

LEGISLATIVE COUNCIL

MINUTES

No. 24

Minutes of the meeting held on Wednesday 4 April 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 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-yea, 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

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 Michael SUEN Ming-yeung, GBS, JP
Secretary for Constitutional Affairs

Mr CHAU Tak-hay, JP
Secretary for Commerce and Industry

Mr Gordon SIU Kwing-chue, JP
Secretary for Planning and Lands

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

Miss Denise YUE Chung-yee, JP
Secretary for the Treasury

Mr LAM Woon-kwong, GBS, JP
Secretary for Home Affairs

Mr Stephen IP Shu-kwan, JP
Secretary for Financial Services

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

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

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

Mr LEE Shing-see, JP
Secretary for Works

Mrs Carrie YAU TSANG Ka-lai, JP
Secretary for Information Technology and Broadcasting

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 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. Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) Notice (gazetted on 30.3.2001) | 76/2001 |
| 2. Tax Reserve Certificates (Rate of Interest) (No. 4) Notice 2001 (gazetted on 30.3.2001) | 77/2001 |
| 3. Hong Kong Tourist Association (Amendment) Ordinance 2001 (3 of 2001) (Commencement) Notice 2001 (gazetted on 30.3.2001) | 78/2001 |

Other Papers

No.76 - Estimates for the year ending 31 March 2002 General Revenue Account Summaries and Revenue Analysis by Heads and Subheads (published on 29.3.2001)

No.77 - Hong Kong Broadcasting Authority Annual Report 1999-2000 (published on 29.3.2001)

Report of the Bills Committee on Hong Kong Science and Technology Parks Corporation Bill (published on 26.3.2001)

Report of the Bills Committee on Employment (Amendment) (No.2) Bill 2000 (published on 28.3.2001)

Report of the Bills Committee on Education (Amendment) Bill 2000 (published on 30.3.2001)

Questions

Written replies to Questions 1 to 20 were tabled for Members' information.

Bills

First Reading

Attachment of Income Orders (Amendment) Bill 2001
Banking (Amendment) Bill 2001

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

Attachment of Income Orders (Amendment) Bill 2001

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.

Banking (Amendment) Bill 2001

The Secretary for Financial Services 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.

Appropriation Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 7 March 2001 resumed.

The Chief Secretary for Administration, the Secretary for Justice, the Secretary for Health and Welfare, the Secretary for Economic Services, the Secretary for the Environment and Food and the Secretary for Education and Manpower spoke on the motion.

The Financial Secretary replied.

Question on the Second Reading put.

Hon Emily 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 60 Members were present, 41 were in favour of the motion and 18 against it. (Voting record in

Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Appropriation Bill 2001**.

In accordance with Rule 68 of the Rules of Procedure, the Committee first considered the schedule to the Bill.

Question that the sums for heads 21 to 31, 35, 37, 39, 40, 42 to 51, 53, 55, 56, 58, 60, 62, 63, 70, 72, 74, 76, 78, 79, 80, 82, 90, 91, 92, 94, 95, 96, 98, 100, 106, 110, 112, 114, 115, 116, 118, 120, 121, 130, 136, 142 to 155, 160, 162, 163, 166, 168, 170, 173 to 177, 180, 181, 184, 186, 188, 190 and 194 stand part of the schedule proposed, put and agreed to.

Question that head 122 stand part of the schedule proposed.

Hon James TO moved that head 122 be reduced by \$61,849,000 in respect of subhead 000 and addressed the Committee.

Nine Members and the Secretary for Security spoke on the amendment.

Hon James TO spoke again.

Question on the amendment put.

Hon James TO claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 26 were present, five were in favour of the amendment, 20 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 amendment and 13 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 James TO moved that head 122 be reduced by \$103,466,000 in respect of subhead 103 and addressed the Committee.

Three Members spoke on the amendment.

At 6:25 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

Another Member and the Secretary for Security spoke on the amendment.

At 6:40 pm, the Chairman resumed the chair.

Hon James TO spoke again.

Question on the amendment put.

Hon James TO claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 26 were present, four 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, 29 were present, 14 were in favour of the amendment, 13 against it and one abstained. (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.

Question that the sum for head 122 stand part of the schedule proposed, put and agreed to.

Question that the schedule stand part of the Bill put and agreed to.

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

The Council then resumed.

Third Reading

The Financial Secretary reported that

the Appropriation Bill 2001

had passed through the Committee without amendment. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed and put.

Dr Hon YEUNG Sum claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 55 Members were present, 36 were in favour of the motion and 18 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.

Bill read the third time and passed.

Hong Kong Science and Technology Parks Corporation Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 20 December 2000 resumed.

Hon Kenneth TING, Chairman of the Bills Committee on Hong Kong Science and Technology Parks Corporation Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Two Members spoke on the Bill.

The Secretary for Commerce and Industry 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 **Hong Kong Science and Technology Parks Corporation Bill**.

Question that clauses 1 to 5, 7, 8, 9, 11, 12, 13, 15 to 32 and 34 to 40 stand part of the Bill proposed, put and agreed to.

Question that clauses 6, 10, 14 and 33 stand part of the Bill proposed.

The Secretary for Commerce and Industry moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 6, 10, 14 and 33, as amended, stand part of the Bill proposed, put and agreed to.

Question that schedules 1, 2 and 4 stand part of the Bill proposed, put and agreed to.

Question that schedule 3 stand part of the Bill proposed.

The Secretary for Commerce and Industry moved an amendment to schedule 3 and addressed the Committee.

Question on the amendment put and agreed to.

Question that schedule 3, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Commerce and Industry reported that

the Hong Kong Science and Technology Parks Corporation Bill

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.

Interest Rates (Miscellaneous Amendments) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 14 March 2001 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 **Interest Rates (Miscellaneous Amendments) Bill 2001**.

Question that clauses 1 to 13 stand part of the Bill proposed, put and agreed to.

Question that schedules 1 to 11 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Planning and Lands reported that

the **Interest Rates (Miscellaneous Amendments) Bill 2001**

had passed through the Committee without amendment. 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.

Employment (Amendment) (No.2) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 December 2000 resumed.

Hon Andrew CHENG, Chairman of the Bills Committee on Employment (Amendment) (No.2) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

A Member spoke on the Bill.

The Secretary for Education and Manpower 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 **Employment (Amendment) (No.2) Bill 2000**.

Question that clauses 1, 2, 3, 6 and 9 to 15 stand part of the Bill proposed, put and agreed to.

Question that clause 7 stand part of the Bill proposed.

A Member and the Secretary for Education and Manpower spoke on the motion.

Question that clause 7 stand part of the Bill put and agreed to.

Question that clauses 4, 5 and 8, headings before clause 16 and clause 16 stand part of the Bill proposed.

The Secretary for Education and Manpower moved amendments to clauses 4, 5 and 8 and the deletion of headings before clause 16 and clause 16 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to headings before clause 16 and clause 16, which dealt with deletion, had been agreed, headings before clause 16 and clause 16 were deleted from the Bill.

Question that clauses 4, 5 and 8, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Employment (Amendment) (No.2) 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.

Education (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 10 January 2001 resumed.

Hon CHEUNG Man-kwong, Chairman of the Bills Committee on Education (Amendment) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

A Member spoke on the Bill.

The Secretary for Education and Manpower 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 **Education (Amendment) Bill 2000**.

Question that clauses 1 to 9, 11 to 14, 17 to 24 and 27 to 30 stand part of the Bill proposed, put and agreed to.

Question that clauses 10, 15, 16, 25 and 26 stand part of the Bill proposed.

The Secretary for Education and Manpower moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 10, 15, 16, 25 and 26, as amended, stand part of the Bill proposed, put and agreed to.

New clause 26A read the first time.

The Secretary for Education and Manpower moved the Second Reading of new clause 26A and addressed the Committee.

Question on the Second Reading of new clause 26A proposed, put and agreed to.

New clause 26A read the second time.

The Secretary for Education and Manpower moved the addition of new clause 26A to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Education (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.

Merchant Shipping (Registration) (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 14 March 2001 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 **Merchant Shipping (Registration) (Amendment) Bill 2001**.

Question that clauses 1 to 9 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the **Merchant Shipping (Registration) (Amendment) Bill 2001**

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.

Next Meeting

The President declared that the next meeting of the Council would be held on 25 April 2001 at 2:30 pm.

The Council was adjourned at 8:14 pm.

(Mrs Rita FAN HSU Lai-tai)

President

Council Chamber
Hong Kong