

LEGISLATIVE COUNCIL

MINUTES

No. 16

Minutes of the meeting held on Wednesday 7 February 2001 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

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 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
The Hon Audrey EU Yuet-mee, SC, JP

Member absent:

The Hon CHAN Kwok-keung

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

Mrs Lily YAM KWAN Pui-ying, JP
Secretary for the Environment and Food

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

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)

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. Specification of Arrangements (Government of the People's Republic of Bangladesh Concerning Air Services) (Double Taxation) Order (gazetted on 23.1.2001)	32/2001
2. Commodities Trading (Trading Limits and Position Limits) (Amendment) Rules 2001 (gazetted on 2.2.2001)	33/2001
3. Tax Reserve Certificates (Rate of Interest) (No. 2) Notice 2001 (gazetted on 2.2.2001)	34/2001
4. Entertainment Special Effects Ordinance (Cap. 560) (Commencement) Notice 2001 (gazetted on 2.2.2001)	35/2001
5. Entertainment Special Effects (General) Regulation (L.N. 354 of 2000) (Commencement) Notice 2001 (gazetted on 2.2.2001)	36/2001
6. Entertainment Special Effects (Fees) Regulation (L.N. 355 of 2000) (Commencement) Notice 2001 (gazetted on 2.2.2001)	37/2001
7. Entertainment Special Effects Materials List Regulation (L.N. 356 of 2000) (Commencement) Notice 2001 (gazetted on 2.2.2001)	38/2001

Other Papers

- No.59 - Hong Kong Council for Academic Accreditation Annual Report 1999-2000 (published on 29.1.2001)
- No.60 - Audited Financial Statements and Programme of Activities of the Hong Kong Examinations Authority for the year ending 31 August 2000 (published on 29.1.2001)

Questions

1. Hon Martin LEE asked Question 1.

The Secretary for Financial Services replied.

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

2. Hon TAM Yiu-chung asked Question 2.

The Secretary for the Environment and Food replied.

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

3. Hon HUI Cheung-ching asked Question 3.

The Secretary for Commerce and Industry replied.

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

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

The Secretary for Housing replied.

Five Members asked supplementaries and the Secretary for Housing replied.

5. Dr Hon David LI asked Question 5.

The Secretary for Economic Services replied.

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

6. Hon LEE Cheuk-yan asked Question 6.

The Secretary for the Treasury replied.

Five Members asked supplementaries and the Secretary for the Treasury replied.

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

Bills

First Reading

Karaoke Establishments Bill

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

Karaoke Establishments Bill

The Secretary for Security 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.

Intellectual Property (Miscellaneous Amendments) (No.2) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 20 December 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 **Intellectual Property (Miscellaneous Amendments) (No.2) Bill 2000**.

Question that clauses 1 to 25 stand part of the Bill proposed, put and agreed to.

New clauses 5A, 8A and 19A read the first time.

The Secretary for Commerce and Industry moved the Second Reading of the aforesaid clauses and addressed the Committee.

Question on the Second Reading of the aforesaid clauses proposed, put and agreed to.

New clauses 5A, 8A and 19A read the second time.

The Secretary for Commerce and Industry moved the addition of the aforesaid clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Commerce and Industry reported that

**the Intellectual Property (Miscellaneous Amendments)
(No.2) Bill 2000**

had passed through the Committee with amendments. He 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

Proposed resolutions under the Interpretation and General Clauses Ordinance

1. Subsidiary legislation relating to revision of fees gazetted on 5 January 2001

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

Resolved that in relation to the -

- (a) Dairies (Amendment) Regulation 2001, published as Legal Notice No. 1 of 2001;
- (b) Plant (Importation and Pest Control) (Fees) (Amendment) Regulation 2001, published as Legal Notice No. 2 of 2001;
- (c) Pounds Fees (Amendment) Regulation 2001, published as Legal Notice No. 3 of 2001;
- (d) Veterinary Surgeons Registration (Fees) (Amendment) Regulation 2001, published as Legal Notice No. 4 of 2001;
- (e) Dangerous Dogs Regulation (Amendment of Schedule 3) Notice 2001, published as Legal Notice No. 5 of 2001;
- (f) Rabies Regulation (Amendment of Schedule 1) Notice 2001, published as Legal Notice No. 6 of 2001; and
- (g) Estate Agents (Registration of Determination and Appeal) (Amendment) Regulation 2001, published as Legal Notice No. 7 of 2001,

and laid on the table of the Legislative Council on 10 January 2001, 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 14 February 2001.

Question on the motion proposed, put and agreed to.

The President stated that Hon LAU Chin-shek, Hon SIN Chung-kai and Hon James TIEN had separately given notice to move a proposed resolution under the Interpretation and General Clauses Ordinance relating to the Waterworks (Amendment) Regulation 2000. The President ordered that the proposed resolutions by the three Members would be debated together in a joint debate. As the motions proposed by Hon LAU Chin-shek and Hon James TIEN were identical and had the same effect, in accordance with the Rules of Procedure, she would only invite Hon LAU Chin-shek, who had given notice earlier, to move the motion.

2. Waterworks (Amendment) Regulation 2000

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

Resolved that the Waterworks (Amendment) Regulation 2000, published as Legal Notice No. 358 of 2000 and laid on the table of the Legislative Council on 20 December 2000, be repealed.

Question on the motion proposed.

Hon SIN Chung-kai and Hon James TIEN spoke on the motion.

Two other Members and the Secretary for the Treasury spoke on the motion.

Question on the motion put.

Hon LAU Chin-shek 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, 26 were present, 13 were in favour of the motion and 13 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, eight were in favour of the motion and 18 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.

Hon SIN Chung-kai moved the following motion:

Resolved that the Waterworks (Amendment) Regulation 2000, published as Legal Notice No. 358 of 2000 and laid on the

table of the Legislative Council on 20 December 2000, be amended by repealing section 2(f),(g),(h) and (i).

Question on the motion proposed and put.

Hon SIN Chung-kai 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, 26 were present, 19 were in favour of the motion and seven against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 20 were in favour of the motion and six against it. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Appointment of a select committee

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

That this Council appoints a select committee to inquire into the building problems in the production of public housing units having regard to the circumstances surrounding the incidents in Tin Chung Court, Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2, and based on this to identify positive recommendations for a complete overhaul of the overall policies and system of public housing, which should include examining whether the Housing Authority should be reorganized, split or abolished, so as to raise the quality of public housing; 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.

16 Members and the Secretary for Housing spoke on the motion.

Hon Mrs Selina CHOW replied.

Question on the motion put and agreed to.

Two-mode teaching

Hon Tommy CHEUNG moved the following motion and addressed the Council:

That, as the Education Department has formed a steering committee to study two-mode teaching and will launch a pilot scheme later, this Council urges the Government to:

- (a) clarify the objectives and content of the pilot scheme on two-mode teaching;
- (b) explain how the pilot scheme will tie in with the existing policy on the medium of instruction; and
- (c) undertake that the pilot scheme will not depart from the existing policy on the medium of instruction, puzzle the public and create difficulties for the education sector.

At 7:10 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

Six Members spoke on the motion.

At 7:55 pm, the President resumed the chair.

Another two Members and the Secretary for Education and Manpower spoke on the motion.

Hon Tommy CHEUNG replied.

Question on the motion put and agreed to.

Youth unemployment

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

That, as the youth unemployment rate has not dropped correspondingly with the upturn in the economy and the problem of youth unemployment is becoming increasingly serious, and may become a long-term social problem that will seriously affect the future development of young people, this Council urges the Government to expeditiously set up a task force to conduct a detailed study of the problem, formulate a comprehensive policy on the employment and training of young people, and to steer and co-ordinate the relevant work of the various government departments, so as to enhance the competitiveness of young people, increase their employment opportunities and ameliorate the problem of youth unemployment.

Question on the motion proposed.

17 Members and the Secretary for Education and Manpower spoke on the motion.

Hon WONG Sing-chi replied.

Question on the motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 8 February 2001 at 3:00 pm.

The Council was adjourned at 10:33 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong