report 2015/16  
(published on 8.12.2016)
9. No. 52 - Hospital Authority  
Annual Report 2015-2016  
(published on 8.12.2016)
10. No. 53 - Samaritan Fund  
Report on the Fund, Financial statements and Report of the Director of Audit for the year ended 31 March 2016  
(published on 8.12.2016)
11. No. 54 - The Prince Philip Dental Hospital  
2015-16 Annual Report  
The Board of Governors  
(published on 8.12.2016)
12. No. 55 - Police Welfare Fund  
Annual Report 2015/2016  
(published on 12.12.2016)

13. No. 56 - The Police Children's Education Trust and the Police Education and Welfare Trust  
Annual Report 2015/2016  
(published on 12.12.2016)
14. No. 57 - The Government Minute in response to The Annual Report of The Ombudsman 2016  
(published on 13.12.2016)
15. No. 58 - Brewin Trust Fund  
Report of the Brewin Trust Fund Committee on the Administration of the Fund for the year ended 30 June 2016  
(published on 14.12.2016)
16. No. 59 - Grantham Scholarships Fund  
Report of the Grantham Scholarships Fund Committee on the Administration of the Fund for the year ended 31 August 2016  
(published on 14.12.2016)
17. No. 60 - Chinese Temples Fund  
Report of the Chinese Temples Committee on the Administration of the Fund for the year ended 31 March 2016  
(published on 14.12.2016)
18. No. 61 - General Chinese Charities Fund  
Report of the Chinese Temples Committee on the Administration of the Fund for the year ended 31 March 2016  
(published on 14.12.2016)
19. Report No. 7/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments  
(published on 12.12.2016)

## **Address**

The Chief Secretary for Administration addressed the Council on The Government Minute in response to The Annual Report of The Ombudsman 2016.

## **Questions**

Six oral questions as set out on the Agenda (i.e. Questions 1 to 6) were put by the Members and oral replies were given by the public officers.

Written replies to Questions 7 to 22 as set out on the Agenda were supplied to Members.

## **Government Bill**

### First Reading and Second Reading

— Arbitration (Amendment) Bill 2016 : Secretary for Justice

After the above Bill was read the first time and ordered to be set down for Second Reading under Rule 53(3) of the Rules of Procedure, the public officer moved the Second Reading of the Bill. The question on the Second Reading of the Bill was proposed and the debate was adjourned. The Bill was referred to the House Committee in accordance with Rule 54(4) of the Rules of Procedure.

## **Members' Motions**

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

Hon Starry LEE moved the motion as set out on the Agenda. The question on the motion was proposed, put and agreed to.

Motion under Rule 49B(1A) of the Rules of Procedure

Hon Paul TSE moved the motion as set out on the Agenda. The question on the motion was proposed. Hon CHAN Chi-chuen moved a motion under Rule 49B(2A) of the Rules of Procedure that no further action should be taken on the motion moved by Hon Paul TSE.

Motion under Rule 49B(2A) of the Rules of Procedure that no further action be taken on the motion moved by Hon Paul TSE

The question on the motion was proposed. After Members had spoken, the question on the motion was put and not agreed to (details of division in **Appendix 1**).

As the motion under Rule 49B(2A) of the Rules of Procedure was negatived, the debate on the motion moved by Hon Paul TSE was adjourned and the matter stated in the motion was referred to an investigation committee.

(The meeting was suspended at 7:45 pm on 14 December and resumed at 9:00 am on 15 December 2016.)

Motion on “Prerequisites for the next Secretary for Education”

Hon IP Kin-yuen moved the motion as set out on the Agenda. The question on the motion was proposed. A joint debate on the motion and the amendments was held. After movers of the amendments, Members and the public officer had spoken, the following questions were put:

<u>Order of questions put</u>	<u>Decisions taken</u> <u>(details of division,</u> <u>if any)</u>
— Amendment moved by Hon CHEUNG Kwok-kwan as set out on the Agenda	Passed <b>(Appendix 2)</b>
— Hon IP Kin-yuen’s motion as amended	Passed <b>(Appendix 3)</b>

As Dr Hon LAU Siu-lai, mover of the motion on “Formulating a territory-wide long-term bazaar policy”, was not present at the meeting, her motion was not dealt with by the Council.

### **Next meeting**

The President declared that the next Council meeting would be held on 11 January 2017 at 11:00 am.

The Council was adjourned at 11:08 am on 15 December 2016.



(Andrew LEUNG Kwan-yuen)  
President  
Legislative Council

Chamber  
Legislative Council Complex, Hong Kong

12 January 2017

點名表決 DIVISION: 1  
 日期 DATE: 14/12/2016  
 時間 TIME: 07:44:19 下午 PM

附錄 1  
 Appendix 1

動議 MOTION: 根據《議事規則》第 49B(2A)條動議，‘不得就謝偉俊議員動議的譴責議案再採取任何行動’的議案  
 MOTION UNDER RULE 49B(2A) OF THE RULES OF PROCEDURE THAT NO FURTHER ACTION SHALL BE TAKEN ON THE CENSURE MOTION MOVED BY HON PAUL TSE

動議人 MOVED BY: 陳志全 CHAN Chi-chuen

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	32	28	
投票 Vote	31	28	
贊成 Yes	11	16	
反對 No	20	12	
棄權 Abstain	0	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	
梁君彥 Andrew LEUNG	出席 PRESENT	陳克勤 CHAN Hak-kan	反對 NO
涂謹申 James TO	贊成 YES	梁美芬 Dr Priscilla LEUNG	反對 NO
梁耀忠 LEUNG Yiu-chung	贊成 YES	黃國健 WONG Kwok-kin	反對 NO
石禮謙 Abraham SHEK	反對 NO	葉劉淑儀 Mrs Regina IP	反對 NO
張宇人 Tommy CHEUNG	贊成 YES	謝偉俊 Paul TSE	贊成 YES
李國麟 Prof Joseph LEE	反對 NO	梁國雄 LEUNG Kwok-hung	贊成 YES
林健鋒 Jeffrey LAM	反對 NO	毛孟靜 Claudia MO	贊成 YES
黃定光 WONG Ting-kwong	反對 NO	田北辰 Michael TIEN	贊成 YES
李慧琼 Starry LEE	反對 NO	胡志偉 WU Chi-wai	贊成 YES
陳健波 CHAN Kin-por	反對 NO	陳志全 CHAN Chi-chuen	贊成 YES
何俊賢 Steven HO	反對 NO	CHAN Han-pan	反對 NO
易志明 Frankie YICK	反對 NO	梁志祥 LEUNG Che-cheung	反對 NO
姚思榮 YIU Si-wing	反對 NO	麥美娟 Alice MAK	反對 NO
馬逢國 MA Fung-kwok	反對 NO	郭家麒 Dr KWOK Ka-ki	贊成 YES
莫乃光 Charles Peter MOK	贊成 YES	郭偉强 KWOK Wai-keung	反對 NO
梁繼昌 Kenneth LEUNG	贊成 YES	張超雄 Dr Fernando CHEUNG	贊成 YES
郭榮鏗 Dennis KWOK	贊成 YES	黃碧雲 Dr Helena WONG	贊成 YES
張華峰 Christopher CHEUNG	反對 NO	葛珮帆 Dr Elizabeth QUAT	反對 NO
葉建源 IP Kin-yuen	贊成 YES	Dr CHIANG Lai-wan	反對 NO
廖長江 Martin LIAO	反對 NO	Alvin YEUNG	贊成 YES
潘兆平 POON Siu-ping	反對 NO	尹兆堅 Andrew WAN	贊成 YES
盧偉國 Ir Dr LO Wai-kwok	反對 NO	朱凱迪 CHU Hoi-dick	贊成 YES
鍾國斌 CHUNG Kwok-pan	反對 NO	何君堯 Dr Junius HO	反對 NO
吳永嘉 Jimmy NG	反對 NO	林卓廷 LAM Cheuk-ting	贊成 YES
何啟明 HO Kai-ming	反對 NO	柯創盛 Wilson OR	反對 NO
周浩鼎 Holden CHOW	反對 NO	YUNG Hoi-yan	贊成 YES
邵家輝 SHIU Ka-fai	反對 NO	Tanya CHAN	贊成 YES
邵家臻 SHIU Ka-chun	贊成 YES	CHEUNG Kwok-kwan	反對 NO
陳沛然 Dr Pierre CHAN	贊成 YES	HUI Chi-fung	贊成 YES
陳振英 CHAN Chun-ying	反對 NO	Dr CHENG Chung-tai	贊成 YES
陸頌雄 LUK Chung-hung	反對 NO	譚文豪 Jeremy TAM	贊成 YES
劉國勳 LAU Kwok-fan	反對 NO	Nathan LAW	贊成 YES
劉業強 Kenneth LAU	贊成 YES	Dr LAU Siu-lai	贊成 YES
鄺俊宇 KWONG Chun-yu	贊成 YES		
姚松炎 Dr YIU Chung-yim	贊成 YES		

秘書 CLERK



點名表決 DIVISION: 2  
 日期 DATE: 15/12/2016  
 時間 TIME: 10:59:03 上午 AM

附錄 2  
 Appendix 2

動議 MOTION: 張國鈞議員對葉建源議員的「下任教育局局長須具備的條件」議案作出的修正案  
 AMENDMENT BY HON CHEUNG KWOK-KWAN TO HON IP KIN-YUEN'S MOTION ON  
 "PREREQUISITES FOR THE NEXT SECRETARY FOR EDUCATION"

動議人 MOVED BY: 張國鈞 CHEUNG Kwok-kwan

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	26	22	
投票 Vote	25	22	
贊成 Yes	17	14	
反對 No	8	8	
棄權 Abstain	0	0	
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	
梁君彥 Andrew LEUNG	出席 PRESENT	陳克勤 CHAN Hak-kan	贊成 YES
涂謹申 James TO	反對 NO	梁美芬 Dr Priscilla LEUNG	
梁耀忠 LEUNG Yiu-chung	反對 NO	黃國健 WONG Kwok-kin	贊成 YES
石禮謙 Abraham SHEK		葉劉淑儀 Mrs Regina IP	
張宇人 Tommy CHEUNG	贊成 YES	謝偉俊 Paul TSE	贊成 YES
李國麟 Prof Joseph LEE	反對 NO	梁國雄 LEUNG Kwok-hung	
林健鋒 Jeffrey LAM	贊成 YES	毛孟靜 Claudia MO	
黃定光 WONG Ting-kwong	贊成 YES	田北辰 Michael TIEN	贊成 YES
李慧琼 Starry LEE	贊成 YES	胡志偉 WU Chi-wai	反對 NO
陳健波 CHAN Kin-por	贊成 YES	陳志全 CHAN Chi-chuen	反對 NO
何俊賢 Steven HO	贊成 YES	陳恒鎮 CHAN Han-pan	贊成 YES
易志明 Frankie YICK		梁志祥 LEUNG Che-cheung	贊成 YES
姚思榮 YIU Si-wing	贊成 YES	麥美娟 Alice MAK	贊成 YES
馬逢國 MA Fung-kwok	贊成 YES	郭家麒 Dr KWOK Ka-ki	
莫乃光 Charles Peter MOK	反對 NO	郭偉强 KWOK Wai-keung	贊成 YES
梁繼昌 Kenneth LEUNG	反對 NO	張超雄 Dr Fernando CHEUNG	反對 NO
郭榮鏗 Dennis KWOK		黃碧雲 Dr Helena WONG	
張華峰 Christopher CHEUNG	贊成 YES	葛珮帆 Dr Elizabeth QUAT	贊成 YES
葉建源 IP Kin-yuen	反對 NO	蔣麗芸 Dr CHIANG Lai-wan	贊成 YES
廖長江 Martin LIAO	贊成 YES	楊岳橋 Alvin YEUNG	反對 NO
潘兆平 POON Siu-ping	贊成 YES	尹兆堅 Andrew WAN	
盧偉國 Ir Dr LO Wai-kwok	贊成 YES	朱凱迪 CHU Hoi-dick	
鍾國斌 CHUNG Kwok-pan		何君堯 Dr Junius HO	贊成 YES
吳永嘉 Jimmy NG	贊成 YES	林卓廷 LAM Cheuk-ting	反對 NO
何啟明 HO Kai-ming	贊成 YES	柯創盛 Wilson OR	贊成 YES
周浩鼎 Holden CHOW	贊成 YES	容海恩 YUNG Hoi-yan	贊成 YES
邵家輝 SHIU Ka-fai	贊成 YES	陳淑莊 Tanya CHAN	反對 NO
邵家臻 SHIU Ka-chun	反對 NO	張國鈞 CHEUNG Kwok-kwan	贊成 YES
陳沛然 Dr Pierre CHAN		許智峯 HUI Chi-fung	反對 NO
陳振英 CHAN Chun-ying		鄭松泰 Dr CHENG Chung-tai	反對 NO
陸頌雄 LUK Chung-hung		譚文豪 Jeremy TAM	
劉國勳 LAU Kwok-fan	贊成 YES	羅冠聰 Nathan LAW	
劉業強 Kenneth LAU		劉小麗 Dr LAU Siu-lai	
鄭俊宇 KWONG Chun-yu	反對 NO		
姚松炎 Dr YIU Chung-yim			

秘書 CLERK

點名表決DIVISION: 3  
 日期 DATE: 15/12/2016  
 時間 TIME: 11:07:13 上午 AM

附錄 3  
 Appendix 3

動議 MOTION: 葉建源議員動議，經張國鈞議員修正的「下任教育局局長須具備的條件」議案  
 MOTION MOVED BY HON IP KIN-YUEN ON “PREREQUISITES FOR THE NEXT SECRETARY FOR EDUCATION” AS AMENDED BY HON CHEUNG KWOK-KWAN

動議人 MOVED BY: 葉建源 IP Kin-yuen

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	28	23	
投票 Vote	27	23	
贊成 Yes	18	14	
反對 No	9	9	
棄權 Abstain	0	0	
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	
梁君彥 Andrew LEUNG	出席 PRESENT	陳克勤 CHAN Hak-kan	贊成 YES
涂謹申 James TO	反對 NO	梁美芬 Dr Priscilla LEUNG	
梁耀忠 LEUNG Yiu-chung	反對 NO	黃國健 WONG Kwok-kin	贊成 YES
石禮謙 Abraham SHEK	贊成 YES	葉劉淑儀 Mrs Regina IP	
張宇人 Tommy CHEUNG	贊成 YES	謝偉俊 Paul TSE	贊成 YES
李國麟 Prof Joseph LEE	反對 NO	梁國雄 LEUNG Kwok-hung	
林健鋒 Jeffrey LAM	贊成 YES	毛孟靜 Claudia MO	
黃定光 WONG Ting-kwong	贊成 YES	田北辰 Michael TIEN	贊成 YES
李慧琼 Starry LEE	贊成 YES	胡志偉 WU Chi-wai	反對 NO
陳健波 CHAN Kin-por	贊成 YES	陳志全 CHAN Chi-chuen	反對 NO
何俊賢 Steven HO	贊成 YES	陳恒鏞 CHAN Han-pan	贊成 YES
易志明 Frankie YICK		梁志祥 LEUNG Che-cheung	贊成 YES
姚思榮 YIU Si-wing	贊成 YES	麥美娟 Alice MAK	贊成 YES
馬逢國 MA Fung-kuok	贊成 YES	郭家麒 Dr KWOK Ka-ki	
莫乃光 Charles Peter MOK	反對 NO	郭偉強 KWOK Wai-keung	贊成 YES
梁繼昌 Kenneth LEUNG	反對 NO	張超雄 Dr Fernando CHEUNG	反對 NO
郭榮鏗 Dennis KWOK		黃碧雲 Dr Helena WONG	
張華峰 Christopher CHEUNG	贊成 YES	葛珮帆 Dr Elizabeth QUAT	贊成 YES
葉建源 IP Kin-yuen	反對 NO	蔣麗芸 Dr CHIANG Lai-wan	贊成 YES
廖長江 Martin LIAO	贊成 YES	楊岳橋 Alvin YEUNG	反對 NO
潘兆平 POON Siu-ping	贊成 YES	尹兆堅 Andrew WAN	反對 NO
盧偉國 Ir Dr LO Wai-kuok	贊成 YES	朱凱迪 CHU Hoi-dick	
鍾國斌 CHUNG Kwok-pan		何君堯 Dr Junius HO	贊成 YES
吳永嘉 Jimmy NG	贊成 YES	林卓廷 LAM Cheuk-ting	反對 NO
何啟明 HO Kai-ming	贊成 YES	柯創盛 Wilson OR	贊成 YES
周浩鼎 Holden CHOW	贊成 YES	容海恩 YUNG Hoi-yan	贊成 YES
邵家輝 SHIU Ka-fai	贊成 YES	陳淑莊 Tanya CHAN	反對 NO
邵家臻 SHIU Ka-chun	反對 NO	張國鈞 CHEUNG Kwok-kwan	贊成 YES
陳沛然 Dr Pierre CHAN	反對 NO	許智峯 HUI Chi-fung	反對 NO
陳振英 CHAN Chun-ying		鄭松泰 Dr CHENG Chung-tai	反對 NO
陸頌雄 LUK Chung-hung		譚文豪 Jeremy TAM	
劉國勳 LAU Kwok-fan	贊成 YES	羅冠聰 Nathan LAW	
劉業強 Kenneth LAU		劉小麗 Dr LAU Siu-lai	
鄭俊宇 KWONG Chun-yu	反對 NO		
姚松炎 Dr YIU Chung-yim			

秘書 CLERK