

LEGISLATIVE COUNCIL

MINUTES

No. 5

Minutes of the meeting held on Wednesday 7 November 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, GBS, JP

Dr 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

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

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 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

The Hon MA Fung-kwok

Members absent:

The Hon Howard YOUNG, JP

The Hon LI Fung-ying, JP

Public officers attending:

The Honourable Donald TSANG Yam-kuen, JP

The Chief Secretary for Administration

The Honourable Antony LEUNG Kam-chung, GBS, JP

The Financial Secretary

The Honourable Elsie LEUNG Oi-sie, JP

The Secretary for Justice

Mr Joseph WONG Wing-ping, GBS, JP

Secretary for the Civil Service

Miss Denise YUE Chung-yee, GBS, JP

Secretary for the Treasury

Mr Stephen IP Shu-kwan, GBS, JP
Secretary for Financial Services

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

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation / Instruments

L.N. No.

Tax Reserve Certificates (Rate of Interest) (No. 11) 228/2001
Notice 2001 (gazetted on 2.11.2001)

Other Papers

- No.21 - Occupational Deafness Compensation Board
Annual Report 2000-01 (published on 31.10.2001)
- No.22 - Statement of Accounts of the Customs and Excise
Service Welfare Fund together with the Director of
Audit's Report (2000-2001) (published on 2.11.2001)
- No.23 - Report of the Chinese Temples Committee on the
Administration of the Chinese Temples Fund for the
year ended 31 March 2001 (published on 5.11.2001)
- No.24 - Report of the Chinese Temples Committee on the
Administration of the General Chinese Charities
Fund for the year ended 31 March 2001 (published
on 5.11.2001)

Questions

1. Hon YEUNG Yiu-chung asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon MA Fung-kwok asked Question 2.

The Secretary for the Treasury replied.

Four Members asked supplementaries. The Secretary for
the Treasury and the Secretary for the Civil Service
replied.

3. Hon NG Leung-sing asked Question 3.

The Secretary for Planning and Lands replied.

10 Members asked supplementaries. The Secretary for Planning and Lands and the Secretary for Security replied.

4. Dr Hon YEUNG Sum asked Question 4.

The Secretary for Financial Services replied.

Seven Members asked supplementaries. The Secretary for Financial Services and the Financial Secretary replied.

5. Hon SZETO Wah asked Question 5.

The Secretary for Education and Manpower replied.

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

6. Hon Frederick FUNG asked Question 6.

The Secretary for Education and Manpower replied.

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

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

Bills

First Reading

Chemical Weapons (Convention) Bill

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

Chemical Weapons (Convention) Bill

The Secretary for Commerce and Industry 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' Motions

Proposed resolutions under the Interpretation and General Clauses Ordinance

1. Rehabilitation Centres Regulation

Hon James TO moved the following motion and addressed the Council:

Resolved that in relation to the Rehabilitation Centres Regulation, published in the Gazette as Legal Notice No. 195 of 2001 and laid on the table of the Legislative Council on 10 October 2001, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) for amending subsidiary legislation be extended under section 34(4) of that Ordinance to the meeting of 14 November 2001.

Question on the motion proposed, put and agreed to.

2. Subsidiary legislation relating to the Chief Executive election

Hon IP Kwok-him moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Election Committee (Appeals) Regulation, published in the Gazette as Legal Notice No. 196 of 2001;
- (b) Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation, published in the Gazette as Legal Notice No. 197 of 2001;
- (c) Legislative Council (Formation of Election Committee) (Appeals) (Repeal) Regulation 2001, published in the Gazette as Legal Notice No. 198 of 2001;
- (d) Registration of Electors (Appeals) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 199 of 2001; and
- (e) Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors)

(Members of Election Committee) (Legislative Council)
(Amendment) Regulation 2001, published in the Gazette as
Legal Notice No. 200 of 2001,

and laid on the table of the Legislative Council on 10 October 2001, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) for amending subsidiary legislation be extended under section 34(4) of that Ordinance to the meeting of 14 November 2001.

Question on the motion proposed, put and agreed to.

Upholding the rule of law

Hon Audrey EU moved the following motion and addressed the Council:

That, in order to maintain the competitive edge of Hong Kong in the rule of law, this Council urges the Government to:

- (a) promote and implement reforms in legal education;
- (b) comprehensively review the demand for legal and related services;
- (c) expand the scope of legal aid services;
- (d) set up community legal service centres;
- (e) promote awareness and knowledge of the law in the community; and
- (f) promote studies on the legal systems of China and Hong Kong, and organize more international conferences on this subject.

While Hon Audrey EU was addressing the Council, the President left the chair at 4:35 pm temporarily and the President's Deputy took the chair.

Question on Hon Audrey EU's motion proposed.

The President's Deputy stated that Hon Martin LEE 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 Martin LEE moved the following amendment to Hon Audrey EU's motion and addressed the Council:

To delete "and" after "(e) promote awareness and knowledge of the law in the community;"; and to add "; and (g) declare in public and pledge that in future, after the provisions of the

Basic Law have been interpreted by the Court of Final Appeal, it will not invite the Standing Committee of the National People's Congress to re-interpret the relevant provisions" after "(f) promote studies on the legal systems of China and Hong Kong, and organize more international conferences on this subject".

Question on Hon Martin LEE's amendment to Hon Audrey EU's motion proposed.

12 Members and Hon Cyd HO spoke on the motion and the amendment.

At 6:09 pm, while Hon Cyd HO was speaking, the President resumed the chair.

Another 11 Members spoke on the motion and the amendment.

Hon Audrey EU spoke on the amendment.

The Chief Secretary for Administration and the Secretary for Justice spoke on the motion and the amendment.

Question on Hon Martin LEE's amendment to Hon Audrey EU's 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, 24 were present, five were in favour of the amendment and 19 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 16 were in favour of the amendment and 11 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 amendment was negatived.

Hon Audrey EU replied.

Question on Hon Audrey EU's motion put and agreed to.

Reviewing the Old Age Allowance Scheme

Dr Hon YEUNG Sum moved the following motion and addressed the Council:

That this Council deeply regrets the Government's repeated delays in reviewing the Old Age Allowance Scheme, and urges the Government to immediately improve the scheme and increase

the allowance rates, so as to improve the livelihood of the poor elderly.

While Dr Hon YEUNG Sum was addressing the Council, the President left the chair at 8:06 pm temporarily and the President's Deputy took the chair.

Question on the motion proposed.

9 Members and Hon Michael MAK spoke on the motion.

At 9:10 pm, while Hon Michael MAK was speaking, the President resumed the chair.

Another six Members and the Secretary for Health and Welfare spoke on the motion.

Dr Hon YEUNG Sum replied.

Question on the motion put.

Dr Hon YEUNG Sum 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, 22 were present, 14 were in favour of the motion, one against it and seven abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 21 were present and 20 were in favour of the motion. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 14 November 2001 at 2:30 pm.

The Council was adjourned at 10:19 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong