

# LEGISLATIVE COUNCIL

## MINUTES

No. 25

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Minutes of the meeting held on Wednesday 25 April 2001 at 2:30 pm

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### 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 Eric LI Ka-cheung, 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 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

The Hon Audrey EU Yuet-mee, SC, JP

**Members absent:**

The Hon Martin LEE Chu-ming, SC, JP

Dr the Hon David LI Kwok-po, JP

The Hon James TO Kun-sun

**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

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

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 Maria KWAN Sik-ning, JP  
Secretary for Economic Services

Mr Duncan Warren PESCOD, JP  
Secretary for the Civil Service

Mr LO Yiu-ching, JP  
Secretary for Works

Dr Edgar CHENG Wai-kin, JP  
Head, Central Policy Unit

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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

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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
1. Chiropractors Registration (Fees) Regulation (gazetted on 6.4.2001)	79/2001
2. Chiropractors Registration Ordinance (Cap. 428) (Commencement) Notice 2001 (gazetted on 6.4.2001)	80/2001
3. Statutes of the University of Hong Kong (Amendment) Statutes 2001 (gazetted on 6.4.2001)	81/2001
4. Specification of Public Office (gazetted on 12.4.2001)	82/2001
5. Merchant Shipping (Registration) (Amendment) Ordinance 2001 (9 of 2001) (Commencement) Notice 2001 (gazetted on 20.4.2001)	83/2001
6. Merchant Shipping (Registration) (Fees and Charges) (Amendment) Regulation 2001 (L.N. 49 of 2001) (Commencement) Notice 2001 (gazetted on 20.4.2001)	84/2001

**Other Papers**

- No.78 - Audited Statement of Accounts of the Quality Education Fund together with the Director of Audit's Report for the year ended 31 August 2000 (published on 10.4.2001)
- No.79 - Audited Statement of Accounts of the Hong Kong Rotary Club Students' Loan Fund together with the Director of Audit's Report for the year ended 31 August 2000 (published on 10.4.2001)
- No.80 - Audited Statement of Accounts of the Sing Tao Foundation Students' Loan Fund together with the Director of Audit's Report for the year ended 31 August 2000 (published on 10.4.2001)
- No.81 - Report of changes to the approved Estimates of Expenditure approved during the third quarter of 2000-01 (Public Finance Ordinance: Section 8) (published on 10.4.2001)
- No.82 - Report No. 36 of the Director of Audit on the

- results of value for money audits - March 2001  
(published on 25.4.2001)
- No.83 - Hospital Authority Annual Report 1999-2000 with  
Statement of Accounts and Auditors' Report  
(published on 23.4.2001)
- No.84 - Report and Statement of Accounts of the Samaritan  
Fund together with the Director of Audit's Report  
for the year ended 31 March 2000 (published on  
23.4.2001)
- No.85 - Kowloon-Canton Railway Corporation  
Annual Report 2000 (published on 23.4.2001)
- Report of the Bills Committee on Drug Dependent Persons  
Treatment and Rehabilitation Centres (Licensing) Bill  
(published on 3.4.2001)

### Questions

1. Hon CHAN Kwok-keung asked Question 1.  
  
The Secretary for Economic Services replied.  
  
Nine Members asked supplementaries and the Secretary for  
Economic Services replied.
2. Prof Hon NG Ching-fai asked Question 2.  
  
The Secretary for Commerce and Industry replied.  
  
Six Members asked supplementaries and the Secretary for  
Commerce and Industry replied.
3. Hon David CHU asked Question 3.  
  
The Secretary for Commerce and Industry replied.  
  
Seven Members asked supplementaries and the Secretary for  
Commerce and Industry replied.
4. Hon Margaret NG asked Question 4.  
  
The Secretary for Home Affairs replied.  
  
Three Members asked supplementaries and the Secretary for  
Home Affairs replied.
5. Hon Timothy FOK Tsun-ting asked Question 5.

The Secretary for Home Affairs replied.

Six Members asked supplementaries and the Secretary for Home Affairs replied.

Written replies to Questions 6 to 20 were tabled for Members' information.

### **Statements**

The Chief Secretary for Administration made a statement on "The Legislative Council and the Administration Working in Partnership".

### **Bills**

#### **First Reading**

Revenue Bill 2001  
Revenue (No.2) Bill 2001  
Revenue (No.3) 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**

Revenue Bill 2001  
Revenue (No.2) Bill 2001  
Revenue (No.3) Bill 2001

The Secretary for the Treasury moved the Second Reading and addressed the Council on each of the above three 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.

**Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill**

#### **Resumption of Second Reading debate**



The debate on the Second Reading which had been moved on 1 November 2000 resumed.

Hon Cyd HO, Chairman of the Bills Committee on Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill, addressed the Council on the Report of the Bills Committee on the Bill. After the address, she spoke on the Bill as a Member.

The Secretary for Security 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 **Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill**.

Question that clauses 1 to 15, 19 to 23, 25 to 29, 31 and 32 stand part of the Bill proposed, put and agreed to.

Question that clauses 16, 17, 18, 24 and 30 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 16, 17, 18, 24 and 30, as amended, stand part of the Bill proposed, put and agreed to.

The heading before new clause 31A and new clause 31A read the first time.

The Secretary for Security moved the Second Reading of the heading before new clause 31A and new clause 31A and addressed the Committee.

Question on the Second Reading of the heading before new clause 31A and new clause 31A proposed, put and agreed to.

The heading before new clause 31A and new clause 31A read the second time.

The Secretary for Security moved the addition of the heading before new clause 31A and new clause 31A to the Bill.

Question on the addition proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed.

The Secretary for Security moved an amendment to the schedule and addressed the Committee.

Question on the amendment put and agreed to.

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

The Council then resumed.

### **Third Reading**

The Secretary for Security reported that

#### **the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill**

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.

### **Members' Motions**

#### **Expediting the establishment of a commercial credit reference agency**

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

That, as the establishment of a commercial credit reference agency (CCRA) will help to increase the financing channels for small and medium enterprises and reduce authorized lending institutions' reliance on collateral, this Council urges the Government and the Hong Kong Monetary Authority to expeditiously conclude the study on issues such as the CCRA's functions, structural framework, mode of operation, pace of development as well as the scope of information to be shared among lending institutions and their powers and responsibilities, and to put forward specific proposals for promoting a consensus among the financial sector and the enterprises on how the CCRA scheme should be implemented.

At 5:00 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 Financial Services spoke on the motion.

At 5:58 pm, the President resumed the chair.

Hon Ambrose LAU replied.

Question on the motion put.

Dr Hon Philip WONG 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, 21 were present, 20 were in favour of the motion and one against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 20 were present and 19 were in favour of the motion. (Voting record in Appendix I.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

**Effective protection of statutory rights and benefits of employees**

Hon LEUNG Fu-wah moved the following motion and addressed the Council:

That, although the Employment Ordinance has been in force for many years, it still happens that employees are often denied statutory compensation in the event of labour disputes; and in view of the changes in the employment patterns in Hong Kong, employment-related ordinances need to be amended accordingly so that more employed persons are protected by law; in this regard, this Council urges the Government to:

- (a) relax the definition of "continuous contract" in the Employment Ordinance to reasonably cover all paid employees, including part-time employees;
- (b) extend the applicability of the Employment Ordinance to Government employees on non-civil service contract terms; and
- (c) impose punitive measures on employers who deliberately delay making statutory payments, such as the severance payment, so as to ensure effective protection of the statutory rights and benefits of employees.

Question on Hon LEUNG Fu-wah'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 Hon LEUNG Fu-wah's motion and addressed the Council:

To delete "and" after "non-civil service contract terms;" and substitute with "(c) formulate measures to prevent employers from covering up the actual employment relationship by means of contracts for service in order to shirk their statutory duties towards their employees, and to examine the possibility of extending to the self-employed the applicability of the occupational safety and industrial accident victims protection system; (d) amend Part VIA of the Employment Ordinance in order to grant employees the right against unfair dismissal, and to abolish the requirement that the severance payments or long service payments payable to employees on a pro-rata basis under the provisions of that Part be reduced by the employers' contributions to the occupational retirement schemes or mandatory provident fund schemes; and"; to delete "(c)" and substitute with "(e)"; and to add "or fail to grant their employees statutory rest days, statutory holidays or annual leave," after "impose punitive measures on employers who deliberately delay making statutory payments, such as the severance payment,".

Question on Hon LEE Cheuk-yan's amendment to Hon LEUNG Fu-wah's motion proposed.

18 Members spoke on the motion and the amendment.

Hon LEUNG Fu-wah spoke on the amendment.

The Secretary for Education and Manpower spoke on the motion and the amendment.

Question on Hon LEE Cheuk-yan's amendment to Hon LEUNG Fu-wah'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, 23 were present, nine were in favour of the amendment and 14 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 20 were in favour of the amendment and four 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 LEUNG Fu-wah replied.

Question on Hon LEUNG Fu-wah's motion put.

Hon LEUNG Fu-wah 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, nine were in favour of the motion, 13 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 20 were in favour of the motion, one against it and three 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 motion was negatived.

#### **Next Meeting**

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

The Council was adjourned at 9:13 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong