

# LEGISLATIVE COUNCIL

## MINUTES

No. 31

---

Minutes of the meeting held on Wednesday 6 June 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-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

**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  
  
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 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

Mrs Stella HUNG KWOK Wai-ching, JP  
Secretary for the Environment and Food

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy 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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>No.</u></b>
1. Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2001 (gazetted on 1.6.2001)	L.N. 101/2001
2. Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) (No.2) Regulation 2001 (gazetted on 1.6.2001)	L.N. 102/2001
3. Air Pollution Control (Dry-Cleaning Machines) (Vapour Recovery) Regulation (gazetted on 1.6.2001)	L.N. 103/2001
4. Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships—Training) (Amendment) Regulation 2001 (gazetted on 1.6.2001)	L.N. 104/2001
5. Merchant Shipping (Seafarers) (Passenger Ships Other Than Ro-Ro Passenger Ships—Training) Regulation (gazetted on 1.6.2001)	L.N. 105/2001
6. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2001 (gazetted on 1.6.2001)	L.N. 106/2001
7. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2001 (gazetted on 1.6.2001)	L.N. 107/2001
8. Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) Regulation 2001 (gazetted on 1.6.2001)	L.N. 108/2001
9. Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2001 (gazetted on 1.6.2001)	L.N. 109/2001
10. Merchant Shipping (Safety) (Musters and Training) (Amendment) Regulation 2001 (gazetted on 1.6.2001)	L.N. 110/2001
11. Freight Containers (Safety) (Applications for Approval of Containers) Regulation	L.N. 111/2001

- (gazetted on 1.6.2001)
12. Freight Containers (Safety) (Fees) Regulation (gazetted on 1.6.2001) L.N. 112/2001
  13. Freight Containers (Safety) (Arrangements for Authorized Persons) Order (gazetted on 1.6.2001) L.N. 113/2001
  14. Freight Containers (Safety) (Examination Procedure) Order (gazetted on 1.6.2001) L.N. 114/2001
  15. Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) Regulation (gazetted on 1.6.2001) L.N. 115/2001
  16. Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (gazetted on 1.6.2001) L.N. 116/2001
  17. Fire Safety (Commercial Premises) Ordinance (Amendment of Schedule 4) Order 2001 (gazetted on 1.6.2001) L.N. 117/2001
  18. Import and Export (General) Regulations (Amendment of Fourth Schedule) Order 2001 (gazetted on 1.6.2001) L.N. 118/2001
  19. Prevention of Copyright Piracy Ordinance (Amendment of Schedule 2) Order 2001 (gazetted on 1.6.2001) L.N. 119/2001
  20. Commodities Trading (Trading Limits and Position Limits) (Amendment) (No. 3) Rules 2001 (gazetted on 1.6.2001) L.N. 120/2001
  21. Securities (Exchange—Traded Stock Options) (Amendment) Rules 2001 (gazetted on 1.6.2001) L.N. 121/2001
  22. Dangerous Dogs Regulation (Exemption) Notice (gazetted on 1.6.2001) L.N. 122/2001
  23. Noise Control (Construction Work Designated Areas) Notice (gazetted on 1.6.2001) L.N. 123/2001
  24. Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2001 (gazetted on 1.6.2001) L.N. 124/2001
  25. Statutes of the University of Hong Kong (Amendment) (No. 2) Statutes 2001 (gazetted on 1.6.2001) L.N. 125/2001

- |   |                                    |
|---|------------------------------------|
| 26. Registration of Copyright Licensing Bodies Regulation (gazetted on 1.6.2001)                    | L.N. 126/2001                      |
| 27. Copyright Ordinance (Cap. 528) (Commencement) Notice 2001 (gazetted on 1.6.2001)                | L.N. 127/2001                      |
| 28. Disability Discrimination Ordinance— Code of Practice on Education (gazetted on 1.6.2001)       | G.N.3310/2001                      |
| 29. Technical Memorandum on Noise from Construction Work in Designated Areas (gazetted on 1.6.2001) | S. S. No. 5 to Gazette No. 22/2001 |

**Other Paper**

- No.89 - Occupational Safety and Health Council  
Annual Report 1999/2000 (published on 28.5.2001)

**Questions**

1. Hon David CHU asked Question 1.

The Secretary for the Treasury replied.

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

2. Hon CHAN Kwok-keung asked Question 2.

The Secretary for Education and Manpower replied.

Eight Members asked supplementaries and the Secretary for Education and Manpower replied.

3. Hon TAM Yiu-chung asked Question 3.

The Secretary for Home Affairs replied.

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

4. Hon LEUNG Fu-wah asked Question 4.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

5. Hon CHAN Kam-lam asked Question 5.

The Secretary for Information Technology and Broadcasting replied.

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

6. Hon IP Kwok-him asked Question 6.

The Secretary for Works replied.

Five Members asked supplementaries and the Secretary for Works replied.

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

## **Bills**

### **First Reading**

**Companies (Amendment) Bill 2001**

**Post Secondary Colleges (Amendment) Bill 2001**

**Employment (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**

**Companies (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.



**Post Secondary Colleges (Amendment) Bill 2001  
Employment (Amendment) Bill 2001**

The Secretary for Education and Manpower 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.

**Members' Motions**

**Bridging the digital divide**

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

That this Council urges the Government to explore and examine the issue of the digital divide in Hong Kong and to expeditiously formulate effective policies and measures, in order to promote the co-operation among private enterprises, charitable and non-profit-making bodies and government departments in bridging the digital divide and assisting the disadvantaged groups in assimilating into the digital era.

Question on the motion proposed.

10 Members spoke on the motion.

At 5:29 pm, the President's Deputy took the chair during the temporary absence of the President.

Another three Members and the Secretary for Information Technology and Broadcasting spoke on the motion.

At 5:56 pm, the President resumed the chair.

Hon SIN Chung-kai replied.

Question on the motion put and agreed to.

**The avian flu incident**

Hon WONG Yung-kan moved the following motion and addressed the Council:

That, as the recent outbreak of avian flu in Hong Kong has forced the Government to carry out another mass slaughter of chickens, thereby seriously affecting people's livelihood and the operation of the poultry trade, in order to prevent as far

as possible a further outbreak of avian flu in the territory and to ensure that the trade can continue with its operation, this Council urges the Government to:

- (a) strengthen the quarantine for local and imported poultry and review the existing process of poultry conveyance, so as to ensure that imported poultry meet safety standards;
- (b) introduce a labelling system for local poultry to facilitate identification of their origin;
- (c) improve the sanitary conditions and the business environment in markets; and
- (d) properly handle the follow-up work on the current slaughter of chickens so as to reduce the impact on the trade and its operators.

At 6:16 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon WONG Yung-kan's motion proposed.

The President's Deputy stated that Hon Tommy CHEUNG 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 Tommy CHEUNG moved the following amendment to Hon WONG Yung-kan's motion and addressed the Council:

To add "improve the existing operating environment of the trade and perfect the poultry quarantine system and the sanitary conditions in markets; the relevant measures may include" after "this Council urges the Government to"; to delete "strengthen" after "(a)" and substitute with "consulting the relevant Mainland authorities about strengthening and strictly enforcing"; to delete "local and" after "the quarantine for"; to delete "and review the existing process of poultry conveyance" and substitute with ", ensuring that inspection and certification standards in the wholesaling and conveyance of chickens are enforced, and adopting a "through-train" mode of conveyance in order that the source of virus can be accurately traced and, at the same time, the risk of imported chickens being infected during the process of conveyance can be reduced"; to delete "introduce" after "(b)" and substitute with "introducing"; to delete "improve" after "(c)" and substitute with "improving"; to delete "and the business environment"; to delete "; and" after "in markets" and substitute with ", for instance, by implementing a system whereby the sale of live and fresh chickens is temporarily suspended in markets at intervals, for the purpose of cleaning chicken stalls and cages thoroughly; (d) renovating and improving the existing ventilation systems and other

facilities in markets; and"; to delete "(d)" and substitute with "(e)"; and to delete "handle" and substitute with "handling".

Question on Hon Tommy CHEUNG's amendment to Hon WONG Yung-kan's motion proposed.

Five Members spoke on the motion and the amendment.

At 6:58 pm, the President resumed the chair.

Another 11 Members spoke on the motion and the amendment.

Hon WONG Yung-kan spoke on the amendment.

The Secretary for the Environment and Food spoke on the motion and the amendment.

Question on Hon Tommy CHEUNG's amendment to Hon WONG Yung-kan's motion put.

Hon Tommy CHEUNG 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, 24 were present, 18 were in favour of the amendment, five against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 23 were in favour of the amendment and one against it. (Voting record in the Appendix.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amendment was agreed.

Hon WONG Yung-kan replied.

Question on Hon WONG Yung-kan's motion as amended by Hon Tommy CHEUNG put and agreed to.

### **Next Meeting**

The President declared that the next meeting of the Council would be held on 13 June 2001 at 2:30 pm.

The Council was adjourned at 8:48 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong