

THE LEGISLATIVE COUNCIL

MINUTES

No. 36 of 1996-97

Minutes of the sitting held on Tuesday 17 June 1997 and Wednesday 18 June 1997 at 9:00 am

Members present:

President

The Honourable Andrew WONG Wang-fat, OBE, JP

The Honourable Allen LEE Peng-fei, CBE, JP

The Honourable Mrs Selina CHOW LIANG Shuk-yee, OBE, JP

The Honourable Martin LEE Chu-ming, QC, JP

Dr the Honourable David LI Kwok-po, OBE, LL.D.(Cantab), JP

The Honourable NGAI Shiu-kit, OBE, JP

The Honourable SZETO Wah

The Honourable LAU Wong-fat, OBE, JP

The Honourable Edward HO Sing-tin, OBE, JP

The Honourable Ronald Joseph ARCULLI, OBE, JP

The Honourable Mrs Miriam LAU Kin-yee, OBE, JP

Dr the Honourable Edward LEONG Che-hung, OBE, JP

The Honourable Albert CHAN Wai-yip

The Honourable CHEUNG Man-kwong

The Honourable CHIM Pui-chung

The Honourable Frederick FUNG Kin-kee

The Honourable Michael HO Mun-ka

Dr the Honourable HUANG Chen-ya, MBE

The Honourable Emily LAU Wai-hing, JP

The Honourable LEE Wing-tat

The Honourable Eric LI Ka-cheung, OBE, JP

The Honourable Fred LI Wah-ming

The Honourable Henry TANG Ying-yen, JP (absent on 17.6.97)

The Honourable James TO Kun-sun

Dr the Honourable Philip WONG Yu-hong

Dr the Honourable YEUNG Sum

The Honourable Howard YOUNG, JP

The Honourable Zachary WONG Wai-yin

The Honourable Christine LOH Kung-wai

The Honourable James TIEN Pei-chun, OBE, JP

The Honourable LEE Cheuk-yan

The Honourable CHAN Kam-lam

The Honourable CHAN Wing-chan

The Honourable CHAN Yuen-han

The Honourable Andrew CHENG Kar-foo

The Honourable Paul CHENG Ming-fun, JP

The Honourable CHENG Yiu-tong

Dr the Honourable Anthony CHEUNG Bing-leung

The Honourable CHEUNG Hon-chung (absent on 17.6.97)

The Honourable CHOY Kan-pui, JP

The Honourable David CHU Yu-lin

The Honourable Albert HO Chun-yan

The Honourable IP Kwok-him

The Honourable LAU Chin-shek, JP

The Honourable Ambrose LAU Hon-chuen, JP

Dr the Honourable LAW Cheung-kwok

The Honourable LAW Chi-kwong

The Honourable LEE Kai-ming

The Honourable LEUNG Yiu-chung

The Honourable Bruce LIU Sing-lee

The Honourable LO Suk-ching

The Honourable MOK Ying-fan

The Honourable Margaret NG

The Honourable NGAN Kam-chuen

The Honourable SIN Chung-kai

The Honourable TSANG Kin-shing

Dr the Honourable John TSE Wing-ling

The Honourable Mrs Elizabeth WONG CHIEN Chi-lien, CBE, ISO, JP

The Honourable Lawrence YUM Sin-ling

Public officers attending:

The Honourable Mrs Anson CHAN, CBE, JP

The Chief Secretary

The Honourable Donald TSANG Yam-kuen, KBE, OBE, JP

The Financial Secretary

The Honourable Jeremy Fell MATHEWS, CMG, JP
The Attorney General

Mr CHAU Tak-hay, CBE, JP
Secretary for Broadcasting, Culture and Sport

Mr Gordon SIU Kwing-chue, CBE, JP
Secretary for Transport

Mr Dominic WONG Shing-wah, OBE, JP
Secretary for Housing

Mrs Katherine FOK LO Shiu-ching, OBE, JP
Secretary for Health and Welfare

Mr Joseph WONG Wing-ping, JP
Secretary for Education and Manpower

Mr Bowen LEUNG Po-wing, CBE, JP
Secretary for Planning, Environment and Lands

Miss Denise YUE Chung-yee, JP
Secretary for Trade and Industry

Mr LAM Woon-kwong, JP
Secretary for the Civil Service

Mrs Stella HUNG KWOK Wai-ching, JP
Secretary for Home Affairs

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)

Papers

The following papers were laid on the table pursuant to Standing Order No. 14(2):

<u>Subsidiary Legislation</u>	<u>L.N. NO.</u>
1. Continuing Legal Education (Amendment) Rules 1997	310/97
2. Practising Certificate (Solicitors) (Amendment) Rules 1997	311/97
3. Foreign Lawyers Registration (Fees) (Amendment) Rules 1997	312/97
4. Rules of the Supreme Court (Amendment) (No.3) Rules 1997	313/97
5. District Court Civil Procedure (Forms) (Amendment) Rules 1997	314/97
6. Coroners (Forms) (Amendment) Rules 1997	315/97
7. Auxiliary Medical Service Regulation	316/97
8. Civil Aid Service Regulation	317/97
9. Pay Classification (Auxiliary Medical Service) Assignment Notice	318/97
10. Pay Classification (Civil Aid Service) Assignment Notice	319/97
11. Declaration of Change of Titles (Auxiliary Medical Services, Chief Staff Officer, Auxiliary Medical Services and Staff Officer, Auxiliary Medical Services) Notice 1997	320/97
12. Declaration of Change of Titles (Civil Aid Services, Chief Staff Officer, Civil Aid Services and Staff Officer, Civil Aid Services) Notice 1997	321/97
13. Merchant Shipping (Collision Damage Liability and Salvage) Ordinance (35 of 1997) (Commencement) Notice 1997	322/97
14. Auxiliary Medical Service Ordinance (57 of 1997) (Commencement) Notice 1997	323/97

15. Civil Aid Service Ordinance (58 of 1997) (Commencement) Notice 1997	324/97
16. Television (Royalty and Licence Fees) (Amendment) Regulation 1997 (L.N.188 of 1997) (Commencement) Notice 1997	325/97
17. Fugitive Offenders (Canada) Order (L.N.199 of 1997) (Commencement) Notice 1997	326/97
18. Fugitive Offenders (Safety of Civil Aviation) Order (L.N.204 of 1997) (Commencement) Notice 1997	327/97
19. Fugitive Offenders (Internationally Protected Persons and Hostages) Order (L.N.205 of 1997) (Commencement) Notice 1997	328/97
20. Fugitive Offenders (Torture) Order (L.N.206 of 1997) (Commencement) Notice 1997	329/97
21. Fugitive Offenders (Genocide) Order (L.N.208 of 1997) (Commencement) Notice 1997	330/97
22. Official Languages (Authentic Chinese Text) (Air Transport (Licensing of Air Services) Regulations and Hong Kong Civil Aviation (Investigation of Accidents) Regulations) Order Corrigendum	(C) 178/97

Questions

1. Mr Ambrose LAU asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Mrs Selina CHOW asked Question 2.

The Secretary for Home Affairs replied.

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

3. Dr John TSE asked Question 3.

The Secretary for Home Affairs replied.

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

4. Mr FUNG Kin-kee asked Question 4.

The Secretary for Planning, Environment and Lands replied.

Three Members asked supplementaries and the Secretary for Planning, Environment and Lands replied.

Written replies to Questions 5 to 20 were tabled for Members' information.

Government Motions

Occupational Safety and Health Ordinance

The Secretary for Education and Manpower moved the following motion and addressed the Council:

That the Occupational Safety and Health Regulation, made by the Acting Commissioner for Labour on 31 May 1997, be approved.

Question on the motion proposed.

Two Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on the motion put and agreed to.

Interpretation and General Clauses Ordinance

The Secretary for Planning, Environment and Lands moved the motion in Appendix I and addressed the Council.

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Planning, Environment and Lands replied.

Question on the motion put and agreed to.

Patents Ordinance

The Secretary for Trade and Industry moved the following motion and addressed the Council:

That the Patents (Transitional Arrangements) Rules, made by the Governor in Council on 3 June 1997, be approved.

Question on the motion proposed, put and agreed to.

Government Bills

Employment (Amendment) Bill 1996

Second Reading

Resumption of debate on Second Reading which had been moved on 29 May 1996.

Ten Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on Second Reading put and agreed to.

Bill read the second time and committed to a Committee of the whole Council.

The President suspended the sitting at 11:07 am.

The Council resumed at 11:16 am.

Committee Stage

The Council went into Committee and considered the **Employment (Amendment) Bill 1996**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1 to 6, 9 and 10 put and agreed to.

The Secretary for Education and Manpower moved an amendment to clause 7 and addressed the Committee.

Question on the Secretary for Education and Manpower's amendment put and agreed to.

Mrs Selina CHOW moved a further amendment to clause 7 and addressed the Committee.

Two Members and the Secretary for Education and Manpower spoke on the amendment.

Question on Mrs Selina CHOW's amendment put. The Chairman stated that he thought the amendment had been negatived.

Mrs Selina CHOW claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 36(4).

The Chairman announced that there were 13 votes for the amendment and 35 votes against it. (Voting record in Appendix II.) He declared that Mrs Selina CHOW's amendment to clause 7 was negatived.

Question that clause 7, as amended, stand part of the Bill put and agreed to.

The Secretary for Education and Manpower moved an amendment to clause 8 and addressed the Committee.

Question on the amendment put and agreed to.

Mrs Selina CHOW moved a further amendment to clause 8 and addressed the Committee.

The Secretary for Education and Manpower spoke on the amendment.

Question on the amendment put. The Chairman stated that he thought the amendment had been negatived.

Mrs Selina CHOW claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 36(4).

The Chairman announced that there were 13 votes for the amendment and 33 votes against it. (Voting record in Appendix III.) He declared that the amendment was negatived.

Question that clause 8, as amended, stand part of the Bill put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Employment (Amendment) Bill 1996**

had passed through 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.

Employment (Amendment) (No.2) Bill 1996

Second Reading

Resumption of debate on Second Reading which had been moved on 29 May 1996.

Five Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on 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 **Employment (Amendment) (No.2) Bill 1996**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1 to 4 and 6 to 18 put and agreed to.

The Secretary for Education and Manpower moved an amendment to clause 5 and addressed the Committee.

Question on the amendment put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Employment (Amendment) (No.2) Bill 1996**

had passed through Committee with 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.

Employment (Amendment) (No.2) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 19 March 1997.

Six Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on 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 **Employment (Amendment) (No.2) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1, 2, 5, 6 and 7 put and agreed to.

The Secretary for Education and Manpower moved an amendment to clause 3 and addressed the Committee.

Question on the amendment put and agreed to.

Mrs Selina CHOW moved a further amendment to clause 3 and addressed the Committee.

The Secretary for Education and Manpower spoke on the amendment.

Question on the amendment put. The Chairman stated that he thought the amendment had been negatived.

Mrs Selina CHOW claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 36(4).

The Chairman announced that there were 10 votes for the amendment and 34 votes against it. (Voting record in Appendix IV.) He declared that Mrs Selina CHOW's amendment was negatived.

Dr LEONG Che-hung moved the following motion and addressed the Committee:

That in the event of further divisions being claimed in respect of the motions at the Committee Stage of Employment (Amendment) (No.2) Bill 1997 at this sitting, Standing Order NO. 36(4) be suspended so that the Chairman may order that the Committee shall 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.

Question that clause 3, as amended, stand part of the Bill put and agreed to.

Mrs Selina CHOW moved amendments to clause 4 and addressed the Committee.

Four Members and the Secretary for Education and Manpower spoke on the amendments.

Mrs Selina CHOW replied.

Question on the amendments put. The Chairman stated that he thought the amendments had been negatived.

Mrs Selina CHOW claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were nine votes for the amendments and 30 votes against them. (Voting record in Appendix V.) He declared that Mrs Selina CHOW's amendments were negatived.

The Secretary for Education and Manpower moved further amendments to clause 4 and addressed the Committee

Question on the amendments put and agreed to.

The Chairman stated that before calling on Mr LEUNG Yiu-chung to move his further amendment to clause 4, in accordance with Standing Order No. 45(4)(c), he had directed that the word 'a' before 'subsidiary legislation' be deleted from the proposed paragraph (3) of the proposed section 32PA. The Chairman said that without the deletion, that expression would be ungrammatical.

The Chairman suspended the sitting at 1:05 pm.

The Council resumed at 2:05 pm.

Mr LEUNG Yiu-chung moved a further amendment to clause 4 and addressed the Committee.

Two Members and the Secretary for Education and Manpower spoke on the amendment.

Mr LEUNG Yiu-chung replied.

Question on Mr LEUNG Yiu-chung's amendment put. The Chairman stated that he thought the amendment had been negatived.

Mr LEUNG Yiu-chung claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were 3 votes for the amendment and 14 votes against it. (Voting record in Appendix VI.) He declared that Mr LEUNG Yiu-chung's amendment was negatived.

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

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Employment (Amendment) (No.2) Bill 1997**

had passed through 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.

Labour Relations (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 19 March 1997.

Question on 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 **Labour Relations (Amendment) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1 to 5 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Labour Relations (Amendment) Bill 1997**

had passed through 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.

Trade Unions (Amendment) (No.2) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 19 March 1997.

Question on 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 **Trade Unions (Amendment) (No.2) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1 and 2 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Trade Unions (Amendment) (No.2) Bill 1997**

had passed through 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.

Judicial Service Commission (Special Provisions) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 28 May 1997.

Three Members spoke on the motion.

The Chief Secretary replied.

Question on 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 **Judicial Service Commission (Special Provisions) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clause 1 put and agreed to.

The Chief Secretary moved an amendment to clause 2 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 2, as amended, stand part of the Bill put and agreed to.

The Chief Secretary moved an amendment to the long title and addressed the Committee.

Question on the amendment proposed, put and agreed to.

The Council then resumed.

Third Reading

The Chief Secretary reported that

the **Judicial Service Commission (Special Provisions)
Bill 1997**

had passed through Committee with amendments. She 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.

Jury (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 19 March 1997.

A Member spoke on the motion.

The Chief Secretary replied.

Question on 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 **Jury (Amendment) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1, 2 and 3 put and agreed to.

The Chief Secretary moved amendments to clauses 4 and 5 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

The Chief Secretary reported that

the **Jury (Amendment) Bill 1997**

had passed through Committee with amendments. She 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.

Trustee (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 30 April 1997.

Question on 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 **Trustee (Amendment) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1, 2 and 5 put and agreed to.

The Attorney General moved amendments to clauses 3 and 4 and addressed the Committee.

Question on the amendments proposed, put and agreed to.

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

The Council then resumed.

Third Reading

The Attorney General reported that

the **Trustee (Amendment) Bill 1997**

had passed through 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.

Law Reform (Miscellaneous Provisions and Minor Amendments) Bill 1996

Second Reading

Resumption of debate on Second Reading which had been moved on 4 December 1996.

Question on 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 **Law Reform (Miscellaneous Provisions and Minor Amendments) Bill 1996**.

Question that the following clauses and schedules stand part of the Bill proposed.

Question on clauses 1 to 16, 18 to 39, 41 to 46, 48 to 79, 81, 83 to 93, 96, 98 to 108, 113, 114 and 117 to 121 put and agreed to.

The Attorney General moved amendments to clauses 17, 40, 47, Part IX Heading before clause 79, clauses 80, 82, 94, 95, 97, 109, 110, 111, 112, 115 and 116 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 17, 40, 47, Part IX Heading before clause 79, clauses 80, 82, 94, 95, 97, 109, 110, 111, 112, 115, and 116, as amended, stand part of the Bill put and agreed to.

Heading before new clause 87A and new clause 87A, heading before new clause 87B and new clause 87B, heading before new clause 87C and new clause 87C, heading before new clause 93A and new clause 93A, heading before new clause 96A and new clause 96A, heading before new clause 96B and new clause 96B, heading before new clause 96C and new clause 96C, new clauses 97A and 97B, heading before new clause 100A and new clause 100A, heading before new clause 100B and new clause 100B, heading before new clause 103A and new clause 103A, heading before new clause 104A and new clause 104A, heading before new clause 104B and new clause 104B, new clauses 109A and 109B, heading before new clause 120A and new clause 120A, heading before new clause 120B and new clause 120B read the first time.

The Attorney General moved the Second Reading of the above clauses which had been read the first time and addressed the Committee.

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

Heading before new clause 87A and new clause 87A, heading before new clause 87B and new clause 87B, heading before new clause 87C and new clause 87C, heading before new clause 93A and new clause 93A, heading before new clause 96A and new clause 96A, heading before new clause 96B and new clause 96B, heading before new clause 96C and new clause 96C, new clauses 97A and 97B, heading before new clause 100A and new clause 100A, heading before new clause 100B and new clause 100B, heading before new clause 103A and new clause 103A, heading before new clause 104A and new clause 104A, heading before new clause 104B and new clause 104B, new clauses 109A and 109B, heading before new clause 120A and new clause 120A, heading before new clause 120B and new clause 120B read the second time.

The Attorney General moved the addition of the above clauses which had been read the second time to the Bill.

Question on the addition proposed, put and agreed to.

The Attorney General moved amendments to the schedule and addressed the Committee.

Question on the amendments put and agreed to.

Question that the schedule, as amended, stand part of the Bill put and agreed to.

New schedules 2, 3 and 4 read the first time.

The Attorney General moved the Second Reading of new schedules 2, 3 and 4 and addressed the Committee.

Question on the Second Reading of new schedules 2, 3 and 4 proposed, put and agreed to.

New schedules 2, 3 and 4 read the second time.

The Attorney General moved the addition of new schedules 2, 3 and 4 to the Bill.

Question on the addition proposed, put and agreed to.

The Attorney General moved an amendment to the long title and addressed the Committee.

Question on the amendment proposed, put and agreed to.

The Council then resumed.

Third Reading

The Attorney General reported that

the **Law Reform (Miscellaneous Provisions and Minor
Amendments) Bill 1996**

had passed through 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.

Mental Health (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 29 January 1997.

Question on 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 **Mental Health (Amendment) Bill 1997**.

Question that the following clauses and schedules stand part of the Bill proposed.

Question on clauses 1, 2, 4 to 7, 10 to 31, 33 to 42, 44 to 49, 51, and 54 to 59 put and agreed to.

The Secretary for Health and Welfare moved amendments to clauses 3, 8, 9, 32, 43, 50, 52 and 53 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 3, 8, 9, 32, 43, 50, 52 and 53, as amended, stand part of the Bill put and agreed to.

New clauses 6A and 12A read the first time.

The Secretary for Health and Welfare moved the Second Reading of new clauses 6A and 12A and addressed the Committee.

Question on the Second Reading of new clauses 6A and 12A proposed, put and agreed to.

New clauses 6A and 12A read the second time.

The Secretary for Health and Welfare moved the addition of new clauses 6A and 12A to the Bill.

Question on the addition proposed, put and agreed to.

The Secretary for Health and Welfare moved amendments to schedules 1 and 2 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedules 1 and 2, as amended, stand part of the Bill put and agreed to.

Question on schedule 3 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Health and Welfare reported that

the **Mental Health (Amendment) Bill 1997**

had passed through Committee with amendments. She 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.

Nurses Registration (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 19 February 1997.

Four Members spoke on the motion.

The Secretary for Health and Welfare replied.

Question on 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 **Nurses Registration (Amendment) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1, 2, 3, 5 to 19 and 21 put and agreed to.

The Secretary for Health and Welfare moved an amendment to clause 4 and addressed the Committee.

Question on the amendment put and agreed to.

Dr C H LEONG moved a further amendment to clause 4 and addressed the Committee.

The Secretary for Health and Welfare spoke on the amendment.

Question on Dr C H LEONG's amendment put and agreed to.

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

The Secretary for Health and Welfare moved amendments to clauses 20 and 22 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 20 and 22, as amended, stand part of the Bill put and agreed to.

New clauses 23 and 24 read the first time.

The Secretary for Health and Welfare moved the Second Reading of new clauses 23 and 24 and addressed the Committee.

Question on the Second Reading of new clauses 23 and 24 proposed, put and agreed to.

New clauses 23 and 24 read the second time.

The Secretary for Health and Welfare moved the addition of new clauses 23 and 24 to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Health and Welfare reported that

the **Nurses Registration (Amendment) Bill 1997**

had passed through Committee with amendments. She 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.

Places of Public Entertainment (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 5 March 1997.

Three Members spoke on the motion.

The Secretary for Broadcasting, Culture and Sport replied.

Question on 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 **Places of Public Entertainment (Amendment) Bill 1997**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1, 2, 3, 5 and 6 put and agreed to.

The Secretary for Broadcasting, Culture and Sport 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 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Broadcasting, Culture and Sport reported that

the Places of Public Entertainment (Amendment) Bill 1997

had passed through Committee with 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.

Public Holiday (Special Holidays 1997) Bill

Second Reading

Resumption of debate on Second Reading which had been moved on 23 April 1997.

Ten Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on Second Reading put. As the President could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 27 votes for the motion and nine votes against it. (Voting record in Appendix VII.) He 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 **Public Holiday (Special Holidays 1997) Bill**.

Question that the following clauses stand part of the Bill proposed.

Question on clauses 1 and 2 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Public Holiday (Special Holidays 1997) Bill**

had passed through 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.

The President suspended the sitting at 5:27 pm.

* * * * *

The Council resumed at 9:00 am on 18 June 1997.

Members' Motions

Report of the Select Committee to Inquire into the Circumstances Surrounding the Departure of Mr LEUNG Ming-yin from the Government and Related Issues

Mr IP Kwok-him moved the following motion and addressed the Council:

That this Council endorses the Report of the Select Committee to Inquire into the Circumstances Surrounding the Departure of Mr LEUNG Ming-yin from the Government and Related Issues.

Question on the motion proposed.

Seven Members and the Secretary for the Civil Service spoke on the motion.

Mr IP Kwok-him replied.

Question on the motion put and agreed to.

Settlement of bedspace apartment tenants

Mr David CHU moved the following motion and addressed the Council:

That this Council urges the Government to arrange as soon as possible reasonable rehousing for tenants living in bedspace apartments, and to formulate legislation to prohibit owners from converting their properties into bedspace apartments for rent.

Question on Mr David CHU's motion proposed.

The President stated that Mr FUNG Kin-kee and Mr LEE Wing-tat had separately given notices to move amendments to the motion and that Miss CHAN Yuen-han had also given notice to move an amendment to Mr FUNG Kin-kee's proposed amendment. He proposed that the motion, the two amendments and the amendment to Mr FUNG's proposed amendment be debated together in a joint debate. There being no dissenting voice, the President ordered that the motion, the two amendments and the amendment to Mr FUNG's amendment be debated together in a joint debate.

Mr FUNG Kin-kee, Mr LEE Wing-tat and Miss CHAN Yuen-han addressed the Council on the motion and their proposed amendments respectively.

Six Members spoke on the motion and the amendments.

The President invited Mr FUNG to speak for the second time on Miss CHAN's amendment to his amendment.

Mr David CHU spoke on the amendments.

The Secretary for Home Affairs spoke on the motion and the amendments.

Mr FUNG Kin-kee moved the following amendment to Mr David CHU's motion:

To add "and partitioned cubicles" after "bedspace apartments"; and to delete "prohibit owners from converting their properties into bedspace apartments for rent" and substitute

with "regulate those sublet units, so as to ensure compliance with safety standards".

Question on Mr FUNG Kin-kee's amendment to Mr David CHU's motion proposed.

Miss CHAN Yuen-han moved the following amendment to Mr FUNG Kin-kee's proposed amendment:

To delete "and"; and to add "; and to increase the supply of proper accommodation to resolve the housing problem of the bedspace apartment tenants" after "regulate those sublet units, so as to ensure compliance with safety standards".

Question on Miss CHAN Yuen-han's amendment to Mr FUNG Kin-kee's proposed amendment proposed and put. The President stated that he thought the amendment had been agreed.

Mr LEE Wing-tat claimed a division. The President then ordered the Council to divide under Standing Order No. 36(4).

The President announced that there were 23 votes for the amendment and 26 votes against it. (Voting record in Appendix VIII.) He declared that Miss CHAN Yuen-han's amendment to Mr FUNG Kin-kee's proposed amendment was negatived.

Dr LEONG Che-hung moved the following motion and addressed the Council:

That in the event of further divisions being claimed in respect of the motion on Settlement of bedspace apartment tenants at this sitting, Standing Order No. 36(4) be suspended, so that the President may order that the Council shall 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.

Question on Mr FUNG Kin-kee's amendment to Mr David CHU's motion put. The President stated that he thought the amendment had been negatived.

Mr FUNG Kin-kee claimed a division. The President then ordered the Council to divide under Standing Order No. 37(5).

The President announced that there were 22 votes for the amendment and 26 votes against it. (Voting record in Appendix IX.) He declared that Mr FUNG Kin-kee's amendment was negatived.

Mr LEE Wing-tat moved the following amendment to Dr David CHU's motion:

To delete ", and to" and to add "and, at the same time, to increase the supply of single-person accommodation, so as to fully meet the housing needs of single persons in the low income group; in the long run, to" before "formulate legislation to prohibit owners from converting their properties into bedspace apartments for rent".

Question on Mr LEE Wing-tat's amendment to Mr David CHU's motion proposed, put and agreed to.

Mr David CHU replied.

Question on the motion as amended by Mr LEE Wing-tat put and agreed to.

Members' Bills

Hong Kong St. John Ambulance Incorporation Bill

Second Reading

Resumption of debate on Second Reading which had been moved on 9 April 1997.

Question on Second Reading proposed, 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 St. John Ambulance Incorporation Bill**.

Question that the following clauses and schedule stand part of the Bill proposed.

Question on clauses 1 to 5, 7, 8 and 10 to 22 put and agreed to.

Dr LEONG Che-hung moved amendments to clauses 6 and 9 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 6 and 9, as amended, stand part of the Bill put and agreed to.

Dr LEONG Che-hung moved an amendment to the schedule and addressed the Committee.

Question on the amendment put and agreed to.

Question that the schedule, as amended, stand part of the Bill put and agreed to.

The Council then resumed.

Third Reading

Dr LEONG Che-hung reported that

the **Hong Kong St. John Ambulance Incorporation Bill**

had passed through 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.

Public Bus Services (Amendment) Bill 1996

Second Reading

Resumption of debate on Second Reading which had been moved on 14 February 1996.

Question on Second Reading proposed.

A Member spoke on the motion.

At 11:40 am, the President's Deputy took the chair during the temporary absence of the President.

Another five Members spoke on the motion.

At 12:25 pm, the President resumed the chair.

Six further Members and the Secretary for Transport spoke on the motion.

Mr LAU Chin-shek replied.

Question on Second Reading put. Mr LAU Chin-shek claimed a division. The President then ordered the Council to divide under Standing Order No. 36(4).

The President announced that there were 27 votes for the motion and 30 votes against it. (Voting record in Appendix X.) He declared that the motion on the Second Reading of the Bill was negatived and no further proceeding would be taken on the Bill.

Next sitting

In accordance with Standing Orders, the President adjourned the Council until Thursday 19 June 1997.

Adjourned accordingly at twenty-seven minutes past one o'clock in the afternoon.

(Andrew WONG)
President
30 October 1997

Council Chamber
Hong Kong