

# LEGISLATIVE COUNCIL

## MINUTES

No. 13

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Minutes of the meeting held on Wednesday 16 January 2002 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

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

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

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 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:**

Dr the Hon David CHU Yu-lin, JP  
Dr the Hon David LI Kwok-po, GBS, JP  
Dr the Hon Philip WONG Yu-hong  
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 LAM Woon-kwong, GBS, JP  
Secretary for Home Affairs  
  
Dr YEOH Eng-kiong, JP  
Secretary for Health and Welfare

Mrs Fanny LAW FAN Chiu-fun, JP  
Secretary for Education and Manpower

Mr LEE Shing-see, JP  
Secretary for Works

Mrs Carrie YAU TSANG Ka-lai, JP  
Secretary for Information Technology and Broadcasting

Ms Elaine CHUNG Lai-kwok, JP  
Secretary for Housing

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, 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:

#### Other Papers

- No.50 - Report of changes to the approved Estimates of Expenditure approved during the second quarter of 2001-02 (Public Finance Ordinance : Section 8) (published on 8.1.2002)
- No.51 - Hong Kong Council for Academic Accreditation Annual Report 2000-2001 (published on 10.1.2002)

### Questions

1. Hon LAW Chi-kwong asked Question 1.

The Secretary for Health and Welfare replied.

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

2. Hon James TIEN asked Question 2.

The Secretary for Home Affairs replied.

Three Members asked supplementaries and the Secretary for Home Affairs replied.

3. Hon YEUNG Yiu-chung asked Question 3.

The Secretary for Education and Manpower replied.

Five Members asked supplementaries and the Secretary for Education and Manpower replied.

4. Hon MA Fung-kwok asked Question 4.

The Secretary for Information Technology and Broadcasting replied.

Four Members asked supplementaries and the Secretary for Information Technology and Broadcasting replied.

5. Hon Fred LI asked Question 5.

The Secretary for Works replied.

Seven Members asked supplementaries and the Secretary for Works replied.

Written replies to Questions 6 to 19 were tabled for Members' information.

## **Motions**

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

#### **1. Attachment of Income Order (Amendment) Rules 2001**

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

Resolved that 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, be amended, in section 10(c), in the new rule 8(5), by repealing everything after "(b)," and before the dash and substituting "if subsequently a maintenance payer has a new income source, he shall, within 21 days after he is first entitled to receive any income from the new income source".

Question on the motion proposed.

Hon Margaret NG, Chairman of the Subcommittee on Attachment of Income Order (Amendment) Rules 2001, spoke on the motion.

Question on the motion put and agreed to.

#### **2. Matrimonial Causes (Amendment) Rules 2001**

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

Resolved that the Matrimonial Causes (Amendment) Rules 2001, published in the Gazette as Legal Notice No. 270 of 2001 and laid on the table of the Legislative Council on 19 December 2001, be amended, in section 5(a)(i), (b)(i), (c)(i), (d)(i), (e)(i), (f)(i) and (g), by repealing "撇開上述修改或增補(如有的話)不論" where it twice appears and substituting "經上述修改或增補(如有的話)後".

Question on the motion proposed, put and agreed to.

### **Members' Motions**

#### **Rent concession for domestic and commercial tenants of public rental housing estates**

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

That, whereas Hong Kong's deteriorating economy has posed much hardship on people's livelihood, the Housing Authority is currently reviewing a number of policies that affect people's livelihood and such policy changes will have an impact on the existing rent levels of public rental housing (PRH), this Council urges the Housing Authority and the Housing Society to adopt the following measures to lessen the burden of housing expenses on the public and alleviate the operational difficulties of commercial tenants:

- (a) introducing a mechanism whereby, subject to their passing a vetting process, PRH tenants who are paying excessive rents are only required to pay rents equivalent to 13% of their total household income, for a period of one year;
- (b) granting a 50% rent reduction for households comprising elderly persons only;
- (c) reducing the rents of commercial tenants by 30% for a period of six months; and
- (d) conducting full consultation with the Legislative Council and the public in reviewing public housing policies.

Question on Hon Albert HO's motion proposed.

The President stated that Hon LEUNG Yiu-chung and Hon CHAN Kam-lam 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 LEUNG Yiu-chung spoke on the motion and the amendments.

Hon CHAN Kam-lam spoke on the motion and the amendments.

Hon NG Leung-sing declared interest as a member of the Hong Kong Housing Authority and spoke on the motion and the amendments.

Another two Members and Hon HUI Cheung-ching spoke on the motion and the amendments.

While Hon Hui-cheung-ching was speaking, the President left the chair at 5:00 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Two other Members and Hon LAU Ping-cheung spoke on the motion and the amendments.

At 5:15 pm, while Hon LAU Ping-cheung was speaking, the President resumed the chair.

Eight further Members spoke on the motion and the amendments.

Hon Albert HO spoke on the amendments.

The Secretary for Housing spoke on the motion and the amendments.

Hon LEUNG Yiu-chung moved the following amendment to Hon Albert HO's motion:

To delete "(a) introducing a mechanism whereby, subject to their passing a vetting process, PRH tenants who are paying excessive rents are only required to pay rents equivalent to 13% of their total household income, for a period of one year;" to delete "(b)" and substitute with "(a)"; to delete "(c)" and substitute with "(b)"; to add "residential and" after "reducing the rents of"; to delete "six months; and" after "for a period of" and substitute with "one year, and thereafter reviewing the rents in the light of the economic situation at that time; (c) in the long run and as a matter of principle, lowering the rents so as to reduce the median rent-to-income ratio to below 10% in order to comply with the stipulations in the law; and".

Question on Hon LEUNG Yiu-chung's amendment to Hon Albert HO's motion proposed and put.

Hon LEUNG Yiu-chung 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, five were in favour of the amendment, 20 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 15 were in favour of the amendment and nine against it. (Voting record in the Appendix.) 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 Rent concession for domestic and commercial tenants of public rental housing estates 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 CHAN Kam-lam moved the following amendment to Hon Albert HO's motion:

To add "and having financial difficulties" after "households comprising elderly persons only"; to add "and completing the reassessment of shop rentals expeditiously after receiving the applications of commercial tenants" after "a period of six months".

Question on Hon CHAN Kam-lam's 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 CHAN Kam-lam put and agreed to.

### **Next Meeting**

The President declared that the next meeting of the Council would be held on 23 January 2002 at 2:30 pm.

The Council was adjourned at 6:42 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong