

LEGISLATIVE COUNCIL

MINUTES

No. 30

Minutes of the meeting held on Wednesday 19 June 2002 at 2:30 pm
and Thursday 20 June 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

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, 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
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

Member absent:

Dr the Hon David LI Kwok-po, GBS, JP

Public officers attending:

On 19.6.2002 and 20.6.2002

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

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

On 19.6.2002

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

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

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

Mr Francis HO Suen-wai, JP
Secretary for Commerce and Industry

Ms Elaine CHUNG Lai-kwok, JP
Secretary for Housing

On 20.6.2002

Mr Paul TANG Kwok-wai, JP
Secretary for Transport

Clerks in attendance:

On 19.6.2002 and 20.6.2002

Mr LAW Kam-sang, JP, Deputy Secretary General

On 19.6.2002

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

On 20.6.2002

Ms Pauline NG Man-wah, Assistant Secretary General (1)

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. Designation of Public Funeral Hall (Repeal) Order 2002 (gazetted on 14.6.2002)	101/2002
2. Hong Kong Court of Final Appeal (Amendment) Ordinance 2002 (11 of 2002) (Commencement) Notice 2002 (gazetted on 14.6.2002)	102/2002

Other Papers

- No.85 - Report of changes to the approved Estimates of Expenditure approved during the fourth quarter of 2001-02 (Public Finance Ordinance : Section 8) (published on 11.6.2002)
- No.86 - Audited Statement of Accounts of the Director of Social Welfare Incorporated together with the Director of Audit's Report for the year ended 31 March 2001 (published on 13.6.2002)

Questions

1. Hon MA Fung-kwok asked Question 1.
- The Secretary for Commerce and Industry replied.
- Six Members asked supplementaries and the Secretary for Commerce and Industry replied.
2. Hon WONG Sing-chi asked Question 2.
- The Secretary for Health and Welfare replied.
- Three Members, including Hon LAW Chi-kwong who declared an interest, asked supplementaries and the Secretary for Health and Welfare replied.
3. Hon Fred LI asked Question 3.
- The Secretary for Housing replied.
- Five Members asked supplementaries and the Secretary for Housing replied.

4. Hon Emily LAU asked Question 4.

The Secretary for Home Affairs replied.

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

5. Hon Abraham SHEK asked Question 5.

The Secretary for Home Affairs replied.

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

6. Hon LAU Kong-wah asked Question 6.

The Secretary for Housing replied.

Four Members asked supplementaries and the Secretary for Housing replied.

Written replies to Questions 7 to 15 were tabled for Members' information.

Bills

First Reading

Supplementary Appropriation (2001-2002) 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

Supplementary Appropriation (2001-2002) 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.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon LEUNG Yiu-chung requested the President to allow him to deliver, on behalf of Hon LAU Chin-shek, Hon LEE Cheuk-yan, Hon Michael MAK Kwok-fung and himself, a speech before they walked out in protest against the proposed resolution. The President disallowed the request.

The Secretary for Constitutional Affairs moved the motion in Appendix 1 and addressed the Council.

Question on the Secretary for Constitutional Affairs' motion proposed.

The President stated that seven Members had given notice to move amendments to the motion. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Hon Albert HO, Hon Frederick FUNG, Hon Andrew CHENG, Hon Fred LI, Hon LAW Chi-kwong, Hon Cyd HO and Hon SIN Chung-kai spoke respectively on the motion and their amendments.

Hon IP Kwok-him spoke on the motion as Chairman of the Subcommittee formed to study the Proposed Accountability System for Principal Officials and Related Issues, and then in his personal capacity.

While Hon IP Kwok-him was speaking, the President left the chair at 5:50 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Six Members and Hon Audrey EU spoke on the motion and the amendments.

At 7:21 pm, while Hon Audrey EU was speaking, the President resumed the chair.

Another 16 Members spoke on the motion and the amendments.

The Secretary for Constitutional Affairs spoke on the amendments.

Hon Albert HO moved the amendment in Appendix 2 to the Secretary for Constitutional Affairs' motion.

Question on Hon Albert HO's amendment to the Secretary for Constitutional Affairs' motion proposed and put.

Hon Albert HO 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, 26 were present, three were in favour of the amendment and 23 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 10 were in favour of the amendment, 13 against it and three abstained. (Voting record in Appendix 3.) 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 Mrs Selina CHOW rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions to be moved on the proposed resolution under the Interpretation and General Clauses Ordinance at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the President may order that the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Hon Frederick FUNG moved the amendment in Appendix 4 to the Secretary for Constitutional Affairs' motion.

Question on Hon Frederick FUNG's amendment to the Secretary for Constitutional Affairs' motion proposed and put.

Hon Frederick FUNG claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, two were in favour of the amendment, 21 against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, two were in favour of the amendment, 12 against it and 12 abstained. (Voting record in Appendix 5.) 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 Andrew CHENG moved the amendment in Appendix 6 to the Secretary for Constitutional Affairs' motion.

Question on Hon Andrew CHENG's amendment to the Secretary for Constitutional Affairs' motion proposed and put.

Hon Andrew CHENG claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, three were in favour of the amendment, 22 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, nine were in favour of the amendment, 14 against it and three abstained. (Voting record in Appendix 7.) 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 Fred LI moved the amendment in Appendix 8 to the Secretary for Constitutional Affairs' motion.

Question on Hon Fred LI's amendment to the Secretary for Constitutional Affairs' motion proposed and put.

Dr Hon YEUNG Sum claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, four were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 12 were in favour of the amendment, 12 against it and two abstained. (Voting record in Appendix 9.) 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 LAW Chi-kwong moved the amendment in Appendix 10 to the Secretary for Constitutional Affairs' motion.

Question on Hon LAW Chi-kwong's amendment to the Secretary for Constitutional Affairs' motion proposed and put.

Hon LAW Chi-kwong claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, four were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 10 were in favour of the amendment, 13 against it and three abstained. (Voting record in Appendix 11.) 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 Cyd HO moved the amendment in Appendix 12 to the Secretary for Constitutional Affairs' motion.

Question on Hon Cyd HO's amendment to the Secretary for Constitutional Affairs' motion proposed, put and negatived.

Hon SIN Chung-kai moved the amendment in Appendix 13 to the Secretary for Constitutional Affairs' motion.

Question on Hon SIN Chung-kai's amendment to the Secretary for Constitutional Affairs' motion proposed and put.

Hon SIN Chung-kai claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, four were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 10 were in favour of the amendment, 13 against it and three abstained. (Voting record in Appendix 14.) 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.

The Secretary for Constitutional Affairs replied.

Question on the Secretary for Constitutional Affairs' motion put.

Hon Emily LAU claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that 58 Members were present, 36 were in favour of the motion and 21 against it. (Voting record in Appendix 15.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

The President suspended the meeting at 10:02 pm.

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The Council resumed at 9:30 am on 20 June 2002.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Dr Hon YEUNG Sum moved the motion in Appendix 16 and addressed the Council.

Question on Dr Hon YEUNG Sum's motion proposed.

The President stated that Hon Albert HO 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 Albert HO moved the amendment in Appendix 17 to Dr Hon YEUNG Sum's motion and addressed the Council.

Question on Hon Albert HO's amendment to Dr Hon YEUNG Sum's motion proposed.

A Member spoke on the motion and the amendment.

Dr Hon YEUNG Sum spoke on the amendment.

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

Question on Hon Albert HO's amendment to Dr Hon YEUNG Sum's motion put.

Dr Hon YEUNG Sum 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, 18 were present, two were in favour of the amendment and 16 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 18 were present, six were in favour of the amendment and 11 against it. (Voting record in Appendix 18.) 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.

Dr Hon YEUNG Sum replied.

Question on Dr Hon YEUNG Sum's motion put.

Dr Hon YEUNG Sum 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, 20 were present, three were in favour of the motion and 17 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 19 were present, five were in favour of the motion and 13 against it. (Voting record in Appendix 19.) 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.

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon CHEUNG Man-kwong moved the motion in Appendix 20 and addressed the Council.

Question on Hon CHEUNG Man-kwong's motion proposed.

The President stated that Hon Albert HO 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 Albert HO moved the amendment in Appendix 21 to Hon CHEUNG Man-kwong's motion and addressed the Council.

Question on Hon Albert HO's amendment to Hon CHEUNG Man-kwong's motion proposed.

Six Members spoke on the motion and the amendment.

Hon CHEUNG Man-kwong spoke on the amendment.

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

Question on Hon Albert HO's amendment to Hon CHEUNG Man-kwong's motion put.

Hon CHEUNG Man-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, 25 were present, three were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, nine were in favour of the amendment and 12 against it. (Voting record in Appendix 22.) 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 CHEUNG Man-kwong replied.

Question on Hon CHEUNG Man-kwong's motion put.

Hon CHEUNG Man-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, 26 were present, four were in favour of the motion and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, nine were in favour of the motion and 12 against it. (Voting record in Appendix 23.) 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.

Determining the fares of new railways

Hon Andrew CHENG moved the following motion and addressed the Council:

That, as the construction costs of both the MTR Tseung Kwan O Extension and the West Rail, which will soon be commissioned, have decreased significantly from the original estimates of \$30.5 billion and \$64 billion to \$18 billion and \$46.4 billion respectively, this Council urges the Government to discuss with the two railway corporations to ensure that the decreased construction costs of these new railways are factored in the fares of the rail lines, so as to alleviate the burden of transport expenses on the public.

Question on the motion proposed.

Five Members and Hon HUI Cheung-ching spoke on the motion.

While Hon HUI Cheung-ching was speaking, the President left the chair at 11:24 am temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another five Members and the Secretary for Transport spoke on the motion.

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

Hon Andrew CHENG replied.

Question on the motion put.

Hon Andrew CHENG 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, 15 were in favour of the motion, six against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, 22 were in favour of the motion and one against it. (Voting record in Appendix 24.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Improving the imbalance in the utilization ratio between public and private medical services

Hon Michael MAK moved the following motion and addressed the Council:

That, as currently the serious imbalance in the utilization ratio between public and private medical services has drastically increased the workload for and pressure on the staff providing public medical services, this Council urges the Government to actively face up to the problem and expeditiously adopt the following improvement measures to prevent a decline in the quality of public medical services, including:

- (a) deploying resources appropriately and strengthening professional training, so as to assist the staff providing public medical services in coping with the service demand;
- (b) strengthening co-operation between public and private medical institutions, and encouraging private medical institutions to provide a higher level of services and enhance the transparency of their charges, so as to attract more people who can afford such charges to use private medical services; and
- (c) strengthening the co-ordination among relevant departments, so as to formulate long-term goals and strategies for vigorously pursuing the promotion of primary health education and disease prevention.

Question on the motion proposed.

11 Members and the Secretary for Health and Welfare spoke on the motion.

Hon Michael MAK 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 26 June 2002 at 2:30 pm.

The Council was adjourned at 2:05 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong