

# LEGISLATIVE COUNCIL

## MINUTES

No. 10

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Minutes of the meeting held on Wednesday 12 December 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 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 Joseph WONG Wing-ping, GBS, JP  
Secretary for the Civil Service  
  
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

Mr LEE Shing-see, JP  
Secretary for Works

**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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
Attachment of Income Order (Amendment) Rules 2001 (gazetted on 7.12.2001)	260/2001

**Other Papers**

- No.37 - Queen Elizabeth Foundation for the Mentally Handicapped Report and Accounts 2000-2001 (published on 5.12.2001)
- No.38 - Annual Report on The Police Children's Education Trust and The Police Education and Welfare Trust for the period 1 April 2000 to 31 March 2001 (published on 5.12.2001)
- No.39 - Grantham Scholarships Fund Annual Report for the year 1 September 2000 to 31 August 2001 (published on 7.12.2001)
- No.40 - The Sir Murray MacLehose Trust Fund Trustee's Report for the period 1 April 2000 to 31 March 2001 (published on 7.12.2001)
- No.41 - Equal Opportunities Commission Annual Report 2000/01 (published on 10.12.2001)

**Questions**

1. Hon Michael MAK asked Question 1.

The Secretary for Health and Welfare replied.

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

2. Hon IP Kwok-him asked Question 2.

The Secretary for Financial Services replied.

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

3. Hon James TIEN asked Question 3.

The Secretary for the Civil Service replied.

Nine Members asked supplementaries and the Secretary for the Civil Service replied.

4. Hon LAU Wong-fat asked Question 4.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

5. Hon James TO asked Question 5.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

6. Hon TAM Yiu-chung asked Question 6.

The Secretary for Health and Welfare replied.

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

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

### **Motions**

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

The Secretary for Constitutional Affairs moved the motion in Appendix I and addressed the Council.

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.

## **Members' Motions**

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

Hon CHEUNG Man-kwong moved the following motion and addressed the Council:

Resolved that the Maximum Amount of Election Expenses (Chief Executive Election) Regulation, published in the Gazette as Legal Notice No. 232 of 2001 and laid on the table of the Legislative Council on 14 November 2001, be amended, in section 2, by repealing "\$9,500,000" and substituting "\$4,000,000".

Question on the motion proposed.

Hon IP Kwok-him spoke on the motion as Chairman of the Subcommittee formed to study the subsidiary legislation relating to Chief Executive election, and then in his personal capacity.

Four Members and the Secretary for Constitutional Affairs spoke on the motion.

Hon CHEUNG Man-kwong replied.

Question on the motion put.

Hon CHEUNG Man-kwong 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, 25 were present, four were in favour of the motion and 21 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, nine were in favour of the motion and 13 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 motion was negatived.

### **Reviewing the pay adjustment mechanisms of statutory bodies and the Hong Kong Monetary Authority**

Hon Albert HO moved the following motion and addressed the Council:

That this Council urges the Government to expeditiously review the existing mechanisms for adjusting the pay and fringe benefits of senior executives of the Hong Kong Monetary

Authority and statutory bodies, including the Kowloon-Canton Railway Corporation, the Mandatory Provident Fund Schemes Authority, the Hong Kong Housing Society, the Urban Renewal Authority and the Airport Authority, and consider introducing the following measures to improve the way in which they use public funds and to enhance their accountability:

- (a) to review the effectiveness of appointing policy secretaries to the managing boards of these bodies to play a monitoring role;
- (b) to draw reference from the pay adjustment mechanism of the civil service and devise for these bodies a pay adjustment mechanism which is clear, transparent and acceptable to the public;
- (c) to put these bodies under the scrutiny of the Director of Audit so as to enhance their accountability in their operation; and
- (d) to require the senior management of these bodies to regularly report to the Legislative Council.

Question on Hon Albert HO's motion proposed.

The President stated that Hon CHEUNG Man-kwong and Hon LAU Kong-wah 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 CHEUNG Man-kwong spoke on the motion and the amendments.

Hon LAU Kong-wah spoke on the motion and the amendments.

While Hon LAU Kong-wah was speaking, the President left the chair at 5:37 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

21 Members and Hon James TO spoke on the motion and the amendments.

At 7:40 pm, while Hon James TO was speaking, the President resumed the chair.

Another Member spoke on the motion and the amendments.

Hon Albert HO spoke on the amendments.

The Chief Secretary for Administration spoke on the motion and the amendments.

Hon CHEUNG Man-kwong moved the following amendment to Hon Albert HO's motion:



To add "public" after "the Hong Kong Monetary Authority and statutory"; and to delete ", including the Kowloon-Canton Railway Corporation, the Mandatory Provident Fund Schemes Authority, the Hong Kong Housing Society, the Urban Renewal Authority and the Airport Authority,".

Question on Hon CHEUNG Man-kwong's amendment to Hon Albert HO's motion proposed.

In answer to Hon Eric LI, the President clarified that the Council might still vote on Hon LAU Kong-wah's proposed amendment to the motion, irrespective of the result of the vote on Hon CHEUNG Man-kwong's amendment.

Hon IP Kwok-him requested the President to suspend the meeting for five minutes to enable Members to discuss how they would vote on the motion and the amendments.

The President approved the request and suspended the meeting at 8:15 pm.

At 8:20 pm, the Council resumed.

Question Hon CHEUNG Man-kwong's amendment to Hon Albert HO's motion put and agreed to.

Hon LAU Kong-wah moved further amendment to Hon Albert HO's motion as follows:

To delete "review the effectiveness of appointing policy secretaries to the managing boards of these bodies to play a monitoring role" after "(a) to" and substitute with "ensure that the policy secretaries appointed to the boards of management of these bodies discharge their monitoring duties effectively and are accountable to the Legislative Council"; to delete "draw reference from the pay adjustment mechanism of the civil service and" after "(b) to"; to add "and fringe benefits" after "devise for these bodies a pay"; and to delete "require the senior management of these bodies to regularly report to the Legislative Council" after "(d) to" and substitute with "provide that the committees and subcommittees of the Legislative Council may require the chairpersons and chief executive officers of these bodies to attend their meetings and answer questions from Members".

Question on Hon LAU Kong-wah's further amendment to Hon Albert HO's motion proposed, put and agreed to.

Hon Albert HO replied.

Question on Hon Albert HO's motion as amended by Hon CHEUNG Man-kwong and Hon LAU Kong-wah put and agreed to.

**Reviewing the Government's tendering system**

Hon Abraham SHEK moved the following motion and addressed the Council:

That, in view of the repeated occurrence of substandard construction in public works, this Council urges the Government to review and improve the tendering system for all its contracts, especially the lowest-bid selection criterion, thereby ensuring government contractors' quality of work.

Question on the motion proposed.

12 Members and the Secretary for Works spoke on the motion.

Hon Abraham SHEK replied.

Question on the motion put and agreed to.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 19 December 2001 at 2:30 pm.

The Council was adjourned at 9:59 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong