

LEGISLATIVE COUNCIL

MINUTES

No. 9

Minutes of the meeting held on Wednesday 22 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

The Hon Albert HO Chun-yan

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 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 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 LEE Cheuk-yan
The Hon Margaret NG
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 Nicholas NG Wing-fui, JP
Secretary for Transport

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

Mrs Lily YAM KWAN Pui-ying, JP

Secretary for the Environment and Food

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

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

Mr Leo KWAN Wing-wah, JP
Secretary for Home Affairs

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>
Human Reproductive Technology Ordinance (Cap. 561) (Commencement) Notice 2000 (gazetted on 17.11.2000)	327/2000

Other Papers

- No.30 - The Hong Kong Industrial Estates Corporation
Annual Report 1999-2000 (published on 13.11.2000)
- No.31 - Hong Kong Industrial Technology Centre Corporation
Annual Report 1999-2000 (published on 13.11.2000)
- No.32 - Hong Kong Productivity Council
Annual Report 1999/2000 (published on 13.11.2000)
- No.33 - Hong Kong Sports Development Board
Annual Report 1999-2000 (published on 16.11.2000)

Questions

1. Hon CHOY So-yuk asked Question 1.

The Secretary for the Environment and Food replied.

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

2. Hon Fred LI asked Question 2.

The Secretary for Economic Services replied.

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

3. Hon CHEUNG Man-kwong asked Question 3.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

4. Hon LEUNG Fu-wah asked Question 4.

The Secretary for Transport replied.

Seven Members asked supplementaries and the Secretary for Transport replied.

5. Hon Michael MAK asked Question 5.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

6. Hon Emily LAU asked Question 6.

The Secretary for the Civil Service replied.

Four Members asked supplementaries and the Secretary for the Civil Service replied.

Written replies to Questions 7 to 20 were tabled for Members' information.

Bills

First Reading

Gambling (Amendment) Bill 2000

The Bill was 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

Gambling (Amendment) Bill 2000

The Secretary for Home Affairs 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.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon James TIEN moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Fixed Penalty (Criminal Proceedings) (Amendment) (No.3) Regulation 2000, published as Legal Notice No. 283 of 2000; and
- (b) Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement) Notice 2000, published as Legal Notice No. 286 of 2000,

and laid on the table of the Legislative Council on 25 October 2000, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) for amending subsidiary legislation be extended under section 34(4) of that Ordinance to the meeting of 29 November 2000.

Question on the motion proposed, put and agreed to.

Proposed resolution under Rule 78(1) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

Hon Martin LEE moved the following motion and addressed the Council:

Resolved that a select committee be appointed to inquire into the following:

- (a) the meetings and discussions held between the Chief Executive, Mr. Tung Chee Hwa, and Professor Cheng Yiu Chung, the former Vice Chancellor of the University of Hong Kong, during which the polls conducted by Dr. Robert Chung on the popularity of the Chief Executive were mentioned, and related issues;
- (b) the circumstances surrounding the meetings between Mr. Andrew Lo and Professor Arthur Li, the Vice Chancellor of the Chinese University of Hong Kong, and related issues;
- (c) the working relations and coordination between the Chief Executive, Mr. Tung Chee Hwa, and Mr. Andrew Lo in the latter's meetings with the former Vice Chancellor of

University of Hong Kong and the Vice Chancellor of Chinese University of Hong Kong, and related issues;

- (d) the involvement of Mr. Andrew Lo and/or the Chief Executive and/or the Chief Executive's Office in cutting short the term of appointment of Mr. Tony Fung to the Council of the Chinese University of Hong Kong, and related issues,

and that in the performance of its duties the committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance.

Question on the motion proposed.

10 Members and the Chief Secretary for Administration spoke on the motion.

Hon Martin LEE replied.

Question on the motion put.

Hon Martin LEE 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, 28 were present, 14 were in favour of the motion 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 motion was negatived.

Increasing the support to District Council members

Hon IP Kwok-him moved the following motion and addressed the Council:

That, as District Council (DC) members are representatives of public opinion with extensive contacts at the grassroots level, this Council urges the Government to adopt the following measures to increase the support to DC members:

- (a) creating a post at the rank of Assistant Director in every executive department to directly assist DC members in handling complaints;
- (b) requiring the heads of bureaux and executive departments to meet DC members on a regular basis, so as to enable DC members to understand the Government's blueprint for

governing Hong Kong;

- (c) perfecting the mechanism for DC members to be involved in and give views on major projects to be implemented in their respective districts prior to the submission of these projects to the Legislative Council for funding approval;
- (d) setting up a mechanism for the Government to consult DC members when planning the scope, design and construction programme of the projects to be implemented in their respective districts;
- (e) appointing DC members to the committees responsible for managing public facilities in their respective districts, so as to enhance their role in district management;
- (f) appointing the 519 DC members to the Government's advisory structure;
- (g) increasing to \$20,000 the monthly accountable allowance for DC members;
- (h) granting DC members a one-off accountable allowance of \$50,000 for setting up their offices;
- (i) including DC members in the precedence list of the Hong Kong Special Administrative Region; and
- (j) increasing the support provided by district offices to DCs, including providing additional manpower and office facilities.

At 6:37 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon IP Kwok-him's motion proposed.

The President's Deputy stated that Hon Andrew CHENG, Hon Albert HO 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 Andrew CHENG, Hon Albert HO and Hon Frederick FUNG spoke respectively on the motion and their amendments.

Nine Members spoke on the motion and the amendments.

At 7:53 pm, the President resumed the chair.

Another nine Members spoke on the motion and the amendments.

Hon IP Kwok-him spoke on the amendments.

The Secretary for Home Affairs spoke on the motion and the amendments.

Hon Andrew CHENG moved the following amendment to Hon IP Kwok-him's motion:

To delete "creating a post at the rank of Assistant Director in" and substitute with "designating relevant officers of"; to delete "to directly assist DC members in handling complaints" and substitute with "including those at the directorate level, to attend DC meetings"; to delete "requiring the heads of bureaux and executive departments to meet DC members on a regular basis, so as to enable DC members to understand the Government's blueprint for governing Hong Kong;" and substitute with "making an agreement with DCs and drawing up internal guidelines to specify the types of policies and consultation papers requiring consultation with DCs as well as the types of policies and works at the district level requiring the consent of DCs before implementation; (c) providing additional funding to DCs so that they have more resources to launch or sponsor community building activities and to embark on community building and environmental improvement projects;"; to delete "(c)" and substitute with "(d)"; to delete "(d)" and substitute with "(e)"; to delete "(e)" and substitute with "(f)"; to delete "(f)" and substitute with "(g)"; to delete "the 519" and substitute with "more"; to add "and devising appropriate criteria for such appointments with a view to catering for different opinions in the community" after "DC members to the Government's advisory structure"; to delete "(g)" and substitute with "(h)"; to add "and establishing an independent committee to review matters relating to the revision of DC members' allowance" after "the monthly accountable allowance for DC members"; to delete "(h)" and substitute with "(i)"; to add "and an accountable allowance for winding up their offices" after "setting up their offices"; to delete "(i)" and substitute with "(j)"; to delete "(j)" and substitute with "(k)"; and to add "turning expeditiously the existing DC secretariats into independent ones and" after "district offices to DCs, including".

Question on Hon Andrew CHENG's amendment to Hon IP Kwok-him's motion proposed and put.

Hon Andrew CHENG 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, 25 were present, three were in favour of the amendment, 20 against it and two abstained; while among the Members returned by geographical

constituencies through direct elections and by the Election Committee, 27 were present, 14 were in favour of the amendment and 12 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 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 Increasing the support to District Council members 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 Albert HO moved the following amendment to Hon IP Kwok-him's motion:

To add "(e) studying expeditiously the possibility of entrusting to DCs the functions of the two former municipal councils in respect of district affairs;" after "implemented in their respective districts;" to delete "(e)" and substitute with "(f)"; to delete "(f)" and substitute with "(g)"; to delete "(g)" and substitute with "(h)"; to delete "(h)" and substitute with "(i)"; to delete "(i)" and substitute with "(j)"; to delete "(j)" and substitute with "(k)".

Question on Hon Albert HO's amendment to Hon IP Kwok-him's motion proposed and put.

Hon Albert HO 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, 25 were present, nine were in favour of the amendment, 15 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 23 were in favour of the amendment and three 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 Frederick FUNG moved the following amendment to Hon IP Kwok-him's motion:

To delete "appointing DC members" and substitute with "establishing a mechanism for DC members to elect or nominate members from among themselves"; to delete "appointing the 519 DC members" and substitute with "establishing a mechanism for DC members to elect or nominate members from among themselves for appointment by the Government"; to add ", and building additional items into the accountable allowance to meet actual needs" after "the monthly accountable allowance for DC members"; and to add "setting up independent secretariats for DCs and" after "(j)".

Question on Hon Frederick FUNG's amendment to Hon IP Kwok-him'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, 25 were present, five were in favour of the amendment, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 14 were in favour of the amendment and 12 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 amendment was negatived.

Question on Hon IP Kwok-him's motion put.

Hon IP Kwok-him 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, 25 were present, 10 were in favour of the motion, 14 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 25 were in favour of the motion and one abstained. (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 29 November 2000 at 2:30 pm.

The Council was adjourned at 9:30 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong