

LEGISLATIVE COUNCIL

MINUTES

No. 28

Minutes of the meeting held on Wednesday 16 May 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

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-ye, 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

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 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

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:

Dr the Hon David LI Kwok-po, JP
Dr the Hon Philip WONG Yu-hong
The Hon Mrs Miriam LAU Kin-yee, JP
The Hon Timothy FOK Tsun-ting, SBS, JP
The Hon TAM Yiu-chung, GBS, JP

Public officers attending:

The Honourable Donald TSANG Yam-kuen, JP
The Chief Secretary for Administration

The Honourable Antony LEUNG Kam-chung, GBS, JP
The Financial Secretary

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

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

- No.86 - Securities and Futures Commission
Annual Report 2000-2001 (published on 15.5.2001)
- No.87 - The Government Minute in response to the Report
No. 35 of the Public Accounts Committee dated
February 2001 (published on 16.5.2001)
- Report of the Bills Committee on Telecommunications
(Amendment) Bill 2001 (published on 7.5.2001)

Address

The Chief Secretary for Administration addressed the Council on the Government Minute in response to Report No. 35 of the Public Accounts Committee dated February 2001.

Questions

1. Hon Albert CHAN asked Question 1.

The Secretary for Security replied.

Six Members asked supplementaries. The Secretary for Financial Services, the Secretary for Housing and the Secretary for Security replied.

2. Hon CHEUNG Man-kwong asked Question 2.

The Secretary for the Environment and Food replied.

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

3. Hon Kenneth TING asked Question 3.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

4. Hon LAU Kong-wah 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. Dr Hon LO Wing-lok asked Question 5.

The Secretary for Health and Welfare replied.

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

6. Hon LI Fung-ying 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

Massage Establishments (Amendment) Bill 2001

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

Massage Establishments (Amendment) Bill 2001

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.

Telecommunications (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 14 February 2001 resumed.

Hon James TIEN, Chairman of the Bills Committee on Telecommunications (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

Six Members spoke on the Bill.

The Secretary for Information Technology and Broadcasting 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 **Telecommunications (Amendment) Bill 2001**.

Question that clauses 1, 2, 3 and 5 stand part of the Bill proposed, put and agreed to.

Question that clause 4 stand part of the Bill proposed.

The Secretary for Information Technology and Broadcasting moved amendments to clause 4 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for Information Technology and Broadcasting reported that

the **Telecommunications (Amendment) Bill 2001**

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

The 4 June incident

Hon SZETO Wah moved the following motion and addressed the Council:

That this Council urges that: the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated.

Question on the motion proposed.

Five Members spoke on the motion.

At 5:40 pm, the President's Deputy took the chair during the temporary absence of the President.

Another 10 Members spoke on the motion.

At 6:37 pm, the President resumed the chair.

Hon SZETO Wah replied.

Question on the motion put.

Hon SZETO 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, 21 were present, five were in favour of the motion, eight against it and eight abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 16 were in favour of the motion and 11 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.

Family policy

Hon LAW Chi-kwong moved the following motion and addressed the Council:

That this Council urges the Government to formulate a comprehensive family policy so as to establish a "family-oriented" society and encourage the community to attach more importance to the family; to this end, the Government should:

- (a) introduce a "family impact assessment" system, with a view to assessing the impact of existing and future social policies, legislation and measures on the family;

- (b) formulate labour laws and policies that facilitate employees in taking care of their family members;
- (c) through tax concessions, encourage family members to discharge more effectively their function of taking care of one another;
- (d) strengthen the co-operation between schools and parents, so that they may become partners in nurturing the younger generation; and
- (e) increase the social welfare support for people who have to take care of their disadvantaged families.

Question on Hon LAW Chi-kwong's motion proposed.

The President stated that Hon Frederick FUNG 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 Frederick FUNG moved the following amendment to Hon LAW Chi-kwong's motion and addressed the Council:

To delete "and" after "so that they may become partners in nurturing the younger generation;"; and to add "; and (f) recognize people's 'right to housing' so as to enable every family to have permanent, independent, self-contained and affordable accommodation" after "people who have to take care of their disadvantaged families".

Question on Hon Frederick FUNG's amendment to Hon LAW Chi-kwong's motion proposed.

12 Members spoke on the motion and the amendment.

Hon LAW Chi-kwong spoke on the amendment.

The Secretary for Health and Welfare spoke on the motion and the amendment.

Question on Hon Frederick FUNG's amendment to Hon LAW Chi-kwong's motion put.

Hon Frederick FUNG 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, 15 were present, seven were in favour of the amendment, five against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election

Committee, 26 were present, 13 were in favour of the amendment, three against it and nine abstained. (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 LAW Chi-kwong replied.

Question on Hon LAW Chi-kwong's motion put.

Hon LAW Chi-kwong 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, 16 were present, eight were in favour of the motion, four against it and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 15 were in favour of the motion and 10 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 23 May 2001 at 2:30 pm.

The Council was adjourned at 9:01 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong