

# LEGISLATIVE COUNCIL

## MINUTES

### No. 5

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Minutes of the meeting held on Wednesday 29 October 2003 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

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

**Members absent:**

The Hon Timothy FOK Tsun-ting, SBS, JP

The Hon Henry WU King-cheong, BBS, JP

**Public officers attending:**

The Hon Donald TSANG Yam-kuen, GBM, JP

The Chief Secretary for Administration

The Hon Stephen IP Shu-kwan, GBS, JP

The Financial Secretary, and  
Secretary for Economic Development and Labour

The Hon Elsie LEUNG Oi-sie, GBM, JP

The Secretary for Justice

Dr the Hon YEOH Eng-kiong, JP

Secretary for Health, Welfare and Food

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

The Hon Ambrose LEE Siu-kwong, IDSM, JP  
Secretary for Security

The Hon John TSANG Chun-wah, JP  
Secretary for Commerce, Industry and Technology

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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

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. Food Adulteration (Artificial Sweeteners) (Amendment) Regulation 2003 (gazetted on 24.10.2003)	225/2003
2. Food and Drugs (Composition and Labelling) (Amendment) Regulation 2003 (gazetted on 24.10.2003)	226/2003
3. Chinese Medicine Ordinance (Cap. 549) (Commencement) (No. 2) Notice 2003 (gazetted on 24.10.2003)	227/2003
4. Chinese Medicine (Fees) Regulation (Cap. 549 sub. leg. E) (Commencement) (No. 2) Notice 2003 (gazetted on 24.10.2003)	228/2003
5. Chinese Medicines Regulation (Cap. 549 sub. leg. F) (Commencement) (No. 2) Notice 2003 (gazetted on 24.10.2003)	229/2003
6. Harmful Substances in Food (Amendment) Regulation 2001 (L.N. 148 of 2001) (Commencement) Notice 2003 (gazetted on 24.10.2003)	230/2003
7. Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub. leg. N) (Commencement) Notice 2003 (gazetted on 24.10.2003)	231/2003
8. Prevention of Child Pornography Ordinance (31 of 2003) (Commencement) Notice 2003 (gazetted on 24.10.2003)	232/2003
9. Trade Descriptions (Country of Origin) (Watches) (Amendment) Order 2003 (gazetted on 24.10.2003)	233/2003
10. Trade Descriptions (Place of Manufacture) (Piece-Knitted Garments) Notice (gazetted on 24.10.2003)	234/2003

### **Other Papers**

- No.14 - Audited Statement of Accounts and Auditors' Report for the Fish Marketing Organization for the year ended 31 March 2003 (published on 21.10.2003)

- No.15 - Audited Statement of Accounts and Auditors' Report for the Vegetable Marketing Organization for the year ended 31 March 2003 (published on 21.10.2003)
- No.16 - Marine Fish Scholarship Fund Trustee's Report and Audited Statement of Accounts and Auditors' Report for the Fund for the year ended 31 March 2003 (published on 21.10.2003)
- No.17 - Agricultural Products Scholarship Fund Trustee's Report and Audited Statement of Accounts and Auditors' Report for the Fund for the year ended 31 March 2003 (published on 21.10.2003)
- No.18 - The Government Minute in response to the Fifteenth Annual Report of the Ombudsman issued in June 2003 (published on 29.10.2003)
- No.19 - Office of the Telecommunications Authority Trading Fund Report 2002/03 (published on 27.10.2003)

### **Address**

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the Fifteenth Annual Report of the Ombudsman issued in June 2003.

### **Questions**

1. Hon CHAN Kam-lam asked Question 1.

The Secretary for Commerce, Industry and Technology replied.

Seven Members asked supplementaries and the Secretary for Commerce, Industry and Technology replied.

2. Hon Michael MAK asked Question 2.

The Secretary for Health, Welfare and Food replied.

Five Members asked supplementaries and the Secretary for Health, Welfare and Food replied.

3. Hon LAU Wong-fat asked Question 3.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

4. Hon CHOY So-yuk asked Question 4.

The Secretary for the Environment, Transport and Works replied.

At 3:25 pm, while the Secretary for the Environment, Transport and Works was answering the question, there was an uproar in the Public Gallery caused by a man yelling noisily. As the man refused to stop yelling, the President ordered that he be removed. Security staff escorted the man away from the Chamber accordingly.

The Secretary for the Environment, Transport and Works continued to answer the question.

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

5. Hon LAU Kong-wah asked Question 5.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

6. Hon Mrs Selina CHOW asked Question 6.

The Secretary for Commerce, Industry and Technology replied.

Five Members asked supplementaries and the Secretary for Commerce, Industry and Technology replied.

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

## **Bills**

### **Second Reading**

#### **Import and Export (Facilitation) Bill 2003**

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

The debate on the Second Reading which had been moved on 25 June 2003 resumed.

One Member spoke on the Bill.

The Secretary for Commerce, Industry and Technology 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 **Import and Export (Facilitation) Bill 2003**.

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

Question that schedules 1 to 5 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Commerce, Industry and Technology reported that

the **Import and Export (Facilitation) Bill 2003**

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, put and agreed to.

Bill read the third time and passed.

### **Motions**

#### **Proposed resolution under the District Court Ordinance**

The Chief Secretary for Administration moved the following motion and addressed the Council:

Resolved that, with effect from 1 December 2003, the District Court Ordinance (Cap. 336) be amended in the provisions specified below by repealing "\$600,000" wherever it appears and substituting "\$1,000,000" -

(a) section 32(1) and (3);



- (b) section 33(1)(b);
- (c) section 37(2)(i), (ii) and (iv); and
- (d) section 52(1)(a) and (d).

Question on the motion proposed, put and agreed to.

**Proposed resolution under the Mutual Legal Assistance in Criminal Matters Ordinance**

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

Resolved that the Mutual Legal Assistance in Criminal Matters (Netherlands) Order, made by the Chief Executive in Council on 7 October 2003, be approved.

Question on the motion proposed.

Hon James TO, Chairman of the Subcommittee on the Mutual Legal Assistance in Criminal Matters (Ireland) Order and the Mutual Legal Assistance in Criminal Matters (Netherlands) Order, spoke on the motion.

Question on the motion put and agreed to.

**Members' Motions**

**Appointment of a select committee**

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

That this Council appoints a select committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority in order to examine the performance and accountability of the Government and the Hospital Authority and their officers at policy-making and management levels in that regard; and that in the performance of its duties the committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance.

Question on the motion proposed.

Five Members spoke on the motion.

Hon Michael MAK declared his interest as an employee of the Hospital Authority and spoke on the motion.

The Chief Secretary for Administration spoke on the motion.

Dr Hon LAW Chi-kwong replied.

Question on the motion put and agreed to.

**Reducing gas, electricity and water charges**

Hon TAM Yiu-chung moved the following motion and addressed the Council:

That, as various public transport operators have reduced their fares or offered concessions to passengers, this Council urges the Government to adopt the following measures to further alleviate the burden on the public and the commercial and industrial sectors, and speed up the economic recovery of Hong Kong, thereby promoting employment:

- (a) expeditiously discussing with the gas company and the two power companies and encouraging them to reduce their charges or provide concessions to consumers;
- (b) lowering the permitted rates of return of the two power companies in the interim review on their Schemes of Control; and
- (c) expeditiously consulting with the Government of Guangdong Province on entering into a new agreement on the supply of Dongjiang water and introducing a clause that allows flexibility in the supply of water, and returning to consumers all the savings derived from the purchase of Dongjiang water.

Question on Hon TAM Yiu-chung's motion proposed.

The President stated that Hon Fred LI 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 Fred LI moved the following amendment to Hon TAM Yiu-chung's motion and addressed the Council:

To delete "as various" after "That," and substitute with "although individual"; to add "through interchange schemes, not all members of the public have benefited from these concessions; hence" after "public transport operators have reduced their fares or offered concessions to passengers"; to delete "lowering the permitted rates of return" after "(b)" and substitute with "striving to amend the Schemes of Control"; to add ", including the method for calculating their returns," after "of the two power companies"; to delete "on

their Schemes of Control" after "in the interim review"; and to add ", as well as exploring other water sources so as to increase the supply of potable water" after "and returning to consumers all the savings derived from the purchase of Dongjiang water".

Question on Hon Fred LI's amendment to Hon TAM Yiu-chung's motion proposed.

15 Members spoke on the motion and the amendment.

Hon TAM Yiu-chung spoke on the amendment.

The Secretary for Economic Development and Labour spoke on the motion and the amendment.

Question on Hon Fred LI's amendment to Hon TAM Yiu-chung's motion put.

Hon IP Kwok-him 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, 12 were in favour of the amendment, three against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, 17 were in favour of the amendment, one against it and five abstained. (Voting record in the Appendix.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amendment was agreed.

Hon TAM Yiu-chung replied.

Question on Hon TAM Yiu-chung's motion as amended by Hon Fred LI put and agreed to.

### **Expectations for the implementation of policies**

Dr Hon YEUNG Sum moved the following motion and addressed the Council:

That this Council urges the Government to prudently consider the expectations of the Members of this Council for the 2004 Policy Address.

While Dr Hon YEUNG Sum was addressing the Council, the President left the chair at 7:48 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

10 Members and Hon Margaret NG spoke on the motion.

At 9:10 pm, while Hon Margaret NG was speaking, the President resumed the chair.

Another 14 Members and the Chief Secretary for Administration spoke on the motion.

Dr Hon YEUNG Sum 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 5 November 2003 at 2:30 pm.

The Council was adjourned at 10:47 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

投票 VOTE: 1  
 日期 DATE: 29/10/2003  
 時間 TIME: 07:43:38 下午

動議 MOTION: 李華明議員對譚耀宗議員就「調低煤氣費、電費及水費」所提議案作出的修正案  
 AMENDMENT BY HON FRED LI TO HON TAM YIU-CHUNG'S MOTION ON "REDUCING GAS, ELECTRICITY AND WATER CHARGES"

動議人 MOVED BY: 李華明 Fred LI

	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	18	24	
投票 Vote	18	23	
贊成 Yes	12	17	
反對 No	3	1	
棄權 Abstain	3	5	
結果 Result	通過 Passed	通過 Passed	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
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
丁午壽 Kenneth TING	贊成 YES	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	贊成 YES	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 Dr 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		涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	
周梁淑怡 Mrs Selina CHOW	贊成 YES	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching		黃宏發 Andrew WONG	
陳國強 CHAN Kwok-keung	棄權 ABSTAIN	曾鈺成 TSANG Yok-sing	棄權 ABSTAIN
陳智思 Bernard CHAN		楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	
黃宜弘 Dr Philip WONG	反對 NO	劉慧卿 Emily LAU	贊成 YES
黃容根 WONG Yung-kan		蔡素玉 CHOY So-yuk	棄權 ABSTAIN
楊孝華 Howard YOUNG	贊成 YES	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	贊成 YES	譚耀宗 TAM Yiu-chung	棄權 ABSTAIN
霍震霆 Timothy FOK		鄧兆棠 Dr TANG Siu-tong	贊成 YES
羅致光 Dr 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	贊成 YES	馮檢基 Frederick FUNG	
胡經昌 Henry WU		余若薇 Audrey EU	
張宇人 Tommy CHEUNG		<b>選舉委員會 Election Committee</b>	
麥國風 Michael MAK	贊成 YES	范徐麗泰 Mrs Rita FAN	出席 PRESENT
梁富華 LEUNG Fu-wah	棄權 ABSTAIN	朱幼麟 Dr David CHU	贊成 YES
勞永樂 Dr LO Wing-lok		吳亮星 NG Leung-sing	反對 NO
葉國謙 IP Kwok-him	棄權 ABSTAIN	楊耀忠 YEUNG Yiu-chung	棄權 ABSTAIN
劉炳章 LAU Ping-cheung		劉漢銓 Ambrose LAU	
		馬逢國 MA Fung kwok	贊成 YES