

# LEGISLATIVE COUNCIL

## MINUTES

No. 35

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Minutes of the meeting held on Wednesday 27 June 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 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 Bernard CHAN

The Hon CHAN Kam-lam

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  
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 James TIEN Pei-chun, JP  
The Hon CHAN Yuen-han  
The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Dr the Hon LO Wing-lok

**Public officers attending:**

Mr Michael SUEN Ming-yeung, GBS, JP  
The Chief Secretary for Administration  
  
Mr Stephen IP Shu-kwan, JP  
The Financial Secretary  
  
The Honourable Elsie LEUNG Oi-sie, JP  
The Secretary for Justice  
  
Mr Nicholas NG Wing-fui, JP  
Secretary for Transport  
  
Mr Dominic WONG Shing-wah, GBS, JP  
Secretary for Housing

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

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

Ms AU King-chi, JP  
Secretary for Financial 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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
1. Public Health (Animals and Birds) (Chemical Residues) Regulation (gazetted on 22.6.2001)	146/2001
2. Estate Agents (Licensing) (Amendment) Regulation 2001 (gazetted on 22.6.2001)	147/2001
3. Harmful Substances in Food (Amendment) Regulation 2001 (gazetted on 22.6.2001)	148/2001
4. Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2001 (gazetted on 22.6.2001)	149/2001

**Other Papers**

- No.93 - Report by the Trustee of the Correctional Services Children's Education Trust for the period 1st September 1999 to 31st August 2000 (published on 19.6.2001)
- No.94 - Report of the Independent Police Complaints Council 2000 (published on 27.6.2001)
- No.95 - Audited Statement of Accounts of the Director of Social Welfare Incorporated together with the Director of Audit's Report for the year ended 31 March 2000 (published on 21.6.2001)
- No.96 - The Thirteenth Annual Report of the Ombudsman, Hong Kong (June 2001) (published on 27.6.2001)
- Report of the Panel on Home Affairs 2000/2001 (published on 27.6.2001)
- Report of the Panel on Housing 2000/2001 (published on 20.6.2001)
- Report of the Panel on Welfare Services 2000/2001 (published on 26.6.2001)
- Report of the Panel on Information Technology and Broadcasting 2000/2001 (published on 26.6.2001)
- Report of the Panel on Environmental Affairs 2000/2001 (published on 22.6.2001)

Report of the Bills Committee on Immigration (Amendment) Bill 2000 (published on 19.6.2001)

### **Addresses**

Hon Eric LI addressed the Council on the Report of the Independent Police Complaints Council 2000.

Hon Andrew CHENG, Chairman of the Panel on Home Affairs, addressed the Council on the Panel's report 2000/2001.

Hon CHAN Kam-lam, Chairman of the Panel on Housing, addressed the Council on the Panel's report 2000/2001.

Hon LAW Chi-kwong, Chairman of the Panel on Welfare Services, addressed the Council on the Panel's report 2000/2001.

Hon SIN Chung-kai, Chairman of the Panel on Information Technology and Broadcasting, addressed the Council on the Panel's report 2000/2001.

Prof Hon NG Ching-fai, Chairman of the Panel on Environmental Affairs, addressed the Council on the Panel's report 2000/2001.

### **Questions**

1. Hon Ambrose LAU asked Question 1.

The Secretary for Financial Services replied.

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

2. Hon NG Leung-sing asked Question 2.

The Secretary for Economic Services replied.

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

3. Hon Andrew CHENG asked Question 3.

The Secretary for Transport replied.

Six Members asked supplementaries and the Secretary for Transport replied.

4. Hon Frederick FUNG asked Question 4.

The Secretary for Home Affairs replied.

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

5. Hon Michael MAK asked Question 5.

The Secretary for Security replied.

The Member asked a supplementary and the Secretary for Security replied.

6. As Hon HUI Cheung-ching who was to ask Question 6 was not present in the Chamber, the President ordered that, in accordance with Rule 26(6) of the Rules of Procedure, the question be treated as a question for which a written answer had been sought.

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

## **Bills**

### **First Reading**

#### **Noise Control (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.

As the Secretary for the Environment and Food, who was to move the Second Reading of the Bill, was not in the Chamber, the President suspended the meeting at 4:25 pm.

The Council resumed at 4:30 pm.

### **Second Reading**

#### **Noise Control (Amendment) Bill 2001**

The Secretary for the Environment and Food 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.

### **Immigration (Amendment) Bill 2000**

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

The debate on the Second Reading which had been moved on 18 October 2000 resumed.

Hon Ambrose LAU, Chairman of the Bills Committee on Immigration (Amendment) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

Six Members spoke on the Bill.

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 **Immigration (Amendment) Bill 2000**.

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

Question that clause 2 stand part of the Bill proposed.

The Secretary for Security moved amendments to proposed section 2AB(7)(a) and (9) and proposed section 2AB(8) in clause 2(b) and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

The Chairman stated that the Secretary for Security and Hon Ambrose LAU had separately given notice to move further amendment(s) to proposed section 2AB(7)(a) in clause 2(b). She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Security to move her amendment first.



The Secretary for Security moved a further amendment to proposed section 2AB(7)(a) in clause 2(b) and addressed the Committee.

Five Members spoke on the further amendment moved by the Secretary for the Security as well as the proposed amendments by Hon Ambrose LAU.

The Secretary for Security spoke again.

Two Members, who had spoken, spoke again on the amendments.

Question on the amendment moved by the Secretary for Security put.

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

The Chairman announced that 51 Members were present, 30 were in favour of the amendment and 20 against it. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the amendment was agreed.

Hon Mrs Selina CHOW rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions to be moved at the Committee Stage of the Immigration (Amendment) Bill 2000 at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the Chairman may order that the Committee do proceed to each of such divisions immediately after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

As the Secretary for Security's amendment to the proposed section 2AB(7)(a) in clause 2(b) had been agreed, the Chairman granted leave for Hon Ambrose LAU to revise the terms of his amendment to the proposed section 2AB(7)(a) in clause 2(b).

Hon Ambrose LAU moved the revised amendment to proposed section 2AB(7)(a) and the amendment to proposed section 2AB(12) in clause 2(b).

Three Members and the Secretary for Security spoke on the amendments.

Question on the amendments moved by Hon Ambrose LAU put.

Hon Margaret NG claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 21 were present, five were in favour of the amendments and 16 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 16 were in favour of the amendments and nine against them. (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 amendments were negatived.

Hon Ambrose LAU moved further amendments to proposed section 2AB(11) and 2AB(12) in clause 2(b).

Two Members and the Secretary for Security spoke on the amendments.

Question on the amendments moved by Hon Ambrose LAU put.

Hon Margaret NG claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 23 were present, eight were in favour of the amendments and 15 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 20 were in favour of the amendments and five against them. (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 amendments were negatived.

Question that clause 2, 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 Immigration (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 and put.

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

The President announced that 47 Members were present, 29 were in favour of the motion and 17 abstained. (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.

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

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

The debate on the Second Reading which had been moved on 6 June 2001 resumed.

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

Question that clauses 1, 2 and 3 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 **Post Secondary Colleges (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.

## **Employment (Amendment) Bill 2001**

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

The debate on the Second Reading which had been moved on 6 June 2001 resumed.

Two Members 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) Bill 2001**.

Question that clauses 1 to 5 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) 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.

## **Members' Motions**

### **Increasing the opportunities for tertiary education**

Hon CHEUNG Man-kwong moved the following motion and addressed the Council:

That, with regard to the Government's plan to achieve a 60% tertiary education popularization rate within 10 years, this Council urges the Government to:

- (a) provide sufficient educational resources to ensure that while tertiary education is being developed, the quality of basic education will continue to be enhanced;
- (b) ensure that the qualifications and quality of the various degrees conferred by the tertiary institutions, including the bachelor's degree, the associate degree, the professional diploma and the higher diploma, are recognized;
- (c) ensure that the new associate degree courses dovetail with the local and overseas bachelor's degree courses, and provide more university places so that the increasing number of graduates from associate degree courses can enrol in university degree courses;
- (d) formulate a progression schedule to ensure that local tertiary education places are increased annually, in order to realize the target tertiary education popularization rate; and
- (e) provide adequate assistance to students, so that young people who have the ability to receive tertiary education will not fail to complete their studies due to financial difficulties.

Question on Hon CHEUNG Man-kwong's motion proposed.

The President stated that Hon YEUNG Yiu-chung 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 YEUNG Yiu-chung moved the following amendment to Hon CHEUNG Man-kwong's motion and addressed the Council:

To delete "and" after "in order to realize the target tertiary education popularization rate;"; and to add "; and (f) actively promote the development of private universities" after "due to financial difficulties".

At 7:25 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon YEUNG Yiu-chung's amendment to Hon CHEUNG Man-kwong's motion proposed.

13 Members spoke on the motion and the amendment.

At 8:40 pm, the President resumed the chair.

Another two Members spoke on the motion and the amendment.

Hon CHEUNG Man-kwong spoke on the amendment.

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

Question on Hon YEUNG Yiu-chung's amendment to Hon CHEUNG Man-kwong's motion put and agreed to.

Hon CHEUNG Man-kwong replied.

Question on Hon CHEUNG Man-kwong's motion as amended by Hon YEUNG Yiu-chung put and agreed to.

### Through train to Shenzhen

Hon LAU Kong-wah moved the following motion and addressed the Council:

That this Council urges the Government to consider exploring with the relevant Mainland authorities the feasibility of operating a Sheung Shui-Shenzhen express rail line and a Hung Hom-Shenzhen through train service, with a view to relieving the congestion caused by the increase in travellers crossing the border between Lo Wu and Shenzhen.

Question on Hon LAU Kong-wah's motion proposed.

The President stated that Hon WONG Sing-chi 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 WONG Sing-chi moved the following amendment to Hon LAU Kong-wah's motion and addressed the Council:

To add ", to relieve the congestion caused by the increase in travellers crossing the border between Lo Wu and Shenzhen," after "That"; to add "advancing the completion date of the Northern Link, and" after "this Council urges the Government to consider"; to add "the feasibility of providing other additional cross-border passenger rail lines, including" after "exploring with the relevant Mainland authorities"; to delete "a Sheung Shui-Shenzhen" after "the feasibility of operating" and substitute with "an"; to add "between Sheung Shui or other districts and Shenzhen," after "express rail line"; and to delete ", with a view to relieving the congestion caused by the increase in travellers crossing the border between Lo Wu and Shenzhen".

Question on Hon WONG Sing-chi's amendment to Hon LAU Kong-wah's motion proposed.

Seven Members spoke on the motion and the amendment.

Hon LAU Kong-wah spoke on the amendment.

The Secretary for Transport spoke on the motion and the amendment.

Question on Hon WONG Sing-chi's amendment to Hon LAU Kong-wah's motion put and agreed to.

Hon LAU Kong-wah replied.

Question on Hon LAU Kong-wah's motion as amended by Hon WONG Sing-chi put and agreed to.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 4 July 2001 at 2:30 pm.

The Council was adjourned at 10:45 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong