

LEGISLATIVE COUNCIL

MINUTES

No. 10

Minutes of the meeting held on Wednesday 29 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 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

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-ye, 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 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

Member absent:

Prof the Hon NG Ching-fai

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 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

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

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

Mr Paul TANG Kwok-wai, JP
Secretary for the Environment and Food

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

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. Dangerous Drugs Ordinance (Amendment of First Schedule) (No. 2) Order 2000 (gazetted on 24.11.2000)	329/2000
2. Dutiable Commodities (Amendment) (No. 2) Regulation 2000 (gazetted on 24.11.2000)	330/2000
3. Firearms and Ammunition (Amendment) (No. 2) Regulation 2000 (gazetted on 24.11.2000)	331/2000
4. Firearms and Ammunition (Storage Fees) (Amendment) Order 2000 (gazetted on 24.11.2000)	332/2000
5. Pawnbrokers (Amendment) Regulation 2000 (gazetted on 24.11.2000)	333/2000
6. Bills of Sale (Fees) (Amendment) Regulation 2000 (gazetted on 24.11.2000)	334/2000
7. Fees for Official Signatures and Miscellaneous Services (Amendment) Notice 2000 (gazetted on 24.11.2000)	335/2000
8. Hong Kong Court of Final Appeal Fees (Amendment) Rules 2000 (gazetted on 24.11.2000)	336/2000
9. High Court Fees (Amendment) Rules 2000 (gazetted on 24.11.2000)	337/2000
10. District Court Civil Procedure (Fees) (Amendment) (No. 2) Rules 2000 (gazetted on 24.11.2000)	338/2000
11. Coroners (Fees) (Amendment) Rules 2000 (gazetted on 24.11.2000)	339/2000
12. Small Claims Tribunal (Fees) (Amendment) Rules 2000 (gazetted on 24.11.2000)	340/2000
13. Legal Practitioners (Fees) (Amendment) (No. 2) Rules 2000 (gazetted on 24.11.2000)	341/2000
14. Mandatory Provident Fund Schemes (Compensation Claims) Rules (gazetted on 24.11.2000)	342/2000
15. Mandatory Provident Fund Schemes (Winding Up) Rules (gazetted on 24.11.2000)	343/2000

Other Paper

- No.34 - The Prince Philip Dental Hospital Hong Kong Report by the Board of Governors for the period 1 April 1999 to 31 March 2000 (published on 20.11.2000)

Questions

1. Dr Hon LUI Ming-wah asked Question 1.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

2. Dr Hon David LI asked Question 2.

The Secretary for Commerce and Industry replied.

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

3. Dr Hon LO Wing-lok asked Question 3.

The Secretary for Education and Manpower replied.

Five Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for Health and Welfare replied.

4. Dr Hon TANG Siu-tong asked Question 4.

The Secretary for Housing replied.

Eight Members asked supplementaries and the Secretary for Housing replied.

5. Hon Tommy CHEUNG asked Question 5.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

6. Hon Kenneth TING asked Question 6.

The Secretary for Economic Services replied.

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

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

Bills

First Reading

Securities and Futures Bill Banking (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

Securities and Futures Bill Banking (Amendment) Bill 2000

The Secretary for Financial Services 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

Proposed resolutions under the Interpretation and General Clauses Ordinance

Hon Mrs Miriam LAU moved the following motion and addressed the Council:

Resolved that the 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, be amended, by repealing "1 December 2000" and substituting "1 December 2001".

Question on the motion proposed.

The Chairman of the Subcommittee formed to study the Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement) Notice 2000 and the Fixed Penalty (Criminal Proceedings) (No. 3) Regulation and the Secretary for the Environment and Food spoke on the motion.

Another six Members spoke on the motion.

The Secretary for the Environment and Food spoke again.

Hon Mrs Miriam LAU replied.

Question on the motion put.

Hon Mrs Miriam LAU 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, four were in favour of the motion and 24 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, four were in favour of the motion and 17 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.

The President stated that Hon Mrs Miriam LAU had indicated that she would withdraw her second proposed resolution under the Interpretation and General Clauses Ordinance if her first motion was negatived. Since this was the case, Hon Mrs Miriam LAU had therefore withdrawn her second proposed resolution. With the permission of the President, Hon Mrs Miriam LAU gave reasons of her withdrawal.

Abolishing the age requirement for dependent parent allowance

Hon WONG Sing-chi moved the following motion and addressed the Council:

That, as the serious unemployment situation in Hong Kong has forced many people to retire early, this Council urges the Government to abolish the age requirement that a dependent parent must reach the age of 60 to qualify for the dependent parent allowance, so that all taxpayers with dependent parents are eligible to claim such allowance, thereby providing an incentive for taxpayers to provide for their parents who are under the age of 60 and are unemployed or have no income, so as to alleviate their financial burden.

At 5:53 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

10 Members and the Secretary for the Treasury spoke on the motion.

At 7:13 pm, the President resumed the chair.

Hon WONG Sing-chi replied.

Question on the motion put.

Hon WONG Sing-chi 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, seven were in favour of the motion, 14 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 21 were in favour of the motion, three 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 motion was negatived.

Opposing the surge of fees and charges

Hon CHAN Kam-lam moved the following motion and addressed the Council:

That, while the public have yet to benefit from the slight improvement in Hong Kong's economy, the Government and a considerable number of public and private organizations have chosen to propose increases in fees and charges at this stage, thereby aggravating the burden on the public; in this regard, this Council urges the Government to face up to the surge of fees and charges, and continue to freeze government fees and charges which have a direct impact on people's livelihood; at the same time, this Council calls on the public utilities to go through the hard times with the public by freezing their fees and charges.

Question on Hon CHAN Kam-lam's motion proposed.

The President stated that Hon Fred LI, Hon LAU Chin-shek and Hon James TIEN 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 Fred LI, Hon LAU Chin-shek and Hon James TIEN spoke respectively on the motion and their amendments.

19 Members spoke on the motion and the amendments.

Hon CHAN Kam-lam spoke on the amendments.

The Secretary for the Treasury spoke on the motion and the amendments.

Hon Fred LI moved the following amendment to Hon CHAN Kam-lam's motion:

To delete "urges" and substitute with "strongly opposes"; to delete "to face up to the surge of fees and charges, and continue to freeze government" and substitute with "increasing its"; to add ", including charges for water, sewage and postage" after "direct impact on people's livelihood"; to delete "calls on" and substitute with "strongly opposes increases in fares and charges by"; and to delete "to go through the hard times with the public by freezing their fees and charges" and substitute with "and transport companies, such as Hongkong Electric Company Limited, Tate's Cairn Tunnel, Tai Lam Tunnel, Western Harbour Crossing, New World First Bus Services Limited and Star Ferry Company Limited".

Question on Hon Fred LI's amendment to Hon CHAN Kam-lam's motion proposed and 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, 25 were present, five were in favour of the amendment and 20 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 11 were in favour of the amendment and 14 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 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 Opposing the surge of fees and charges 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 LAU Chin-shek moved the following amendment to Hon CHAN Kam-lam's motion:

To delete "which have a direct impact on people's livelihood"; to add "in order to safeguard people's livelihood," after "at the same time,"; to delete "calls on" and substitute with "strongly opposes"; and to delete "to go through the hard times with the public by freezing" and substitute with "increasing".

Question on Hon LAU Chin-shek's amendment to Hon CHAN Kam-lam's motion proposed and put and negatived.

Hon James TIEN moved the following amendment to Hon CHAN Kam-lam's motion:

To add "and the business environment" after "direct impact on people's livelihood"; to delete "to go" and substitute with ", apart from having regard for making reasonable returns, to also consider the factor of going"; and to delete "by freezing" and substitute with "when considering whether or not to adjust".

Question on Hon James TIEN's amendment to Hon CHAN Kam-lam's motion proposed and put.

Hon James TIEN 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, 17 were in favour of the amendment and eight against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, five were in favour of the amendment and 20 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.

Hon CHAN Kam-lam replied.

Question on Hon CHAN Kam-lam's motion put.

Hon CHAN Kam-lam 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, 11 were in favour of the motion, two against it and 12 abstained; while among the Members returned by geographical constituencies through

direct elections and by the Election Committee, 26 were present, 19 were in favour of the motion, three against it and three 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 6 December 2000 at 2:30 pm.

The Council was adjourned at 10:32 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong