

LEGISLATIVE COUNCIL

MINUTES

No. 6

Minutes of the meeting held on Wednesday 14 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

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
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

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

Mr Nicholas NG Wing-fui, JP
Secretary for Transport

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 LEE Shing-see, JP
Secretary for Works

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

Ms Eva CHENG, JP
Secretary for Information Technology and Broadcasting

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

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. Maximum Amount of Election Expenses (Chief Executive Election) Regulation (gazetted on 9.11.2001)	232/2001
2. Electoral Procedure (Chief Executive Election) Regulation (gazetted on 9.11.2001)	233/2001
3. Air Navigation (Hong Kong) (Amendment of Schedule 16) Order 2001 (gazetted on 9.11.2001)	234/2001
4. Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2001 (gazetted on 9.11.2001)	235/2001
5. Animals and Plants (Protection of Endangered Species) (Exemption) (Amendment) Order 2001 (gazetted on 9.11.2001)	236/2001
6. Animals and Plants (Protection of Endangered Species) Ordinance (Amendment of Schedules) Notice 2001 (gazetted on 9.11.2001)	237/2001

Other Papers

No.25 - Estate Agents Authority
Annual Report 2000/2001 (published on 12.11.2001)

Report of the Bills Committee on Massage Establishments
(Amendment) Bill 2001 (published on 9.11.2001)

Questions

1. Hon LEE Cheuk-yan asked Question 1.

The Secretary for Health and Welfare replied.

Five Members asked supplementaries and the Secretary for Health and Welfare replied.

2. Hon CHOY So-yuk asked Question 2.

The Secretary for Works replied.

Six Members asked supplementaries and the Secretary for Works replied.

3. Dr Hon David CHU asked Question 3.

The Secretary for Financial Services replied.

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

4. Hon Emily LAU asked Question 4.

The Secretary for Information Technology and Broadcasting replied.

10 Members asked supplementaries and the Secretary for Information Technology and Broadcasting replied.

5. Hon Fred LI asked Question 5.

The Secretary for Economic Services replied.

Six Members asked supplementaries. The Secretary for Economic Services and the Secretary for Transport replied.

6. Hon LAU Kong-wah asked Question 6.

The Secretary for Security replied.

Eight Members asked supplementaries. The Secretary for Economic Services and the Secretary for Security replied.

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

Bills

First Reading

Juvenile Offenders (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

Juvenile Offenders (Amendment) Bill 2001

The Secretary for Security 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.

Massage Establishments (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 16 May 2001 resumed.

Hon James TO, Chairman of the Bills Committee on Massage Establishments (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

Two 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 **Massage Establishments (Amendment) Bill 2001**.

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

Question that clauses 2, 3 and 4 stand part of the Bill proposed.

The Secretary for Security moved amendments to clauses 2, 3 and 4 and addressed the Committee.

A Member spoke on the amendments.

The Secretary for Security spoke again.

Question on the amendments put and agreed to.

Question that clauses 2, 3 and 4, 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 **Massage Establishments (Amendment) Bill 2001**

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 resolutions under the Interpretation and General Clauses Ordinance

1. The Election Committee (Appeals) Regulation

The Secretary for Constitutional Affairs moved the following motion and addressed the Council:

Resolved that the Election Committee (Appeals) Regulation, published in the Gazette as Legal Notice No. 196 of 2001 and laid on the table of the Legislative Council on 10 October 2001, be amended by repealing section 12 and substituting -

"12. Validity of acts of person

A -

(a) ruling made by the Revising Officer under section 6;
or

(b) reversal or confirmation of such a ruling by him
under section 10(1),

does not invalidate acts done by the person as a member of the Election Committee whose election or whose registration as such a member is questioned before the making of such a ruling, reversal or confirmation, as the case may be."

Question on the motion proposed.

Hon IP Kwok-him, Chairman of the Subcommittee formed to study the subsidiary legislation relating to Chief Executive election gazetted on 5 October 2001, spoke on the motion.

Question on the motion put and agreed to.

2. The Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation

The Secretary for Constitutional Affairs moved the following motion and addressed the Council:

Resolved that the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation, published in the Gazette as Legal Notice No. 197 of 2001 and laid on the table of the Legislative Council on 10 October 2001, be amended in section 3 -

- (a) in subsection (2)(c)(iii) and (d)(iii), by repealing "on a date not later than 1 day";
- (b) in subsection (3) -
 - (i) in paragraph (a) -
 - (A) by repealing "in any year";
 - (B) by repealing "7日" and substituting "第8日或";
 - (C) by repealing everything after "須在" and substituting "自該投票日期前25日起計的一段21日的期間內;及";
 - (ii) in paragraph (b) -
 - (A) by repealing "in any year" where it first appears;
 - (B) by repealing "7日內或該投票日期當日或" and substituting "第8日";
- (c) in subsection (6)(a)(iii), by repealing "on a date not later than 1 day".

Question on the motion proposed, put and agreed to.

3. The Registration of Electors (Appeals) (Amendment) Regulation 2001

The Secretary for Constitutional Affairs moved the following motion and addressed the Council:

Resolved that the Registration of Electors (Appeals) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No.199 of 2001 and laid on the table of the Legislative Council on 10 October 2001, be amended in section 3(d) -

- (a) in subparagraph (ii)(A), by repealing "7日" and substituting "第8日或";
- (b) in subparagraph (iii) -
 - (i) by repealing "in any year" where it first appears;
 - (ii) by repealing "7日內或該投票日期當日或" and substituting "第8日".

Question on the motion proposed, put and agreed to.

As the Secretary for Security, who was to move the next motion, was not in the Chamber, the President suspended the meeting at 5:10 pm.

The Council resumed at 5:12 pm.

4. The Rehabilitation Centres Regulation

The Secretary for Security moved the following motion and addressed the Council:

Resolved that 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, be amended -

- (a) by repealing section 11 and substituting -

"11. Religious services and instruction

(1) The Officer-in-charge may, if satisfied that an offender belongs to a religious denomination, if the offender so desires and it is reasonably practicable to do so, make arrangements for the offender to attend appropriate religious services.

(2) The Officer-in-charge may, if satisfied that an offender belongs to a religious denomination or has a genuine need for religious instruction, if the offender so desires and it is reasonably practicable to do so, make arrangements for the offender to receive appropriate religious instruction."

(b) by repealing section 14 and substituting -

"14. Supervision order

(1) A supervision order against an offender shall be read and explained to, and served on, the offender by the Officer-in-charge before the offender is released from a rehabilitation centre.

(2) Where a condition of a supervision order against an offender is varied, the varied order shall be read and explained to, and served on, the offender by the Officer-in-charge."

(c) in Schedule 1 -

(i) in paragraph (j), by adding "or with any other offence of which he was convicted" after "sentenced";

(ii) in paragraph (k), by adding "or with any other offence of which he was convicted" after "sentenced".

Question on the motion proposed.

Hon James TO, Chairman of the Subcommittee formed to study the subsidiary legislation relating to Rehabilitation Centres Regulation gazetted on 5 October 2001, spoke on the motion.

Question on the motion put and agreed to.

Members' Motions

Proposed resolution under the Fugitive Offenders Ordinance

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

Resolved that in relation to the -

- (a) Fugitive Offenders (Sri Lanka) Order, published in the Gazette as Legal Notice No. 203 of 2001; and
- (b) Fugitive Offenders (Portugal) Order, published in the Gazette as Legal Notice No. 204 of 2001,

and laid on the table of the Legislative Council on 17 October 2001, the period referred to in section 3(3) of the Fugitive Offenders Ordinance (Cap. 503) for repealing the Orders be extended under section 3(5) of that Ordinance to the meeting of 21 November 2001.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that in relation to the -

- (a) Election Committee (Subscribers and Election Deposit for Nomination) Regulation, published in the Gazette as Legal Notice No. 205 of 2001;
- (b) Legislative Council (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 206 of 2001;
- (c) Distribution of Number of Members Among Designated Bodies (Election Committee) Order 2001, published in the Gazette as Legal Notice No. 207 of 2001;
- (d) Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation, published in the Gazette as Legal Notice No. 208 of 2001;
- (e) Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 209 of 2001; and
- (f) Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation, published in the Gazette as Legal Notice No. 210 of 2001,

and laid on the table of the Legislative Council on 17 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 21 November 2001.

Question on the motion proposed, put and agreed to.

Improving the business environment

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

That, as the Chief Executive mentioned in his 2001 Policy Address that in the face of economic restructuring, it is necessary to continue to improve the business environment to ensure that Hong Kong maintains its competitiveness and in order to expeditiously implement the proposals in the Policy Address, this Council urges the Government to:

- (a) establish a business environment assessment committee to ensure that the impact of new policies and legislation being formulated on the business environment will be fully assessed, and at the same time review existing legislation and administrative measures that are unfavourable to the business environment, so as to facilitate the overall economic development; and
- (b) streamline the existing licensing mechanism and expedite the provision of one-stop licensing services for various trades, and lower the licence fees so as to reduce the operating costs of businesses.

Question on Hon Kenneth TING's motion proposed.

The President stated that Hon SIN Chung-kai and Hon LEE Cheuk-yan 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.

Hon SIN Chung-kai spoke on the motion and the amendments. While he was speaking, the President left the chair at 5:36 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Hon LEE Cheuk-yan spoke on the motion and the amendments.

Four Members and Hon Audrey EU spoke on the motion and the amendments.

At 6:16 pm, while Hon Audrey EU was speaking, the President resumed the chair.

Another 17 Members spoke on the motion and the amendments.

Hon Kenneth TING spoke on the amendments.

The Secretary for Commerce and Industry spoke on the motion and the amendments.

As Hon SIN Chung-kai, who was to move his amendment, was not in the Chamber, the President suspended the meeting at 8:17 pm.

The Council resumed at 8:19 pm.

Hon SIN Chung-kai moved the following amendment to Hon Kenneth TING's motion:

To delete ", as the Chief Executive mentioned in his 2001 Policy Address that in the face of economic restructuring, it is necessary to continue" and substitute with "this Council urges the Government"; to delete "improve" and substitute with "dedicate itself to improving"; to add ", in the face of economic restructuring, by promoting fair market competition, implementing sustainable development, protecting the rights of both employers and employees, abolishing unnecessary business rules and regulations, reducing the burden on enterprises in complying with regulations and improving the support services for the business community" after "the business environment"; to delete "in order to expeditiously implement the proposals in the Policy Address, this Council urges the Government to" and substitute with "to adopt the following measures"; to delete "establish a" after "(a)" and substitute with "to review the functions of the Business Advisory Group, with a view to enhancing its work in"; to delete "committee" after "business environment assessment"; and to add "to" after "(b)".

Question on Hon SIN Chung-kai's amendment to Hon Kenneth TING's motion proposed, put and agreed to.

The President stated that Hon LEE Cheuk-yan had indicated that he would withdraw his amendment if Hon SIN Chung-kai's amendment was agreed. Hon LEE Cheuk-yan's had therefore withdrawn his amendment.

Hon Kenneth TING replied.

Question on Hon Kenneth TING's motion as amended by Hon SIN Chung-kai put and agreed to.

Reducing the fares of various public transport services

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

That, whereas Hong Kong's economy remains in the doldrums with the unemployment rate rising to 5.3%, the Consumer Price Index falling for three consecutive years, and the worsening deflationary situation, the fares of various public transport services remain high and have not been adjusted downwards in keeping with the movements of the Consumer Price Index; in this regard, this Council urges the Government to discuss with various public transport operators with a view to expeditiously reducing the fares of public transport services, thereby alleviating the burden on the public.

While Hon LAU Kong-wah was addressing the Council, the President left the chair at 8:26 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

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

The President's Deputy stated that Hon TSANG Yok-sing 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 TSANG Yok-sing moved the following amendment to Hon LAU Kong-wah's motion and addressed the Council:

To delete "whereas" after "That," and substitute with "as"; to add "while" after "and the worsening deflationary situation,"; to delete "and have not been adjusted downwards in keeping with the movements of the Consumer Price Index; in this regard" and substitute with ", and transport expenses account for a large proportion of the public's living expenses"; and to delete "with a view to expeditiously reducing the fares of public transport services" and substitute with "and encourage them to take account of their respective operating conditions and reduce their fares or offer concessions to passengers".

Question on Hon TSANG Yok-sing's amendment to Hon LAU Kong-wah's motion proposed.

11 Members and Hon CHAN Yuen-han spoke on the motion and the amendment.

At 9:40 pm, while Hon CHAN Yuen-han was speaking, the President resumed the chair.

Another 11 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 TSANG Yok-sing's amendment to Hon LAU Kong-wah's motion put.

Hon TSANG Yok-sing 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, 17 were present and 17 were in favour of the amendment; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present and 24 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 LAU Kong-wah replied.

Question on Hon LAU Kong-wah's motion as amended by Hon TSANG Yok-sing put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 21 November 2001 at 2:30 pm.

The Council was adjourned at 11:02 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong