

LEGISLATIVE COUNCIL

MINUTES

No. 7

Minutes of the meeting held on Wednesday 21 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 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

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 LEE Cheuk-yan

The Hon LEUNG Fu-wah, MH, JP

Public officers attending:

Mr Michael SUEN Ming-yeung, GBS, 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 CHAU Tak-hay, JP
Secretary for Commerce and Industry

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

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

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

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

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

Mr Clement MAK Ching-hung, JP
Secretary for Constitutional Affairs

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)

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. Census and Statistics (Survey of External Claims, Liabilities and Income) (Amendment) Order 2001 (gazetted on 16.11.2001)	240/2001
2. Chief Executive Election (Election Petition) Rules (gazetted on 16.11.2001)	241/2001

Other Papers

- No.26 - Hong Kong Productivity Council
Annual Report 2000/2001 (published on 13.11.2001)
- No.27 - Pneumoconiosis Compensation Fund Board
2000 Annual Report (published on 13.11.2001)
- No.28 - Report of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2001 (published on 21.11.2001)
- No.29 - Report No. 37 of the Director of Audit on the results of value for money audits - October 2001 (published on 21.11.2001)
- No.30 - Accounts of the Government for the year ended 31 March 2001 (published on 21.11.2001)
- Report of the Bills Committee on Inland Revenue (Amendment) Bill 2001 (published on 19.11.2001)

Questions

1. Hon Howard YOUNG asked Question 1.
- The Secretary for Security replied.
- Six Members asked supplementaries and the Secretary for Security replied.
2. Hon LI Fung-ying asked Question 2.
- The Secretary for Commerce and Industry replied.
- Six Members asked supplementaries and the Secretary for Commerce and Industry replied.

3. Hon CHAN Kwok-keung asked Question 3.

The Secretary for Health and Welfare replied.

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

4. Hon WONG Yung-kan asked Question 4.

The Secretary for Economic Services replied.

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

5. Hon Bernard CHAN asked Question 5.

The Secretary for Commerce and Industry replied.

Five Members asked supplementaries and the Secretary for Commerce and Industry replied.

6. Hon LEUNG Yiu-chung asked Question 6.

The Secretary for Health and Welfare replied.

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

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

Bills

First Reading

Inland Revenue (Amendment) (No.2) 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

Inland Revenue (Amendment) (No.2) Bill 2001

The Secretary for the Treasury 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.

Inland Revenue (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 31 October 2001 resumed.

Hon James TIEN, Chairman of the Bills Committee on Inland Revenue (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

Four 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 **Inland Revenue (Amendment) 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 **Inland Revenue (Amendment) 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.

Motions

Proposed resolutions under the Interpretation and General Clauses Ordinance

1. Election Committee (Subscribers and Election Deposit for Nomination) Regulation

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

Resolved that the Election Committee (Subscribers and Election Deposit for Nomination) Regulation, published in the Gazette as Legal Notice No. 205 of 2001 and laid on the table of the Legislative Council on 17 October 2001, be amended -

- (a) in section 6(1), by repealing ", notwithstanding those sections,";
- (b) in section 8(3), by repealing "under subsection (2)" and substituting "by the voter under subsection (2) for the same election".

Question on the motion proposed.

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

Question on the motion put and agreed to.

2. Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation

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

Resolved that the Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation, published in the Gazette as Legal Notice No. 208 of 2001 and laid on the table of the Legislative Council on 17 October 2001, be amended -

- (a) in section 6 -
 - (i) in subsection (13) -
 - (A) by adding "by a Committee" before "may,";
 - (B) by repealing "the Committee concerned" and substituting "that Committee";

(ii) in subsection (16), by adding "by the Chief Electoral Officer" before "on";

(b) in section 8(c), by repealing "any notification" and substituting "any written notification".

Question on the motion proposed, 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 the Fugitive Offenders (Sri Lanka) Order, published in the Gazette as Legal Notice No. 203 of 2001 and laid on the table of the Legislative Council on 17 October 2001, be repealed.

Question on the motion proposed, put and agreed to.

Conservation policy

Hon CHOY So-yuk moved the following motion and addressed the Council:

That this Council urges the Government to formulate a set of comprehensive policies on conservation of the natural environment and the ecology, including:

- (a) setting clear and specific conservation objectives;
- (b) based on the findings of the Hong Kong Biodiversity Survey recently completed by the University of Hong Kong, as well as the relevant data available from government departments, non-governmental organizations and other tertiary institutions, setting up an ecology database expeditiously and establishing a plan and the order of priority for conservation work;
- (c) reviewing and improving the existing legislation and mechanisms relating to conservation, so as to ensure that land of ecological value can be duly protected and managed;
- (d) in view of the public interest, exploring practicable and reasonable options to conserve the ecological environment on privately-owned land, and offering reasonable compensation to or making arrangements for the affected owners to ensure more effective conservation and management of the land concerned;

- (e) increasing the funding for education and research work on conservation in local tertiary institutions, and strengthening the co-operation with such institutions in this regard;
- (f) enhancing the training for personnel engaged in the management and keeping of nature reserves; and
- (g) encouraging discussion and the exchange of views on conservation issues among government departments, green groups, private organizations, village representatives, universities and research institutions and uniting the efforts of the various parties in actively promoting the protection of the ecological environment in Hong Kong, with a view to integrating environmental conservation with urban development and achieving a balance between the two.

While Hon CHOY So-yuk was addressing the Council, the President left the chair at 5:05 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Question on Hon CHOY So-yuk's motion proposed.

The President's Deputy stated that Hon Mrs Sophie LEUNG and Hon LAW Chi-kwong 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 Mrs Sophie LEUNG and Hon LAW Chi-kwong spoke respectively on the motion and their amendments.

14 Members spoke on the motion and the amendments.

Hon CHOY So-yuk spoke on the amendments.

At 6:51 pm, while Hon CHOY So-yuk was speaking, the President resumed the chair.

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

Hon Mrs Sophie LEUNG moved the following amendment to Hon CHOY So-yuk's motion:

To add ", taking account of the principle of achieving balanced social development and effective use of social resources, while avoiding hampering the business environment and creating a heavy financial burden on the Government," after "That this Council urges the Government"; to delete "based on the findings of the Hong Kong Biodiversity Survey recently completed by the University of Hong Kong, as well as the relevant data available from government departments, non-governmental organizations and other tertiary institutions," after "(b)"; to delete "increasing the funding for" after (e) and substitute with "encouraging local tertiary institutions

to undertake"; and to delete "in local tertiary institutions" after "education and research work on conservation".

Question on Hon Mrs Sophie LEUNG's amendment to Hon CHOY So-yuk's motion proposed and put.

Hon Mrs Sophie LEUNG 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, 13 were in favour of the amendment, nine against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, five were in favour of the amendment and 17 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 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 Conservation policy 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 LAW Chi-kwong moved the following amendment to Hon CHOY So-yuk's motion:

To add "and strategies" after "(a) setting clear and specific conservation objectives"; to delete "exploring" after "(d) in view of the public interest," and substitute with "formulating and implementing"; to add "which has conservation value" after "practicable and reasonable options to conserve the ecological environment"; and to add "penalizing those who cause wanton destruction of such ecological environment, and strictly prohibiting any developments in the sites designated as of high ecological value;" after "to ensure more effective conservation and management of the land concerned;".

Question on Hon LAW Chi-kwong's amendment to Hon CHOY So-yuk's motion proposed and put.

Hon LAW Chi-kwong 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, six were in favour of the amendment, nine against it and 10 abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 13 were in favour of the amendment, five against it and six abstained. (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 amendment was negatived.

Hon CHOY So-yuk replied.

Question on Hon CHOY So-yuk's motion put and agreed to.

Alleviating the disparity between the rich and the poor

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

That, as Hong Kong's economy remains in the doldrums and the problem of the disparity between the rich and the poor is becoming increasingly serious, this Council urges the Government to comprehensively study the causes of the problem and formulate corresponding social and economic policies so as to improve the livelihood of the poor and narrow the gap between the rich and the poor.

Question on Hon Frederick FUNG's motion proposed.

The President stated that Hon WONG Sing-chi 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 WONG Sing-chi moved the following amendment to Hon Frederick FUNG's motion and addressed the Council:

To add "to adopt the recommendation of the United Nations Committee on Economic, Social and Cultural Rights to establish an inter-departmental anti-poverty commission" after "this Council urges the Government"; to add "problem and its" after "to comprehensively study the"; to delete "of the problem" after "causes"; to add "anti-poverty strategies and" after "and formulate"; and to add ", as well as establishing a poverty line or poverty lines," after "corresponding social and economic policies".

Question on Hon WONG Sing-chi's amendment to Hon Frederick FUNG's motion proposed.

18 Members spoke on the motion and the amendment.

Hon Frederick FUNG spoke on the amendment.

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

Question on Hon WONG Sing-chi's amendment to Hon Frederick FUNG's motion put.

Hon WONG Sing-chi 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, nine were in favour of the amendment and 15 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 19 were in favour of the amendment, six against it and one abstained. (Voting record in Appendix III.) 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 Frederick FUNG replied.

Question on Hon Frederick FUNG's motion 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, 24 were present, 16 were in favour of the motion and eight abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present and 26 were in favour of the motion. (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.

Next Meeting

The President declared that the next meeting of the Council would be held on 28 November 2001 at 2:30 pm.

The Council was adjourned at 10:20 pm.

(Mrs Rita FAN HSU Lai-tai)

President

Council Chamber
Hong Kong