

LEGISLATIVE COUNCIL

MINUTES

No. 11

Minutes of the meeting held on Wednesday 6 December 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 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 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 Cyd HO Sau-lan
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

Mr I G M WINGFIELD, JP
The Secretary for Justice

Mr Nicholas NG Wing-fui, JP
Secretary for Transport

Mr Dominic WONG Shing-wah, GBS, JP
Secretary for Housing

Mr Joseph WONG Wing-ping, GBS, JP

Secretary for the Civil Service

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

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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. Money Lenders (Amendment) Regulation 2000 (gazetted on 1.12.2000) | 345/2000 |
| 2. Securities (Miscellaneous) (Amendment) (No. 2) Rules 2000 (gazetted on 1.12.2000) | 346/2000 |
| 3. Tax Reserve Certificates (Rate of Interest) (No. 11) Notice 2000 (gazetted on 1.12.2000) | 347/2000 |
| 4. Mass Transit Railway Ordinance (Cap. 556) (Commencement) (No. 2) Notice 2000 (gazetted on 1.12.2000) | 348/2000 |

Other Papers

- No.35 - Annual Report of the Protection of Wages on Insolvency Fund Board 1999-2000 (published on 27.11.2000)
- No.36 - Office of the Privacy Commissioner for Personal Data, Hong Kong Annual Report 1999-2000 (published on 27.11.2000)
- No.37 - Ocean Park Corporation Annual Report 1999-2000 (published on 29.11.2000)

Address

Hon Henry WU, a Board Member of Ocean Park Corporation, addressed the Council on the Ocean Park Corporation Annual Report 1999-2000.

Questions

1. Hon IP Kwok-him asked Question 1.

The Secretary for Transport replied.

Five Members asked supplementaries and the Secretary for Transport replied.

2. Hon TSANG Yok-sing asked Question 2.

The Secretary for Health and Welfare replied.

Nine Members asked supplementaries. The Secretary for Health and Welfare and the Secretary for the Civil Service replied.

3. Hon WONG Sing-chi asked Question 3.

The Secretary for Health and Welfare replied.

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

4. Hon Albert CHAN asked Question 4.

The Secretary for Economic Services replied.

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

5. Hon Eric LI asked Question 5.

The Secretary for Housing replied.

Seven Members asked supplementaries and the Secretary for Housing replied.

6. In accordance with Rule 26(6) of the Rules of Procedure, Hon Emily LAU asked Question 6 on behalf of Hon Cyd HO, who was absent.

The Secretary for Health and Welfare replied.

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

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

Members' Motions

Smart identity card

Hon Emily LAU moved the following motion and addressed the Council:

That this Council expresses grave concern over the issues arising from the smart identity card scheme, relating to security, privacy as well as the public's rights to choose and to know, and urges the Government to implement the scheme only after such issues have been satisfactorily resolved; at the same time, if data not already contained in existing identity cards (other than fingerprints) are to be stored on the smart identity cards, this Council considers that the Government must submit the relevant proposals to this Council for endorsement, and offer the public the right to choose the data to be stored on their smart identity cards.

Question on Hon Emily LAU's motion proposed.

The President stated that Hon IP Kwok-him and Hon James TO would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Hon IP Kwok-him spoke on the motion and his amendment.

At 4:30 pm, the President's Deputy took the chair during the temporary absence of the President.

Hon James TO spoke on the motion and his amendment.

Nine Members spoke on the motion and the amendments.

At 5:30 pm, the President resumed the chair.

Another nine Members spoke on the motion and the amendments.

Hon Emily LAU spoke on the amendments.

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

Hon IP Kwok-him moved the following amendment to Hon Emily LAU's motion:

To delete "to implement the scheme only after such issues have been satisfactorily resolved" and substitute with ", in formulating and implementing the scheme, to fully consider these concerns and adopt all effective measures to address the issues in question"; to delete "(other than fingerprints)"; and to delete "offer the public the right to choose the data to be" and substitute with "that it should be a matter for this Council to decide if the public should be allowed to choose whether or not to have such data".

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

Hon IP Kwok-him 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, 22 were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 11 were in favour of the amendment and 15 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 Smart identity card 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 James TO moved the following amendment to Hon Emily LAU's motion:

To add "before the legislation to implement the scheme is passed by this Council, the Government should only apply for funding to engage consultants to assist in resolving those issues;" after "such issues have been satisfactorily resolved;"; to delete "fingerprints" and substitute with "fingerprint data"; and to delete "submit the relevant proposals to this Council for endorsement, and".

Question on Hon James TO's amendment to Hon Emily LAU's motion proposed and put.

Hon Hon James TO 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, 28 were present, six were in favour of the amendment, 21 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 15 were in favour of the amendment and 11 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 Emily LAU replied.

Question on Hon Emily LAU's motion put.

Hon Emily LAU 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, 28 were present, eight were in favour of the motion, 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, 15 were in favour of the motion and 11 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 motion was negatived.

Railway development strategy

Hon LAU Chin-shek moved the following motion and addressed the Council:

That this Council urges the Government to expeditiously implement the new railway projects proposed in the "Railway Development Strategy 2000" published in May this year and, in particular, to adopt various measures to strive for the completion by 2008 of the Shatin to Central Link (comprising the East Kowloon Line, the fourth cross-harbour rail link and the Tai Wai to Diamond Hill Link) and the West Hong Kong Island Line; at the same time, when planning the implementation of new railway projects, the Government should expeditiously carry out environmental impact assessments and conduct extensive consultation on railway alignments and the locations of railway stations, so that railway development can harmonize with the need for environmental protection and fully reflect the wishes of the public.

Question on Hon LAU Chin-shek's motion proposed.

The President stated that Hon LAU Kong-wah and Dr Hon TANG Siu-tong would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Hon LAU Kong-wah and Dr Hon TANG Siu-tong spoke respectively on the motion and their amendments.

Nine Members spoke on the motion and the amendments.

Hon LAU Chin-shek spoke on the amendments.

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

Hon LAU Kong-wah moved the following amendment to Hon LAU Chin-shek's motion:

To add "the Government should also determine as soon as possible the schedule for constructing the Port Rail Line and the Regional Express Line;" after "the West Hong Kong Island Line;"; to delete "and" from "environmental impact assessments and" and substitute with ";"; and to delete ", so that railway development can harmonize with the need for environmental protection" and substitute with "; and review existing legislation and the policy-making mechanism in order to ensure more efficient coordination of the views of the relevant departments, so that the construction of new railways can take better account of the needs for environmental protection and social development,".

Question on Hon LAU Kong-wah's amendment to Hon LAU Chin-shek's motion proposed, put and agreed to.

The President stated that as Hon LAU Kong-wah's amendment had been agreed, she granted leave for Dr Hon TANG SIU-tong to revise and explain to the Council the terms of his amendment.

Dr Hon TANG Siu-tong moved the following revised amendment to Hon LAU Chin-shek's motion as amended by Hon LAU Kong-wah and explained the revised wording of his amendment to the Council:

To add "; besides, the Government should also devise a compensation mechanism which is fair and reasonable to the affected landowners;" after "and fully reflect the wishes of the public".

Question on Dr Hon TANG Siu-tong's further amendment to Hon LAU Chin-shek's motion as amended by Hon LAU Kong-wah proposed, put and agreed to.

Hon LAU Chin-shek replied.

Question on Hon LAU Chin-shek's motion as amended by Hon LAU Kong-wah and Dr Hon TANG Siu-tong put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 13 December 2000 at 2:30 pm.

The Council was adjourned at 9:02 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong