

LEGISLATIVE COUNCIL

MINUTES

No. 2

Minutes of the meeting held on Wednesday 15 October 2003 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

Dr the Hon Eric LI Ka-cheung, 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, GBS, JP

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching, JP
The Hon CHAN Kwok-keung, JP
The Hon CHAN Yuen-han, JP
The Hon Bernard CHAN, JP
The Hon CHAN Kam-lam, JP
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, GBS
The Hon WONG Yung-kan
The Hon Jasper TSANG Yok-sing, GBS, JP
The Hon Howard YOUNG, SBS, JP
Dr the Hon YEUNG Sum
The Hon YEUNG Yiu-chung, BBS
The Hon LAU Chin-shek, JP
The Hon LAU Kong-wah, JP
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
Dr 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, JP
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, JP
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, JP

Member absent:

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

Public officers attending:

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

The Hon Henry TANG Ying-yen, GBS, JP
The Financial Secretary

The Hon Elsie LEUNG Oi-sie, GBM, JP
The Secretary for Justice

The Hon Michael SUEN Ming-yeung, GBS, JP
Secretary for Housing, Planning and Lands

Prof the Hon Arthur LI Kwok-cheung, GBS, JP
Secretary for Education and Manpower

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

Dr the Hon Patrick HO Chi-ping, JP
Secretary for Home Affairs

Dr the Hon Sarah LIAO Sau-tung, JP
Secretary for the Environment, Transport and Works

The Hon Frederick MA Si-hang, JP
Secretary for Financial Services and the Treasury

The Hon Stephen LAM Sui-lung, JP
Secretary for Constitutional Affairs

The Hon Ambrose LEE Siu-kwong, IDSM, 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. Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2003 (gazetted on 10.10.2003)	214/2003
2. Declaration of Geographical Constituencies (Legislative Council) Order 2003 (gazetted on 10.10.2003)	215/2003
3. Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2003 (gazetted on 10.10.2003)	216/2003
4. Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2003 (gazetted on 10.10.2003)	217/2003
5. Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) (Amendment) Regulation 2001 (L.N. 100 of 2002) (Commencement) Notice 2003 (gazetted on 10.10.2003)	218/2003
6. Gambling (Amendment) Regulation 2002 (L.N. 92 of 2002) (Commencement) Notice 2003 (gazetted on 10.10.2003)	219/2003

Other Papers

No.4	-	Report by the Trustee of the Prisoners' Education Trust Fund for the period from 1 April 2002 to 31 March 2003 (published on 8.10.2003)
No.5	-	Electrical and Mechanical Services Trading Fund Annual Report 2002/03 (published on 8.10.2003)
No.6	-	Urban Renewal Authority Annual Report 2002-2003 (published on 9.10.2003)
No.7	-	Electoral Affairs Commission Report on the Recommended Delineation of Geographical Constituencies for the 2004 Legislative Council Elections (published on 10.10.2003)
No.8	-	The Government Minute in response to the Report No. 40 of the Public Accounts Committee dated July 2003 (published on 15.10.2003)

- No.9 - The Legislative Council Commission's Response to Public Accounts Committee Report No. 40 on "Subvention for Staff Emoluments of The Legislative Council Commission" (published on 15.10.2003)

Addresses

The Chief Secretary for Administration addressed the Council on the Government Minute in response to Report No. 40 of the Public Accounts Committee dated July 2003.

Hon Miriam LAU, Deputy Chairman of The Legislative Council Commission, addressed the Council on the Commission's Response to Public Accounts Committee Report No. 40 on "Subvention for Staff Emoluments of The Legislative Council Commission".

Questions

1. Hon LEUNG Yiu-chung asked Question 1.

The Secretary for Education and Manpower replied.

Four Members asked supplementaries and the Secretary for Education and Manpower replied.

2. Hon Frederick FUNG asked Question 2.

The Secretary for Home Affairs replied.

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

3. Hon Andrew CHENG asked Question 3.

The Secretary for the Environment, Transport and Works replied.

Six Members asked supplementaries and the Secretary for the Environment, Transport and Works replied.

4. Hon Michael MAK asked Question 4.

The Chief Secretary for Administration replied.

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

5. Hon James TO asked Question 5.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

6. Hon Emily LAU asked Question 6.

The Secretary for Financial Services and the Treasury replied.

Three Members asked supplementaries and the Secretary for Financial Services and the Treasury replied.

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

Statements

The Secretary for Housing, Planning and Lands made a statement on the Government's policy on housing.

Six Members asked questions to seek elucidation on the statement and the Secretary for Housing, Planning and Lands replied.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that in relation to the -

- (a) Registration of Persons (Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 165 of 2003;
- (b) International Organizations (Privileges and Immunities) (Office of the Commission of the European Communities) Order, published in the Gazette as Legal Notice No. 166 of 2003;

- (c) Administration of Estates by Consular Officers Ordinance (Amendment of Schedule) Order 2003, published in the Gazette as Legal Notice No. 167 of 2003;
- (d) Consular Conventions (Application of Section 3) Order, published in the Gazette as Legal Notice No. 168 of 2003; and
- (e) Statutes of the University of Hong Kong (Amendment) (No. 2) Statutes 2003, published in the Gazette as Legal Notice No. 186 of 2003,

and laid on the table of the Legislative Council on 9 July 2003, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) and deemed to be extended under section 34(3) of that Ordinance, be extended under section 34(4) of that Ordinance to the meeting of 5 November 2003.

Question on the motion proposed, put and agreed to.

Better contingency mechanism and preventive measures on the Severe Acute Respiratory Syndrome

After declaring his interest as an employee of the Hospital Authority, Hon Michael MAK moved the following motion and addressed the Council:

That, in view of the possible resurgence of the Severe Acute Respiratory Syndrome (SARS), this Council urges the Government to devise a better contingency mechanism and adopt preventive measures to safeguard public health and ensure that the spread of the disease can be effectively contained in case of an outbreak, with a view to minimizing the damage; these measures should include:

- (a) enhancing the coordination and collaboration of the work of public and private medical institutions as well as residential care homes for the elderly in the treatment and prevention of SARS, and issuing standardized guidelines in this respect;
- (b) providing sufficient and proper protective gears as well as infection control training to front-line health care workers to ensure that they work in a safe environment;
- (c) expediting the construction of isolation facilities in public hospitals;
- (d) establishing a clear mechanism for reporting confirmed and suspected SARS cases for public and private medical institutions;

- (e) implementing primary health education more extensively in the community and at schools so as to enhance public understanding and awareness of infectious diseases;
- (f) promoting continuously with all efforts the territory-wide participation in sustainable measures on public health and cleanliness; and
- (g) vigorously enforcing quarantine and health measures at exit and entry points.

Question on Hon Michael MAK's motion proposed.

The President stated that Hon CHAN Kwok-keung and Hon Mrs Sophie LEUNG would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Hon CHAN Kwok-keung and Hon Mrs Sophie LEUNG spoke respectively on the motion and their amendments.

Dr Hon LAW Chi-kwong spoke on the motion and the amendments. While he was speaking, the President left the chair at 5:50 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Another nine Members spoke on the motion and the amendments.

Hon Michael MAK spoke on the amendments.

At 6:53 pm, while Hon Michael MAK was speaking, the President resumed the chair.

The Secretary for Health, Welfare and Food spoke on the motion and the amendments.

Hon CHAN Kwok-keung moved the following amendment to Hon Michael MAK's motion:

To add "in winter" after "That, in view of the possible resurgence of the Severe Acute Respiratory Syndrome (SARS)"; to delete "and" after "(f) promoting continuously with all efforts the territory-wide participation in sustainable measures on public health and cleanliness;" and to add "; and (h) implementing as soon as possible the recommendations of the SARS Expert Committee" after "(g) vigorously enforcing quarantine and health measures at exit and entry points".

Question on Hon CHAN Kwok-keung's amendment to Hon Michael MAK's motion proposed, put and agreed to.

The President stated that as Hon CHAN Kwok-keung's amendment had been agreed, she granted leave for Hon Mrs Sophie LEUNG to

revise the terms of her amendment and explain them to the Council.

Hon Mrs Sophie LEUNG moved the following revised amendment to Hon Michael MAK's motion as amended by Hon CHAN Kwok-keung and explained the revised terms of her amendment to the Council:

To delete "and" after "(g) vigorously enforcing quarantine and health measures at exit and entry points;" and to add "; and (i) taking into full consideration the views of the Legislative Council Panel on Health Services on the Report of the SARS Expert Committee" after "(h) implementing as soon as possible the recommendations of the SARS Expert Committee".

Question on Hon Mrs Sophie LEUNG's further amendment to Hon Michael MAK's motion as amended by Hon CHAN Kwok-keung proposed, put and agreed to.

Question on Hon Michael MAK's motion as amended by Hon CHAN Kwok-keung and Hon Mrs Sophie LEUNG put and agreed to.

Boundary crossing arrangements for Mainlanders visiting Hong Kong individually

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

That, as the relaxation of restrictions on Mainlanders visiting Hong Kong individually has led to a substantial increase in the tourist arrivals from the Mainland, imposing heavy pressure on immigration and customs clearance at border control points, this Council urges the Government to expedite and implement the various boundary crossing infrastructural projects, upgrade the supporting facilities for immigration and customs clearance at border control points, and make flexible arrangements as well as deploy sufficient manpower for clearance processing at border control points, so as to facilitate the cross-boundary passenger flow to the fullest extent.

Question on Hon Miriam LAU's motion proposed.

The President stated that Hon James TO 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 James TO moved the following amendment to Hon Miriam LAU's motion and addressed the Council:

To delete "sufficient" after "and make flexible arrangements as well as deploy" and substitute with "additional"; and to add "on the one hand, and keep close watch on security at

border crossings on the other, sparing no effort in detecting and investigating criminal activities including theft, smuggling of contraband, etc. at border control points, in order to uphold the rule of law and safeguard the safety of inbound travellers and Hong Kong people" after "so as to facilitate the cross-boundary passenger flow to the fullest extent".

Question on Hon James TO's amendment to Hon Miriam LAU's motion proposed.

Eight Members spoke on the motion and the amendment.

Hon Mrs Selina CHOW declared interest as the Chairman of Hong Kong Tourism Board and spoke on the motion and the amendment.

Another two Members spoke on the motion and the amendment.

Hon Miriam LAU spoke on the amendment.

The Secretary for Security spoke on the motion and the amendment.

Question on Hon James TO's amendment to Hon Miriam LAU's motion put and agreed to.

Hon Miriam LAU replied.

Question on Hon Miriam LAU's motion as amended by Hon James TO put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 16 October 2003 at 3:00 pm.

The Council was adjourned at 9:24 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong