

LEGISLATIVE COUNCIL

MINUTES

No. 7

Minutes of the meeting held on Wednesday 8 November 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

Ir Dr the Hon Raymond HO Chung-tai, JP

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 Mrs Selina CHOW LIANG Shuk-yee, JP

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 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 Timothy FOK Tsun-ting, SBS, JP

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 Albert HO Chun-yan
The Hon LEE Cheuk-yan
The Hon WONG Yung-kan

Public officers attending:

The Hon Michael SUEN Ming-yeung, GBS, 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 Dominic WONG Shing-wah, GBS, JP
Secretary for Housing

Mr Joseph WONG Wing-ping, GBS, JP
Secretary for the Civil Service

Miss Denise YUE Chung-yee, JP

Secretary for the Treasury

Mr LAM Woon-kwong, GBS, JP
Secretary for Home Affairs

Mr LEE Shing-see, JP
Secretary for Works

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

Ms Sandra LEE Suk-yee, JP
Secretary for Economic Services

Mr Kevin HO Chi-ming, JP
Secretary for Transport

Mr Gregory LEUNG Wing-lup, JP
Secretary for Health and Welfare

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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

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. Control of Obscene and Indecent Articles (Amendment) Regulation 2000 (gazetted on 3.11.2000)	288/2000
2. Public Health and Municipal Services (Fees and Charges) (Museums) Regulation (gazetted on 3.11.2000)	289/2000
3. Road Traffic (Village Vehicles) (Amendment) Regulation 2000 (gazetted on 3.11.2000)	290/2000
4. Legal Practitioners (Fees) (Amendment) Rules 2000 (gazetted on 3.11.2000)	291/2000
5. Tax Reserve Certificates (Rate of Interest) (No. 10) Notice 2000 (gazetted on 3.11.2000)	292/2000
6. Civil Aviation (Insurance) Order (Cap. 448 Sub. Leg.) (Commencement) Notice 2000 (gazetted on 3.11.2000)	293/2000
7. Road Traffic Legislation (Amendment) (No. 2) Ordinance 2000 (50 of 2000) (Commencement) Notice 2000 (gazetted on 3.11.2000)	294/2000

Other Papers

- No.25 - The Government Minute in response to the Twelfth Annual Report of the Ombudsman issued in June 2000 (published on 3.11.2000)
- No.26 - Hong Kong Tourist Association Annual Report 1999/2000 (published on 3.11.2000)

Addresses

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the Twelfth Annual Report of the Ombudsman issued in June 2000.

The Secretary for Economic Services addressed the Council on the Hong Kong Tourist Association Annual Report 1999/2000.

Hon Cyd HO addressed the Council on the Prison (Amendment) Rules 2000, which are subsidiary legislation laid on the Table of the Council on 11 October 2000.

Questions

1. Hon LAU Wong-fat asked Question 1.

The Secretary for Economic Services replied.

Five Members asked supplementaries and the Secretary for Economic Services replied.

2. Hon Fred LI asked Question 2.

The Secretary for Housing replied.

Five Members asked supplementaries and the Secretary for Housing replied.

3. Hon NG Leung-sing asked Question 3.

The Secretary for Home Affairs replied.

Six Members asked supplementaries and the Secretary for Home Affairs replied.

4. Hon CHOY So-yuk asked Question 4.

The Secretary for Housing replied.

Two Members asked supplementaries and the Secretary for Housing replied.

5. Ir Dr Hon HO Chung-tai asked Question 5.

The Secretary for Education and Manpower replied.

Three Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for Works replied.

6. Hon James TIEN asked Question 6.

The Secretary for Transport replied.

Six Members asked supplementaries and the Secretary for Transport replied.

Written replies to Questions 7 to 18 were tabled for Members' information.

Bills

First Reading

Adaptation of Laws Bill 2000

Dutiable Commodities (Amendment) Bill 2000

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

Adaptation of Laws Bill 2000

The Chief Secretary for Administration moved the Second Reading and addressed the Council.

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

Dutiable Commodities (Amendment) Bill 2000

The Secretary for the Treasury moved the Second Reading and addressed the Council.

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

Stamp Duty (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 18 October 2000 resumed.

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 **Stamp Duty (Amendment) Bill 2000**.

Question that clauses 1, 2 and 3 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for the Treasury reported that

the **Stamp Duty (Amendment) Bill 2000**

had passed through the Committee without amendment. She 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

Enhancing the welfare for the elderly

Hon YEUNG Yiu-chung moved the following motion and addressed the Council:

That, in view of the aggravation of the problems of ageing population and impoverishment of the elderly in Hong Kong, this Council urges the Government to adopt effective measures to enhance the welfare for the elderly; these measures should include:

- (a) processing separately the cases of Comprehensive Social Security Assistance (CSSA) for the elderly and the general CSSA cases, as well as relaxing the assets limit for elderly CSSA applicants, so as to benefit more elderly persons;
- (b) maintaining the existing application mechanism for the old age allowance, increasing the rate of the allowance to an appropriate level and relaxing the absence rule on the allowance received by the elderly settling in their hometown;

- (c) extending the Portable CSSA Scheme to places on the Mainland outside Guangdong and relaxing the eligibility criteria for the Scheme; and
- (d) strengthening and improving the services of multi-service centres, social centres, day care centres and health centres for the elderly, so as to provide medical care, community care, as well as cultural and recreational services etc. for the elderly in Hong Kong.

Question on Hon YEUNG Yiu-chung's motion proposed.

The President stated that Hon LEUNG Yiu-chung, Hon Mrs Sophie LEUNG and Hon Frederick FUNG would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

Hon LEUNG Yiu-chung spoke on the motion and his amendment.

At 4:22 pm, the President's Deputy took the chair during the temporary absence of the President.

Hon Mrs Sophie LEUNG and Hon Frederick FUNG spoke respectively on the motion and their amendments.

15 Members spoke on the motion and the amendments.

Hon YEUNG Yiu-chung spoke on the amendments.

The Secretary for Health and Welfare spoke on the motion and the amendments.

At 6:13 pm, the President resumed the chair.

Hon LEUNG Yiu-chung moved the following amendment to Hon YEUNG Yiu-chung's motion:

To delete "adopt effective measures to enhance the welfare for the elderly; these measures should include" and substitute with "expeditiously introduce the old age pension scheme to meet the basic needs of the elderly; before that, the Government should improve the existing Comprehensive Social Security Assistance (CSSA) and old age allowance schemes through"; to delete "Comprehensive Social Security Assistance (CSSA)" and substitute with "CSSA"; to add "(b) restoring the right of elderly persons who are living with their family members to apply for CSSA on an individual basis, which had been in existence prior to the CSSA review last year, to show respect for their independence and autonomous rights;" after "so as to benefit more elderly persons;"; to delete "(b) maintaining" and substitute with "(c) relaxing"; to add "and"

after "the elderly settling in their hometown;" to delete "(c)" and substitute with "(d)"; and to delete "and (d) strengthening and improving" and substitute with "at the same time, the Government should strengthen and improve".

Question on Hon LEUNG Yiu-chung's amendment to Hon YEUNG Yiu-chung's motion proposed and put.

Hon LEUNG Yiu-chung 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, 27 were present, 11 were in favour of the amendment and 16 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 19 were in favour of the amendment and five 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 Mrs Selina CHOW rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions to be moved to the motion on Enhancing the welfare for the elderly at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the President may order that the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Hon Mrs Sophie LEUNG moved the following amendment to Hon YEUNG Yiu-chung's motion:

To delete "processing separately the cases of" and substitute with "reviewing the policy on"; to delete "the general CSSA cases, as well as relaxing the assets limit for elderly CSSA applicants, so as to benefit more elderly persons"; to delete "(b) maintaining the existing application mechanism for the" and substitute with "completing the review on"; to add "expeditiously" after "old age allowance"; to delete "increasing the rate of the allowance to an appropriate level and relaxing the absence rule on the allowance received by the elderly settling in their hometown" and substitute with "so as to benefit more elderly persons in genuine need"; to delete "(c)" and substitute with "(b)"; and to delete "(d)" and substitute with "(c)".

Question on Hon Mrs Sophie LEUNG's amendment to Hon YEUNG Yiu-chung's motion proposed and put.

Hon Mrs Sophie LEUNG claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 27 were present, 16 were in favour of the amendment, 10 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, four were in favour of the amendment, 19 against it and one abstained. (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 amendment was negatived.

Hon Frederick FUNG moved the following amendment to Hon YEUNG Yiu-chung's motion:

To delete "and" after "relaxing the eligibility criteria for the Scheme;"; and to add "; (e) offering full subventions for social centres and multi-service centres for the elderly; and (f) defining elderly persons as Hong Kong residents aged 60 and above and extending the services and concessions currently provided by the Government for the elderly to those aged 60 and above" after "for the elderly in Hong Kong".

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

Hon Frederick FUNG claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 27 were present, eight were in favour of the amendment and 19 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 18 were in favour of the amendment and six 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 YEUNG Yiu-chung replied.

Question on Hon YEUNG Yiu-chung's motion put.

Hon YEUNG Yiu-chung claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 27 were present, 14 were in favour of the motion, 11 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present and 24 were in favour of the motion. (Voting record in Appendix IV.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Terminating the appointment of the Senior Special Assistant to the Chief Executive

Hon Margaret NG moved the following motion and addressed the Council:

That the Chief Executive should terminate the appointment of Mr Andrew LO as Senior Special Assistant to the Chief Executive having regard to the fact that Mr LO has completely lost public credibility through the evidence he gave to the Independent Investigation Panel appointed by the University of Hong Kong and the manner in which he gave the evidence.

Question on the motion proposed.

25 Members and the Secretary for the Civil Service spoke on the motion.

Hon Margaret NG replied.

Question on the motion put.

Hon Margaret NG 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, 28 were present, five were in favour of the motion, 22 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 13 were in favour of the motion and 12 against it. (Voting record in Appendix V.) 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 15 November 2000 at 2:30 pm.

The Council was adjourned at 9:51 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong