

LEGISLATIVE COUNCIL

MINUTES

No. 14

Minutes of the meeting held on Wednesday 10 January 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 Financial Secretary

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

Mr CHAU Tak-hay, JP
Secretary for Commerce and Industry

Mr Gordon SIU Kwing-chue, JP
Secretary for Planning and Lands

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

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

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 Elaine CHUNG Lai-kwok, JP
Secretary for Housing

Mr Paul TANG Kwok-wai, 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

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Antiquities and Monuments (Declaration of Historical Buildings) (No. 2) Notice 2000 (gazetted on 29.12.2000)	368/2000
2. Dairies (Amendment) Regulation 2001 (gazetted on 5.1.2001)	1/2001
3. Plant (Importation and Pest Control) (Fees) (Amendment) Regulation 2001 (gazetted on 5.1.2001)	2/2001
4. Pounds Fees (Amendment) Regulation 2001 (gazetted on 5.1.2001)	3/2001
5. Veterinary Surgeons Registration (Fees) (Amendment) Regulation 2001 (gazetted on 5.1.2001)	4/2001
6. Dangerous Dogs Regulation (Amendment of Schedule 3) Notice 2001 (gazetted on 5.1.2001)	5/2001
7. Rabies Regulation (Amendment of Schedule 1) Notice 2001 (gazetted on 5.1.2001)	6/2001
8. Estate Agents (Registration of Determination and Appeal) (Amendment) Regulation 2001 (gazetted on 5.1.2001)	7/2001
9. Commodities Trading (Trading Limits and Position Limits) (Amendment) Rules 2000 (gazetted on 5.1.2001)	8/2001
10. Securities (Exchange—Traded Stock Options) (Amendment) (No. 2) Rules 2000 (gazetted on 5.1.2001)	9/2001
11. Tax Reserve Certificates (Rate of Interest) Notice 2001 (gazetted on 5.1.2001)	10/2001

Other Papers

- No.56 - Report of changes to the approved Estimates of Expenditure approved during the second quarter of 2000-01 (Public Finance Ordinance: Section 8) (published on 2.1.2001)

- No.57 - Police Welfare Fund
Annual Report 1999/2000 (published on 2.1.2001)
- No.58 - Consumer Council
Annual Report 1999-2000 (published on 4.1.2001)

Questions

1. Hon James TO asked Question 1.

The Secretary for Housing replied.

Five Members asked supplementaries and the Secretary for Housing replied.
2. Hon LAU Ping-cheung asked Question 2.

The Secretary for Commerce and Industry replied.

Five Members asked supplementaries and the Secretary for Commerce and Industry replied.
3. Hon Mrs Selina CHOW asked Question 3.

The Secretary for Economic Services replied.

Five Members asked supplementaries and the Secretary for Economic Services replied.
4. Hon Andrew CHENG asked Question 4.

The Secretary for Education and Manpower replied.

Six Members asked supplementaries and the Secretary for Education and Manpower replied.
5. Hon Bernard CHAN asked Question 5.

The Secretary for Planning and Lands replied.

Six Members asked supplementaries and the Secretary for Planning and Lands replied.
6. Hon Cyd HO asked Question 6.

The Secretary for the Environment and Food replied.

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

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

Bills

First Reading

Education (Amendment) Bill 2000

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

Education (Amendment) Bill 2000

The Secretary for Education and Manpower 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.

Members' Bills

Second Reading

Prior of the Order of Cistercians of the Strict Observance Incorporation (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 December 2000 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 **Prior of the Order of Cistercians of the Strict Observance Incorporation (Amendment) Bill 2000**.

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

The Council then resumed.

Third Reading

Hon Ambrose LAU reported that

**the Prior of the Order of Cistercians of the Strict
Observance Incorporation (Amendment) Bill 2000**

had passed through the Committee without 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

The President stated that Hon LAU Chin-shek and Hon James TIEN had separately given notice to move the following 12 motions under the Interpretation and General Clauses Ordinance. As the motions proposed by Hon LAU Chin-shek and Hon James TIEN were identical and had the same effect, in accordance with the Rules of Procedure, she would only invite Hon LAU Chin-shek, who had given notice earlier, to move the motions.

Proposed resolutions under the Interpretation and General Clauses Ordinance

1. Dutiable Commodities (Amendment) (No. 2) Regulation 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Dutiable Commodities (Amendment) (No. 2) Regulation 2000, published as Legal Notice No. 330 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed.

Hon James TIEN spoke on the motion.

Hon SIN Chung-kai, Chairman of the Subcommittee formed to study the subsidiary legislation relating to the revision of

fees and charges gazetted on 24 November 2000, spoke on the motion.

Seven other Members and the Secretary for the Treasury spoke on the motion.

Hon LAU Chin-shek replied.

Question on the motion put.

Hon LAU Chin-shek 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, 25 were present, 13 were in favour of the motion and 12 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, four were in favour of the motion and 24 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.

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 on the following proposed resolutions under the Interpretation and General Clauses Ordinance at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the President may order that the Council 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.

2. Firearms and Ammunition (Amendment) (No. 2) Regulation 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Firearms and Ammunition (Amendment) (No. 2) Regulation 2000, published as Legal Notice No. 331 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be amended by repealing section 2(a), (b), (c), (d), (e), (f) and (h).

Question on the motion proposed and put.

Hon LAU Chin-shek claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 25 were present, 17 were in favour of the motion and eight against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 11 were in favour of the motion and 17 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 motion was negatived.

3. Firearms and Ammunition (Storage Fees) (Amendment) Order 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Firearms and Ammunition (Storage Fees) (Amendment) Order 2000, published as Legal Notice No. 332 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed, put and negatived.

4. Pawnbrokers (Amendment) Regulation 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Pawnbrokers (Amendment) Regulation 2000, published as Legal Notice No. 333 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed, put and negatived.

5. Bills of Sale (Fees) (Amendment) Regulation 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Bills of Sale (Fees) (Amendment) Regulation 2000, published as Legal Notice No. 334 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed.

A Member and the Secretary for the Treasury spoke on the motion.

Question on the motion put.

Hon LAU Chin-shek claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 25 were present, 18 were in favour of the motion and seven against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 16 were in favour of the motion and 12 against it. (Voting record in Appendix III.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

6. Fees for Official Signatures and Miscellaneous Services (Amendment) Notice 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Fees for Official Signatures and Miscellaneous Services (Amendment) Notice 2000, published as Legal Notice No. 335 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed and put.

Hon LAU Chin-shek claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 25 were present, 21 were in favour of the motion and four against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 23 were in favour of the motion and five against it. (Voting record in Appendix IV.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

7. Hong Kong Court of Final Appeal Fees (Amendment) Rules 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Hong Kong Court of Final Appeal Fees (Amendment) Rules 2000, published as Legal Notice No. 336 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed, put and agreed to.

8. High Court Fees (Amendment) Rules 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the High Court Fees (Amendment) Rules 2000, published as Legal Notice No. 337 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed, put and agreed to.

9. District Court Civil Procedure (Fees) (Amendment) (No. 2) Rules 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the District Court Civil Procedure (Fees) (Amendment) (No. 2) Rules 2000, published as Legal Notice No. 338 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed, put and agreed to.

10. Coroners (Fees) (Amendment) Rules 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Coroners (Fees) (Amendment) Rules 2000, published as Legal Notice No. 339 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed, put and agreed to.

11. Small Claims Tribunal (Fees) (Amendment) Rules 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Small Claims Tribunal (Fees) (Amendment) Rules 2000, published as Legal Notice No. 340 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed, put and agreed to.

12. Legal Practitioners (Fees) (Amendment) (No. 2) Rules 2000

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Legal Practitioners (Fees) (Amendment) (No. 2) Rules 2000, published as Legal Notice No. 341 of 2000 and laid on the table of the Legislative Council on 29 November 2000, be repealed.

Question on the motion proposed and put.

Hon James TIEN claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 25 were present, 13 were in favour of the motion and 12 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, six were in favour of the motion and 21 against it. (Voting record in Appendix V.) 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.

Prohibiting smoking

Hon Bernard CHAN moved the following motion and addressed the Council:

That, in view of the hazards of passive smoking, this Council urges the Government to conduct studies on the necessity for and feasibility of designating more public places as no-smoking areas; in the course of the studies, the Government should ensure that the public are fully consulted and their views are included in the study report.

At 6:30 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon Bernard CHAN's motion proposed.

The President's Deputy stated that Dr Hon LO Wing-lok, Hon Cyd HO and Hon Tommy CHEUNG would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

Dr Hon LO Wing-lok, Hon Cyd HO and Hon Tommy CHEUNG spoke respectively on the motion and their amendments.

Four Members spoke on the motion and the amendments.

At 7:25 pm, the President resumed the chair.

Another eight Members spoke on the motion and the amendments.

Hon Bernard CHAN spoke on the amendments.

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

Dr Hon LO Wing-lok moved the following amendment to Hon Bernard CHAN's motion:

To add "to review the current position in enforcing the existing Smoking (Public Health) Ordinance and" after "this Council urges the Government".

Question on Dr Hon LO Wing-lok's amendment to Hon Bernard CHAN's motion proposed, put and agreed to.

The President stated that as Dr Hon LO Wing-lok's amendment had been agreed, Hon Cyd HO withdrew her amendment.

The President granted leave for Hon Tommy CHEUNG to revise and explain to the Council the terms of his amendment.

Hon Tommy CHEUNG moved the following revised amendment to Hon Bernard CHAN's motion as amended by Dr Hon LO Wing-lok and explained the revised wording of his amendment to the Council:

To add "; at the same time, the Government should conduct economic assessments on all the affected industries and include the views of the industries in the study report" after "their views are included in the study report".

Question on Hon Tommy CHEUNG's further amendment to Hon Bernard CHAN's motion as amended by Dr Hon LO Wing-lok proposed and 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, 18 were in favour of the amendment, two against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, eight were in favour of the amendment, five

against it and 10 abstained. (Voting record in Appendix VI.) 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 Bernard CHAN replied.

Question on Hon Bernard CHAN's motion as amended by Dr Hon LO Wing-lok put and agreed to.

Strategic Sewage Disposal Scheme

Hon Frederick FUNG moved the following motion and addressed the Council:

That, as the Government ignored public opinions and the professional advice of green groups when it formulated the Strategic Sewage Disposal Scheme ("the Scheme"), and a series of errors have arisen since the commencement of the Phase I projects, causing substantial losses to the economy, environment, people's livelihood and society, such as the continuous increase in construction costs of the projects due to repeated delays and the unusual ground settlement in Tseung Kwan O affecting many buildings and causing losses to the public, this Council expresses deep regret and urges the Government to:

- (a) conduct a serious and thorough investigation to ascertain if there was any dereliction of duties on the part of the departments, officials, consultancy firms and contractors then responsible for the Scheme;
- (b) make reasonable arrangements for or offer compensation to the groups or individuals who have suffered consequential losses;
- (c) enhance the transparency of the process for selecting environmental consultancy firms so as to avoid any conflict of interest and enhance their accountability, with a view to ensuring the standard of the consultancy studies;
- (d) conduct an overall risk assessment of the proposals made by the International Review Panel regarding the remaining works of the Scheme; and
- (e) widely consult the public and green groups.

Question on Hon Frederick FUNG's motion proposed.

The President stated that Prof Hon NG Ching-fai and Hon Andrew CHENG would move amendments to the motion. In accordance with

the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Prof Hon NG Ching-fai and Hon Andrew CHENG spoke respectively on the motion and their amendments.

13 Members spoke on the motion and the amendments.

Hon Frederick FUNG spoke on the amendments.

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

Prof Hon NG Ching-fai moved the following amendment to Hon Frederick FUNG's motion:

To delete "the Government ignored public opinions and"; to add "many local experts and academics and the opinions of" after "the professional advice of"; to add "and the public were ignored by the former Government" before "when it formulated the Strategic Sewage Disposal Scheme"; to add "and by the former Legislative Council when it examined and passed the relevant bill and funding applications," after "(the Scheme)"; to add "urge the parties responsible, if it is confirmed that they have indeed committed errors, to" after (b); to add "further study and" after "(d)"; to delete "risk" after "conduct an overall"; to delete "and" after "the remaining works of the Scheme"; to add "when implementing major infrastructure projects in future, enforce the policy direction of sustainable development, take heed of the opinions of local experts and academics," after "(e)"; and to delete "and green groups" and substitute with ", green groups and professional bodies, and fully discuss with the relevant government departments of the neighbouring territories which may be affected; and (f) rename the "Strategic Sewage Disposal Scheme" as "Strategic Sewage Treatment Scheme" ".

Question on Prof Hon NG Ching-fai's amendment to Hon Frederick FUNG's motion proposed and put.

Hon Prof Hon NG Ching-fai 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, eight were in favour of the amendment, 11 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, seven were in favour of the amendment, 12 against it and two abstained. (Voting record in Appendix VII.) 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 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 to the motion on Strategic Sewage Disposal Scheme at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the President may order that the Council 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.

Hon Andrew CHENG moved the following amendment to Hon Frederick FUNG's motion:

To add "(b) expeditiously conduct an independent investigation to assess the impacts of the unusual ground settlement on the relevant buildings and residents and the losses they suffer;" after "responsible for the Scheme;"; to delete "(b)" and substitute with "(c)"; to add "(d) provide a 20-year guarantee for the structure of the housing estates affected by land subsidence, such as Tong Ming Court and Beverly Garden, and shoulder the maintenance responsibilities arising from the unusual ground settlement; (e) extend the period of back assignment at the original price for the flats affected by land subsidence from two years to three years; (f) re-allocating residents who have back-assigned their flats affected by land subsidence the priority green form, green form or white form status to which they were originally entitled;" after "who have suffered consequential losses;"; to delete "(c)" and substitute with "(g)"; to delete "(d)" and substitute with "(h)"; and to delete "(e)" and substitute with "(i)".

Question on Hon Andrew CHENG's amendment to Hon Frederick FUNG's motion proposed and put.

Hon Andrew CHENG claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, 17 were in favour of the amendment, one against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, 18 were in favour of the amendment and three against it. (Voting record in Appendix VIII.) 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 Frederick FUNG replied.

Question on Hon Frederick FUNG's motion as amended by Hon Andrew CHENG put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 17 January 2001 at 2:30 pm.

The Council was adjourned at 11:26 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong