

LEGISLATIVE COUNCIL

MINUTES

No. 16

Minutes of the meeting held on Wednesday 6 February 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 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 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

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:

The Hon James TO Kun-sun

The Hon LAU Chin-shek, JP

The Hon Timothy FOK Tsun-ting, SBS, JP

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

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 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

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. Immigration (Amendment) Regulation 2002 (gazetted on 1.2.2002)	14/2002
2. Air Pollution Control (Motor Vehicle Fuel) (Amendment) Regulation 2002 (gazetted on 1.2.2002)	15/2002
3. Leveraged Foreign Exchange Trading (Annual Returns) (Amendment) Rules 2002 (gazetted on 1.2.2002)	16/2002
4. Securities and Futures Commission (Annual Returns) (Amendment) Rules 2002 (gazetted on 1.2.2002)	17/2002
5. Solicitors' Accounts (Amendment) Rules 2002 (gazetted on 1.2.2002)	18/2002
6. Tax Reserve Certificates (Rate of Interest) (No. 2) Notice 2002 (gazetted on 1.2.2002)	19/2002
7. Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (10 of 2001) (Commencement) Notice 2002 (gazetted on 1.2.2002)	20/2002

Other Papers

- No.53 - Report by the Board of Governors of The Prince Philip Dental Hospital for the period from 1 April 2000 to 31 March 2001 (published on 29.1.2002)
- No.54 - Hong Kong Arts Development Council Annual Report 2000-2001 (published on 29.1.2002)
- No.55 - The Hong Kong Academy for Performing Arts Annual Report 2000-2001 and the Financial Statements and Auditor's Report for the year ended 30 June 2001 (published on 29.1.2002)
- No.56 - Employees Retraining Board Annual Report 2000-2001 (published on 1.2.2002)
- No.57 - Li Po Chun Charitable Trust Fund Annual Report for the period 1 September 2000 to 31 August 2001 (published on 1.2.2002)

- No.58 - Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2001 and the Results of Value for Money Audits (Report No. 37) and Supplemental Reports of the Public Accounts Committee on Report Nos. 35 and 36 of the Director of Audit on the Results of Value for Money Audits (February 2002 - P.A.C. Report No. 37) (published on 6.2.2002)

Report of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) Bill 2001 (published on 4.2.2002)

Address

Hon Eric LI, Chairman of the Public Accounts Committee, addressed the Council on the Committee's report on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2001 and the Results of Value for Money Audits (Report No. 37) and the Committee's Supplemental Reports on Report Nos. 35 and 36 of the Director of Audit on the Results of Value for Money Audits.

Questions

1. Hon Ambrose LAU asked Question 1.

The Secretary for Financial Services replied.

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

2. Hon Andrew CHENG asked Question 2.

The Secretary for Transport replied.

Seven Members asked supplementaries and the Secretary for Transport replied.

3. Hon CHAN Yuen-han asked Question 3.

The Secretary for Commerce and Industry replied.

Four Members asked supplementaries and the Secretary for Commerce and Industry replied.

4. Hon Audrey EU asked Question 4.

The Chief Secretary for Administration replied.

Four Members asked supplementaries and the Chief Secretary for Administration replied.

5. Hon YEUNG Yiu-chung asked Question 5.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

6. Dr Hon LO Wing-lok asked Question 6.

The Secretary for Health and Welfare replied.

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

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

Bills

Second Reading

Mandatory Provident Fund Schemes (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 23 May 2001 resumed.

Hon Ambrose LAU, Chairman of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

Four Members spoke on the Bill.

The Secretary for Financial Services 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 **Mandatory Provident Fund Schemes (Amendment) Bill 2001**.

Question that clauses 1, 3, 5, 6, 12, 13, 14 and 16 to 21 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 4, 7 to 11 and 15 stand part of the Bill proposed.

The Secretary for Financial Services moved amendments to clauses 2, 4 and 7 to 11 and the deletion of clause 15 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 15, which dealt with deletion, had been agreed, clause 15 was therefore deleted from the Bill.

Question that clauses 2, 4 and 7 to 11, as amended, stand part of the Bill proposed, put and agreed to.

New clause 2A read the first time.

The Secretary for Financial Services moved the Second Reading of new clause 2A and addressed the Committee.

Question on the Second Reading of new clause 2A proposed, put and agreed to.

New clause 2A read the second time.

The Secretary for Financial Services moved the addition of new clause 2A to the Bill.

Question on the addition proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed.

The Secretary for Financial Services moved amendments to the schedule and addressed the Committee.

Question on the amendments put and agreed to.

Question that the schedule, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services reported that

the Mandatory Provident Fund Schemes (Amendment) Bill 2001

had passed through the Committee with amendments. He 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

Waiving Government rates

Hon Tommy CHEUNG moved the following motion and addressed the Council:

That, in view of the sustained economic downturn and the persistently high unemployment rate in Hong Kong at present, this Council urges the Government to waive the Government rates for all the four quarters in the next financial year, so as to alleviate people's hardship and reduce the operating costs of businesses.

Question on the motion proposed.

Three Members and Hon CHOY So-yuk spoke on the motion.

While Hon CHOY So-yuk was speaking, the President left the chair at 5:48 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another four Members and the Secretary for the Treasury spoke on the motion.

Hon Tommy CHEUNG replied.

At 6:10 pm, while Hon Tommy CHEUNG was speaking, the President resumed the chair.

Question on the motion put and agreed to.

Request for Special Leave of the Council to Give Evidence of Council Proceedings

Request made under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap 382) and Rule 90 of the Rules of Procedure for special leave of the Council to give evidence of Council proceedings

The President stated that a request had been made under section 7 of the Legislative Council (Powers and Privileges) Ordinance for special leave of the Council to give evidence of Council proceedings, and that in accordance with Rule 90(2) of the Rules of Procedure, the Council should be deemed to have ordered that such leave be granted when the request had been placed on the Agenda, unless through a motion moved without notice at the meeting by any Member the Council determined to refuse it.

As no Member moved such a motion, the President declared that the Council granted the leave in accordance with Rule 90(2) of the Rules of Procedure.

Motion on Adjournment

Looking back on the Chief Executive's administration during his term of office

Hon Martin LEE moved the adjournment and addressed the Council.

Question on the adjournment proposed.

27 Members spoke on the adjournment.

The Chief Secretary for Administration replied.

Question on the adjournment put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 7 February 2002 at 3:00 pm.

The Council was adjourned at 7:30 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong