

# LEGISLATIVE COUNCIL

## MINUTES

No. 8

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Minutes of the meeting held on Wednesday 28 November 2001 at 2:30 pm

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### 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 Bernard CHAN

The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

The Hon LEUNG Yiu-chung

The Hon Andrew WONG Wang-fat, JP

Dr the Hon Philip WONG Yu-hong

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 Miriam LAU Kin-yee, JP

The Hon Ambrose LAU Hon-chuen, GBS, JP

The Hon Emily LAU Wai-hing, JP

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

**Members absent:**

The Hon CHAN Yuen-han, JP

The Hon CHAN Kam-lam

The Hon SIN Chung-kai

The Hon WONG Yung-kan

The Hon LAU Wong-fat, GBS, JP

The Hon CHOY So-yuk

**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 CHAU Tak-hay, JP

Secretary for Commerce and Industry

Mr Nicholas NG Wing-fui, JP

Secretary for Transport

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

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

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

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. Dutiable Commodities (Amendment) Regulation 2001 (gazetted on 23.11.2001)	248/2001
2. Companies (Summary Financial Reports of Listed Companies) Regulation (gazetted on 23.11.2001)	249/2001

### Other Papers

- No.31 - Annual Report of the Protection of Wages on Insolvency Fund Board 2000-01 (published on 20.11.2001)
- No.32 - Hong Kong Council on Smoking and Health Annual Report 2000-2001 (published on 20.11.2001)
- No.33 - The Government Minute in response to the Thirteenth Annual Report of the Ombudsman issued in June 2001 (published on 28.11.2001)
- No.34 - Office of the Privacy Commissioner for Personal Data, Hong Kong Annual Report 2000-2001 (published on 23.11.2001)
- Report of the Bills Committee on The Ombudsman (Amendment) Bill 2001 (published on 19.11.2001)

### Address

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the Thirteenth Annual Report of the Ombudsman issued in June 2001.

### Questions

1. Dr Hon TANG Siu-tong asked Question 1.

The Secretary for Health and Welfare replied.

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

2. Hon TAM Yiu-chung asked Question 2.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

3. Dr Hon LO Wing-lok asked Question 3.

The Secretary for Health and Welfare replied.

Seven Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for Health and Welfare replied.

4. Hon HUI Cheung-ching asked Question 4.

The Secretary for Economic Services replied.

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

5. Hon Andrew CHENG asked Question 5.

The Secretary for Housing replied.

Five Members asked supplementaries and the Secretary for Housing replied.

6. Hon CHEUNG Man-kwong asked Question 6.

The Secretary for Education and Manpower replied.

Three 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**

#### **Immigration (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**

#### **Immigration (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.

#### **The Ombudsman (Amendment) Bill 2001**

### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 30 May 2001 resumed.

Hon Margaret NG, Chairman of the Bills Committee on The Ombudsman (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

Six Members spoke on the Bill.

The Chief Secretary for Administration 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 Ombudsman (Amendment) Bill 2001**.

Question that clauses 1, 4, 7, 9, 11 to 19 and 21 stand part of the Bill proposed, put and agreed to.

Question that clause 3 stand part of the Bill proposed.

The Chairman stated that Hon Margaret NG and the Chief Secretary for Administration had separately given notice to move an amendment to clause 3. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Hon Margaret NG to move her amendment.

Hon Margaret NG moved an amendment to clause 3 and addressed the Committee.

The Chief Secretary for Administration spoke on Hon Margaret NG's amendment as well as his own proposed amendment.

A Member spoke on the amendment and the proposed amendment.

The Chief Secretary for Administration spoke a second time.

Hon Margaret NG spoke again.

Question on the amendment moved by Hon Margaret NG put.

Dr Hon David CHU claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 25 were present, 11 were in favour of the amendment and 14 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 14 were in favour of the amendment and 10 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.

The Chief Secretary for Administration moved an amendment to clause 3.

Question on the amendment moved by the Chief Secretary for Administration put and agreed to.

Question that clause 3, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 5, 6, 8, 10 and 20, and the heading before clause 21 stand part of the Bill proposed.

The Chief Secretary for Administration moved amendments to the aforesaid clauses and heading and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2, 5, 6, 8, 10 and 20, and the heading before clause 21, as amended, stand part of the Bill proposed, put and agreed to.

New headings before clauses 1, 2 and 20, and new clause 5A read the first time.



The Chief Secretary for Administration moved the Second Reading of the aforesaid headings and clause and addressed the Committee.

Question on the Second Reading of the aforesaid headings and clause proposed, put and agreed to.

New headings before clauses 1, 2 and 20, and new clause 5A read the second time.

The Chief Secretary for Administration moved the addition of the aforesaid headings and clause to the Bill.

Question on the addition proposed, put and agreed to.

Question that the long title stand part of the Bill proposed.

The Chief Secretary for Administration moved amendments to the long title and addressed the Committee.

Question on the amendments put and agreed to.

The Council then resumed.

### **Third Reading**

The Chief Secretary for Administration reported that

#### **The Ombudsman (Amendment) Bill 2001**

had passed through the Committee with amendments. 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.

### **Motions**

#### **Proposed resolution under the Factories and Industrial Undertakings Ordinance**

The Secretary for Education and Manpower moved the following motion and addressed the Council:

Resolved that the Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation, made by the Commissioner for Labour on 21 June 2001, be approved.

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Education and Manpower replied.

Question on the motion put and agreed to.

### **Members' Motions**

#### **Proposed resolution under the Interpretation and General Clauses Ordinance**

Hon Fred LI moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Public Health (Animals and Birds) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 218 of 2001;
- (b) Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 219 of 2001; and
- (c) Food Business (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 220 of 2001,

and laid on the table of the Legislative Council on 31 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 5 December 2001.

Question on the motion proposed, put and agreed to.

#### **Reducing utility charges**

Hon Fred LI moved the following motion and addressed the Council:

That, as Hong Kong's economy remains in the doldrums with the unemployment rate rising to 5.3%, while various utility charges remain high, accounting for a large proportion of the public's living expenses, this Council urges the Government to expeditiously reduce water and sewage charges and discuss with various utility operators and encourage them to take account of their respective operating conditions and reduce charges or offer concessions to users, thereby alleviating the burden on the public.

While Hon Fred LI was addressing the Council, the President left the chair at 5:45 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Question on the motion proposed.

13 Members and the Secretary for Economic Services spoke on the motion.

At 7:03 pm, while the Secretary for Economic Services was speaking, the President resumed the chair.

Hon Fred LI replied.

Question on the motion put and agreed to.

### **Going northward for development and employment**

Hon NG Leung-sing moved the following motion and addressed the Council:

That this Council urges the Government to strengthen measures to assist local trades and industries as well as Hong Kong people that intend to go northward for development and employment.

Question on Hon NG Leung-sing's motion proposed.

The President stated that Hon Albert HO 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 Albert HO moved the following amendment to Hon NG Leung-sing's motion and addressed the Council:

To add ", apart from promoting local employment opportunities and consolidating the foundation of local economic development," after "That this Council urges the Government"; and to add "in resolving problems commonly encountered by Hong Kong people in the Mainland, such as those relating to medical treatment, education, personal safety, consumer rights and legal protection" after "Hong Kong people that intend to go northward for development and employment".

Question on Hon Albert HO's amendment to Hon NG Leung-sing's motion proposed.

14 Members spoke on the motion and the amendment.

Hon NG Leung-sing spoke on the amendment.

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

Question on Hon Albert HO's amendment to Hon NG Leung-sing's motion put.

Hon Albert 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, 20 were present, five were in favour of the amendment, 10 against it and five abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 21 were present, 11 were in favour of the amendment and nine 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 amendment was negatived.

Hon NG Leung-sing replied.

Question on Hon NG Leung-sing's motion put and agreed to.

**Request for Special Leave of the Council to Give Evidence of Council Proceedings**

**Request made under section 7 of the Legislative Council (Power and Privileges) Ordinance (Cap 382) and Rule 90 of the Rules of Procedure for special leave of the Council to give evidence of Council proceedings**

The President stated that a request had been made under section 7 of the Legislative Council (Power and Privileges) Ordinance for special leave of the Council to give evidence of Council proceedings, and that in accordance with Rule 90(2) of the Rules of Procedure, the Council should be deemed to have ordered that such leave be granted when the request had been placed on the Agenda, unless through a motion moved without notice at the meeting by any Member the Council determined to refuse it.

A Member declared his interest.

As no Member moved such a motion, the President declared that the Council granted the leave in accordance with Rule 90(2) of the Rules of Procedure.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 5 December 2001 at 2:30 pm.

The Council was adjourned at 9:33 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong