

LEGISLATIVE COUNCIL

MINUTES

No. 13

Minutes of the meeting held on Wednesday 20 December 2000 at 2:30 pm
and Thursday 21 December 2000 at 9:00 am

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 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 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 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
The Hon Audrey EU Yuet-mee, SC, JP

Members absent:

The Hon LAU Chin-shek, JP
The Hon Andrew CHENG Kar-foo

Public officers attending:

The Honourable Mrs Anson CHAN, GBM, JP (on 20.12.2000 only)
The Chief Secretary for Administration

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

Mr CHAU Tak-hay, JP (on 20.12.2000 only)
Secretary for Commerce and Industry

Mr Dominic WONG Shing-wah, GBS, JP (on 20.12.2000 only)
Secretary for Housing

Miss Denise YUE Chung-yee, JP (on 20.12.2000 only)

Secretary for the Treasury

Mr Stephen IP Shu-kwan, JP (on 20.12.2000 only)
Secretary for Financial Services

Dr YEOH Eng-kiong, JP (on 20.12.2000 only)
Secretary for Health and Welfare

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

Mr LEE Shing-see, JP (on 20.12.2000 only)
Secretary for Works

Mrs Carrie YAU TSANG Ka-lai, JP (on 20.12.2000 only)
Secretary for Information Technology and Broadcasting

Mrs Fanny LAW FAN Chiu-fun, JP (on 20.12.2000 only)
Secretary for Education and Manpower

Ms Maria KWAN Sik-ning, JP (on 20.12.2000 only)
Secretary for Economic Services

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP (on 20.12.2000 only)
Secretary General

Mr LAW Kam-sang, JP
Deputy Secretary General

Mrs Justina LAM CHENG Bo-ling (on 20.12.2000 only)
Assistant Secretary General (2)

Mr Ray CHAN Yum-mou (on 21.12.2000 only)
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. Waterworks (Amendment) Regulation 2000 (gazetted on 15.12.2000)	358/2000
2. Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2000 (gazetted on 15.12.2000)	359/2000
3. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2000 (gazetted on 15.12.2000)	360/2000
4. Public Health and Municipal Services Ordinance (Public Swimming Pools) (Designation and Amendment of Fourteenth Schedule) Order 2000 (gazetted on 15.12.2000)	361/2000
5. Electricity Supply Lines (Protection) Regulation (Cap. 406 Sub. Leg.) (Commencement) (No. 2) Notice 2000 (gazetted on 15.12.2000)	362/2000

Other Papers

- No.42 - The Accounts of the Lotteries Fund 1999-2000
(published on 12.12.2000)
- No.43 - The audited Statements of Accounts of the
Provisional Regional Council for the period 1
April 1999 to 31 December 1999 and the Director of
Audit's Report (published on 13.12.2000)
- No.44 - The audited Statements of Accounts of the
Provisional Urban Council for the period 1 April
1999 to 31 December 1999 and the Director of
Audit's Report (published on 13.12.2000)
- No.45 - Hong Kong Housing Authority
Annual Report 1999/2000 (published on 13.12.2000)
- No.46 - Hong Kong Housing Authority Financial Statements
for the year ended 31 March 2000 (published on
13.12.2000)
- No.47 - Report of the Chinese Temples Committee on the
Administration of the Chinese Temples Fund for the
year ended 31 March 2000 (published on 14.12.2000)
- No.48 - Report of the Chinese Temples Committee on the
Administration of the General Chinese Charities
Fund for the year ended 31 March 2000 (published

- on 14.12.2000)
- No.49 - Report of the Brewin Trust Fund Committee on the Administration of the Fund for the year ended 30 June 2000 (published on 14.12.2000)
- No.50 - Grantham Scholarships Fund
Annual Report for the year 1 September 1999 to 31 August 2000 (published on 14.12.2000)
- No.51 - The Sir Murray MacLehose Trust Fund Trustee's Report for the period 1 April 1999 to 31 March 2000 (published on 14.12.2000)
- No.52 - Legal Aid Services Council
Annual Report 1999-2000 (published on 15.12.2000)
- No.53 - The Police Children's Education Trust, The Police Education and Welfare Trust
Annual Report 1999/2000 (published on 15.12.2000)
- No.54 - Report on the Administration of the Fire Services Welfare Fund together with the Director of Audit's Report and Audited Statement of Accounts for the year ended 31 March 2000 (published on 15.12.2000)
- No.55 - Report by the Controller, Government Flying Service on the Administration of the Government Flying Service Welfare Fund for the year ended 31 March 2000 (published on 15.12.2000)
- Report of the Bills Committee on Adaptation of Laws Bill 2000 (published on 18.12.2000)
- Report of the Bills Committee on Dutiable Commodities (Amendment) Bill 2000 (published on 15.12.2000)

Questions

1. Hon Frederick FUNG asked Question 1.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

2. Dr Hon YEUNG Sum asked Question 2.

The Secretary for Economic Services replied.

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

3. Hon LEE Cheuk-yan asked Question 3.

The Secretary for Financial Services replied.

Four Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for Financial Services replied.

4. Hon SIN Chung-kai asked Question 4.

The Secretary for Information Technology and Broadcasting replied.

Six Members asked supplementaries and the Secretary for Information Technology and Broadcasting replied.

5. Hon WONG Yung-kan asked Question 5.

The Secretary for Works replied.

Eight Members asked supplementaries and the Secretary for Works replied.

6. Hon IP Kwok-him asked Question 6.

The Secretary for Health and Welfare replied.

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

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

Bills

First Reading

**Hong Kong Science and Technology Parks Corporation Bill
Intellectual Property (Miscellaneous Amendments) (No.2) 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

**Hong Kong Science and Technology Parks Corporation Bill
Intellectual Property (Miscellaneous Amendments) (No.2) Bill 2000**

The Secretary for Commerce and Industry 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.

Adaptation of Laws Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 8 November 2000 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Adaptation of Laws Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

The Chief Secretary for Administration replied.

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 **Adaptation of Laws Bill 2000**.

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

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

The Council then resumed.

Third Reading

The Chief Secretary for Administration reported that

the **Adaptation of Laws 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.

Dutiable Commodities (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 8 November 2000 resumed.

Hon James TO, Chairman of the Bills Committee on Dutiable Commodities (Amendment) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

Five Members spoke on the Bill.

The Secretary for the Treasury replied.

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 **Dutiable Commodities (Amendment) Bill 2000**.

Question that clause 2 stand part of the Bill proposed, put and agreed to.

Question that clause 1 stand part of the Bill proposed.

The Secretary for the Treasury moved amendments to clause 1 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 1, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for the Treasury reported that

the **Dutiable Commodities (Amendment) Bill 2000**

had passed through the Committee with amendments. 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.

Motions

Proposed resolution under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

The Chief Secretary for Administration moved the following motion and addressed the Council:

Resolved that the appointment of the Honourable Mr. Justice Arthur LEONG Shiu-chung as the Chief Judge of the High Court be endorsed.

Question on the motion proposed.

Three Members spoke on the motion.

The Chief Secretary for Administration replied.

Question on the motion put and agreed to.

Proposed resolution under the Dutiable Commodities Ordinance

The Secretary for the Treasury moved the following motion and addressed the Council:

Resolved that the Dutiable Commodities Ordinance be amended, in Part III of Schedule 1 -

- (a) in paragraph 1A(a), by repealing "31 December 2000" and substituting "30 June 2001";
- (b) in paragraph 1A(b), by repealing "1 January 2001" and substituting "1 July 2001".

Question on the motion proposed.

Four Members spoke on the motion.

The Secretary for the Treasury replied.

Question on the motion put and agreed to.

Proposed resolution under the Pneumoconiosis (Compensation) Ordinance

The Secretary for Education and Manpower moved the following motion and addressed the Council:

Resolved that, with effect from 1 January 2001, the First Schedule to the Pneumoconiosis (Compensation) Ordinance be amended, in Part VI, by repealing "\$16,000" and substituting "\$35,000".

Question on the Secretary for Education and Manpower's motion proposed.

The President stated that Hon LEE Cheuk-yan 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 LEE Cheuk-yan moved the following amendment to the Secretary for Education and Manpower's motion and addressed the Council:

Resolved that the motion to be moved by the Secretary for Education and Manpower under section 40 of the Pneumoconiosis (Compensation) Ordinance (Cap. 360) at the Legislative Council meeting of 20 December 2000 be amended by deleting "\$35,000" and substituting "\$50,000".

At 5:50 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon LEE Cheuk-yan's amendment to the Secretary for Education and Manpower's motion proposed.

12 Members spoke on the motion and the amendment.

At 7:00 pm, the President resumed the chair.

Another two Members spoke on the motion and the amendment.

The Secretary for Education and Manpower spoke on the amendment.

Question on Hon LEE Cheuk-yan's amendment to the Secretary for Education and Manpower's motion put.

Hon LEE Cheuk-yan 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, five 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, 25 were present, 14 were in favour of the amendment

and 10 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.

The Secretary for Education and Manpower replied.

Question on the Secretary for Education and Manpower's motion put and agreed to.

Government motion

The Secretary for Security moved the following motion and addressed the Council:

That this Council considers that the Public Order Ordinance's existing provisions relating to the regulation of public meetings and public processions reflect a proper balance between protecting the individual's right to freedom of expression and right of peaceful assembly, and the broader interests of the community at large, and that there is a need to preserve these provisions.

Question on the Secretary for Security's motion proposed.

The Secretary for Justice spoke on the motion.

The President stated that Hon James TO and Hon Emily LAU 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 James TO requested the President to suspend the meeting for 15 to 20 minutes whereas Hon Emily LAU requested the President to suspend the meeting until 9:00 am the following day, in order to allow Members to consider the speeches made by the Secretary for Security and the Secretary for Justice.

The President stated that in order to enable Members to participate fully in the debate, including those Members who had scheduled to leave Hong Kong in the afternoon of the following day, she was aiming at concluding the debate by noon the following day. Therefore she would suspend the meeting at a suitable time after 10:00 pm. She then invited Hon James TO to speak on the motion and the amendments.

Hon James TO and Hon Emily LAU spoke respectively on the motion and their amendments.

Two Members spoke on the motion and the amendments.

At 9:30 pm, the President's Deputy took the chair during the temporary absence of the President.

Another two Members spoke on the motion and the amendments.

At 9:45 pm, the President resumed the chair.

Seven other Members spoke on the motion and the amendments.

At 10:50 pm, the President said that in view of the fact that a large number of Members were still awaiting their turn to speak, she would call a few more Members to speak before she suspended the meeting.

Five other Members spoke on the motion and the amendments.

The President suspended the meeting at 11:43 pm.

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The Council resumed at 9:00 am on 21.12.2000.

20 further Members spoke on the motion and the amendments.

At 12:07 pm, the President's Deputy took the chair during the temporary absence of the President.

The Secretary for Security spoke on the amendments.

At 12:14 pm, the President resumed the chair.

With the permission of the President, two other Members spoke on the motion and the amendments.

Hon James TO moved the following amendment to the Secretary for Security's motion:

To add "this Council notes that, in its concluding observations issued after considering the report on Hong Kong's human rights situation submitted by the Hong Kong Special Administrative Region ("HKSAR") Government in 1999, the United Nations Human Rights Committee stated that the HKSAR Government should review the Public Order Ordinance and bring its provisions into compliance with the relevant international covenant on human rights;" after "That"; to add "also" after "this Council"; to delete "reflect a proper balance" and substitute with ", in balancing"; and to delete "and that there is a need to preserve these provisions" and substitute with "need to provide for a notification system, but the specific requirements and penalty provisions need to be amended, such as by increasing the maximum number of participants to be exempt from the notice requirement, shortening the required notice period and lowering the level of penalty for non-compliance with the notice requirement, so

as to bring such provisions into line with the relevant covenant and the aspirations of a modern, democratic and liberal society".

Question on Hon James TO's amendment to the Secretary for Security's motion proposed and put.

Hon James TO 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, 30 were present, seven were in favour of the amendment and 23 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 15 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 on Government motion 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 Emily LAU moved the following amendment to The Secretary for Security's motion:

To delete "this Council considers that" and substitute with ", in view of the diversity of views in the community on"; to delete "existing"; and to delete "reflect a proper balance between protecting the individual's right to freedom of expression and right of peaceful assembly, and the broader interests of the community at large, and that there is a need to preserve these provisions" and substitute with ", this Council urges the authorities to refer this issue to the Law Reform Commission for consideration".

Question on Hon Emily LAU's amendment to the Secretary for Security's motion proposed and 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, 30 were present, six were in favour of the amendment and 24 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 15 were in favour of the amendment and 12 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.

The Secretary for Security replied.

Question on the Secretary for Security'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 58 Members were present, 36 were in favour of the motion and 21 against it. (Voting record in Appendix IV.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon SIN Chung-kai moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Dutiable Commodities (Amendment) (No. 2) Regulation 2000, published as Legal Notice No. 330 of 2000;
- (b) Firearms and Ammunition (Amendment) (No. 2) Regulation 2000, published as Legal Notice No. 331 of 2000;
- (c) Firearms and Ammunition (Storage Fees) (Amendment) Order 2000, published as Legal Notice No. 332 of 2000;
- (d) Pawnbrokers (Amendment) Regulation 2000, published as Legal Notice No. 333 of 2000;
- (e) Bills of Sale (Fees) (Amendment) Regulation 2000, published as Legal Notice No. 334 of 2000;
- (f) Fees for Official Signatures and Miscellaneous Services (Amendment) Notice 2000, published as Legal Notice No. 335 of 2000;

- (g) Hong Kong Court of Final Appeal Fees (Amendment) Rules 2000, published as Legal Notice No. 336 of 2000;
- (h) High Court Fees (Amendment) Rules 2000, published as Legal Notice No. 337 of 2000;
- (i) District Court Civil Procedure (Fees) (Amendment) (No. 2) Rules 2000, published as Legal Notice No. 338 of 2000;
- (j) Coroners (Fees) (Amendment) Rules 2000, published as Legal Notice No. 339 of 2000;
- (k) Small Claims Tribunal (Fees) (Amendment) Rules 2000, published as Legal Notice No. 340 of 2000; and
- (l) Legal Practitioners (Fees) (Amendment) (No. 2) Rules 2000, published as Legal Notice No. 341 of 2000,

and laid on the table of the Legislative Council on 29 November 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 10 January 2001.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Mrs Selina CHOW moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Country Parks and Special Areas (Amendment) Regulation 2000, published as Legal Notice No. 349 of 2000;
- (b) Marine Parks and Marine Reserves (Amendment) Regulation 2000, published as Legal Notice No. 350 of 2000;
- (c) Electricity (Registration) (Amendment) Regulation 2000, published as Legal Notice No. 351 of 2000;
- (d) Electricity (Wiring) (Amendment) Regulation 2000, published as Legal Notice No. 352 of 2000; and
- (e) Electrical Products (Safety) (Amendment) (No. 2) Regulation 2000, published as Legal Notice No. 353 of 2000,

and laid on the table of the Legislative Council on 13 December 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 17 January 2001.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

Hon Mrs Selina CHOW moved the following motion and addressed the Council:

Resolved that -

- (1) the formation of an additional Panel, namely the Panel on Food Safety and Environmental Hygiene, in respect of the policy areas of the corresponding bureau and its terms of reference, as considered appropriate and as recommended respectively by the House Committee;
- (2) the amended list of corresponding bureaux/bodies and policy areas in respect of which the 17 existing Panels are formed by resolution made and passed by this Council on 8 July 1998 and amended on 26 January 2000 and their amended terms of reference, and the re-naming of the Panel on Trade and Industry as the Panel on Commerce and Industry, as recommended by the House Committee,

set out in the Schedule, be approved. (Schedule to the proposed resolution in Appendix V.)

Question on the motion proposed.

A Member spoke on the motion.

Question on the motion put and agreed to.

Next Meeting

The President wished Members a peaceful Christmas and a happy New Year. She then declared that the next meeting of the Council would be held on 10 January 2001 at 2:30 pm.

The Council was adjourned at 1:25 pm.

(Mrs Rita FAN HSU Lai-tai)

President

Council Chamber
Hong Kong