

LEGISLATIVE COUNCIL

MINUTES

No. 14

Minutes of the meeting held on Wednesday 23 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 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 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 Henry WU King-cheong, BBS

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 Nicholas NG Wing-fui, JP
Secretary for Transport

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

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

Mr LEE Shing-see, JP
Secretary for Works

Ms Sandra LEE Suk-yee, JP
Secretary for Economic Services

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

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Prisons (Amendment) Order 2002 (gazetted on 18.1.2002)	4/2002
2. Drug Addiction Treatment Centre (Hei Ling Chau Addiction Treatment Centre) (Amendment) Order 2002 (gazetted on 18.1.2002)	5/2002
3. Chinese Medicine Ordinance (Cap. 549) (Commencement) Notice 2002 (gazetted on 18.1.2002)	6/2002

Other Papers

No.52 - Report by the Commissioner of Correctional Services of Hong Kong Incorporated on the Administration of the Correctional Services Department Welfare Fund for the year ended 31 March 2001 (published on 15.1.2002)

Report of the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2001 (published on 18.1.2002)

Questions

1. Hon LEUNG Fu-wah asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon Albert HO asked Question 2.

The Secretary for Housing replied.

Eight Members asked supplementaries and the Secretary for Housing replied.

3. Hon WONG Sing-chi asked Question 3.

The Secretary for Health and Welfare replied.

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

4. Dr Hon LO Wing-lok asked Question 4.

The Secretary for Health and Welfare replied.

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

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

The Secretary for Works replied.

Seven Members asked supplementaries and the Secretary for Works replied.

6. Hon LAU Kong-wah asked Question 6.

The Secretary for Transport replied.

Seven Members asked supplementaries and the Secretary for Transport replied.

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

Bills

First Reading

Prevention of Child Pornography Bill

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

Prevention of Child Pornography Bill

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.

Public Health and Municipal Services (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 28 February 2001 resumed.

Hon Fred LI, Chairman of the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill. After the address, he spoke on the Bill in his personal capacity as a Member.

Four more Members spoke on the Bill.

The Secretary for the Environment and Food 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 **Public Health and Municipal Services (Amendment) Bill 2001**.

Question that clauses 5, 7 and 8 stand part of the Bill proposed, put and agreed to.

Question that clauses 1 to 4 and 6 stand part of the Bill proposed.

The Secretary for the Environment and Food moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1 to 4 and 6, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for the Environment and Food reported that

the **Public Health and Municipal Services (Amendment)
Bill 2001**

had passed through the Committee with amendments. She 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.

Members' Motions

Scheme of Control Agreement

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

That, regardless of the sustained economic recession in Hong Kong, the two power companies have been reaping, year after year, huge profits equivalent to the maximum permissible returns under the Scheme of Control Agreement, and fail to share the public's hardship, this Council urges the Government to strive for a more reasonable rate of return when it conducts the interim review in 2003, expeditiously announce the findings of the study on power interconnection, and to prepare, as early as possible, for the opening up of the electricity supply market in the future.

Question on Hon Fred LI's motion proposed.

The President stated that Hon James TIEN would move an amendment to the motion and that Hon LAU Chin-shek would also move an amendment to Hon James TIEN's amendment. In accordance with the Rules of Procedure, the motion, the amendment, and the amendment to the amendment would be debated together in a joint debate.

Hon James TIEN moved the following amendment to Hon Fred LI's motion and addressed the Council:

To delete "regardless of the sustained economic recession in Hong Kong, the two power companies have been reaping, year after year, huge profits equivalent to the maximum permissible returns under the Scheme of Control Agreement, and fail to share the public's hardship," and substitute with "in order to improve Hong Kong's business environment and alleviate people's burden,"; to add ", subject to the principle of upholding the spirit of contract," after "the Government to strive"; to delete "a" before "more reasonable" and substitute

with "fairer and"; to delete "rate" and substitute with "rates"; to add "and other terms" after "of return"; to add "in 2003" after "when it conducts"; to add "on the Scheme of Control Agreements signed with the two power companies," after "the interim review"; and to delete "in 2003," before "expeditiously announce".

Question on Hon James TIEN's amendment to Hon Fred LI's motion proposed.

Hon LAU Chin-shek moved the following amendment to Hon James TIEN's amendment and addressed the Council:

To delete "principle" and substitute with "principles"; and to add "protecting consumers' interests, ensuring that users are free from shouldering and guaranteeing absolutely the high profits of the power companies, and keeping the public informed of the timetable for the opening up of the electricity supply market," after "upholding the spirit of contract,".

Question on Hon LAU Chin-shek's amendment to Hon James TIEN's amendment proposed.

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

While Hon CHAN Kam-lam was speaking, the President left the chair at 6:33 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another 10 Members spoke on the motion and the amendments.

Hon Fred LI spoke on the amendments.

At 7:30 pm, while Hon Fred LI was speaking, the President resumed the chair.

The Secretary for Economic Services spoke on the motion and the amendments.

Question on Hon LAU Chin-shek's amendment to Hon James TIEN's amendment put.

Hon James TIEN 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, eight were in favour of the amendment and 18 against it; while among the

Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 20 were in favour of the amendment, four against it and one abstained. (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 Hon LAU Chin-shek's amendment to Hon James TIEN's amendment was negatived.

Question on Hon James TIEN's amendment to Hon Fred LI's motion put and agreed to.

Hon Fred LI replied.

Question on Hon Fred LI's motion as amended by Hon James TIEN put and agreed to.

Promoting the use of Putonghua

Hon CHOY So-yuk moved the following motion and addressed the Council:

That, with China's accession to the World Trade Organization, coupled with the continued increase in the number of visitors from the Mainland, Taiwan and South East Asia, there is a need for Hong Kong's business sector and the community to be generally proficient in Putonghua so as to grasp business opportunities, enhance competitiveness and strengthen our communication power; to this end, this Council urges the Government to formulate effective measures to tackle the current shortage of Putonghua teachers, increase channels for broadcasting Putonghua programmes and improve the reception quality of Radio Television Hong Kong's Putonghua Channel so as to provide the public with more exposure to Putonghua, and encourage community organizations to organize more activities for promoting Putonghua with a view to creating a milieu that is conducive to Putonghua learning.

Question on the motion proposed.

21 Members and the Secretary for Education and Manpower spoke on the motion.

Hon CHOY So-yuk 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 30 January 2002 at 2:30 pm.

The Council was adjourned at 10:23 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong