

LEGISLATIVE COUNCIL

MINUTES

No. 20

Minutes of the meeting held on Wednesday 13 March 2002 at 2:30 pm
and Thursday 14 March 2002 at 9:30 am

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 (absent on 14.3.2002)

The Hon Martin LEE Chu-ming, SC, JP (absent on 14.3.2002)

The Hon Eric LI Ka-cheung, JP

Dr the Hon David LI Kwok-po, GBS, JP (absent on 14.3.2002)

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP (absent on 14.3.2002)

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 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 LAU Chin-shek, JP

The Hon LAU Kong-wah

The Hon LAU Wong-fat, GBS, JP (absent on 13.3.2002)

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 (absent on 13.3.2002)

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 Bernard CHAN

Dr the Hon Philip WONG Yu-hong

The Hon YEUNG Yiu-chung, BBS

Public officers attending:

On 13.3.2002 and 14.3.2002

The Honourable Donald TSANG Yam-kuen, JP
The Chief Secretary for Administration

On 13.3.2002

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 Dominic WONG Shing-wah, GBS, JP
Secretary for Housing

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

Mr LEE Shing-see, JP
Secretary for Works

Ms Eva CHENG, JP
Secretary for Information Technology and Broadcasting

On 14.3.2002

Mr Michael SUEN Ming-yeung, GBS, JP
Secretary for Constitutional Affairs

Clerks in attendance:

On 13.3.2002

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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

On 14.3.2002

Mr LAW Kam-sang, JP, Deputy Secretary General

On 13.3.2002 and 14.3.2002

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. Public Revenue Protection (Revenue) Order 2002 (gazetted on 6.3.2002)	28/2002
2. Telecommunications (Amendment) Regulation 2002 (gazetted on 8.3.2002)	29/2002
3. Telecommunications (Carrier Licences) (Amendment) Regulation 2002 (gazetted on 8.3.2002)	30/2002
4. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2002 (gazetted on 8.3.2002)	31/2002
5. Public Health and Municipal Services Ordinance (Public Swimming Pools) (Amendment of Fourteenth Schedule) Order 2002 (gazetted on 8.3.2002)	32/2002
6. Securities and Futures Commission (Levy) (Futures Contracts) (Amendment) (No. 3) Order 2001 (L.N. 296 of 2001) (Commencement) Notice 2002 (gazetted on 8.3.2002)	33/2002
7. Revenue (Variation and Reduction of Fees and Charges) Order 2002 (gazetted on 12.3.2002)	35/2002

Other Papers

- No.66 - The Lord Wilson Heritage Trust
Annual Report 2000-2001 (published on 7.3.2002)
- No.67 - Consumer Council
Annual Report 2000-2001 (published on 7.3.2002)
- No.68 - Traffic Accident Victims Assistance Fund
Annual Report for the year from 1 April 2000 to 31 March 2001 (published on 8.3.2002)
- No.69 - Report by the Trustee of the Correctional Services Children's Education Trust for the period from 1st September 2000 to 31 August 2001 (published on 12.3.2002)

Report of the Bills Committee on Securities and Futures Bill and Banking (Amendment) Bill 2000 (published on 7.3.2002)

Report of the Bills Committee on Dangerous Goods (Amendment)
Bill 2000 (published on 7.3.2002)

Questions

1. Hon Abraham SHEK asked Question 1.

The Secretary for Works replied.

Eight Members asked supplementaries and the Secretary for Works replied.

2. Hon WONG Sing-chi asked Question 2.

The Secretary for Health and Welfare replied.

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

3. Dr Hon YEUNG Sum asked Question 3.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

4. Hon IP Kwok-him asked Question 4.

The Secretary for Housing replied.

Seven Members asked supplementaries and the Secretary for Housing replied.

5. Hon Emily LAU asked Question 5.

The Secretary for Information Technology and Broadcasting replied.

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

6. Hon Michael MAK declared his interest as an employee of Kwai Chung Hospital of the Hospital Authority and asked Question 6.

The Secretary for Health and Welfare replied.

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

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

Bills

First Reading

Extension of Vetting Period (Legislative Council) Bill 2002

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

Extension of Vetting Period (Legislative Council) Bill 2002

The Chief Secretary for Administration 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.

Securities and Futures Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 29 November 2000 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee to study bills including the Securities and Futures Bill, addressed the Council on the Bills Committee's Report in respect of the Bill.

Five Members spoke on the Bill.

Dr Hon David LI declared his interest as an executive of a registered institution as defined in the Bill and spoke on the Bill.

Another three 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 **Securities and Futures Bill**.

Question that the headings of Parts I to IV and VI to XVII, clauses 1, 6, 7, 9, 14, 25, 27, 32, 33, 42, 44, 45, 47 to 50, 52 to 55, 57, 60, 68, 69, 71, 73, 78, 82, 84, 86, 90, 94, 121, 140, 146, 181, 183, 185, 196, 198, 215, 219, 223, 227, 242, 248, 256, 270, 275, 282, 303, 311, 312, 329, 330, 334, 351, 362, 365, 371, 376, 377, 378, 387, 391, 392, 393 and 395 stand part of the Bill proposed, put and agreed to.

Question that clause 11 stand part of the Bill proposed.

The Secretary for Financial Services moved amendments to clause 11 and addressed the Committee.

Three Members spoke on the amendments.

The Secretary for Financial Services spoke again.

Question on the amendments put and agreed to.

Question that clause 11, as amended, stand part of the Bill proposed and put.

Hon Margaret NG claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that 51 Members were present, 30 were in favour of the motion and 20 against it. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Question that clauses 2 to 5, 8, 10, 12, 13, 15 to 24, 26, 28 to 31, 34 to 41, 43, 46, 51, 56, 58, 59, 61 to 67, 70, 72, 74 to 77, 79, 80, 81, 83, 85, 87, 88, 89, 91, 92, 93, 95 to 112, 228 to 236, 366 to 370, 372 to 375, 379 to 386, 388, 389, 390 and 394, and the subheading before clause 386 stand part of the Bill proposed.

The Secretary for Financial Services moved the deletion of clause 108, amendments to other aforesaid clauses and subheading and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 108, which dealt with deletion, had been agreed, clause 108 was deleted from the Bill.

Question that clauses 2 to 5, 8, 10, 12, 13, 15 to 24, 26, 28 to 31, 34 to 41, 43, 46, 51, 56, 58, 59, 61 to 67, 70, 72, 74 to 77, 79, 80, 81, 83, 85, 87, 88, 89, 91, 92, 93, 95 to 107, 109 to 112, 228 to 236, 366 to 370, 372 to 375, 379 to 386, 388, 389, 390 and 394 and the subheading before clause 386, as amended, stand part of the Bill proposed, put and agreed to.

Question that the heading of Part V, clauses 113 to 120, 122 to 139, 141 to 145, 147 to 170, 186 to 195, 209 to 214, 216, 217, 218, 220, 221, 222, 224, 225 and 226, and the subheading before clause 192 stand part of the Bill proposed.

The Secretary for Financial Services moved the deletion of clauses 189 and 225, amendments to the aforesaid heading and other aforesaid clauses, the addition of a subheading before clause 191 and the deletion of the subheading before clause 192 and addressed the Committee.

A Member spoke on the amendments.

The Secretary for Financial Services spoke again.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to clauses 189 and 225 and the subheading before clause 192, which dealt with deletion, and the subheading before clause 191, which dealt with addition, had been agreed, clauses 189 and 225 and the subheading before clause 192 were deleted from the Bill and the subheading before clause 191 was added to the Bill.

Question that the heading of Part V, clauses 113 to 120, 122 to 139, 141 to 145, 147 to 170, 186, 187, 188, 190 to 195, 209 to 214, 216, 217, 218, 220, 221, 222, 224 and 226, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 171 to 180, 182, 184, 197, 199 to 208, 237 to 241, 243 to 247, 249 to 255, 257 to 269, 271 to 274, 276 to 281 and 283 to 298 stand part of the Bill proposed.

The Secretary for Financial Services moved the deletion of clauses 199, 208 and 276, and amendments to other aforesaid clauses and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clauses 199, 208 and 276, which dealt with deletion, had been agreed, clauses 199, 208 and 276 were deleted from the Bill.

Question that clauses 171 to 180, 182, 184, 197, 200 to 207, 237 to 241, 243 to 247, 249 to 255, 257 to 269, 271 to 274, 277 to 281 and 283 to 298, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 299 to 302, 304 to 310, 313 to 328, 331, 332, 333, 335 to 350, 352 to 361, 363 and 364, and the subheading before clause 358 stand part of the Bill proposed.

The Secretary for Financial Services moved the deletion of clause 355, amendments to other aforesaid clauses and subheading and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 355, which dealt with deletion, had been agreed, clause 355 was deleted from the Bill.

Question that clauses 299 to 302, 304 to 310, 313 to 328, 331, 332, 333, 335 to 350, 352, 353, 354, 356 to 361, 363 and 364 and the subheading before clause 358, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 98A, 114A, 130A, 130B, 139A, 161A, 169A, 170A, 189A, 191A, 213A, 220A, 230A, 256A, 295A, 357A, 357B, 357C, 365A, 378A and 384A, and the new subheading before new clause 170A read the first time.

The Secretary for Financial Services moved the Second Reading of the above clauses and subheading and addressed the Committee.

Question on the Second Reading of the said clauses and subheading proposed, put and agreed to.

New clauses 98A, 114A, 130A, 130B, 139A, 161A, 169A, 170A, 189A, 191A, 213A, 220A, 230A, 256A, 295A, 357A, 357B, 357C, 365A, 378A and 384A, and the new subheading before new clause 170A read the second time.

The Secretary for Financial Services moved the addition of the above clauses and subheading to the Bill.

Question on the addition proposed, put and agreed to.

Question that schedules 1 to 9 stand part of the Bill proposed.

The Secretary for Financial Services moved amendments to schedules 1 to 9 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

Question that schedules 1 to 9, as amended, stand part of the Bill proposed, put and agreed to.

New schedule 6A read the first time.

The Secretary for Financial Services moved the Second Reading of the new schedule 6A and addressed the Committee.

Question on the Second Reading of the new schedule 6A proposed, put and agreed to.

New schedule 6A read the second time.

The Secretary for Financial Services moved the addition of the new schedule 6A to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services reported that

the Securities and Futures Bill

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.

Banking (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 29 November 2000 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee to study bills including the Banking (Amendment) Bill 2000, addressed the Council on the Bills Committee's Report in respect of the Bill.

While Hon SIN Chung-kai was addressing the Council, the President left the chair at 8:31 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

A Member spoke on the Bill.

The Secretary for Financial Services replied.

At 8:35 pm, while the Secretary for Financial Services was speaking, the President resumed the chair.

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 **Banking (Amendment) Bill 2000**.

Question that clauses 1, 7, 8, 13 and 14 stand part of the Bill proposed, put and agreed to.

Question that clauses 2 to 6 and 9 to 12 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 2 to 6 and 9 to 12, as amended, stand part of the Bill proposed, put and agreed to.

New clause 8A read the first time.

The Secretary for Financial Services moved the Second Reading of the new clause 8A and addressed the Committee.

Question on the Second Reading of the new clause 8A proposed, put and agreed to.

New clause 8A read the second time.

The Secretary for Financial Services moved the addition of the new clause 8A to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services reported that

the Banking (Amendment) Bill 2000

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.

Dangerous Goods (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 1 November 2000 resumed.

Hon James TO, Chairman of the Bills Committee on Dangerous Goods (Amendment) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

Three Members spoke on the Bill.

The Secretary for Security 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 **Dangerous Goods (Amendment) Bill 2000**.

Question that clauses 1, 3, 5, 6, 7, 9, 12, 14 and 15 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 4, 8, 10, 11 and 13 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 2, 4, 8, 10, 11 and 13, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the Dangerous Goods (Amendment) Bill 2000

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.

Motions

Proposed resolution under the Hong Kong Export Credit Insurance Corporation Ordinance

The Secretary for Commerce and Industry moved the following motion and addressed the Council:

Resolved that the contingent liability of the Hong Kong Export Credit Insurance Corporation under contracts of insurance shall not at any time exceed the sum of 12,500 million dollars.

Question on the motion proposed.

A Member spoke on the motion.

Question on the motion put and agreed to.

Proposed resolution under the Public Finance Ordinance

The Secretary for the Treasury moved the motion in Appendix II and addressed the Council.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Dutiable Commodities Ordinance

The Secretary for the Treasury moved the following motion and addressed the Council:

Resolved that Schedule 1 to the Dutiable Commodities Ordinance be amended in paragraph 1A of Part III -

- (a) in subparagraph (a), by repealing "2002" and substituting "2003";
- (b) in subparagraph (b), by repealing "2002" and substituting "2003".

Question on the motion proposed.

Two Members spoke on the motion.

The Secretary for the Treasury replied.

Question on the motion put and agreed to.

Members' Motions

Proposed resolutions under the Interpretation and General Clauses Ordinance

Hon LAW Chi-kwong moved the following motion and addressed the Council:

Resolved that the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (10 of 2001) (Commencement) Notice 2002, published in the Gazette as Legal Notice No. 20 of 2002 and laid on the table of the Legislative Council on 6 February 2002 is amended by repealing "1 April" and substituting "1 October".

Question on the motion proposed.

Hon Cyd HO spoke on the motion as Chairman of the Subcommittee on Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (10 of 2001) (Commencement) Notice 2002, and then in her personal capacity.

Six other Members and the Secretary for Security spoke on the motion.

Hon LAW Chi-kwong replied.

Question on the motion put.

Hon LAW Chi-kwong 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, 23 were present, four were in favour of the motion, 18 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, 12 were in favour of the motion and 11 against it. (Voting record in Appendix III.) 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.

The President suspended the meeting at 10:37 pm.

* * * * *

The Council resumed at 9:30 am on 14 March 2002.

The second Chief Executive election

Hon Emily LAU moved the following motion and addressed the Council:

That this Council considers that the method for the selection of the second Chief Executive of the Hong Kong Special Administrative Region is undemocratic, depriving the general public of the right to participate in the election process, and urges the authorities to expeditiously start its consultation work on political reform.

Question on Hon Emily LAU's motion proposed.

The President 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 Emily LAU's motion and addressed the Council:

To delete "its consultation work on" after "and urges the authorities to expeditiously start" and substitute with "the procedure for"; and to add ", so as to allow the public to elect the Chief Executive by universal suffrage as early as possible" after "political reform".

Question on Hon Frederick FUNG's amendment to Hon Emily LAU's motion proposed.

15 Members and Hon David CHU spoke on the motion and the amendment.

While Hon David CHU was speaking, the President left the chair at 11:22 am temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another five Members spoke on the motion and the amendment.

Hon Emily LAU spoke on the amendment.

The Secretary for Constitutional Affairs spoke on the motion and the amendment.

At 12:00 pm, while the Secretary for Constitutional Affairs was speaking, the President resumed the chair.

Question on Hon Frederick FUNG's amendment to Hon Emily LAU'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, 25 were present, five were in favour of the amendment and 20 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 12 were in favour of the amendment and 10 against it. (Voting record in Appendix IV.) 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 Emily LAU replied.

Question on Hon Emily LAU's motion put.

Hon Emily LAU 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, 25 were present, five were in favour of the motion and 20 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 13 were in favour of the motion and nine against it. (Voting record in Appendix V.) 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.

Improving administrative procedures to enhance efficiency

Hon CHAN Kwok-keung moved the following motion and addressed the Council:

That this Council urges the Government to improve its administrative procedures, set up a "committee on reviewing administrative procedures", strengthen communication among bureaux and departments, and amend the relevant codes or regulations in the light of the experience in other countries, thereby enhancing efficiency and improving services for the greater convenience of the public.

Question on Hon CHAN Kwok-keung's motion proposed.

The President stated that Hon Howard YOUNG 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 Howard YOUNG moved the following amendment to Hon CHAN Kwok-keung's motion and addressed the Council:

To delete "set up a "committee on reviewing administrative procedures", " after "That this Council urges the Government to improve its administrative procedures,".

Question on Hon Howard YOUNG's amendment to Hon CHAN Kwok-keung's motion proposed.

11 Members spoke on the motion and the amendment.

Hon CHAN Kwok-keung spoke on the amendment.

The Chief Secretary for Administration spoke on the motion and the amendment.

Question on Hon Howard YOUNG's amendment to Hon CHAN Kwok-keung's motion put and agreed to.

Hon CHAN Kwok-keung replied.

Question on Hon CHAN Kwok-keung's motion as amended by Hon Howard YOUNG put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 10 April 2002 at 2:30 pm.

The Council was adjourned at 2:03 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
日期 DATE: 13/03/2002
時間 TIME: 06:51:20 PM

動議 MOTION: 《證券及期貨條例草案》- 全體委員會審議階段 - 經修正的第11條
SECURITIES AND FUTURES BILL - COMMITTEE STAGE - CLAUSE 11 AS AMENDED

動議人 MOVED BY: 財經事務局長 Secretary for Financial Services

出席 Present :51
投票 Vote :50
贊成 Yes :30
反對 No :20
棄權 Abstain :0
結果 Result :通過 Passed

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
范徐麗泰	Mrs Rita FAN	出席	PRESENT	楊孝華	Howard YOUNG	贊成	YES
丁午壽	Kenneth TING	贊成	YES	楊森	Dr YEUNG Sum	反對	NO
田北俊	James TIEN			楊耀忠	YEBUNG Yiu-chung		
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek	反對	NO
何秀蘭	Cyd HO	反對	NO	劉江華	LAU Kong-wah	贊成	YES
何俊仁	Albert HO	反對	NO	劉卓發	LAU Wong-fat		
何鍾泰	Dr Raymond HO	贊成	YES	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan			劉漢銓	Ambrose LAU		
李柱銘	Martin LEE	反對	NO	劉慧卿	Emily LAU	反對	NO
李家祥	Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	贊成	YES
李國寶	Dr David LI			鄭家富	Andrew CHENG	反對	NO
李華明	Fred LI	反對	NO	司徒華	SZETO Wah	反對	NO
呂明華	Dr LUI Ming-wah	贊成	YES	霍震霆	Timothy FOK		
吳亮星	NG Leung-sing	贊成	YES	羅致光	LAW Chi-kwong	反對	NO
吳靄儀	Margaret NG	反對	NO	譚耀宗	TAM Yiu-chung	贊成	YES
周梁淑怡	Mrs Selina CHOW	贊成	YES	鄧兆棠	Dr TANG Siu-tong	贊成	YES
涂謹申	James TO	反對	NO	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	李麗英	LI Fung-ying	贊成	YES
許長青	HUI Cheung-ching	贊成	YES	胡經昌	Henry WU	贊成	YES
陳國強	CHAN Kwok-keung	贊成	YES	張宇人	Tommy CHEUNG	贊成	YES
陳婉嫻	CHAN Yuen-han	贊成	YES	麥國風	Michael MAK	反對	NO
陳智思	Bernard CHAN			陳偉業	Albert CHAN	反對	NO
陳鑑林	CHAN Kam-lum	贊成	YES	梁富華	LEUNG Fu-wah	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	勞永榮	Dr LO Wing-lok	贊成	YES
梁耀忠	LEUNG Yiu-chung	反對	NO	黃成智	WONG Sing-chi	反對	NO
單仲偕	SIN Chung-kai	反對	NO	馮檢基	Frederick FUNG	反對	NO
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
黃宜弘	Dr Philip WONG			劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	Audrey EU	Audrey EU	反對	NO
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok	贊成	YES

秘書 CLERK



PUBLIC FINANCE ORDINANCE

RESOLUTION

(Under section 7(1) of the Public Finance Ordinance (Cap. 2))

RESOLVED that -

1. Authority is hereby given for a sum not exceeding \$76,256,151,000 to be charged on the general revenue in advance of an Appropriation Ordinance for expenditure on the services of the Government in respect of the financial year commencing on 1 April 2002.
2. Subject to this Resolution, the sum so charged may be expended against the heads of expenditure, and expenditure for each such head shall be arranged in accordance with the subheads, shown in the draft Estimates of Expenditure 2002-03 laid before the Legislative Council on 6 March 2002 or, where such estimates are changed under the provisions of the Public Finance Ordinance (Cap. 2) as applied by section 7(2) of that Ordinance, in accordance with such estimates as so changed.
3. Expenditure in respect of any head shall not exceed the aggregate of the amounts specified in respect of each subhead in that head, by reference to percentages, in section 4(a) and (b).
4. Expenditure in respect of each subhead in a head shall not exceed -
 - (a) in the case of a Recurrent Account subhead, an amount equivalent to -

- (i) except where the subhead is listed in the Schedule hereto, 20% of the provision shown in respect of it in the draft Estimates;
 - (ii) where the subhead is listed in the Schedule hereto, that percentage of the provision shown in respect of it in the draft Estimates which is specified in relation to that subhead in the Schedule; and
- (b) in the case of a Capital Account subhead, an amount equivalent to 100% of the provision shown in respect of it in the draft Estimates,

or such other amount, not exceeding the provision shown in respect of the subhead in the draft Estimates, as may in any case be approved by the Financial Secretary.

SCHEDULE

[s. 4]

	Head of Expenditure		Subhead	Percentage of provision shown in draft Estimates
28	Civil Aviation Department	170	Airport insurance	100
30	Correctional Services Department	149	General departmental expenses	40
40	Education Department	325	Direct Subsidy Scheme	36
		326	Kindergarten Subsidy Scheme	50
		330	Assistance to private secondary schools and bought places	27
		340	English Schools Foundation junior schools	41
		345	English Schools Foundation secondary schools	41
		489	Miscellaneous educational services	23
46	General Expenses of the Civil Service	013	Personal allowances	40
53	Government Secretariat: Home Affairs Bureau	536	Uniformed groups and other youth organisations	25
63	Home Affairs Department	110	Honoraria for members of committees	25
76	Inland Revenue Department	189	Interest on tax reserve certificates	30

Head of Expenditure	Subhead	Percentage of provision shown in draft Estimates
92 Department of Justice	234 Court costs	25
	243 Hire of legal services and related professional fees	25
	287 Legal services for construction dispute resolution	25
106 Miscellaneous Services	163 Write-offs	50
	192 Refunds of revenue	100
120 Pensions	015 Public and judicial service pension benefits and compensation	30
	017 Surviving spouses' and children's pensions, widows' and orphans' pensions and increases	30
	021 Ex gratia pensions, awards, allowances and increases	50
	026 Employees' compensation, injury, incapacity and death related payments and expenses	50
170 Social Welfare Department	176 Criminal and law enforcement injuries compensation	25
	177 Emergency relief	100
	179 Comprehensive social security assistance scheme	25
	180 Social security allowance scheme	25

Head of Expenditure	Subhead	Percentage of provision shown in draft Estimates
	187 Agents' commission and expenses	100
	214 Hire of services	30
	412 Refunds of rates	30
176 Subventions : Miscellaneous	414 Environmental Advisory Service	25
	420 Asian and Pacific Development Centre	100
	437 Hong Kong - Japan Business Co-operation Committee	25
	446 Duty Lawyer Service	25
	475 Outward Bound Trust of Hong Kong	25
	503 Subventions to non-government organisation camps	26
	521 Skills centres	25
	527 Open University of Hong Kong	25
	528 Guardianship Board	25
177 Subventions : Non- Departmental Public Bodies	520 Vocational Training Council	25
	526 Legal Aid Services Council	25
	537 Employees Retraining Board	25
188 Treasury	187 Agents' commission and expenses	70

投票 VOTE: 2
日期 DATE: 13/03/2002
時間 TIME: 10:36:59 PM

動議 MOTION: 修訂《藥物倚賴者治療康復中心（發牌）條例》（2001年第10號）2002年（生效日期）公告》的決議案
PROPOSED RESOLUTION TO AMEND THE DRUG DEPENDENT PERSONS TREATMENT AND REHABILITATION CENTRES (LICENSING) ORDINANCE (10 OF 2001) (COMMENCEMENT) NOTICE 2002

動議人 MOVED BY: 羅致光 LAW Chi-kwong

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	23	24	
投票 Vote	23	23	
贊成 Yes	4	12	
反對 No	18	11	
棄權 Abstain	1	0	
結果 Result	否決 Negatived	否決 Negatived	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	反對 NO
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	
李家祥 Eric LI	反對 NO	李柱銘 Martin LEE	贊成 YES
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah		涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	反對 NO
周梁淑治 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN		楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat		司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
羅麗霞 Timothy FOK		鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG		選舉委員會 Election Committee	
麥國風 Michael MAK	棄權 ABSTAIN	范徐麗泰 Mrs Rita FAN	出席 PRESENT
梁富華 LEUNG Fu-wah	反對 NO	朱幼麟 Dr David CHU	反對 NO
勞永樂 Dr LO Wing-lok	反對 NO	吳亮星 NG Leung-sing	反對 NO
葉國謙 IP Kwok-him	反對 NO	楊耀忠 YEUNG Yiu-chung	
劉炳章 LAU Ping-cheung	反對 NO	劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	

秘書 CLERK



投票 VOTE: 3
日期 DATE: 14/03/2002
時間 TIME: 12:14:03 PM

動議 MOTION: 馮檢基議員對劉慧卿議員就「第二任行政長官選舉」所提議案作出的修正案
AMENDMENT BY HON FREDERICK FUNG TO HON EMILY LAU'S MOTION ON "THE SECOND CHIEF EXECUTIVE ELECTION"

動議人 MOVED BY: 馮檢基 Frederick FUNG

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	25	23	
投票 Vote	25	22	
贊成 Yes	5	12	
反對 No	20	10	
棄權 Abstain	0	0	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	
李家祥 Eric LI	反對 NO	李柱銘 Martin LEE	
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah		涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	反對 NO
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	反對 NO
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN		楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	贊成 YES
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	
劉皇發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK	反對 NO	鄧兆棠 Dr TANG Siu-tong	
羅致光 LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying		馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	反對 NO	朱幼麟 Dr David CHU	反對 NO
葉國謙 IP Kwok-him	反對 NO	吳亮星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	
		劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	

秘書 CLERK

投票 VOTE: 4
日期 DATE: 14/03/2002
時間 TIME: 12:21:01 PM

動議 MOTION: 「第二任行政長官選舉」議案
MOTION ON "THE SECOND CHIEF EXECUTIVE ELECTION"

動議人 MOVED BY: 劉慧卿 Emily LAU

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	25	23	
投票 Vote	25	22	
贊成 Yes	5	13	
反對 No	20	9	
棄權 Abstain	0	0	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	
李家祥 Eric LI	反對 NO	李柱銘 Martin LEE	
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah		涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	反對 NO
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN		楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	贊成 YES
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊季華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	
劉焜發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK	反對 NO	鄧兆棠 Dr TANG Siu-tong	
羅致光 LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying		馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO	選舉委員會 Election Committee	
麥國風 Michael MAK	贊成 YES	范徐麗泰 Mrs Rita FAN	出席 PRESENT
梁富華 LEUNG Fu-wah	反對 NO	朱幼麟 Dr David CHU	反對 NO
勞永樂 Dr LO Wing-jok	反對 NO	吳亮星 NG Leung-sing	反對 NO
葉國謙 IP Kwok-him	反對 NO	楊耀忠 YEUNG Yiu-chung	
劉炳章 LAU Ping-cheung	反對 NO	劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	

秘書 CLERK