

LEGISLATIVE COUNCIL

MINUTES

No. 22

Minutes of the meeting held on Wednesday 17 April 2002 at 2:30 pm

Present:

The Hon TUNG Chee-hwa, JP
The Chief Executive of the Hong Kong Special Administrative Region

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-ye, 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 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-ye, 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 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 SIN Chung-kai

The Hon Abraham SHEK Lai-him, 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

The Honourable Elsie LEUNG Oi-sie, JP

The Secretary for Justice

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

Mr CHAU Tak-hay, JP
Secretary for Commerce and Industry

Mr Joseph WONG Wing-ping, GBS, JP
Secretary for the Civil Service

Miss Denise YUE Chung-yee, 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

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

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

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

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

Ms Elaine CHUNG Lai-kwok, JP
Secretary for Housing

Mr Paul TANG Kwok-wai, JP
Secretary for Transport

Mr Patrick LAU Lai-chiu, JP
Acting Head, Central Policy Unit

Clerk in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Address by the Chief Executive

The Chief Executive addressed the Council on the accountability of principal officials.

12 Members asked questions on the address and the Chief Executive replied.

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>
Hong Kong Airport (Control of Obstructions) (Exemption) (Amendment) Order 2002 (gazetted on 12.4.2002)	49/2002

Other Papers

- No.70 - Summaries and Revenue Analysis by Head
General Revenue Account
Estimates for the year ending 31 March 2003
(published on 6.3.2002)
- No.71 - Approved Estimates of Income and Expenditure for
the financial year 2002-03
Securities and Futures Commission
(published on 17.4.2002)

Questions

Written replies to Questions 1 to 20 were tabled for Members' information.

Bills

First Reading

Revenue Bill 2002
Revenue (No. 2) Bill 2002
Marine Fish Culture (Amendment) Bill 2002
United Nations (Anti-terrorism Measures) Bill
Occupational Deafness (Compensation) (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

Revenue Bill 2002 Revenue (No. 2) Bill 2002

The Secretary for the Treasury moved the Second Reading and addressed the Council on each of the above two Bills.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debates on the above Bills were adjourned and the Bills were referred to the House Committee.

Marine Fish Culture (Amendment) Bill 2002

The Secretary for the Environment and Food 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.

United Nations (Anti-terrorism Measures) 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.

Occupational Deafness (Compensation) (Amendment) Bill 2002

The Secretary for Education and Manpower 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.

Appropriation Bill 2002

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 6 March 2002 resumed.

The Chief Secretary for Administration, the Secretary for Health and Welfare and the Secretary for Education and Manpower spoke on the motion.

The Financial Secretary replied.

Question on the Second Reading 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 56 Members were present, 51 were in favour of the motion, three against it and one abstained. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Appropriation Bill 2002**.

In accordance with Rule 68 of the Rules of Procedure, the Committee first considered the schedule to the Bill.

Question that the sums for heads 21 to 31, 35, 37, 39, 40, 42 to 51, 53, 55, 56, 58, 60, 62, 63, 70, 72, 74, 76, 78, 79, 80, 82, 90, 91, 92, 94, 95, 96, 98, 100, 106, 110, 112, 114, 115, 116, 118, 120, 121, 130, 136, 142 to 155, 160, 162, 163, 166, 168, 170, 173, 174, 176, 177, 180, 181, 184, 186, 188, 190 and 194 stand part of the schedule proposed, put and agreed to.

Question that head 122 stand part of the schedule proposed.

Hon James TO moved that head 122 be reduced by \$60,394,000 in respect of subhead 000 and addressed the Committee.

The Secretary for Security spoke on the amendment.

Hon James TO spoke again.

Question on the amendment put.

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

The Chairman announced that among the Members returned by functional constituencies, 25 were present, four were in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 15 were in favour of the amendment and 14 against it. (Voting record in Appendix II.) 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 James TO moved that head 122 be reduced by \$94,355,000 in respect of subhead 103 and addressed the Committee.

The Secretary for Security spoke on the amendment.

Hon James TO spoke again.

Question on the amendment put.

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

The Chairman announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 14 were in favour of the amendment and 14 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 amendment was negatived.

Question that the sum for head 122 stand part of the schedule proposed, put and agreed to.

Question that the schedule stand part of the Bill put and agreed to.

Question that clauses 1 and 2 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Financial Secretary reported that

the **Appropriation Bill 2002**

had passed through the Committee without amendment. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed.

Hon Martin LEE requested the President to suspend the meeting to enable Members of the Democratic Party to discuss how they would vote on the motion.

The President approved the request and suspended the meeting at 6:14 pm.

At 6:25 pm, the Council resumed.

Question on the Third Reading put and agreed to.

Bill read the third time and passed.

Next Meeting

The President declared that the next meeting of the Council would be held on 24 April 2002 at 2:30 pm.

The Council was adjourned at 6:26 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

Appendix I

投票 VOTE: 1
日期 DATE: 17/04/2002
時間 TIME: 05:09:27 PM

動議 MOTION: 《2002年撥款條例草案》- 二讀
APPROPRIATION BILL 2002 - SECOND READING

動議人 MOVED BY: 財政司司長 Financial Secretary

出席 Present :56
投票 Vote :55
贊成 Yes :51
反對 No :3
棄權 Abstain :1
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	贊成	YES
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	贊成	YES
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek	贊成	YES
何秀蘭	Cyd HO	反對	NO	劉江華	LAU Kong-wah	贊成	YES
何俊仁	Albert HO	贊成	YES	劉皇發	LAU Wong-fat	贊成	YES
何鍾泰	Dr Raymond HO	贊成	YES	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan	贊成	YES	劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE	贊成	YES	劉慧卿	Emily LAU	棄權	ABSTAIN
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	贊成	YES
李華明	Fred LI	贊成	YES	司徒華	SZETO Wah	贊成	YES
呂明華	Dr LUI Ming-wah	贊成	YES	霍震霆	Timothy FOK	贊成	YES
吳亮星	NG Leung-sing	贊成	YES	羅致光	LAW Chi-kwong	贊成	YES
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	贊成	YES	石禮謙	Abraham SHEK		
張文光	CHEUNG Man-kwong	贊成	YES	李鳳英	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	贊成	YES
陳智思	Bernard CHAN	贊成	YES	陳偉業	Albert CHAN		
陳鑑林	CHAN Kam-lam	贊成	YES	梁富華	LEUNG Fu-wah	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	勞永樂	Dr LO Wing-lok	贊成	YES
梁耀忠	LEUNG Yiu-chung	反對	NO	黃成智	WONG Sing-chi	贊成	YES
單仲偕	SIN Chung-kai			馮檢基	Frederick FUNG	贊成	YES
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
黃宜弘	Dr Philip WONG	贊成	YES	劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	余若蕙	Audrey EU	贊成	YES
曾鈺成	TSANG Y'ok-sing	贊成	YES	馬達國	MA Fung kwok	贊成	YES

秘書 CLERK

Appendix II

投票 VOTE: 2
日期 DATE: 17/04/2002
時間 TIME: 05:53:13 PM

動議 MOTION: 《2002年撥款條例草案》- 全體委員會審議階段 - 為削減分目000而將總目122削減60,394,000元
APPROPRIATION BILL 2002 - COMMITTEE STAGE - HEAD 122 BE REDUCED BY \$60,394,000 IN RESPECT OF SUBHEAD 000

動議人 MOVED BY: 涂謹申 James TO

	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	30	
投票 Vote	25	29	
贊成 Yes	4	15	
反對 No	21	14	
棄權 Abstain	0	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	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	贊成 YES
李家祥 Eric LI		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	反對 NO	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	反對 NO	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		劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG	反對 NO	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	贊成 YES
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	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		黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying		馮檢基 Fredenck FUNG	反對 NO
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
勞永榮 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	反對 NO
		劉漢銓 Ambrose LAU	反對 NO
		馬達國 MA Fung kwok	反對 NO

秘書 CLERK

Appendix III

投票 VOTE: 3
 日期 DATE: 17/04/2002
 時間 TIME: 06:14:22 PM

動議 MOTION: 《2002年撥款條例草案》- 全體委員會審議階段 - 為削減分目103而將總目122削減94,355,000元
 APPROPRIATION BILL 2002 - COMMITTEE STAGE - HEAD 122 BE REDUCED BY \$94,355,000 IN RESPECT OF SUBHEAD 103

動議人 MOVED BY: 涂謹申 James TO

	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	24	29	
投票 Vote	24	28	
贊成 Yes	3	14	
反對 No	21	14	
棄權 Abstain	0	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	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	贊成 YES
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	反對 NO	涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG		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	反對 NO	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		劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG	反對 NO	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	贊成 YES
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		鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	
石禮謙 Abraham SHEK		黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	反對 NO
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		楊耀忠 YEUNG Yiu-chung	反對 NO
		劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	反對 NO

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