

LEGISLATIVE COUNCIL

MINUTES

No. 9

Minutes of the meeting held on Wednesday 5 December 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 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

Member absent:

The Hon Howard YOUNG, 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

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

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

Mr Thomas YIU Kei-chung, JP
Secretary for Health and Welfare

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. The Ombudsman Ordinance (Amendment of Schedule 1) Order 2001 (gazetted on 30.11.2001)	253/2001
2. Tax Reserve Certificates (Rate of Interest) (No. 12) Notice 2001 (gazetted on 30.11.2001)	254/2001
3. Dutiable Commodities (Amendment) Ordinance 2001 (19 of 2001) (Commencement) Notice 2001 (gazetted on 30.11.2001)	255/2001
4. Dutiable Commodities (Amendment) Regulation 2001 (L.N. 248 of 2001) (Commencement) Notice 2001 (gazetted on 30.11.2001)	256/2001

Other Papers

- No.35 - Report of the Brewin Trust Fund Committee on the Administration of the Fund for the year ended 30 June 2001 (published on 30.11.2001)
- No.36 - Hong Kong Sports Development Board Annual Report 2000-2001 (published on 30.11.2001)

Questions

1. Hon CHAN Yuen-han asked Question 1.

The Secretary for Health and Welfare replied.

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

2. Hon Kenneth TING asked Question 2.

The Secretary for Financial Services replied.

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

3. Hon Ambrose LAU asked Question 3.

The Secretary for Financial Services replied.

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

4. Hon SIN Chung-kai asked Question 4.

The Secretary for Financial Services replied.

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

5. Ir Dr Hon HO Chung-tai asked Question 5.

The Secretary for Planning and Lands replied.

Six Members asked supplementaries and the Secretary for Planning and Lands replied.

6. Dr Hon David CHU asked Question 6.

The Secretary for Transport replied.

11 Members asked supplementaries and the Secretary for Transport replied.

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

Motions

Proposed resolutions under the Interpretation and General Clauses Ordinance

1. Public Health (Animals and Birds) (Amendment) Regulation 2001

The President stated that the Secretary for the Environment and Food and Hon Mrs Selina CHOW had separately given notice to move a motion under the Interpretation and General Clauses Ordinance to amend the Public Health (Animals and Birds) (Amendment) Regulation 2001. She ordered that the motions be debated together in a joint debate.

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

Resolved that the Public Health (Animals and Birds) (Amendment) Regulation 2001, published in the Gazette as Legal

Notice No. 218 of 2001 and laid on the table of the Legislative Council on 31 October 2001, be repealed.

Question on the motion proposed.

The Secretary for the Environment and Food spoke on the motion as well as her own motion.

Hon Fred LI spoke on the motion as Chairman of the Subcommittee formed to study the Subsidiary Legislation relating to the Public Health (Animals and Birds) (Amendment) Regulation 2001, Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001 and Food Business (Amendment) Regulation 2001 gazetted on 26 October 2001, and then in his personal capacity.

Four other Members spoke on the motion.

Hon Mrs Selina CHOW replied.

Question on the motion put.

Dr Hon LO Wing-lok 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, 26 were present, seven were in favour of the motion and 19 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present and 24 against the motion. (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 motion 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 under the Interpretation and General Clauses Ordinance, 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.

The Secretary for the Environment and Food moved the following motion:

Resolved that the Public Health (Animals and Birds) (Amendment) Regulation 2001, published in the Gazette as Legal

Notice No. 218 of 2001 and laid on the table of the Legislative Council on 31 October 2001, be amended -

- (a) in section 4, in the new regulation 9B, by repealing "forthwith by the most direct route";
- (b) in section 5, in the new regulation 9C(b) -
 - (i) by repealing ", a vessel or an aircraft" and substituting "or a vessel";
 - (ii) by repealing ", vessel or aircraft" and substituting "or vessel".

Question on the motion proposed, put and agreed to.

2. Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001

The President stated that the Secretary for the Environment and Food had given notice to move two motions, while Hon Mrs Selina CHOW and Hon Fred LI had each given notice to move a motion, under the Interpretation and General Clauses Ordinance to amend the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001. The President ordered that the four motions be debated together in a joint debate.

Hon Mrs Selina CHOW moved the following motion:

Resolved that the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 219 of 2001 and laid on the table of the Legislative Council on 31 October 2001, be repealed.

Question on the motion proposed.

Hon Fred LI and the Secretary for the Environment and Food spoke on the motion as well as their own motions.

Question on the motion put and negatived.

Hon Fred LI moved the following motion:

Resolved that the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 219 of 2001 and laid on the table of the Legislative Council on 31 October 2001, be amended in section 3 -

- (a) in subsection (1), by adding after "amended" -

"-

- (a) by adding "4A," after "4(1)(a),";

(b) ";

(b) by repealing subsection (2).

Question on the motion proposed, put and agreed to.

The President stated that since Hon Fred LI's motion had been agreed, the Secretary for the Environment and Food might not move her motion in relation to section 3 of the Regulation, but she might move her motion in relation to section 4 of the Regulation.

The Secretary for the Environment and Food moved the following motion:

Resolved that the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001, published in the Gazette as Legal Notice No. 219 of 2001 and laid on the table of the Legislative Council on 31 October 2001, be amended in section 4, in the new regulation 15(3), in the definition of "specified date", by repealing "30" and substituting "60".

Question on the motion proposed, put and agreed to.

3. Food Business (Amendment) Regulation 2001

The President stated that the Secretary for the Environment and Food, Hon Mrs Selina CHOW and Hon Fred LI had each given notice to move a motion under the Interpretation and General Clauses Ordinance to amend the Food Business (Amendment) Regulation 2001. The President ordered that the three motions be debated together in a joint debate.

Hon Mrs Selina CHOW moved the following motion:

Resolved that the 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, be repealed.

Question on the motion proposed.

Hon Fred LI and the Secretary for the Environment and Food spoke on the motion as well as their own motions.

Question on the motion put and negatived.

Hon Fred LI moved the following motion:

Resolved that the 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, be amended by repealing section 7 and substituting -

"7. Offences and penalties

Section 35 is amended -

(a) in subsection (1)(a), by repealing "30A" and substituting "(1A), (1C), (1E) or (1G), 30A, 30B, 30C(1)";

(b) in subsection (3), by adding -

"(aa) in the case of an offence under section 30(1A), (1C), (1E) or (1G), 30B or 30C(1) a fine at level 4;"

Question on the motion proposed, put and agreed to.

The Secretary for the Environment and Food moved the following motion:

Resolved that the 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, be amended in section 8, in the new section 37(3), in the definition of "specified date", by repealing "30" and substituting "60".

Question on the motion proposed, put and agreed to.

Members' Bills

First Reading

Mizuho Corporate Bank, Ltd. (Hong Kong Consolidation) Bill The Bank of East Asia, Limited (Merger) Bill

The Bills were read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

The President stated that as the Mizuho Corporate Bank, Ltd. (Hong Kong Consolidation) Bill and The Bank of East Asia, Limited (Merger) Bill presented by Dr Hon David LI and Hon NG Leung-sing respectively related to Government policies, in accordance with Rule 54(1) of the Rules of Procedure, the signification of the written consent of the Chief Executive by the Secretary for Financial Services was required before the Council entered upon consideration of the second reading of the Bills.

As the Secretary for Financial Services was not in the Chamber, the President suspended the meeting at 5:50 pm.

The Council resumed at 6:05 pm.

The Secretary for Financial Services confirmed that the Chief Executive had given his written consent for the Mizuho Corporate Bank, Ltd. (Hong Kong Consolidation) Bill and The Bank of East Asia, Limited (Merger) Bill to be introduced into this Council.

Second Reading

Mizuho Corporate Bank, Ltd. (Hong Kong Consolidation) Bill

Dr Hon David LI 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 Bank of East Asia, Limited (Merger) Bill

Hon NG Leung-sing 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

Reducing government fees and charges

Hon LAU Chin-shek moved the following motion and addressed the Council:

That, as Hong Kong's economy remains in the doldrums with the unemployment rate on the rise again, this Council urges the Government to expeditiously reduce tuition, medical charges, business registration fees, as well as vehicle licence and driving licence fees, thereby alleviating the burden on the public.

Question on the motion proposed.

A Member and Hon Miriam LAU spoke on the motion.

While Hon Miriam LAU was speaking, the President left the chair at 6:28 pm temporarily and the President's Deputy took the chair.

Another 12 Members and the Secretary for the Treasury spoke on the motion.

At 7:37 pm, while the Secretary for the Treasury was speaking, the President resumed the chair.

Hon LAU Chin-shek replied.

Question on the motion put and agreed to.

Reviewing the labelling system for prepackaged foods

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

That, as the existing labelling system for regulating prepackaged foods is inadequate and fails to keep pace with the sales practices of food retailers and the developments in food technology, hence depriving consumers of the full right to information and adequate protection, this Council urges the Government to conduct a comprehensive review of the existing system, including:

- (a) imposing penalties for the sale of foods which have passed their durability dates;
- (b) the arrangements for exemption from labelling under the existing legislation;
- (c) exploring the feasibility of introducing a "nutritional value" label;
- (d) expeditiously legislating for the labelling of foods containing genetically modified ingredients; and
- (e) expeditiously devising a monitoring and labelling system for health foods.

Question on the motion proposed.

12 Members and the Secretary for the Environment and Food spoke on the motion.

Hon CHAN Kam-lam replied.

Question on the motion put.

Hon CHAN Kam-lam 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, eight were in favour of the motion, 11 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 18 were present, 13 were in favour of the motion, two against it and two 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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 12 December 2001 at 2:30 pm.

The Council was adjourned at 10:00 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong