

# LEGISLATIVE COUNCIL

## MINUTES

No. 26

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Minutes of the meeting held on Wednesday 22 May 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 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 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 CHAN Yuen-han, JP

The Hon Timothy FOK Tsun-ting, SBS, JP

**Public officers attending:**

Mr Michael SUEN Ming-yeung, GBS, 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 Joseph WONG Wing-ping, GBS, JP  
Secretary for the Civil Service

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

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

Mrs Regina IP LAU Suk-yea, JP  
Secretary for Security

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

Ms Elaine CHUNG Lai-kwok, JP  
Secretary for Housing

Mr Keith KWOK Ka-keung, JP  
Secretary for Works

Mr Paul TANG Kwok-wai, JP  
Secretary for Transport

**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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
1. Registered Designs Ordinance (Amendment of Schedule) Regulation 2002 (gazetted on 17.5.2002)	65/2002
2. Patents Ordinance (Amendment of Schedule 1) Order 2002 (gazetted on 17.5.2002)	66/2002
3. Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation (gazetted on 17.5.2002)	67/2002
4. Trade Marks Ordinance (Amendment of Schedule) Order 2002 (gazetted on 17.5.2002)	68/2002
5. Rehabilitation Centres (Appointment) Order (gazetted on 17.5.2002)	69/2002
6. Drug Addiction Treatment Centre (Chi Ma Wan Drug Addiction Treatment Centre) (Amendment) Order 2002 (gazetted on 17.5.2002)	70/2002
7. Prisons (Amendment) (No. 2) Order 2002 (gazetted on 17.5.2002)	71/2002
8. Prisons (Hostel) (Amendment) Order 2002 (gazetted on 17.5.2002)	72/2002
9. Detention Centre (Consolidation) (Amendment) Order 2002 (gazetted on 17.5.2002)	73/2002
10. Rehabilitation Centres Ordinance (Cap. 567) (Commencement) Notice 2002 (gazetted on 17.5.2002)	74/2002
11. Rehabilitation Centres Regulation (Cap. 567 sub. leg.) (Commencement) Notice 2002 (gazetted on 17.5.2002)	75/2002
12. Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2002 (gazetted on 17.5.2002)	76/2002
13. Commodities Trading (Trading Limits and Position Limits) (Amendment) Rules 2002 (gazetted on 17.5.2002)	77/2002
14. Lands Tribunal (Amendment) Rules 2002 (gazetted	78/2002

- on 17.5.2002)
- |  |         |
|--|---------|
| 15. Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) Notice 2002 (gazetted on 17.5.2002)                                   | 79/2002 |
| 16. Dutiable Commodities (Amendment) Regulation 2001 (L.N. 248 of 2001) (Commencement) Notice 2002 (gazetted on 17.5.2002)                           | 80/2002 |
| 17. Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) (Commencement) Notice 2002 (gazetted on 17.5.2002) | 81/2002 |
| 18. Medical and Health Care (Miscellaneous Amendments) Ordinance 2002 (9 of 2002) (Commencement) Notice 2002 (gazetted on 17.5.2002)                 | 82/2002 |
| 19. Travel Agents (Amendment) Ordinance 2002 (10 of 2002) (Commencement) Notice 2002 (gazetted on 17.5.2002)   | 83/2002 |

#### **Other Papers**

Report of the Bills Committee on Hong Kong Court of Final Appeal (Amendment) Bill 2001 (published on 17.5.2002)

Report of the Bills Committee on Gambling (Amendment) Bill 2000 (published on 17.5.2002)

#### **Questions**

1. Hon LEUNG Fu-wah asked Question 1.

The Secretary for Housing replied.

Seven Members asked supplementaries and the Secretary for Housing replied.

2. Hon CHOY So-yuk asked Question 2.

The Secretary for Health and Welfare replied.

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

3. Hon Fred LI asked Question 3.

The Secretary for Works replied.

Nine Members asked supplementaries and the Secretary for Works replied.

4. Hon LAU Ping-cheung asked Question 4.

The Secretary for Planning and Lands replied.

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

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

The Secretary for Health and Welfare replied.

Nine Members asked supplementaries. The Secretary for Transport and the Secretary for Health and Welfare replied.

6. Hon LAU Kong-wah asked Question 6.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

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

## **Bills**

### **Second Reading**

#### **Hong Kong Court of Final Appeal (Amendment) Bill 2001**

#### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 13 June 2001 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Hong Kong Court of Final Appeal (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

The Chief Secretary for Administration 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 **Hong Kong Court of Final Appeal (Amendment) Bill 2001**.

Question that clauses 1, 2, 6, 7 and 8 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 4 and 5 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 3, 4 and 5, as amended, stand part of the Bill proposed, put and agreed to.

The heading before new clause 6A and new clause 6A read the first time.

The Chief Secretary for Administration moved the Second Reading of the heading before new clause 6A and new clause 6A and addressed the Committee.

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

The heading before new clause 6A and new clause 6A read the second time.

The Chief Secretary for Administration moved the addition of the heading before new clause 6A and new clause 6A to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

### Third Reading

The Chief Secretary for Administration reported that

the **Hong Kong Court of Final Appeal (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.

### **Gambling (Amendment) Bill 2000**

#### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 22 November 2000 resumed.

Hon Andrew CHENG, Chairman of the Bills Committee on Gambling (Amendment) Bill 2000, 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.

Another 12 Members spoke on the Bill.

The Secretary for Home Affairs replied.

Question on the Second Reading put.

Hon Andrew WONG claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 54 Members were present, 47 were in favour of the motion and six against it. (Voting record in the Appendix.) 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 **Gambling (Amendment) Bill 2000**.

Question that clauses 6, 7, 9 and 12 stand part of the Bill proposed, put and agreed to.

Question that clauses 1, 2, 3, 8, 10, 11, 13 and 14 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 1, 2, 3, 8, 10, 11, 13 and 14, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 4 stand part of the Bill proposed.

The Secretary for Home Affairs moved an amendment to clause 4 and addressed the Committee.

Question on the amendment put and agreed to.

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

Question that clause 5 stand part of the Bill proposed.

The Chairman stated that the Secretary for Home Affairs and Hon Cyd HO had separately given notice to move an amendment to clause 5 of the Bill. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Home Affairs to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Home Affairs moved an amendment to clause 5 and addressed the Committee.

Hon Cyd HO spoke on the Secretary for Home Affairs' amendment as well as her own proposed amendment.

Three Members spoke on the amendment and the proposed amendment.

The Secretary for Home Affairs spoke again.

Question on the amendment moved by the Secretary for Home Affairs put and agreed to.

The Chairman stated that as the Secretary for Home Affairs' amendment to clause 5 had been passed, Hon Cyd HO might not move her amendment which was inconsistent with the decision already taken.

Question that clause 5, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 6A, 11A, 11B and 13A read the first time.

The Secretary for Home Affairs moved the Second Reading of the aforesaid clauses and addressed the Committee.

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

New clauses 6A, 11A, 11B and 13A read the second time.

The Secretary for Home Affairs moved the addition of the aforesaid clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Home Affairs reported that

the **Gambling (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.

### **Members' Motions**

#### **Review of civil service pay policy and system**

Dr Hon LO Wing-lok moved the following motion and addressed the Council:

That this Council notes the interim report of the first-phase review by the Task Force on Review of Civil Service Pay Policy and System.

While Dr Hon LO Wing-lok was addressing the Council, the President left the chair at 6:56 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Question on the motion proposed.

15 Members spoke on the motion.

At 8:41 pm, the President resumed the chair.

The Secretary for Civil Service spoke on the motion.

Dr Hon LO Wing-lok 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 29 May 2002 at 2:30 pm.

The Council was adjourned at 8:57 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

投票 VOTE: 1  
 日期 DATE: 22/05/2002  
 時間 TIME: 06:14:13 PM

動議 MOTION: 《2000年賭博（修訂）條例草案》 - 二讀  
 GAMBLING (AMENDMENT) BILL 2000 - SECOND READING

動議人 MOVED BY: 民政事務局局长 Secretary for Home Affairs

出席 Present :54  
 投票 Vote :53  
     贊成 Yes :47  
     反對 No :6  
     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			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			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	贊成	YES
李家祥	Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	贊成	YES
李國寶	Dr David LI	反對	NO	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		
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	贊成	YES
張文光	CHEUNG Man-kwong	贊成	YES	李鳳英	Li Fung-ying		
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			麥國風	Michael MAK	贊成	YES
陳智思	Bernard CHAN	贊成	YES	陳偉業	Albert CHAN	贊成	YES
陳鑑林	CHAN Kam-lam	贊成	YES	梁富華	LEUNG Fu-wah		
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	贊成	YES	馮檢基	Frederick FUNG	贊成	YES
黃宏發	Andrew WONG	反對	NO	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	余若薇	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

