

LEGISLATIVE COUNCIL

MINUTES

No. 4

Minutes of the meeting held on Wednesday 18 October 2000 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, JP

The Hon David CHU Yu-lin

The Hon Cyd HO Sau-lan

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

Dr the Hon David LI Kwok-po, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing

Prof the Hon NG Ching-fai

The Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching

The Hon CHAN Kwok-keung

The Hon CHAN Yuen-han

The Hon Bernard CHAN

The Hon CHAN Kam-lam

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

The Hon LEUNG Yiu-chung

The Hon SIN Chung-kai

The Hon Andrew WONG Wang-fat, JP

Dr the Hon Philip WONG Yu-hong

The Hon WONG Yung-kan

The Hon Jasper TSANG Yok-sing, JP

The Hon Howard YOUNG, JP

Dr the Hon YEUNG Sum

The Hon YEUNG Yiu-chung

The Hon LAU Chin-shek, JP

The Hon LAU Kong-wah

The Hon LAU Wong-fat, GBS, JP

The Hon Mrs Miriam LAU Kin-yee, JP

The Hon Ambrose LAU Hon-chuen, JP

The Hon Emily LAU Wai-hing, JP

The Hon CHOY So-yuk

The Hon Andrew CHENG Kar-foo

The Hon SZETO Wah

The Hon LAW Chi-kwong, JP

The Hon TAM Yiu-chung, GBS, JP

Dr the Hon TANG Siu-tong, JP
The Hon Abraham SHEK Lai-him, JP
The Hon LI Fung-ying, JP
The Hon Henry WU King-cheong, BBS
The Hon Tommy CHEUNG Yu-yan, JP
The Hon Michael MAK Kwok-fung
The Hon Albert CHAN Wai-yip
The Hon LEUNG Fu-wah, MH, JP
Dr the Hon LO Wing-lok
The Hon WONG Sing-chi
The Hon Frederick FUNG Kin-kee
The Hon IP Kwok-him, JP
The Hon LAU Ping-cheung

Members absent:

The Hon Mrs Selina CHOW LIANG Shuk-yee, JP
The Hon Timothy FOK Tsun-ting, SBS, JP

Public officers attending:

The Honourable Mrs Anson CHAN, GBM, JP
The Chief Secretary for Administration

The Honourable Donald TSANG Yam-kuen, JP
The Financial Secretary

The Honourable Elsie LEUNG Oi-sie, JP
The Secretary for Justice

Mr CHAU Tak-hay, JP
Secretary for Commerce and Industry

Mr Gordon SIU Kwing-chue, JP
Secretary for Planning and Lands

Mr Dominic WONG Shing-wah, GBS, JP

Secretary for Housing

Miss Denise YUE Chung-yee, JP
Secretary for the Treasury

Mr Stephen IP Shu-kwan, JP
Secretary for Financial Services

Mrs Lily YAM KWAN Pui-ying, JP
Secretary for the Environment and Food

Dr YEOH Eng-kiong, JP
Secretary for Health and Welfare

Mrs Regina IP LAU Suk-yee, JP
Secretary for Security

Mrs Fanny LAW FAN Chiu-fun, JP
Secretary for Education and Manpower

Mr WONG Hung-kin, JP
Secretary for Works

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Ms Pauline NG Man-wah, Assistant Secretary General (1)

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Tabling of Papers

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

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Hong Kong Special Administrative Region Passports Ordinance (Amendment of Schedule) Notice 2000 (gazetted on 13.10.2000)	277/2000
2. Aerial Ropeways (Fees) (Amendment) Regulation 2000 (gazetted on 13.10.2000)	278/2000
3. Insurance Companies (Actuaries' Standards) Regulation (gazetted on 13.10.2000)	279/2000
4. Lifts and Escalators (Safety) (Fees) (Amendment) Regulation 2000 (gazetted on 13.10.2000)	280/2000
5. Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (L.N. 85 of 2000) (Commencement) Notice 2000 (gazetted on 13.10.2000)	281/2000

Other Papers

No.3	-	Clothing Industry Training Authority Annual Report 1999 (published on 9.10.2000)
No.4	-	Construction Industry Training Authority Annual Report 1999 (published on 9.10.2000)
No.5	-	The Land Registry Trading Fund Hong Kong Annual Report 1999-2000 (published on 9.10.2000)
No.6	-	Companies Registry Annual Report 1999-2000 (published on 10.10.2000)
No.7	-	Electrical and Mechanical Services Trading Fund Annual Report 1999/2000 (published on 10.10.2000)
No.8	-	Report of changes to the approved Estimates of Expenditure approved during the first quarter of 2000-01 (Public Finance Ordinance : Section 8) (published on 11.10.2000)
No.9	-	Hong Kong Council on Smoking and Health Annual Report 1999-2000 (published on 11.10.2000)
No.10	-	The Legislative Council Commission

Annual Report 1999-2000 (published on 12.10.2000)

- No.11 - The Government Minute in response to the Report No. 34 of the Public Accounts Committee dated June 2000 (published on 17.10.2000)

Address

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the Report No. 34 of the Public Accounts Committee dated June 2000.

Questions

1. Hon Kenneth TING asked Question 1.

The Secretary for Commerce and Industry replied.

Five Members asked supplementaries and the Secretary for Commerce and Industry replied.

2. Hon Albert HO asked Question 2.

The Secretary for Financial Services replied.

Three Members asked supplementaries and the Secretary for Financial Services replied.

3. Hon CHAN Kam-lam asked Question 3.

The Secretary for Housing replied.

Five Members asked supplementaries and the Secretary for Housing replied.

4. Hon LAW Chi-kwong asked Question 4.

The Secretary for the Environment and Food replied.

Five Members asked supplementaries and the Secretary for the Environment and Food replied.

5. Hon CHAN Yuen-han asked Question 5.

The Secretary for Health and Welfare replied.

Six Members asked supplementaries and the Secretary for Health and Welfare replied.

6. Hon LAU Kong-wah asked Question 6.

The Secretary for Housing replied.

Six Members asked supplementaries and the Secretary for Housing replied.

Written replies to Questions 7 to 16 were tabled for Members' information.

Statements

The Chief Secretary for Administration made a statement on her recent visit to Beijing.

Six Members asked questions to seek elucidation on the statement and the Chief Secretary for Administration replied.

Bills

First Reading

Inland Revenue (Amendment) Bill 2000
Stamp Duty (Amendment) Bill 2000
Immigration (Amendment) Bill 2000
Rehabilitation Centres Bill

The Bills were read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading

Inland Revenue (Amendment) Bill 2000
Stamp Duty (Amendment) Bill 2000

The Secretary for the Treasury moved the Second Reading and addressed the Council on each of the above two Bills.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debates on the above Bills were adjourned and the Bills were referred to the House Committee.

**Immigration (Amendment) Bill 2000
Rehabilitation Centres Bill**

The Secretary for Security moved the Second Reading and addressed the Council on each of the above two Bills.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debates on the above Bills were adjourned and the Bills were referred to the House Committee.

Members' Motions

Impoverishment of marginal workers

Hon CHAN Yuen-han moved the following motion and addressed the Council:

That, in view of the aggravation of the problem of poverty and the increasing number of "marginal workers" in Hong Kong, this Council urges the Government to face up to the plight of marginal workers and to put in place the following measures to alleviate their hardship:

- (a) implementing an economic development strategy that "prioritizes the provision of employment", for example by promoting the waste recycling and recovery industries, developing community and personal services, as well as strengthening the assistance for small and medium-sized enterprises, so as to create employment opportunities for the unemployed and provide opportunities for the low-salaried and less skilled workers to find better jobs and improve their livelihood;
- (b) introducing progressive tax bands for profits tax, so as to improve social services and reduce the disparity in the living standards between the rich and the poor;
- (c) implementing a "re-employment support scheme" and, in the long run, considering the establishment of a more comprehensive unemployment protection system to provide unemployed workers with financial security and opportunities for participating in skills enhancement training while they are seeking employment, thereby facilitating their re-joining the workforce;
- (d) reviewing expeditiously the existing labour-related legislation with a view to safeguarding the rights and interests of marginal workers who are in difficulties, for example, by abolishing the requirement that only

those employees who have worked continuously for the same employers for four weeks and at least 18 hours a week will be protected under the Employment Ordinance, so as to prevent employers from evading their responsibility for providing employment protection to their employees; and

- (e) re-structuring the framework for providing training for workers, pooling the training resources, as well as encouraging trade associations and labour unions to play an active role in training workers.

Question on Hon CHAN Yuen-han's motion proposed.

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

Hon WONG Sing-chi moved the following amendment to Hon CHAN Yuen-han's motion and addressed the Council:

To delete "implementing a "re-employment support scheme" " after "(c)" and substitute with "enhancing the supports under the Comprehensive Social Security Assistance Scheme for assisting the unemployed and the low-salaried in rejoining the workforce, including granting special allowances for job-seeking purposes and raising the level of disregarded earnings,"; to delete "a more comprehensive unemployment protection" and substitute with "an unemployment insurance"; to delete "and" after "prevent employers from evading their responsibility for providing employment protection to their employees;"; and to add "; and (f) legislating against age discrimination in order to protect the middle and old-aged marginal workers from not being offered employment solely because of their age" after "to play an active role in training workers".

Question on Hon WONG Sing-chi's amendment to Hon CHAN Yuen-han's motion proposed.

17 Members spoke on the motion and the amendment.

Hon CHAN Yuen-han spoke on the amendment.

The Secretary for Education and Manpower spoke on the motion and the amendment.

Question on Hon WONG Sing-chi's amendment to Hon CHAN Yuen-han's motion put.

Hon SIN Chung-kai claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 23 were present, four were in favour of the amendment, 18 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 14 were in favour of the amendment and 13 against it. (Voting record in Appendix I.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

Hon CHAN Yuen-han replied.

Question on Hon CHAN Yuen-han's motion put.

Hon CHAN Yuen-han claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 23 were present, nine were in favour of the motion and 14 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 23 were in favour of the motion and four against it. (Voting record in Appendix II.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

Creating employment opportunities

Hon Fred LI moved the following motion and addressed the Council:

That, in view of the persistently high unemployment rate in Hong Kong and the increasing number of low-income earners, this Council urges the Government to:

- (a) encourage employers, through tax concessions, to create more new jobs and offer them to the unemployed who have undergone training;
- (b) assist the socially-disadvantaged groups to set up community co-operative societies, so as to create jobs and posts to provide services for the local community;
- (c) legislate for a quota system for the employment of the disabled, so as to increase their chance of getting employed;

- (d) create the posts of teaching assistants and information technology co-ordinators; and
- (e) set up referral centres for part-time domestic helpers so as to create more part-time employment opportunities for women.

Question on Hon Fred LI's motion proposed.

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

Hon Howard YOUNG moved the following amendment to Hon Fred LI's motion and addressed the Council:

To delete "legislate for a quota system for the employment of the disabled," after "(c)" and substitute with "encourage employers, through tax concessions, to employ the disabled"; and to delete "chance of getting employed" and substitute with "employment opportunities".

Question on Hon Howard YOUNG's amendment to Hon Fred LI's motion proposed.

14 Members spoke on the motion and the amendment.

Hon Fred LI spoke on the amendment.

The Secretary for Education and Manpower spoke on the motion and the amendment.

Question on Hon Howard YOUNG's amendment to Hon Fred LI's motion put.

Hon Howard YOUNG claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, 11 were in favour of the amendment and 10 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, three were in favour of the amendment and 21 against it. (Voting record in Appendix III.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

Hon Fred LI replied.

Question on Hon Fred LI's motion put.

Hon Fred LI claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, nine were in favour of the motion, 11 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 20 were in favour of the motion and four against it. (Voting record in Appendix IV.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 25 October 2000 at 2:30 pm.

The Council was adjourned at 10:01 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong