

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 4 October 2000

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

THE HONOURABLE KENNETH TING WOO-SHOU, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE DAVID CHU YU-LIN

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, J.P.

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE MARTIN LEE CHU-MING, S.C., J.P.

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

DR THE HONOURABLE DAVID LI KWOK-PO, J.P.

THE HONOURABLE FRED LI WAH-MING, J.P.

DR THE HONOURABLE LUI MING-WAH, J.P.

THE HONOURABLE NG LEUNG-SING

PROF THE HONOURABLE NG CHING-FAI

THE HONOURABLE MARGARET NG

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE BERNARD CHAN

THE HONOURABLE CHAN KAM-LAM

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE WONG YUNG-KAN

THE HONOURABLE JASPER TSANG YOK-SING, J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE YEUNG YIU-CHUNG

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH

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

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, J.P.

THE HONOURABLE AMBROSE LAU HON-CHUEN, J.P.

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

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

THE HONOURABLE TIMOTHY FOK TSUN-TING, S.B.S., J.P.

THE HONOURABLE LAW CHI-KWONG, J.P.

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

DR THE HONOURABLE TANG SIU-TONG, J.P.

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

THE HONOURABLE LI FUNG-YING, J.P.

THE HONOURABLE HENRY WU KING-CHEONG, B.B.S.

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

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE LEUNG FU-WAH, M.H., J.P.

DR THE HONOURABLE LO WING-LOK

THE HONOURABLE WONG SING-CHI

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

CLERKS IN ATTENDANCE:

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TAKING OF LEGISLATIVE COUNCIL AFFIRMATIONS AND OATHS

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 stated in the Agenda. When the name of a Member is called, please come out to the table to take the Oath, and then sign the printed version of the Oath.

CLERK (in Cantonese): Will Members please rise and remain standing until all Members present have taken the Oath.

The Honourable Kenneth TING Woo-shou took the Legislative Council Oath

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

The Honourable David CHU Yu-lin took the Legislative Council Oath

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

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

Ir Dr The Honourable Raymond HO Chung-tai took the Legislative Council Oath

The Honourable LEE Cheuk-yan took the Legislative Council Oath

The Honourable Martin LEE Chu-ming took the Legislative Council Oath

The Honourable Eric LI Ka-cheung took the Legislative Council Affirmation

Dr The Honourable David LI Kwok-po took the Legislative Council Oath

The Honourable Fred LI Wah-ming took the Legislative Council Oath

Dr The Honourable LUI Ming-wah took the Legislative Council Affirmation

The Honourable NG Leung-sing took the Legislative Council Oath

Prof The Honourable NG Ching-fai took the Legislative Council Affirmation

The Honourable Margaret NG took the Legislative Council Oath

The Honourable Mrs Selina CHOW LIANG Shuk-yee took the Legislative Council Affirmation

The Honourable Mrs Rita FAN HSU Lai-tai took the Legislative Council Oath

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

The Honourable CHEUNG Man-kwong took the Legislative Council Affirmation

The Honourable HUI Cheung-ching took the Legislative Council Affirmation

The Honourable CHAN Kwok-keung took the Legislative Council Oath

The Honourable CHAN Yuen-han took the Legislative Council Affirmation

The Honourable Bernard CHAN took the Legislative Council Oath

The Honourable CHAN Kam-lam took the Legislative Council Oath

The Honourable Mrs Sophie LEUNG LAU Yau-fun took the Legislative Council Oath

The Honourable LEUNG Yiu-chung took the Legislative Council Affirmation

The Honourable SIN Chung-kai took the Legislative Council Oath

The Honourable Andrew WONG Wang-fat took the Legislative Council Oath

Dr The Honourable Philip WONG Yu-hong took the Legislative Council Oath

The Honourable WONG Yung-kan took the Legislative Council Oath

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

The Honourable Howard YOUNG took the Legislative Council Oath

Dr The Honourable YEUNG Sum took the Legislative Council Oath

The Honourable YEUNG Yiu-chung took the Legislative Council Oath

The Honourable LAU Chin-shek took the Legislative Council Oath

The Honourable LAU Kong-wah took the Legislative Council Oath

The Honourable LAU Wong-fat took the Legislative Council Oath

The Honourable Mrs Miriam LAU Kin-yeek took the Legislative Council Oath

The Honourable Ambrose LAU Hon-chuen took the Legislative Council Oath

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

The Honourable CHOY So-yuk took the Legislative Council Oath

The Honourable Andrew CHENG Kar-foo took the Legislative Council Oath

The Honourable SZETO Wah took the Legislative Council Oath

The Honourable Timothy FOK Tsun-ting took the Legislative Council Affirmation

The Honourable LAW Chi-kwong took the Legislative Council Oath

The Honourable TAM Yiu-chung took the Legislative Council Oath

Dr The Honourable TANG Siu-tong took the Legislative Council Oath

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

The Honourable LI Fung-ying took the Legislative Council Oath

The Honourable Henry WU King-cheong took the Legislative Council Oath

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

The Honourable Michael MAK Kwok-fung took the Legislative Council Affirmation

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

The Honourable LEUNG Fu-wah took the Legislative Council Affirmation

Dr The Honourable LO Wing-lok took the Legislative Council Oath

The Honourable WONG Sing-chi took the Legislative Council Oath

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

The Honourable IP Kwok-him took the Legislative Council Oath

The Honourable LAU Ping-cheung took the Legislative Council Oath

CLERK (in Cantonese): All Members present have taken the Oath. Please be seated.

ELECTION OF PRESIDENT

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

The election procedure has been set out in the Schedule to the Rules of Procedure. In accordance with Rule 1A, I now invite the Honourable Kenneth TING to preside at the election.

MR KENNETH TING (in Cantonese): Honourable Members, the Clerk to the Legislative Council issued a Notice on 28 September 2000 notifying Members that two valid nominations for the office of President had been received by him

by the close of the nomination period on 27 September 2000. The nominees, in the order of receipt of the nominations by the Clerk, are the Honourable Mrs Rita FAN and the Honourable Andrew WONG. Mrs Rita FAN is nominated by the Honourable James TIEN and seconded by the Honourable TSANG Yok-sing, Dr the Honourable Philip WONG, the Honourable Ambrose LAU, the Honourable Eric LI, the Honourable LI Fung-ying, Dr the Honourable LUI Ming-wah, the Honourable Bernard CHAN, the Honourable NG Leung-sing, Ir Dr the Honourable Raymond HO and Prof the Honourable NG Ching-fai. Mr Andrew WONG is nominated by the Honourable Margaret NG and seconded by the Honourable James TO, the Honourable LAW Chi-kwong and the Honourable SIN Chung-kai. In accordance with the election procedure, I hereby order a vote by secret ballot. Each Member present, including myself, will receive a ballot paper.

On the ballot paper the names of the two candidates have been listed. A Member taking part in voting shall mark a "✓" only in the box opposite the name of the candidate of his/her choice on the paper. There is no need to write anything else on the ballot paper. Any ballot paper not marked, not properly marked or marked with more than a "✓" shall be discarded.

Do Members have any questions?

MISS EMILY LAU (in Cantonese): Are those Members nominated for the office of President allowed to state their platforms and to take questions at the present stage?

MR KENNETH TING (in Cantonese): The election of the President of the Legislative Council must be conducted in accordance with the procedure prescribed in the Schedule to the Rules of Procedure. Since the election procedure has made no provision for candidates to speak or to express their views, I think it is not appropriate to invite the two candidates to speak at this stage.

Do Members have other questions? (*Pause*) If not, I order that the ballot papers be distributed.

MR KENNETH TING (in Cantonese): Members will please fold the marked ballot papers twice before dropping them into the ballot box.

We will now collect Members' votes.

MR KENNETH TING (in Cantonese): I now order that the ballot papers be counted. Will Mr James TIEN and Miss Margaret NG, the Members who made the nominations, please come out to supervise the counting of votes.

(Mr James TIEN and Miss Margaret NG stood before the table to supervise the counting of ballot papers. The Clerk then reported the result to Mr Kenneth TING who checked the result for confirmation.)

MR KENNETH TING (in Cantonese): Mr James TIEN and Miss Margaret NG will please return to their seats.

I now announce the result of the election: Mrs Rita FAN has received 38 votes; Mr Andrew WONG 21 votes. I now declare Mrs Rita FAN elected President of the Legislative Council. *(Members applauded)*

Congratulations, Mrs Rita FAN! Will you please take the Chair?

PRESIDENT (in Cantonese): Honourable Members, it is the usual practice for the elected President to make a short speech, and thus I will now take some time to say a few words.

It is indeed my honour to be the President of the second term of the Legislative Council.

The present term of office of the Legislative Council is four years. In the future, each term of office will also be four years. After the smooth transition, it is the first time that the term of office of the Legislative Council is restored to four years. In the next four years, Members will certainly have their own plans to bring their abilities into full play and to serve the constituents. I hope that with your co-operation, and with your joint efforts, the work of the Legislative Council can strike deep roots in the community and win due understanding and recognition by the public.

Not a few members of the public do not quite understand the functions of the Legislative Council. After the election last month, some commentators held that "emphasizing legislative work but overlooking community work" was the main reason for some candidates losing votes in the election. I am actually dubious about the validity of this statement. Nevertheless, to a certain extent, it reflects that the genuine functions of the Legislative Council are not well understood by some members of the public. Therefore, there is a need to re-establish recognition of the impact that the deliberation of bills has on society as a whole. I hope that with the support of all Members, we will earnestly practise what we advocate and set a good example, so that members of the public can have a deeper understanding of what the functions of the Legislative Council really are.

Four years are a rather long period. Therefore, Members can have more time to follow up some issues, monitor the administration of the Government and to promote policies beneficial to the public. In order to exert effective influence on the administration of the Government, co-operation among Members and communication with government officials are important factors. The four-year term will provide a relatively stable and objective environment to Members. Under the environment, Members can develop a smoother working relationship among them, and it is hoped that a foundation of mutual trust and respect can be gradually built up through interaction with government officials. It is my view that members of the public would like to see a pragmatic Legislative Council, where Members would put forward proposals with good justifications and their views be geared to the actual circumstances, whilst the executive authorities would readily accept good advice. If Honourable Members agree with my view, let us join our hands together in opening a new chapter for the relationship between the executive and the legislature.

Finally, I can promise Honourable Members that with a spirit of dauntlessness, selflessness and impartiality, I will continue to discharge my duties as the President of the Legislative Council, keeping to the letter of the Rules of Procedure.

I wish you all every success in your work.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Solicitors' Accounts (Amendment) Rules 2000	231/2000
Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2000	232/2000
Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000) (Commencement) Notice 2000	239/2000
Designation of Museums (Amendment) Order 2000	240/2000
Customs and Excise Service Children's Education Trust Fund Ordinance (Cap. 551) (Commencement) Notice 2000	241/2000
Building Management (Amendment) Ordinance 2000 (69 of 2000) (Commencement) Notice 2000	242/2000
Dutiable Commodities (Amendment) Ordinance 2000 (57 of 2000) (Commencement) Notice 2000	243/2000
Dutiable Commodities (Exempted Quantities) Notice	244/2000
Employees' Compensation (Amendment) (No. 2) Ordinance 2000 (52 of 2000) (Commencement) Notice 2000	245/2000
Tax Reserve Certificates (Rate of Interest) (No. 7) Notice 2000	246/2000
District Court (Amendment) Ordinance 2000 (28 of 2000) (Commencement) Notice 2000	247/2000

Rules of the District Court (L.N. 186 of 2000) (Commencement) Notice 2000	248/2000
District Court Civil Procedure (Fees) (Amendment) Rules 2000 (L.N. 187 of 2000) (Commencement) Notice 2000	249/2000
Chinese Medicine Ordinance (Cap. 549) (Commencement) Notice 2000	250/2000
Chinese Medicine Practitioners (Fees) Regulation (L.N. 153 of 2000) (Commencement) Notice 2000	251/2000
Chinese Medicine Practitioners (Registration) Regulation (L.N. 154 of 2000) (Commencement) Notice 2000	252/2000
Chinese Medicine Practitioners (Discipline) Regulation (L.N. 155 of 2000) (Commencement) Notice 2000	253/2000
Financial Resources Rules (Exemption) (No. 2) Notice 2000	254/2000
Antiquities and Monuments (Declaration of Historical Buildings) Notice 2000	255/2000
Public Health and Municipal Services Ordinance (Civic Centres) (Amendment of Thirteenth Schedule) (No. 2) Order 2000	256/2000
Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2000	257/2000
Tax Reserve Certificates (Rate of Interest) (No. 8) Notice 2000	258/2000

Buildings (Amendment) Ordinance 2000 (39 of 2000) (Commencement) Notice 2000	259/2000
Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2000.....	260/2000
Electronic Transactions (Exclusion) (Amendment) (No. 2) Order 2000.....	261/2000
Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) Order 2000	262/2000
Declaration of Markets Notice (Amendment) Declaration 2000.....	263/2000
Foreign Lawyers Practice (Amendment) Rules 2000.....	264/2000
Solicitors' Practice (Amendment) (No. 2) Rules 2000 ...	265/2000
Solicitors' Practice (Amendment) (No. 3) Rules 2000 ...	266/2000
Banking Ordinance (Declaration under Section 2(14)(d)) (No. 2) Notice 1997 (Repeal) Notice 2000	267/2000
Tax Reserve Certificates (Rate of Interest) (No. 9) Notice 2000.....	268/2000
Witness Protection Ordinance (67 of 2000) (Commencement) Notice 2000	269/2000

Other Papers

- No. 1 — Land Development Corporation
Annual Report 1999-2000
- No. 2 — Report by the Commissioner of Correctional Services on
the administration of the Prisoners' Welfare Fund for the
year ended 31 March 2000

NEXT MEETING

PRESIDENT (in Cantonese): In accordance with Rule 14(1) of the Rules of Procedure, I now determine Wednesday, 11 October 2000 at 2.30 pm as the date and time for holding the next meeting, at which the Chief Executive will deliver his policy address. In accordance with Rule 14(5) of the Rules of Procedure, I now adjourn the Council until 2.30 pm next Wednesday.

Adjourned accordingly at twenty-five minutes to Four o'clock.