

LEGISLATIVE COUNCIL

MINUTES

No. 37

Minutes of the meeting held on Wednesday 11 July 2001 and
Thursday 12 July 2001 at 9:00 am respectively

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, GBS, JP

The Hon David CHU Yu-lin, JP

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, GBS, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing, JP

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, JP

The Hon CHAN Kwok-keung

The Hon CHAN Yuen-han, JP

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, BBS

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, GBS, 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

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 (absent on 12.7.2001)

The Hon IP Kwok-him, JP

The Hon LAU Ping-cheung

The Hon Audrey EU Yuet-mee, SC, JP

Member absent:

The Hon Timothy FOK Tsun-ting, SBS, JP

Public officers attending:

On 11.7.2001 & 12.7.2001

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

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

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

Ms Sandra LEE Suk-yee, JP
Secretary for Economic Services

On 11.7.2001 only

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

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

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

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

Ms Elaine CHUNG Lai-kwok, JP
Secretary for Housing

Mr Thomas TSO Man-tai, JP
Secretary for Planning and Lands

On 12.7.2001 only

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

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

Ms AU King-chi, JP
Secretary for Financial Services

Clerks in attendance:

On 11.7.2001 & 12.7.2001

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)

On 12.7.2001

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Specification of Arrangements (Government of the Republic of Estonia Concerning Air Services) (Double Taxation) Order (gazetted on 6.7.2001)	152/2001
2. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2001 (gazetted on 6.7.2001)	153/2001
3. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2001 (gazetted on 6.7.2001)	154/2001
4. Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2001 (gazetted on 6.7.2001)	155/2001
5. Merchant Shipping (Safety) (GMDSS Radio Installations) (Amendment) Regulation 2001 (gazetted on 6.7.2001)	156/2001
6. Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (gazetted on 6.7.2001)	157/2001
7. Merchant Shipping (Local Vessels) (Dwelling Vessels) Regulation (gazetted on 6.7.2001)	158/2001
8. Merchant Shipping (Local Vessels) (Ferry Terminals) Regulation (gazetted on 6.7.2001)	159/2001
9. Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) (Amendment) Rules 2001 (gazetted on 6.7.2001)	160/2001
10. Continuing Professional Development (Amendment) Rules 2001 (gazetted on 6.7.2001)	161/2001
11. Solicitors (Professional Indemnity) (Amendment) Rules 2001 (gazetted on 6.7.2001)	162/2001
12. Securities (Miscellaneous) (Amendment) (No.2) Rules 2001 (gazetted on 6.7.2001)	163/2001
13. Banking Ordinance (Amendment of Third	164/2001

- Schedule) Notice 2001 (gazetted on 6.7.2001)
14. Fixed Penalty (Criminal Proceedings) 165/2001
(Amendment) Regulation 2001 (gazetted on
6.7.2001)
15. Fixed Penalty (Traffic Contraventions) 166/2001
(Amendment) Regulation 2001 (gazetted on
6.7.2001)
16. Fugitive Offenders (Indonesia) Order (Cap. 167/2001
503 sub. leg.) (Commencement) Notice 2001
(gazetted on 6.7.2001)

Other Papers

- No.100 - Sir Robert Black Trust Fund
Annual Report for the year 1 April 2000 to 31 March
2001 (published on 3.7.2001)
- No.101 - J.E. Joseph Trust Fund Report for the period 1 April
2000 to 31 March 2001 (published on 4.7.2001)
- No.102 - Kadoorie Agricultural Aid Loan Fund Report for the
period 1 April 2000 to 31 March 2001 (published on
4.7.2001)
- No.103 - Report by the Trustee of the Customs and Excise
Service Children's Education Trust Fund for the
period 21 July 2000 to 31 March 2001 (published on
4.7.2001)
- No.104 - Hong Kong Trade Development Council
Annual Report 2000/2001 (published on 9.7.2001)
- No.105 - Clothing Industry Training Authority
Annual Report 2000 (published on 9.7.2001)
- No.106 - Construction Industry Training Authority
Annual Report 2000 (published on 9.7.2001)
- No.107 - Airport Authority Hong Kong
Annual Report 2000/2001 (published on 11.7.2001)

Committee on Rules of Procedure of the Legislative Council of
the Hong Kong Special Administrative Region
Progress Report for the period October 2000 to June 2001
(published on 9.7.2001)

Report of the Panel on Financial Affairs 2000/2001 (published
on 5.7.2001)

Report of the Panel on Economic Services 2000/2001 (published
on 9.7.2001)

Report of the Bills Committee on Chief Executive Election Bill (published on 5.7.2001)

Report of the Bills Committee on Revenue (No.3) Bill 2001 (published on 6.7.2001)

Report of the Bills Committee on Fixed Penalty (Public Cleanliness Offences) Bill (published on 6.7.2001)

Addresses

Hon TSANG Yuk-sing, Chairman of the Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region, addressed the Council on the Committee's Progress Report for the period October 2000 to June 2001.

Hon Ambrose LAU, Chairman of the Panel on Financial Affairs, addressed the Council on the Panel's report 2000/2001.

Hon James TIEN, Chairman of the Panel on Economic Services, addressed the Council on the Panel's report 2000/2001.

Questions

1. Hon Eric LI asked Question 1.

The Secretary for Housing replied.

Seven Members asked supplementaries. The Secretary for Housing and the Chief Secretary for Administration replied.

2. Hon SZETO Wah asked Question 2.

The Chief Secretary for Administration replied.

Eight Members asked supplementaries and the Chief Secretary for Administration replied.

3. Ir Dr Hon HO Chung-tai asked Question 3.

The Secretary for the Treasury replied.

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

4. Hon YEUNG Yiu-chung asked Question 4.

The Secretary for Security replied.

Four Members asked supplementaries and the Secretary for Security replied.

5. Hon CHOY So-yuk asked Question 5.

The Secretary for the Environment and Food replied.

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

6. Hon LAU Kong-wah asked Question 6.

The Secretary for Security replied.

Four Members asked supplementaries and the Secretary for Security replied.

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

Bills

First Reading

Travel Agents (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

Travel Agents (Amendment) Bill 2001

The Secretary for Economic 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.

Chief Executive Election Bill

Resumption of Second Reading debate

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

Hon IP Kwok-him, Chairman of the Bills Committee on Chief Executive Election Bill, addressed the Council on the Report of the Bills Committee on the Bill. After the address, he spoke on the Bill as a Member.

12 Members spoke on the Bill.

At 1:25 pm, the President's Deputy took the chair during the temporary absence of the President.

Four other Members spoke on the Bill.

At 2:12 pm, the President resumed the chair.

Three more Members spoke on the Bill.

The Secretary for Constitutional Affairs 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 56 Members were present, 36 were in favour of the motion, 16 against it and two abstained. (Voting record in Appendix 1.) 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 **Chief Executive Election Bill**.

Question that the headings before clauses 1, 8, 10, 20, 33, 42, 49, 50, 51, 53, 55, 63, 76 and 78, clauses 1, 7, 8, 9, 15, 17, 18, 21, 23, 24, 29, 31, 33, 36, 37, 38, 40 to 43, 45 to 59, 61 to 67, 69 to 75 and 77 to 82 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 14, 19, 20, 30, 34, 35, 39, 44 and 68 stand part of the Bill proposed.

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

One Member spoke on the amendments.

Question on the amendments put and agreed to.

Question that the clauses 3, 14, 19, 20, 30, 34, 35, 39, 44 and 68, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 22, 26, 27 and 28 stand part of the Bill proposed.

The Secretary for Constitutional Affairs requested the Committee of the whole Council to consider new clause 21A ahead of other clauses as it was related to clauses 22, 26, 27 and 28.

The President ordered the Council to resume and granted leave for the Secretary for Constitutional Affairs to move a motion under Rule 91 of the Rules of Procedure that Rule 58(5) of the Rules of Procedure be suspended to enable the Committee of the whole Council to consider new clause 21A ahead of other clauses.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

New clause 21A read the first time.

The Secretary for Constitutional Affairs moved the Second Reading of new clause 21A and addressed the Committee.

Question on the Second Reading of new clause 21A proposed, put and agreed to.

New clause 21A read the second time.

The Secretary for Constitutional Affairs moved amendments to clauses 22 and 26 of, the deletion of clauses 27 and 28 from, and the addition of new clause 21A to the Bill and addressed the Committee.

Question on the amendments and the addition of new clause 21A proposed, put and agreed to.

The Chairman stated that as the amendments to clauses 27 and 28, which dealt with deletions, had been agreed, clauses 27 and 28 were therefore deleted from the Bill.

Question that clauses 22 and 26, as amended, stand part of the Bill proposed, put and agreed to.

Question that the heading of Part 2 before clause 3 and clauses 4, 5, 6 and 13 stand part of the Bill proposed.

The Chairman stated that Hon Martin LEE, Hon Margaret NG who was joined by Hon Audrey EU, and the Secretary for Constitutional Affairs had separately given notice to move amendments to clauses relating to the circumstances under which a vacancy in the Chief Executive's office would arise. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Hon Martin LEE to move his amendments first.

Hon Martin LEE moved amendments to the heading of Part 2 before clause 3 and clauses 4, 5, 6 and 13 and addressed the Committee.

Hon Margaret NG and the Secretary for Constitutional Affairs spoke on Hon Martin LEE's amendments as well as their respective proposed amendments.

Two Members spoke on the amendments.

At 4:23 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

Another Member spoke on the amendments.

At 4:34 pm, the Chairman resumed the chair.

10 further Members spoke on the amendments.

Four Members, who had spoken, spoke twice again and one Member, who had spoken, spoke again on the amendments.

Hon Martin LEE spoke again.

At 7:00 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

Hon Margaret NG spoke again.

At 7:16 pm, the Chairman resumed the chair.

The Secretary for Constitutional Affairs and Hon Martin LEE spoke again.

One Member who had spoken twice on the amendments spoke again.

Question on the amendments moved by Hon Martin LEE put.

Hon Martin LEE 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, 29 were present, five were in favour of the amendments, 23 against them and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 14 were in favour of the amendments and 12 against them. (Voting record in Appendix 2.) 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 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 Chief Executive Election Bill 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.

Question that the heading of Part 2 before clause 3 stand part of the Bill proposed, put and agreed to.

Hon Margaret NG moved amendments to clauses 4, 5, 6 and 13.

Question on the amendments moved by Hon Margaret NG 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, 29 were present, eight were in favour of the amendments, 20 against them and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 15 were in favour of the amendments, 11 against them and one abstained. (Voting record in Appendix 3.) 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 clauses 5, 6 and 13 stand part of the Bill proposed, put and agreed to.

The Secretary for Constitutional Affairs moved an amendment to clause 4.

Question on the amendment moved by the Secretary for Constitutional Affairs put.

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

The Chairman announced that 55 Members were present, 35 were in favour of the amendment and 18 against it. (Voting record in Appendix 4.) Since the question was agreed by a majority of the Members present, she declared that the amendment was agreed.

Question that clause 4, as amended, stand part of the Bill proposed and 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 55 Members were present, 35 were in favour of the motion and 18 against it. (Voting record in Appendix 5.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Question that clauses 2, 10, 11, 12 and 60 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that the clauses 2, 10, 11, 12 and 60, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 16, 25, 32 and 76 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to clauses 16(5), 25 and 76(b) and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 25, as amended, stand part of the Bill proposed, put and agreed to.

Hon Martin LEE moved an amendment to clause 16(7), a further amendment to clause 76(b) and the deletion of clause 32 and addressed the Committee.

Three Members and the Secretary for Constitutional Affairs spoke on the amendments.

A Member, who had spoken, spoke again on the amendments.

Hon Martin LEE spoke again.

Question on the amendments put.

Hon Martin LEE 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, 28 were present, six were in favour of the amendments and 22 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 12 were in favour of the amendments and 13 against them. (Voting record in Appendix 6.) 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 32 stand part of the Bill proposed and put.

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

The Chairman announced that 54 Members were present, 35 were in favour of the motion and 17 against it. (Voting record in Appendix 7.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Question that clauses 16 and 76, as amended, stand part of the Bill proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to sections 3 and 4(4)(a)(ii) of the schedule and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 1, 2, 5, 7, 9, 11, 12, 14, 18, 21, 23, 25, 26, 27, 29, 30, 40, 42 and 49 and further amendments to section 4 of the schedule and addressed the Committee.

Question on the amendments 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 Constitutional Affairs reported that

the **Chief Executive Election 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 and put.

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

The President announced that 56 Members were present, 36 were in favour of the motion and 18 against it. (Voting record in Appendix 8.) 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.

Revenue (No.3) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 25 April 2001 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Revenue (No.3) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

As the Secretary for the Treasury, who was the Public Officer in charge of the Bill, was not in the Chamber, the President suspended the meeting at 9:23 pm.

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The Council resumed at 9:00 am on 12 July 2001 and continued to debate the second reading of the Revenue (No. 3) Bill 2001.

Two Members spoke on the Bill.

The Secretary for the Treasury 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 **Revenue (No.3) Bill 2001**.

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

The Council then resumed.

Third Reading

The Secretary for the Treasury reported that

the **Revenue (No.3) 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.

Supplementary Appropriation (2000-2001) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 20 June 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 **Supplementary Appropriation (2000-2001) Bill 2001**.

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

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

The Council then resumed.

Third Reading

The Secretary for the Treasury reported that

the **Supplementary Appropriation (2000-2001) 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.

Fixed Penalty (Public Cleanliness Offences) Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 28 February 2001 resumed.

Hon Fred LI, Chairman of the Bills Committee on Fixed Penalty (Public Cleanliness Offences) Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Eight Members spoke on the Bill.

The Secretary for the Environment and Food replied.

Question on the Second Reading put.

Hon LEUNG Yiu-chung claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 44 Members were present, 42 were in favour of the motion and one against it. (Voting record in Appendix 9.) 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 **Fixed Penalty (Public Cleanliness Offences) Bill**.

Question that clauses 1, 2, 8, 12, 14, 16, 18, 19 and 20 stand part of the Bill proposed, put and agreed to.

Question that clauses 3 to 7, 9, 10, 11, 13, 15 and 17 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 3 to 7, 9, 10, 11, 13, 15 and 17, as amended, stand part of the Bill proposed, put and agreed to.

New clause 4A read the first time.

The Secretary for the Environment and Food moved the Second Reading of new clause 4A and addressed the Committee.

Question on the Second Reading of new clause 4A proposed, put and agreed to.

New clause 4A read the second time.

The Secretary for the Environment and Food moved the addition of new clause 4A to the Bill.

Question on the addition proposed, put and agreed to.

Question that schedules 1 and 2 stand part of the Bill proposed.

The Secretary for the Environment and Food moved amendments to schedules 1 and 2 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for the Environment and Food reported that

the **Fixed Penalty (Public Cleanliness Offences) 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.

Motions

Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Health and Welfare moved the following motion and addressed the Council:

Resolved that the following Regulations, made by the Pharmacy and Poisons Board on 18 June 2001, be approved -

- (a) the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2001; and
- (b) the Poisons List (Amendment) (No. 3) Regulation 2001.

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Health and Welfare replied.

Question on the motion put and agreed to.

Proposed resolutions under the Interpretation and General Clauses Ordinance

The Secretary for Economic Services moved the following motion and addressed the Council:

Resolved that the Freight Containers (Safety) (Examination Procedure) Order, published in the Gazette as Legal Notice No. 114 of 2001 and laid on the table of the Legislative Council on 6 June 2001, be amended, in section 4(1)(b)(ii) and (2)(b)(ii), by repealing "specified" and substituting "determined by the competent person".

Question on the motion proposed, put and agreed to.

Members' Bills

Second Reading

Bank of China (Hong Kong) Limited (Merger) Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 June 2001 resumed.

Hon NG Leung-sing declared an interest.

Eight Members spoke on the Bill.

Hon NG Leung-sing withdrew from the Council meeting.

The Secretary for Financial Services spoke on the Bill.

Dr Hon David LI replied.

Question on the Second Reading put.

Hon Cyd HO 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 and 23 were in favour of the motion; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 19 were present, 17 were in favour of the motion and one against it. (Voting record in Appendix 10.) Since the question was agreed by a majority of each of the two groups of 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 **Bank of China (Hong Kong) Limited (Merger) Bill**.

Question that clauses 1 to 7 and 9 to 22 stand part of the Bill proposed, put and agreed to.

Question that clause 8 stand part of the Bill proposed.

Dr Hon David LI moved an amendment to clause 8(g) and addressed the Committee.

Question on the amendment put and agreed to.

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

Question about the preamble to the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

Dr Hon David LI reported that

the **Bank of China (Hong Kong) Limited (Merger) Bill**

had passed through the Committee with an 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.

The Bank of East Asia, Limited Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 June 2001 resumed.

The Secretary for Financial Services spoke on the Bill.

Dr Hon David LI declared an interest.

Hon NG Leung-sing 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 **The Bank of East Asia, Limited Bill**.

Question that clauses 1 to 6 and 8 to 18 stand part of the Bill proposed, put and agreed to.

Question that clause 7 stand part of the Bill proposed.

Hon NG Leung-sing moved an amendment to clause 7(g) and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 7, as amended, stand part of the Bill proposed, put and agreed to.

Question about the preamble to the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

Hon NG Leung-sing reported that

the **The Bank of East Asia, Limited Bill**

had passed through the Committee with an 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.

Members' Motions

Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

Hon TSANG Yok-sing moved the following motion and addressed the Council:

Resolved that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended -

- (1) by repealing Rule 50(8) and substituting -

"(8) In the case of a bill which is a "private bill" as defined in the Private Bills Ordinance (Cap. 69), there shall be included in the bill the following clause:

"Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them."."

- (2) in Rule 51(6), by repealing "having any intention such as is described" and substituting "such as is referred to".

Question on the motion proposed, put and agreed to.

The cosmopolitan city

Hon Martin LEE moved the following motion and addressed the Council:

That, acknowledging that if Hong Kong is to be developed into a first-class cosmopolitan city comparable to New York or London, the Government cannot confine itself to promoting a knowledge-based economy, producing highly-talented people and cultivating a healthy natural environment, this Council calls upon the Government to urgently take effective measures to establish a political system based on universal suffrage, a tradition of respect for human rights and the rule of law, and a social system that upholds social justice and the dignity of the individual - which no cosmopolitan city can do without.

At 12:01 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

Seven Members spoke on the motion.

At 12:42 pm, the President resumed the chair.

Another 16 Members and the Secretary for Home Affairs spoke on the motion.

Hon Martin LEE replied.

Question on the motion put.

Hon Martin LEE 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, 27 were present, nine were in favour of the motion, 17 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, 12 were in favour of the motion and nine against it. (Voting record in Appendix 11.) 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.

Expediting the development of the logistics industry

Hon Kenneth TING moved the following motion and addressed the Council:

That this Council urges the Government to expedite the development of the logistics industry, thereby giving impetus to the recovery of the local economy.

Question on the motion proposed.

10 Members and the Secretary for Economic Services spoke on the motion.

Hon Kenneth TING replied.

Question on the motion put and agreed to.

End of session

The President wished Members a happy and relaxing summer recess and announced the end of the session.

The Council was adjourned at 4:33 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong