

LEGISLATIVE COUNCIL

MINUTES

No. 3

Minutes of the meeting held on Wednesday 17 October 2001,
Thursday 18 October 2001, Friday 19 October 2001 and
Wednesday 24 October 2001 at 2:30 pm 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 (absent on 19.10.2001)

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP (absent on 18.10.2001 & 19.10.2001)

The Hon NG Leung-sing, JP

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 (absent on 17.10.2001 & 19.10.2001)

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 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 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 (absent on 24.10.2001)
The Hon WONG Sing-chi (absent on 18.10.2001)
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
The Hon MA Fung-kwok

Public officers attending:

On 17.10.2001, 18.10.2001, 19.10.2001 and 24.10.2001

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

On 17.10.2001, 19.10.2001 and 24.10.2001

Mr Joseph WONG Wing-ping, GBS, JP
Secretary for the Civil Service

Mr LAM Woon-kwong, GBS, JP

Secretary for Home Affairs

On 17.10.2001 and 24.10.2001

Mr Nicholas NG Wing-fui, JP
Secretary for Transport

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

Mr Stephen IP Shu-kwan, GBS, 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

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

Mr John TSANG Chun-wah, JP
Secretary for Planning and Lands

On 18.10.2001 and 24.10.2001

Mr Dominic WONG Shing-wah, GBS, JP
Secretary for Housing

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

Mrs Fanny LAW FAN Chiu-fun, JP
Secretary for Education and Manpower

On 19.10.2001 and 24.10.2001

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

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

On 17.10.2001

Mr Raymond YOUNG Lap-moon, JP
Secretary for Commerce and Industry

On 24.10.2001

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

Dr Edgar CHENG Wai-kin, JP
Head, Central Policy Unit

Clerks in attendance:

On 17.10.2001, 18.10.2001, 19.10.2001 and 24.10.2001

Mr Ricky FUNG Choi-cheung, JP, Secretary General

On 18.10.2001, 19.10.2001 and 24.10.2001

Mr LAW Kam-sang, JP, Deputy Secretary General

On 17.10.2001, 19.10.2001 and 24.10.2001

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

On 17.10.2001

Ms Pauline NG Man-wah, Assistant Secretary General (1)

On 18.10.2001

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. Fugitive Offenders (Sri Lanka) Order (gazetted on 12.10.2001)	203/2001
2. Fugitive Offenders (Portugal) Order (gazetted on 12.10.2001)	204/2001
3. Election Committee (Subscribers and Election Deposit for Nomination) Regulation (gazetted on 12.10.2001)	205/2001
4. Legislative Council (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2001 (gazetted on 12.10.2001)	206/2001
5. Distribution of Number of Members Among Designated Bodies (Election Committee) Order 2001 (gazetted on 12.10.2001)	207/2001
6. Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (gazetted on 12.10.2001)	208/2001
7. Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) (Amendment) Regulation 2001 (gazetted on 12.10.2001)	209/2001
8. Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (gazetted on 12.10.2001)	210/2001

Other Papers

No.4	-	Electrical and Mechanical Services Trading Fund Annual Report 2000/01 (published on 10.10.2001)
No.5	-	Companies Registry Annual Report 2000-01 (published on 11.10.2001)
No.6	-	The Land Registry Trading Fund Hong Kong Annual Report 2000-01 (published on 11.10.2001)
No.7	-	The Legislative Council Commission Annual Report 2000-2001 (published on 15.10.2001)

Questions

Written replies to Questions 1 to 20 were tabled for Members' information.

Members' Motions

As Dr Hon LO Wing-lok, who was to move the first motion under the Interpretation and General Clauses Ordinance, was not in the Chamber, the President called upon Hon CHAN Kam-lam to move the next motion.

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon CHAN Kam-lam moved the following motion and addressed the Council:

Resolved that in relation to the Estate Agents (Licensing) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 147 of 2001 and laid on the table of the Legislative Council on 27 June 2001, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1), as extended under section 34(3) of that Ordinance, be extended under section 34(4) of that Ordinance to the meeting of 31 October 2001.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Margaret NG moved the following motion and addressed the Council:

Resolved that in relation to the Solicitors (Professional Indemnity) (Amendment) Rules 2001, published in the Gazette as Legal Notice No. 162 of 2001 and laid on the table of the Legislative Council on 11 July 2001, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1), as extended under section 34(3) of that Ordinance, be extended under section 34(4) of that Ordinance to the meeting of 31 October 2001.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

Dr Hon LO Wing-lok moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Public Health (Animals and Birds) (Chemical Residues) Regulation, published in the Gazette as Legal Notice No. 146 of 2001; and
- (b) Harmful Substances in Food (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 148 of 2001,

and laid on the table of the Legislative Council on 27 June 2001, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1), as extended under section 34(3) of that Ordinance, be extended under section 34(4) of that Ordinance to the meeting of 31 October 2001.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

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

Resolved that Rule 13(1) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region, to the extent that it provides for a Motion of Thanks to be moved at a meeting not less than 14 days after the Chief Executive has presented a Policy Address to the Council, be suspended to enable a Motion of Thanks to be moved at the Legislative Council meeting of 17 October 2001.

Question on the motion proposed, put and agreed to.

Motion of Thanks

Hon Mrs Selina CHOW moved the following motion and addressed the Council:

That this Council thanks the Chief Executive for his address.

Question on the motion proposed. The President stated that Hon James TIEN would move an amendment to the motion and she would invite him to speak first on the last day of the debate and to move his amendment afterwards when the public officers had spoken on the motion and the proposed amendment. In accordance with the Rules of Procedure, the motion and the

proposed amendment would be debated together in a joint debate.

The first debate session covered the following policy areas: commerce and industry, economic services and financial affairs

20 Members, the Secretary for Economic Services, the Secretary for Commerce and Industry, the Secretary for Financial Services, the Secretary for the Treasury and the Secretary for the Civil Service spoke.

The second debate session covered the following policy areas: security, transport, works, information technology and broadcasting and planning and lands

Hon Albert CHAN spoke. While he was speaking, the President left the chair at 6:53 pm temporarily and the President's Deputy took the chair.

Another two Members and Ir Dr Hon HO Chung-tai spoke.

At 7:33 pm, while Ir Dr Hon HO Chung-tai was speaking, the President resumed the chair.

15 further Members, the Secretary for Information Technology and Broadcasting, the Secretary for Planning and Lands, the Secretary for Works, the Secretary for Transport and the Secretary for Security spoke.

The President suspended the meeting at 10:19 pm.

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The Council resumed at 2:30 pm on 18 October 2001 and continued to debate the Motion of Thanks moved by Hon Mrs Selina CHOW and the amendment to the motion to be moved by Hon James TIEN.

The third debate session covered the following policy areas: education and manpower

21 Members and the Secretary for Education and Manpower spoke.

The fourth debate session covered the following policy areas: environmental affairs, food safety and environmental hygiene and housing

One Member and Hon CHOY So-yuk spoke.

While Hon CHOY So-yuk was speaking, the President left the chair at 6:30 pm temporarily and the President's Deputy took the chair.

Another five Members and Hon LEUNG Yiu-chung spoke.

At 7:45 pm, while Hon LEUNG Yiu-chung was speaking, the President resumed the chair.

Nine further Members, the Secretary for the Environment and Food and the Secretary for Housing spoke.

The President suspended the meeting at 9:51 pm.

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The Council resumed at 2:30 pm on 19 October 2001 and continued to debate the Motion of Thanks moved by Hon Mrs Selina CHOW and the amendment to the motion to be moved by Hon James TIEN.

The fifth debate session covered the following policy areas: home affairs, health services and welfare services

14 Members and Hon LEUNG Yiu-chung spoke.

While Hon LEUNG Yiu-chung was speaking, the President left the chair at 4:50 pm temporarily and the President's Deputy took the chair.

Another seven Members, the Secretary for Home Affairs and the Secretary for Health and Welfare spoke.

At 5:48 pm, while the Secretary for Health and Welfare was speaking, the President resumed the chair.

The sixth debate session covered the following policy areas: administration of justice and legal services, constitutional affairs and public service

9 Members and Hon Eric LI spoke.

While Hon Eric LI was speaking, the President left the chair at 7:58 pm temporarily and the President's Deputy took the chair.

Another three Members and Hon Miriam LAU spoke.

At 8:28 pm, while Hon Miriam LAU was speaking, the President resumed the chair.

Eight further Members, the Secretary for Justice, the Secretary for Constitutional Affairs and the Secretary for the Civil Service spoke.

The President suspended the meeting at 10:05 pm.

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The Council resumed at 2:30 pm on 24 October 2001 and continued to debate the Motion of Thanks moved by Hon Mrs Selina CHOW and the amendment to the motion to be moved by Hon James TIEN.

Debate on general government policies

Hon James TIEN addressed the Council on the motion and his amendment.

Another 21 Members and Hon CHOY So-yuk spoke on the motion and the proposed amendment.

While Hon CHOY So-yuk was speaking, the President left the chair at 4:50 pm temporarily and the President's Deputy took the chair.

Another seven Members and Hon LAU Ping-cheung spoke on the motion and the proposed amendment.

At 5:43 pm, while Hon LAU Ping-cheung was speaking, the President resumed the chair.

14 further Members and the Financial Secretary spoke on the motion and the proposed amendment.

While the Financial Secretary was speaking, the President left the chair at 7:23 pm temporarily and the President's Deputy took the chair.

The Chief Secretary for Administration spoke on the motion and the proposed amendment. At 7:37 pm, while he was speaking, the President resumed the chair.

Hon James TIEN moved the following amendment to Hon Mrs Selina CHOW's motion:

To add ", and urges the Government and the relevant organization to increase employment opportunities and alleviate the hardship of people's livelihood by adopting more positive measures, which should include fully waiving rates payment for the next four quarters, creating 20 000 temporary posts in addition to the jobs arising from infrastructural projects, reducing the rents payable by tenants of the Housing Authority's commercial properties and public rental housing flats, and deferring to the end of March 2003 the collection of the salaries tax payable in 2002" after "That this Council thanks the Chief Executive for his address".

Question on Hon James TIEN's amendment to Hon Mrs Selina CHOW's motion proposed and put.

Hon James TIEN 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, 26 were in favour of the amendment and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present and 28 were in favour of the amendment. (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 Mrs Selina CHOW replied.

Question on Hon Mrs Selina CHOW's motion as amended by Hon James TIEN put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 31 October 2001 at 2:30 pm.

The Council was adjourned at 8:11 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong