

LEGISLATIVE COUNCIL

MINUTES

No. 23

Minutes of the meeting held on Wednesday 24 March 2004 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

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

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 Audrey EU Yuet-mee, SC, JP

The Hon MA Fung-kwok, JP

Member absent:

The Hon LAU Ping-cheung

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

The Hon Stephen IP Shu-kwan, GBS, JP
Secretary for Economic Development and Labour

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

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

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. Shipping and Port Control Regulations (Amendment of Eighteenth Schedule) Notice 2004 (gazetted on 19.3.2004)	42/2004
2. Animals and Plants (Protection of Endangered Species) (Exemption) (Amendment) Order 2004 (L.N. 5 of 2004) (Commencement) Notice 2004 (gazetted on 19.3.2004)	43/2004
3. Animals and Plants (Protection of Endangered Species) Ordinance (Amendment of Schedules) Notice 2004 (L.N. 6 of 2004) (Commencement) Notice 2004 (gazetted on 19.3.2004)	44/2004

Other Papers

- No.73 - AIDS Trust Fund 2002-2003 Annual Accounts together with the Director of Audit's Report (published on 17.3.2004)
- No.74 - Audited Statement of Accounts of the Hong Kong Rotary Club Students' Loan Fund together with the Director of Audit's Report for the year ended 31 August 2003 (published on 18.3.2004)
- No.75 - Audited Statement of Accounts of the Sing Tao Foundation Students' Loan Fund together with the Director of Audit's Report for the year ended 31 August 2003 (published on 18.3.2004)

Report of the Bills Committee on Copyright (Amendment) Bill 2001 and Copyright (Amendment) Bill 2003 in respect of the second bill (published on 17.3.2004)

Questions

1. Hon Kenneth TING asked Question 1.

The Secretary for Commerce, Industry and Technology replied.

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

2. Hon WONG Sing-chi asked Question 2.

The Secretary for Health, Welfare and Food replied.

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

3. Hon LEUNG Fu-wah asked Question 3.

The Secretary for Security replied.

Nine Members asked supplementaries and the Secretary for Security replied.

4. Hon Albert HO asked Question 4.

The Secretary for Housing, Planning and Lands replied.

Six Members asked supplementaries and the Secretary for Housing, Planning and Lands replied.

5. Hon TAM Yiu-chung asked Question 5.

The Secretary for Housing, Planning and Lands replied.

Six Members asked supplementaries. The Secretary for Housing, Planning and Lands and the Secretary for Health, Welfare and Food replied.

6. Hon Abraham SHEK asked Question 6.

The Secretary for Education and Manpower replied.

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

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

Bills

First Reading

**Merchant Shipping (Security of Ships and Port Facilities) Bill
Airport Authority (Amendment) Bill 2004**

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

Merchant Shipping (Security of Ships and Port Facilities) Bill

The Secretary for Economic Development and Labour 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.

Airport Authority (Amendment) Bill 2004

The Secretary for Financial Services and 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.

Copyright (Amendment) Bill 2003

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 12 February 2003 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee to study Bills including the Copyright (Amendment) Bill 2003, addressed the Council on the Bills Committee's report in respect of the Bill. After the address, he spoke on the Bill in his personal capacity as a Member.

Another three Members 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 **Copyright (Amendment) Bill 2003**.

Question that clauses 1 to 13 stand part of the Bill proposed.

The Secretary for Commerce, Industry and Technology moved amendments to clauses 1 and 4 and the deletion of clauses 2, 3 and 5 to 13 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to clauses 2, 3 and 5 to 13, which dealt with deletion, had been agreed, these clauses were therefore deleted from the Bill.

Question that clauses 1 and 4, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 3A, 7A, 7B, 7C, new heading before new clause 14 and new clause 14 read the first time.

The Secretary for Commerce, Industry and Technology moved the Second Reading of the aforesaid heading and clauses and addressed the Committee.

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

New clauses 3A, 7A, 7B, 7C, new heading before new clause 14 and new clause 14 read the second time.

The Secretary for Commerce, Industry and Technology moved the addition of the aforesaid heading and clauses to the Bill.

Question on the addition proposed, put and agreed to.

Question that schedules 1 and 2 stand part of the Bill proposed.

The Secretary for Commerce, Industry and Technology moved the deletion of schedules 1 and 2 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to schedules 1 and 2, which dealt with deletion, had been agreed, the schedules were therefore deleted from the Bill.

Question that the long title stand part of the Bill proposed.

The Secretary for Commerce, Industry and Technology moved an amendment to the long title and addressed the Committee.

Question on the amendment put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Commerce, Industry and Technology reported that

the **Copyright (Amendment) Bill 2003**

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.

Motions

Proposed resolution under the Dutiable Commodities Ordinance

The Secretary for Financial Services and the Treasury moved the following motion and addressed the Council:

Resolved that Schedule 1 to the Dutiable Commodities Ordinance be amended, in paragraph 1A of Part III -

- (a) in subparagraph (a), by repealing "31 March 2004" and substituting "31 December 2004";
- (b) in subparagraph (b), by repealing "1 April 2004" and substituting "1 January 2005".

Question on the motion proposed.

Three Members spoke on the motion.

The Secretary for Financial Services and the Treasury replied.

Question on the motion put and agreed to.

Proposed resolution under the Copyright (Suspension of Amendments) Ordinance 2001

The Secretary for Commerce, Industry and Technology moved the following motion and addressed the Council:

Resolved that the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2004, made by the Secretary for Commerce, Industry and Technology on 3 March 2004, be approved.

Question on the motion proposed.

One Member spoke on the motion.

The Secretary for Commerce, Industry and Technology replied.

Question on the motion put and agreed to.

Members' Bills

First Reading

Professional Accountants (Amendment) Bill 2004

Standard Chartered Bank (Hong Kong) Limited (Merger) Bill

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.

The President stated that as the Professional Accountants (Amendment) Bill 2004 and the Standard Chartered Bank (Hong Kong) Limited (Merger) Bill presented by Dr Hon Eric LI and Dr Hon David LI respectively related to Government policies, in accordance with Rule 54(1) of the Rules of Procedure, the signification of the written consent of the Chief Executive by a designated public officer was required before the Council entered upon consideration of the second reading of the Bills.

The Secretary for Financial Services and the Treasury confirmed that the Chief Executive had given his written consent for the Professional Accountants (Amendment) Bill 2004 and the Standard Chartered Bank (Hong Kong) Limited (Merger) Bill to be introduced into this Council.

Second Reading

Professional Accountants (Amendment) Bill 2004

Dr Hon Eric LI 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.

Standard Chartered Bank (Hong Kong) Limited (Merger) Bill

Dr Hon David LI 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.

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) Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation, published in the Gazette as Legal Notice No. 27 of 2004; and
- (b) Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation, published in the Gazette as Legal Notice No. 28 of 2004,

and laid on the table of the Legislative Council on 3 March 2004, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 21 April 2004.

Question on the motion proposed, put and agreed to.

Conservation of monuments and heritage

Hon CHAN Kwok-keung moved the following motion and addressed the Council:

That this Council urges the Government to expeditiously revise the relevant policies upon completion of the consultation on the Review of Built Heritage Conservation Policy; as it takes time to revise the policies, in order to prevent the monuments and heritage from destruction or demolition in the interim, the Government should provide incentives to encourage owners to retain, repair and maintain the built heritage that has conservation value; furthermore, in addition to retaining their intrinsic characteristics, the Government should consider enriching the built heritage with economic values such as to tourism and entertainment, thereby promoting local community economy that has cultural characteristics and creating job opportunities.

While Hon CHAN Kwok-keung was addressing the Council, the President left the chair at 5:52 pm temporarily and the President's Deputy, Hon Miriam LAU, took the chair.

Question on the motion proposed.

Five Members spoke on the motion.

After declaring his interest as a member of Church of Christ in China Executive Committee, Hon WONG Sing-chi spoke on the motion.

Another three Members and Hon IP Kwok-him spoke on the motion.

At 7:02 pm, while Hon IP Kwok-him was speaking, the President resumed the chair.

Dr Hon TANG Siu-tong spoke on the motion and declared his interest as a member of Antiquities Advisory Board.

Three more Members and the Secretary for Home Affairs spoke on the motion.

Hon CHAN Kwok-keung replied.

Question on the motion put and agreed to.

Combating crimes relating to automatic teller machine cards and credit cards

Hon LAU Kong-wah moved the following motion and addressed the Council:

That, as the numbers of automatic teller machine frauds and credit card thefts are rising continuously and such crimes are committed in many varied ways, dealing a heavy blow to the public's confidence in electronic banking services and to Hong Kong's tourist and retail industries, this Council urges the Government to adopt the following measures to secure the confidence of the public and tourists in using electronic banking services:

- (a) deploy sufficient resources and strengthen co-operation with overseas law enforcement agencies to enhance its capability to investigate and combat such crimes;
- (b) extensively publicize the ways in which such crimes are committed to enhance the alertness and vigilance of the public and tourists; and
- (c) actively explore, in conjunction with the Hong Kong Monetary Authority, banks and other card-issuing

institutions, the introduction of products of new technology with more sophisticated security features to safeguard the interests of users.

Question on the motion proposed.

Eight Members, the Secretary for Security and the Secretary for Financial Services and the Treasury spoke on the motion.

Hon LAU Kong-wah 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 21 April 2004 at 2:30 pm.

The Council was adjourned at 9:20 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong