

# LEGISLATIVE COUNCIL

## MINUTES

No. 15

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Minutes of the meeting held on Wednesday 30 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

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

Dr the Hon LO Wing-lok

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 LEUNG Fu-wah, MH, JP

The Hon WONG Sing-chi

**Public officers attending:**

The Honourable Antony LEUNG Kam-chung, GBS, JP  
The Financial Secretary

The Honourable Elsie LEUNG Oi-sie, JP  
The Secretary for Justice

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

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

Mr Stephen IP Shu-kwan, GBS, JP  
Secretary for Financial Services

Dr YEOH Eng-kiong, JP  
Secretary for Health and Welfare

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

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

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

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

### 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. Commodities Trading (Contract Levy) (Amendment) Rules 2002 (gazetted on 25.1.2002)	9/2002
2. Mutual Legal Assistance in Criminal Matters (United Kingdom) Order (Cap. 525 sub. Leg.) (Commencement) Notice 2002 (gazetted on 25.1.2002)	10/2002
3. Attachment of Income Orders (Amendment) Ordinance 2001 (20 of 2001) (Commencement) Notice 2002 (gazetted on 25.1.2002)	11/2002
4. Attachment of Income Order (Amendment) Rules 2001 (L.N. 260 of 2001) (Commencement) Notice 2002 (gazetted on 25.1.2002)	12/2002
5. Matrimonial Causes (Amendment) Rules 2001 (L.N. 270 of 2001) (Commencement) Notice 2002 (gazetted on 25.1.2002)	13/2002

### Questions

1. Hon Albert CHAN asked Question 1.

The Secretary for Planning and Lands replied.

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

2. Hon LEE Cheuk-yan asked Question 2.

The Secretary for Education and Manpower replied.

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

3. Hon CHAN Yuen-han asked Question 3.

The Secretary for Education and Manpower replied.

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

4. Hon Michael MAK asked Question 4.

The Secretary for Economic Services replied.

Four Members asked supplementaries. The Secretary for Economic Services and the Secretary for Health and Welfare replied.

5. Dr Hon David CHU asked Question 5.

The Secretary for Health and Welfare replied.

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

6. In accordance with Rule 26(6) of the Rules of Procedure, Hon TSANG Yok-sing asked Question 6 on behalf of Hon CHOY So-yuk who was not present then.

The Secretary for Home Affairs replied.

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

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

## **Bills**

### **First Reading**

**Dutiable Commodities (Amendment) Bill 2002**  
**Companies (Amendment) Bill 2002**

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**

**Dutiable Commodities (Amendment) Bill 2002**

The Secretary for the Treasury 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.

### **Companies (Amendment) Bill 2002**

The Secretary for Financial Services 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**

#### **Rest time and rest days for employees**

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

That, as most employees currently do not have rest breaks - some even have no meal breaks, during their working hours, and it has become increasingly prevalent for employers to require their employees to work on rest days, which harms employees' mental and physical health, increases the occurrence of accidents and the contracting of occupational diseases, and also reduces work efficiency, this Council urges the Government to stipulate by legislation that employers should provide their employees with reasonable rest and meal breaks during working hours, as well as to review the existing labour laws with a view to ensuring that employees enjoy the right to have rest days.

Question on the motion proposed.

Six Members spoke on the motion.

Hon Audrey EU declared her interest of having handled a court case which related to the rest days of employees and spoke on the motion.

Another 14 Members and the Secretary for Education and Manpower spoke on the motion.

Hon LAU Chin-shek replied.

Question on the motion put.

Hon LAU Chin-shek 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, 24 were present, seven were in favour of the motion, 16 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, 19 were in favour of the motion and four 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 motion was negatived.

### **Next Meeting**

The President declared that the next meeting of the Council would be held on 6 February 2002 at 2:30 pm.

The Council was adjourned at 6:43 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong