

LEGISLATIVE COUNCIL

MINUTES

No. 12

Minutes of the meeting held on Wednesday 9 January 2002 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 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
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 Timothy FOK Tsun-ting, SBS, JP
Dr the Hon LO Wing-lok

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

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

Mr LAM Woon-kwong, GBS, JP
Secretary for Home Affairs

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

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

Ms Elaine CHUNG Lai-kwok, JP
Secretary for Housing

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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. Electronic Transactions (Exclusion) (Amendment) (No. 2) Order 2001 (gazetted on 21.12.2001)	282/2001
2. Hotel Accommodation (Miscellaneous Provisions) Ordinance 1998 (39 of 1998) (Commencement) Notice 2001 (gazetted on 21.12.2001)	283/2001
3. Hotel and Guesthouse Accommodation (Fees) (Amendment) Regulation 2001 (L.N. 212 of 2001) (Commencement) Notice 2001 (gazetted on 21.12.2001)	284/2001
4. Securities and Futures Commission (Levy) (Futures Contracts) (Amendment) (No. 3) Order 2001 (gazetted on 28.12.2001)	296/2001
5. Banking Ordinance (Declaration under Section 2(14)(b)) Notice 2001 (gazetted on 28.12.2001)	297/2001
6. Companies (Amendment) Ordinance 2001 (27 of 2001) (Commencement) Notice 2001 (gazetted on 28.12.2001)	298/2001
7. Animals and Plants (Protection of Endangered Species) Ordinance (Amendment of Schedules) Notice 2001 (L.N. 237 of 2001) (Commencement) Notice 2001 (gazetted on 28.12.2001)	299/2001
8. Companies (Summary Financial Reports of Listed Companies) Regulation (L.N. 249 of 2001) (Commencement) Notice 2001 (gazetted on 28.12.2001)	300/2001
9. Commodities Trading (Contract Levy) (Amendment) (No. 3) Rules 2001 (gazetted on 28.12.2001)	301/2001
10. Tax Reserve Certificates (Rate of Interest) Notice 2002 (gazetted on 4.1.2002)	1/2002

Other Papers

No.49 - Legal Aid Services Council
Annual Report 2000-2001 (published on 2.1.2002)

Questions

1. Hon Eric LI asked Question 1.

The Secretary for Transport replied.

10 Members asked supplementaries and the Secretary for Transport replied.

2. Hon LAU Ping-cheung asked Question 2.

The Secretary for Housing replied.

Five Members asked supplementaries. The Secretary for Housing, the Secretary for Transport and the Secretary for Planning and Lands replied.

3. Hon Martin LEE asked Question 3.

The Secretary for Planning and Lands replied.

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

4. Hon Mrs Selina CHOW asked Question 4.

The Secretary for the Treasury replied.

Five Members asked supplementaries and the Secretary for the Treasury replied.

5. Dr Hon TANG Siu-tong asked Question 5.

The Secretary for Housing replied.

Seven Members asked supplementaries and the Secretary for Housing replied.

6. Hon Frederick FUNG asked Question 6.

The Secretary for Planning and Lands replied.

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

Hon Fred LI declared interest as a non-executive director of the Urban Renewal Authority and asked a supplementary. The Secretary for Planning and Lands replied.

One more Member asked a supplementary and the Secretary for Planning and Lands replied.

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

Bills

First Reading

Interest on Arrears of Maintenance Bill 2001
Registration of Persons (Amendment) Bill 2001

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.

Second Reading

Interest on Arrears of Maintenance Bill 2001

The Secretary for Home Affairs 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.

Registration of Persons (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.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Commerce and Industry moved the motion in Appendix I and addressed the Council.

Question on the motion proposed.

Hon Kenneth TING, Chairman of the Subcommittee formed to study the Dutiable Commodities (Amendment) Regulation 2001 and two related Commencement Notices gazetted on 30 November 2001, spoke on the motion.

Question on the motion put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Margaret NG moved the following motion and addressed the Council:

Resolved that in relation to the Attachment of Income Order (Amendment) Rules 2001, published in the Gazette as Legal Notice No. 260 of 2001 and laid on the table of the Legislative Council on 12 December 2001, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 16 January 2002.

Question on the motion proposed, put and agreed to.

Urban renewal projects

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

That this Council strongly urges the authorities to honour and fulfil their pledges on urban renewal given to the Legislative Council and the residents; and to expeditiously announce the urban renewal projects.

While Hon James TO was addressing the Council, the President left the chair at 4:47 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Question on Hon James TO's motion proposed.

The President's Deputy stated that Hon Frederick FUNG 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 Frederick FUNG moved the following amendment to Hon James TO's motion and addressed the Council:

To delete "authorities to honour and fulfil their" after "That this Council strongly urges the" and substitute with "Government to impel the Urban Renewal Authority to adopt the Government's".

Question on Hon Frederick FUNG's amendment to Hon James TO's motion proposed.

14 Members spoke on the motion and the amendment.

Hon James TO spoke on the amendment.

At 6:30 pm, while Hon James TO was speaking, the President resumed the chair.

The Secretary for Planning and Lands spoke on the motion and the amendment.

Question on Hon Frederick FUNG's amendment to Hon James TO's motion put.

Hon Frederick FUNG 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, 22 were present, seven 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, 15 were in favour of the amendment and 11 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 James TO replied.

Question on Hon James TO's motion put and agreed to.

The Convention on the Rights of the Child

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

That this Council urges the Government to expeditiously harmonize legislation and policies with the Convention on the Rights of the Child so as to discharge the international obligations of Hong Kong as a territory to which the Convention applies.

Question on the motion proposed.

18 Members and the Secretary for Home Affairs spoke on the motion.

Hon Cyd HO 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 16 January 2002 at 2:30 pm.

The Council was adjourned at 9:07 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong