

THE LEGISLATIVE COUNCIL

MINUTES

No. 38 of 1996-97

Minutes of the sitting held on Monday 23 June, Tuesday 24 June, Wednesday 25 June, Thursday 26 June and Friday 27 June 1997, at 9:00 am respectively

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

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

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 Nicholas NG Wing-fui, JP
Secretary for Constitutional Affairs

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

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

Mr Rafael HUI Si-yan, JP
Secretary for Financial Services

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

Mr Peter LAI Hing-ling, CBE, JP
Secretary for Security

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 KWONG Hon-sang, JP
Secretary for Works

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

Mr Leo KWAN Wing-wah, JP
Secretary for Economic Services

Mr KWOK Ka-keung, JP
Deputy Secretary for Works

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. Prisons (Amendment) Order 1997	336/97
2. Commodities Trading (Trading Limits and Position Limits) (Amendment) Rules 1997	337/97
3. Securities (Exchange — Traded Stock Options) (Amendment) Rules 1997	338/97
4. Patents (General) Rules	339/97
5. Registered Designs Rules	340/97
6. Hong Kong Royal Instructions 1917 to 1993 (Nos. 1 and 2) - Ending of the 1996/97 Session of the Legislative Council of Hong Kong Notice 1997	341/97
7. Prevention of Bribery (Miscellaneous Provisions) Ordinance 1996 (48 of 1996) (Commencement) Notice 1997	342/97
8. New Territories Land Exchange Entitlements (Redemption) Ordinance (70 of 1996) (Commencement) Notice 1997	343/97
9. Volunteer and Naval Volunteer Pensions (Amendment) Ordinance 1997 (56 of 1997) (Commencement) Notice 1997	344/97
10. Waste Disposal (Designated Waste Disposal Facility) Regulation (L.N. 197 of 1997) (Commencement) Notice 1997	345/97
11. Fugitive Offenders (Netherlands) Order (L.N. 198 of 1997) (Commencement) Notice 1997	346/97
12. Fugitive Offenders (Philippines) Order (L.N. 202 of 1997) (Commencement) Notice 1997	347/97

- | | |
|--|--------|
| 13. Hong Kong Airport (Control of Obstructions)
Order 1997 (Amendment) Order 1997
(L.N. 217 of 1997) (Commencement) Notice 1997 | 348/97 |
| 14. Hong Kong Airport (Control of Obstructions)
(No.2) Order 1997 (L.N. 218 of 1997)
(Commencement) Notice 1997 | 349/97 |
| 15. Import and Export (General) Regulations
(Amendment of Schedules) Order 1997
(L.N. 246 of 1997) (Commencement) Notice 1997 | 350/97 |
| 16. Import and Export (Strategic Commodities)
Regulations (Amendment of Schedules 1 and 2)
Order 1997 (L.N. 247 of 1997) (Commencement)
Notice 1997 | 351/97 |
| 17. Non-local Higher and Professional Education
(Regulation) Ordinance (50 of 1996)
(Commencement) Notice 1997 | 352/97 |
| 18. Non-local Higher and Professional Education
(Regulation) Rules (L.N. 265 of 1997)
(Commencement) Notice 1997 | 353/97 |

Sessional Papers 1996-97

- No.110 - Report on the Administration of the Immigration Service Welfare Fund prepared by the Director of Immigration in accordance with Regulation 10
- No.111 - Sir David Trench Fund for Recreation Trustee's Report 1996-97
- No.112 - Hong Kong Trade Development Council Annual Report 1996/1997
- No.113 - Hong Kong Export Credit Insurance Corporation Annual Report 1996-97
- No.114 - J.E. Joseph Trust Fund Report for the period 1 April 1996 to 31 March 1997
- No.115 - Kadoorie Agricultural Aid Loan Fund Report for the period 1 April 1996 to 31 March 1997

No.116 - Sir Robert Black Trust Fund Annual Report for the year 1 April 1996 to 31 March 1997

No.117 - The Ninth Annual Report of the Ombudsman of Hong Kong June 1997

No.118 - Statement of Accounts of the Welfare Fund Prepared by the Commissioner of Customs and Excise in accordance with Regulation 10

No.119 - Traffic Accident Victims Assistance Fund Annual Report by the Director of Social Welfare Incorporated for the year from 1 April 1995 to 31 March 1996

No.120 - Report on the Administration of the Fire Services Welfare Fund for the year ended 31st March, 1996

No.121 - Securities and Futures Commission Annual Report 96/97

No.122 - Hong Kong Airport Authority Annual Report 1996/1997

Miscellaneous

Report by the United Kingdom of Great Britain and Northern Ireland in respect of Hong Kong under the Convention on the Rights of the Child

Questions

1. Mr James TIEN asked Question 1.

The Secretary for Planning, Environment and Lands replied.

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

2. Mr LEE Cheuk-yan asked Question 2.

The Secretary for Education and Manpower replied.

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

3. Miss CHAN Yuen-han asked Question 3.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

4. Mr CHAN Wing-chan asked Question 4.

The Secretary for Works replied.

Five Members asked supplementaries and the Secretary for Works replied.

5. Mr LEE Wing-tat asked Question 5.

The Secretary for Housing replied.

Six Members asked supplementaries and the Secretary for Housing replied.

Written replies to Questions 6 to 20 were tabled for Members' information.

Government Motions

Magistrates Ordinance

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

That the Magistrates (Forms) (Amendment) Rules 1997 made by the Acting Chief Justice on 12 June 1997, be approved.

Question on the motion proposed, put and agreed to.

Magistrates Ordinance

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

That the Third Schedule to the Magistrates Ordinance be amended by adding -

- "13. Eastern Harbour Crossing
Any offence against the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg.).
- 14. Tate's Cairn Tunnel
Any offence against the Tate's Cairn Tunnel By-laws (Cap. 393 sub. leg.).
- 15. Western Harbour Crossing
Any offence against the Western Harbour Crossing Bylaw (L.N. 162 of 1997).
- 16. Tsing Ma Control Area
 - (1) Any offence against the Tsing Ma Control Area (General) Regulation (L.N. 244 of 1997).
 - (2) Any offence against the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (L.N. 137 of 1997).".

Question on the motion proposed, put and agreed to.

Interpretation and General Clauses Ordinance

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

That the Auxiliary Medical Service Regulation, published as Legal Notice No. 316 of 1997 and laid on the table of the Legislative Council on 17 June 1997, be amended -

- (1) in section 8, by repealing "Services" and substituting "Service";
- (2) in section 15, by repealing "30(2)" and substituting "32(2)".

Question on the motion proposed, put and agreed to.

Interpretation and General Clauses Ordinance

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

That the Civil Aid Service Regulation, published as Legal Notice No. 317 of 1997 and laid on the table of the Legislative Council

on 17 June 1997, be amended in section 15, by repealing "30(2)" and substituting "32(2)".

Question on the motion proposed, put and agreed to.

Government Bills

Independent Police Complaints Council Bill

Second Reading

Resumption of debate on Second Reading which had been moved on 10 July 1996.

Two Members spoke on the motion.

At 10:47 am, the President's Deputy took the chair during the temporary absence of the President.

Another Member spoke on the motion.

At 10:53 am, the President resumed the chair.

10 more Members spoke on the motion.

The Secretary for Security 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 **Independent Police Complaints Council Bill**.

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

Question on clauses 1, 3, 12 and 15 put and agreed to.

The Secretary for Security moved amendments to clauses 2 and 5 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 2 and 5, as amended, stand part of the Bill put and agreed to.

Mr James TO moved amendments to clause 4(1)(a) and the addition of subclause (1)(c) to clause 4 and addressed the Committee.

Three Members and the Secretary for Security spoke on the amendments.

Mr James TO replied.

Question on the amendment to clause 4(1)(a) put and agreed to.

Question on the addition of subclause (1)(c) to clause 4 put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 27 votes for the amendment and 29 votes against it. (Voting record in Appendix 1.) He declared that the amendment was negatived.

Dr LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions at the Committee Stage of the Independent Police Complaints Council Bill at this sitting, Standing Order No. 36(4) be suspended so that the Chairman may order that the Committee 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.

The Secretary for Security moved an amendment to clause 4(1)(b) and addressed the Committee.

Question on the amendment put and agreed to.

The Chairman stated that both the Secretary for Security and Mr James TO had separately given notices to propose the addition of subclause (1A) to clause 4. He proposed that the proposals of the Secretary for Security and Mr James TO be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposals of the Secretary for Security and Mr James TO be debated together in a joint debate.

The Chairman invited the Secretary for Security to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Security moved the addition of subclause (1A) to clause 4 and addressed the Committee.

The Chairman invited Mr James TO to speak on the Secretary for Security's motion as well as his own proposed amendment. He added, however, that Mr James TO might not move his proposed amendment unless the Secretary for Security's amendment was not agreed.

Mr James TO spoke on the motion as well as his own proposed amendment.

Four Members spoke on the motion and the proposed amendment.

The Secretary for Security replied.

Question on the addition of subclause (1A) to clause 4 moved by the Secretary for Security put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 28 votes for the amendment and 26 votes against it. (Voting record in Appendix 2.) He declared that the amendment was agreed.

The Chairman stated that Mr James TO might not move the addition of his subclause (1A) to clause 4 since it was inconsistent with the decision already taken.

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

The Chairman suspended the sitting at 12:57 pm.

The Committee resumed at 2:02 pm.

The Secretary for Security moved an amendment to clause 6(1) and addressed the Committee.

Four Members spoke on the amendment.

The Secretary for Security replied.

Question on the amendment put and agreed to.

The Chairman stated that both Mr James TO and Mr WONG Wai-yin had separately given notices to move amendments to clause 6 by amending the heading and the addition of subclauses (3) and (4). He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr James TO to move his amendments first by virtue of his seniority.

Mr James TO moved amendments to the heading of clause 6 and the addition of subclauses (3) and (4) to clause 6 and addressed the Committee.

The Chairman invited Mr WONG Wai-yin to speak on Mr James TO's motion as well as his own proposed amendments. He added, however, that Mr WONG Wai-yin might not move his proposed amendments unless Mr James TO's amendments were not agreed.

Mr WONG Wai-yin spoke on the motion as well as his own proposed amendments.

Four Members and the Secretary for Security spoke on the motion and the proposed amendments.

Mr James TO replied.

Question on the amendments to clause 6 moved by Mr James TO put. The Chairman stated that he thought the amendments had been agreed.

Mr IP Kwok-him, Mr Ronald ARCULLI and Dr Philip WONG claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 30 votes for the amendments and 23 votes against them. (Voting record in Appendix 3.) He declared that the amendments were agreed.

The Chairman stated that Mr WONG Wai-yin might not move his proposed amendments to clause 6 since they were inconsistent with the decision already taken.

The Chairman suspended the sitting at 2:39 pm.

The Committee resumed at 2:43 pm.

The Chairman stated that the Secretary for Security might not move his proposed amendment to the heading of clause 6 as it was inconsistent with the decision already taken.

Mr James TO moved amendments to clause 11(3) and (4) and addressed the Committee.

The Secretary for Security spoke on the amendments.

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

Mr IP Kwok-him and Mr Ronald ARCULLI claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 25 votes for the amendments and 30 votes against them. (Voting record in Appendix 4.) He declared that the amendments were negatived.

Mr James TO moved a further amendment to clause 11 by adding subclause (4A) and addressed the Committee.

Two Members and the Secretary for Security spoke on the amendment.

Question on the addition of subclause (4A) to clause 11 moved by Mr James TO put. The Chairman stated that he thought the amendment had been agreed.

Mr IP Kwok-him and Mr Ronald ARCULLI claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 31 votes for the amendment and 24 votes against it. (Voting record in Appendix 5.) He declared that the amendment was agreed.

The Chairman stated that both the Secretary for Security and Mr James TO had separately given notices to propose the addition of subclause (5) to clause 11. He proposed that the proposals of the Secretary for Security and Mr James TO be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposals of the Secretary for Security and Mr James TO be debated together in a joint debate.

The Chairman invited the Secretary for Security to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Security moved the addition of subclause (5) to clause 11 and addressed the Committee.

The Chairman invited Mr James TO to speak on the Secretary for Security's motion as well as his own proposal. He added, however, that Mr James TO might not move his proposed amendment unless the Secretary for Security's amendment was not agreed.

Mr James TO spoke on the Secretary for Security's motion as well as his own proposal.

Question on the addition of subclause (5) to clause 11 moved by the Secretary for Security put. The Chairman stated that he thought the amendment had been agreed.

Mr James TO claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were eight votes for the amendment and 33 votes against it. (Voting record in Appendix 6.) He declared that the amendment was negatived.

Mr James TO moved the addition of subclause (5) to clause 11 and addressed the Committee.

Question on the addition of subclause (5) to clause 11 moved by Mr James TO put and agreed to.

Question that clauses 6 and 11, as amended, stand part of the Bill put and agreed to.

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

A Member spoke on the amendment.

Question on the amendment put and agreed to.

Mr James TO moved further amendments to clause 7, the addition of subclauses (1)(ba) and (1A) to clause 8 and the first part of the amendment to clause 8(2) and addressed the Committee.

The Secretary for Security spoke on the amendments.

Mr James TO replied.

Question on the amendments put.

Mr TSANG Kin-shing claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 28 votes for the amendments and 27 votes against them. (Voting record in Appendix 7.) He declared that the amendments were agreed.

The Secretary for Security moved further amendments to clause 8 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments to clause 8 moved by the Secretary for Security put and agreed to.

Mr WONG Wai-yin moved another amendment to clause 8 and addressed the Committee.

The Secretary for Security spoke on the amendment.

Mr WONG Wai-yin replied.

Question on the amendment to clause 8 moved by Mr WONG Wai-yin put and agreed to.

Mr James TO moved another amendment to clause 8 by adding subclauses (1)(fa) and (1)(fb) and addressed the Committee.

The Secretary for Security and a Member spoke on the amendment.

Mr James TO replied.

Question on the amendment to clause 8, by adding subclause (1)(fa), moved by Mr James TO put and agreed to.

Question on the amendment to clause 8, by adding subclause (1)(fb), moved by Mr James TO put and agreed to.

Mr James TO moved the second part of the amendment to clause 8(2) and addressed the Committee.

The Secretary for Security spoke on the amendment.

Mr James TO replied.

Question on the amendment to clause 8 moved by Mr James TO put. The Chairman stated that he thought the amendment had been agreed.

Mr IP Kwok-him claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 26 votes for the amendment and 29 votes against it. (Voting record in Appendix 8.) He declared that Mr James TO's amendment was negatived.

Question that clauses 7 and 8, as amended, stand part of the Bill put. The Chairman stated that he thought the motion had been agreed.

Mr Ronald ARCULLI and 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 30 votes for the motion and 25 votes against it. (Voting record in Appendix 9.) He declared that the motion was carried.

The Secretary for Security moved amendments to clause 9(2)(c) and (3) and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that both the Secretary for Security and Mr James TO had separately given notices to propose the addition of subclause (5) to clause 9. He proposed that the proposals of the Secretary for Security and Mr James TO be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposals of the Secretary for Security and Mr James TO be debated together in a joint debate.

The Chairman invited the Secretary for Security to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Security moved the addition of subclause (5) to clause 9 and addressed the Committee.

The Chairman invited Mr James TO to speak on the Secretary for Security's motion as well as his own proposal. He added, however, that Mr James TO might not move his proposed amendment unless the Secretary for Security's amendment was not agreed.

Mr James TO spoke on the Secretary for Security's motion as well as his own proposal.

Question on the addition of subclause (5) to clause 9 moved by the Secretary for Security put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 29 votes for the amendment and 26 votes against it. (Voting record in Appendix 10.) He declared that the amendment was agreed.

The Chairman stated that Mr James TO might not move the addition of his subclause (5) to clause 9 since his proposal was inconsistent with the decision already taken.

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

The Chairman stated that both the Secretary for Security and Mr James TO had separately given notices to propose amendments to clause 10. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr James TO to move his amendments in accordance with Standing Order No. 25(4).

Mr James TO moved amendments to clause 10 and addressed the Committee.

The Chairman invited the Secretary for Security to speak on Mr James TO's motion as well as his own proposed amendments. He added, however, that the Secretary for Security might not move his proposed amendments unless Mr James TO's amendments were not agreed.

The Secretary for Security spoke on the motion as well as his own proposed amendments.

A Member spoke on the motion and the proposed amendments.

Mr James TO replied.

Question on the amendments to clause 10 moved by Mr James TO put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 26 votes for the amendments and 30 votes against them. (Voting record in Appendix 11.) He declared that the amendments were negatived.

The Secretary for Security moved amendments to clause 10 and addressed the Committee.

Question on the amendments to clause 10 moved by the Secretary for Security put and agreed to.

Mr WONG Wai-yin moved a further amendment to clause 10 and addressed the Committee.

The Secretary for Security spoke on the amendment.

Mr WONG Wai-yin replied.

Question on the amendment to clause 10 moved by Mr WONG Wai-yin put and agreed to.

Question that clause 10, as amended, stand part of the Bill put and agreed to.

The Secretary for Security moved an amendment to clause 13 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 13, as amended, stand part of the Bill put and agreed to.

Mr James TO moved an amendment to clause 14 and addressed the Committee.

The Secretary for Security spoke on the amendment.

Question on the amendment put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 30 votes for the amendment and 23 votes against it. (Voting record in Appendix 12.) He declared that the amendment was agreed.

The Secretary for Security moved a further amendment to clause 14 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 14, as amended, stand part of the Bill put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security announced that he withdrew the Bill.

The President stated that as the Secretary for Security had withdrawn the Bill in accordance with Standing Order No. 52, no further proceedings would be taken on the Bill.

Five Members raised points of order in response to the Secretary for Security's withdrawal of the Bill.

The President suspended the sitting at 4:27 pm.

The Council resumed at 4:40 pm.

Six Members raised points of order on the withdrawal of the Bill. In response to Members' request, the President undertook to consider their request to have a motion debate regarding the withdrawal of the Bill.

Long-Term Prison Sentences Review Bill

Second Reading

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

Two Members spoke on the motion.

The Secretary for Security 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 **Long-Term Prison Sentences Review Bill**.

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

Question on clauses 1, 3, 5, 7, 9, 10, 16 to 20, 22, 24, 25, 26, 28 to 33, 35, 36, 37, 39 to 42, 44 and 45 put and agreed to.

The Secretary for Security moved amendments to clauses 2, 4, 6, 8, 11 to 15, 21, 23, 27, 34, 38 and 43 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2, 4, 6, 8, 11 to 15, 21, 23, 27, 34, 38 and 43, as amended, stand part of the Bill put and agreed to.

The Secretary for Security 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.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the **Long-Term Prison Sentences Review 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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Mutual Legal Assistance in Criminal Matters Bill

Second Reading

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

Five Members spoke on the motion.

The Secretary for Security 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 **Mutual Legal Assistance in Criminal Matters Bill**.

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

Question on clauses 1, 6, 7, 11, 13, 16, 18, 20, 21, 22, 24 to 34 and 36 put and agreed to.

The Secretary for Security moved amendments to clauses 2 to 5, 8, 9, 10, 12, 14, 15, 17, 19, 23 and 35 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2 to 5, 8, 9, 10, 12, 14, 15, 17, 19, 23 and 35, as amended, stand part of the Bill put and agreed to.

The Secretary for Security 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.

New schedule 1A read the first time.

The Secretary for Security moved the Second Reading of new schedule 1A and addressed the Committee.

Question on the Second Reading of new schedule 1A proposed, put and agreed to.

New schedule 1A read the second time.

The Secretary for Security moved the addition of new schedule 1A to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the **Mutual Legal Assistance in Criminal Matters 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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Immigration (Amendment) Bill 1997

Second Reading

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

Eight Members spoke on the motion.

At 6:45 pm, the President's Deputy took the chair during the temporary absence of the President.

The Secretary for Security replied.

Question on Second Reading put. The President's Deputy stated that he thought the motion had been agreed.

Miss Margaret NG claimed a division. The President's Deputy then ordered the Council to divide under Standing Order No.36(4).

At 6:53 pm, the President resumed the chair.

The President announced that there were 51 votes for the motion and one vote against it. (Voting record in Appendix 13.) 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 **Immigration (Amendment) Bill 1997**.

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

The Chairman stated that both the Secretary for Security and Mr James TO had separately given notices to propose amendments to

clause 1. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Security to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Security moved an amendment to clause 1 and addressed the Committee.

The Chairman invited Mr James TO to speak on the Secretary for Security's motion as well as his own proposed amendment. He added, however, that Mr James TO might not move his proposed amendment unless the Secretary for Security's amendment was not agreed.

Mr James TO spoke on the motion as well as his own proposed amendment.

Question on the amendment to clause 1 moved by the Secretary for Security put. The Chairman stated that he thought the amendment had been negatived.

Mr IP Kwok-him, Mr Bruce LIU and Mr Howard YOUNG claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 31 votes for the amendment and 22 votes against it. (Voting record in Appendix 14.) He declared that the amendment was agreed.

The Chairman stated that Mr James TO might not move his proposed amendment to clause 1 since it was inconsistent with the decision already taken.

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

The Secretary for Security moved an amendment to clause 23 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 23, as amended, stand part of the Bill put and agreed to.

Question on clauses 2 to 22, 24, 25 and 26 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the **Immigration (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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Crimes (Amendment) (No.2) Bill 1996

Second Reading

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

A Member spoke on the motion.

At 7:11 pm, the President's Deputy took the chair during the temporary absence of the President.

Another five Members spoke on the motion.

At 8:05 pm, the President resumed the chair.

Six further Members spoke on the motion.

The Secretary for Security 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 24 votes against it. (Voting record in Appendix 15.) He declared that the motion was carried.

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

Dr LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions at the Committee Stage of the Crimes (Amendment) (No.2) Bill 1996 at this sitting, Standing Order No. 36(4) be suspended so that the Chairman may order that the Committee 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.

Committee Stage

The Council went into Committee and considered **Crimes (Amendment) (No.2) Bill 1996.**

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

Question on clauses 1, 6, 10, 11 and 13 put. The Chairman stated that he thought the motion had been carried.

Mr IP Kwok-him and Mr Howard YOUNG claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 27 votes for the motion and 24 votes against it. (Voting record in Appendix 16.) He declared that the motion was carried.

Mr James TO moved an amendment to clause 2 and addressed the Committee.

Question on the amendment put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 18 votes for the amendment and 33 votes against it. (Voting record in Appendix 17.) He declared that the amendment was negatived.

Question on the original clause 2 standing part of the Bill put and negatived.

The Chairman stated that both Mr James TO and Mr Albert HO had separately given notices to move amendments to clause 3. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered

that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr James TO to move his amendment first by virtue of his seniority.

Mr James TO moved an amendment to clause 3 and addressed the Committee.

The Chairman invited Mr Albert HO to speak on Mr James TO's motion as well as his own proposed amendment. He added, however, that Mr Albert HO might not move his proposed amendment unless Mr James TO's amendment was not agreed.

Mr Albert HO spoke on the motion as well as his own proposed amendment.

Two Members spoke on the motion and the proposed amendment.

Mr James TO replied.

Question on the amendment to clause 3 moved by Mr James TO put. The Chairman stated that he thought the amendment had been negatived.

Mr James TO and Mr Albert HO claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 17 votes for the amendment and 33 votes against it. (Voting record in Appendix 18.) He declared that the amendment was negatived.

Mr Albert HO moved an amendment to clause 3.

Question on the amendment to clause 3 moved by Mr Albert HO put. The Chairman stated that he thought the amendment had been negatived.

Mr Albert HO and Miss Emily LAU claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 27 votes for the amendment and 23 votes against it. (Voting record in Appendix 19.) He declared that the amendment was agreed.

Question that clause 3, as amended, stand part of the Bill put. The Chairman stated that he thought the motion had been negatived.

Mr Albert HO claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 27 votes for the motion and 24 votes against it. (Voting record in Appendix 20.) He declared that the amendment was agreed.

Mr Albert HO moved an amendment to clause 4 and addressed the Committee.

Three Members spoke on the amendment.

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

Mr Albert HO and Mr Michael HO claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 28 votes for the amendment and 22 votes against it. (Voting record in Appendix 21.) He declared that the amendment was agreed.

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

Mr Albert HO claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 28 votes for the motion and 23 votes against it. (Voting record in Appendix 22.) He declared that the motion was carried.

Mr Albert HO moved an amendment to clause 5 and addressed the Committee.

A Member spoke on the amendment.

Question on the amendment put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 28 votes for the amendment and 23 votes against it. (Voting record in Appendix 23.) He declared that the amendment was agreed.

The Chairman stated that as the amendment to clause 5, which dealt with deletion, had been agreed, clause 5 would therefore be deleted from the Bill.

The Chairman stated that both Miss Emily LAU and Mr Albert HO had separately given notices to move amendments to clause 7. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Miss Emily LAU to move her amendment in accordance with Standing Order No. 25(4).

Miss Emily LAU moved an amendment to clause 7 and addressed the Committee.

The Chairman invited Mr Albert HO to speak on Miss Emily LAU's motion as well as his own proposed amendment. He added, however, that Mr Albert HO might not move his proposed amendment unless Miss Emily LAU's amendment was not agreed.

Mr Albert HO spoke on the motion as well as his own proposed amendment.

A Member spoke on the motion and the proposed amendment.

Miss Emily LAU replied.

Question on the amendment to clause 7 moved by Miss Emily LAU put.

Miss Emily LAU claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were eight votes for the amendment and 26 votes against it. (Voting record in Appendix 24.) He declared that the amendment was negatived.

Mr Albert HO moved amendments to clause 7.

Question on the amendments to clause 7 moved by Mr Albert HO put.

Mr Albert HO and Mr TSANG Kin-shing claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 22 votes for the amendments and 27 votes against them. (Voting record in Appendix 25.) He declared that the amendments were negatived.

Question on original clause 7 standing part of the Bill put and negatived.

The Chairman stated that both Miss Emily LAU and Mr Albert HO had separately given notices to move amendments to clause 8. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Miss Emily LAU to move her amendment first by virtue of her seniority.

Miss Emily LAU moved an amendment to clause 8 and addressed the Committee.

The Chairman invited Mr Albert HO to speak on Miss Emily LAU's motion as well as his own proposed amendment.

Mr Albert HO spoke on the motion as well as his own proposed amendment.

A Member spoke on the motion and the proposed amendment.

Miss Emily LAU replied.

Question on the amendment to clause 8 moved by Miss Emily LAU put.

Miss Emily LAU claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were seven votes for the amendment and 27 votes against it. (Voting record in Appendix 26.) He declared that the amendment was negatived.

Mr Albert HO moved an amendment to clause 8.

Question on the amendment to clause 8 moved by Mr Albert HO put. The Chairman stated that he thought the amendment had been negatived.

Mr Albert HO and Mr TSANG Kin-shing claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 22 votes for the amendment and 27 votes against it. (Voting record in Appendix 27.) He declared that the amendment was negatived.

Question on the original clause 8 standing part of the Bill put. The Chairman stated that he thought the motion had been negatived.

Mr James TO and Miss Margaret NG claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were 27 votes for the motion and 23 votes against it. (Voting record in Appendix 28.) He declared that the motion was carried.

Miss Emily LAU moved amendments to clause 9 and addressed the Committee.

Three Members spoke on the amendments.

Miss Emily LAU withdrew her proposed amendments to clause 9. There being no dissenting voice, the Chairman declared that the motion on the amendments was withdrawn.

Question on the original clause 9 standing part of the Bill put.

Miss Margaret NG and Mr IP Kwok-him claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were 28 votes for the motion and 22 votes against it. (Voting record in Appendix 29.) He declared that the motion was carried.

Miss Emily LAU moved amendments to clause 12 and addressed the Committee.

Two Members spoke on the amendments.

Miss Emily LAU replied.

Question on the amendments put.

Mr IP Kwok-him claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were 24 votes for the amendments and 26 votes against them. (Voting record in Appendix 30.) He declared that the amendments were negatived.

Question on the original clause 12 standing part of the Bill put. The Chairman stated that he thought the motion had been negatived.

Miss Margaret NG and Mr James TO claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were 27 votes for the motion and 22 votes against it. (Voting record in Appendix 31.) He declared that the motion was carried.

New clause 4A read the first time.

Mr Albert HO moved the Second Reading of new clause 4A and addressed the Committee.

Question on the Second Reading of new clause 4A proposed and put. The Chairman stated that he thought the motion had been negatived.

Mr IP Kwok-him, Mr James TO and Mr CHEUNG Man-kwong claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were 28 votes for the motion and 22 votes against it. (Voting record in Appendix 32.) He declared that the motion was carried.

New clause 4A read the second time.

Mr Albert HO moved the addition of new clause 4A to the Bill.

Question on the addition proposed and put.

Mr TSANG Kin-shing claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 37(5).

The Chairman announced that there were 28 votes for the motion and 22 votes against it. (Voting record in Appendix 33.) He declared that the motion was carried.

The Council then resumed.

The President suspended the sitting at 10:25 pm for the Secretary for Security to prepare his report on the Bill.

The Council resumed at 10:47 pm.

The President deferred the last stage, i.e. the third reading, of the Crimes (Amendment) (No. 2) Bill 1996 and suspended the sitting at 10:48 pm.

★ ★ ★ ★ ★ ★

The Council resumed at 9:00 am on 24 June 1997 and continued the proceedings on the Crimes (Amendment) (No.2) Bill 1996.

Third Reading

The Secretary for Security reported that

the **Crimes (Amendment) (No.2) 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 of the Bill proposed and put.

Miss Emily LAU claimed a division. The President then ordered the Council to divide under Standing Order No. 36(4).

The Chairman announced that there were 23 votes for the motion and 20 votes against it. (Voting record in Appendix 34.) He declared that the motion was carried.

Bill read the third time and passed.

Weapons of Mass Destruction (Control of Provision of Services) Bill

Second Reading

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

A Member spoke on the motion.

The Secretary for Trade and Industry 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 **Weapons of Mass Destruction (Control of Provision of Services) Bill**.

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

The Secretary for Trade and Industry moved amendments to clauses 1, 2, 3, 5 to 9 and 12 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1, 2, 3, 5 to 9 and 12, as amended, stand part of the Bill put and agreed to.

Question on clauses 4, 10, 11, 13, 14 and 15 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Trade and Industry reported that

the **Weapons of Mass Destruction (Control of Provision of Services) Bill**

had passed through Committee with amendments. She moved that the Bill be read the third time and do pass.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Family Status Discrimination Bill

Second Reading

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

Seven Members spoke on the motion.

The Secretary for Home Affairs 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 **Family Status Discrimination Bill**.

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

Question on clauses 1, 3, 5, 6, 7, 9 to 15, 17, 18, 19, 22 to 53, 55 to 63 and 65 to 69 put and agreed to.

The Secretary for Home Affairs moved amendments to clauses 2, 4, 16, 20 and 21 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2, 4, 16, 20 and 21, as amended, stand part of the Bill put and agreed to.

Mr LAU Chin-shek moved an amendment to clause 8 and addressed the Committee.

Four Members and the Secretary for Home Affairs spoke on the amendment.

Mr LAU Chin-shek replied.

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

Mr LAU Chin-shek claimed a division. The Chairman then ordered the Committee to divide under Standing Order No. 36(4).

The Chairman announced that there were 24 votes for the amendment and 24 votes against it. (Voting record in Appendix 35.) The Chairman stated that he had previously exercised his casting vote in accordance with the principle in the decision of Speaker DENISON of the UK House of Commons in 1867. He then exercised his casting vote and voted in the negative; and declared that the amendment was negatived.

The Secretary for Home Affairs moved another amendment to clause 8 and addressed the Committee.

Question on the amendment put and agreed to.

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

Miss Christine LOH moved an amendment to clause 54 and addressed the Committee.

Eight Members and the Secretary for Home Affairs spoke on the amendment.

Miss Christine LOH replied.

Question on the amendment put.

Mr James TIEN claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 32 votes for the amendment and 19 votes against it. (Voting record in Appendix 36.) He declared that the amendment was agreed.

Question that clause 54, as amended, stand part of the Bill put and agreed to.

Miss Christine LOH moved an amendment to clause 64 and addressed the Committee.

A Member and the Secretary for Home Affairs spoke on the amendment.

Miss Christine LOH replied.

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

Mr James TIEN claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 31 votes for the amendment and 19 votes against it. (Voting record in Appendix 37.) He declared that the amendment was agreed.

Question that clause 64, as amended, stand part of the Bill put and agreed to.

The Secretary for Home Affairs moved an amendment to schedule 1 and addressed the Committee.

Question on the amendment put and agreed to.

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

Question on schedules 2 and 3 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Home Affairs reported that

the **Family Status Discrimination Bill**

had passed through Committee with amendments. She moved that the Bill be read the third time and do pass.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Copyright Bill

Second Reading

Resumption of debate on Second Reading which had been moved on 26 February 1997.

Two Members spoke on the motion.

At 11:25 am, the President's Deputy took the chair during the temporary absence of the President.

Another five Members spoke on the motion.

The Secretary for Trade and Industry replied.

At 12:26 pm, the President resumed the chair.

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 **Copyright Bill**.

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

Question on clauses 2, 4, 5, 10 to 13, 16, 17, 18, 20 to 25, 27, 28, 30, 31, 32, 34, 39, 40, 41, 43 to 48, 50, 52 to 58,

62, 63, 64, 66, 67, 69 to 75, 77 to 81, 83 to 86, 88 to 104, 106, 107, 109, 111, 112, 114, 116, 117, 120 to 126, 128, 130 to 146, 148 to 159, 161, 162, 163, 165, 167 to 192, 204, 207, 213, 217, 220, 221, 227, 229, 230, 232, 233, 236, 237, 238, 240 to 243, 245, 248, 257, 261, 262, 263, 266 and 271 to 276 put and agreed to.

The Chairman stated that both the Secretary for Trade and Industry and Mr SIN Chung-kai had separately given notices to move amendments to clause 1. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Trade and Industry to move her amendment first as she was the Public Officer in charge of the Bill.

The Secretary for Trade and Industry moved an amendment to clause 1 and addressed the Committee.

The Chairman invited Mr SIN Chung-kai to speak on the Secretary for Trade and Industry's motion as well as his own proposed amendment. He added, however, that Mr SIN Chung-kai might not move his proposed amendment unless the Secretary for Trade and Industry's amendment was not agreed.

Mr SIN Chung-kai spoke on the Secretary for Trade and Industry's motion as well as his own proposed amendment.

Two Members spoke on the motion and the proposed amendment.

The Secretary for Trade and Industry replied.

Question on the amendment to clause 1 moved by the Secretary for Trade and Industry put. The Chairman stated that he thought the motion 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 16 votes for the amendment and 34 votes against it. (Voting record in Appendix 38.) He declared that the amendment was negatived.

Dr LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions at the Committee Stage of the Copyright Bill at this sitting, Standing Order No. 36(4) be suspended so

that the Chairman may order that the Committee 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.

Mr SIN Chung-kai moved an amendment to clause 1.

Question on the amendment to clause 1 moved by Mr SIN Chung-kai put and agreed to.

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

The Chairman suspended the sitting at 1:06 pm.

The Committee resumed at 2:05 pm.

The Secretary for Trade and Industry moved amendments to clauses 3, 6 to 9, 14, 15, 19, 26, 29, 33, 36, 37, 38, 42, 49, 51, 59, 60, 61, 65, 68, 76, 82, 87, 105, 108, 113, 118, 119, 127, 129, 147, 160, 164, 166, 193 to 203, 205, 206, 208 to 212, 214, 215, 216, 218, 219, 222 to 226, 228, 231, 234, 235, 239, 244, 246, 247, 249 to 256, 258, 259, 260, 264, 265 and 267 to 270 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 3, 6 to 9, 14, 15, 19, 26, 29, 33, 36, 37, 38, 42, 49, 51, 59, 60, 61, 65, 68, 76, 82, 87, 105, 108, 113, 118, 119, 127, 129, 147, 160, 164, 166, 193 to 203, 205, 206, 208 to 212, 214, 215, 216, 218, 219, 222 to 226, 228, 231, 234, 235, 239, 244, 246, 247, 249 to 256, 258, 259, 260, 264, 265 and 267 to 270, as amended, stand part of the Bill put and agreed to.

The Secretary for Trade and Industry moved an amendment to clause 35(3) and addressed the Committee.

Question on the amendment put and agreed to.

The Chairman stated that the Secretary for Trade and Industry, Dr HUANG Chen-ya and Mr CHAN Kam-lam had separately given notices to propose amendments to clause 35(4). He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Trade and Industry to move her amendment first as she was the Public Officer in charge of the Bill.

The Secretary for Trade and Industry moved an amendment to clause 35(4) and addressed the Committee.

The Chairman stated that Dr HUANG Chen-ya and Mr CHAN Kam-lam might not move their amendments unless the Secretary for Trade and Industry's amendment was not agreed.

Dr HUANG Chen-ya and Mr CHAN Kam-lam spoke on the Secretary for Trade and Industry's motion as well as the proposed amendments.

A Member spoke on the motion and the respective proposed amendments.

The Secretary for Trade and Industry replied.

Question on the amendment to clause 35(4) moved by the Secretary for Trade and Industry put and agreed to.

The Chairman stated that Dr HUANG and Mr CHAN might not move their respective amendments to clause 35(4) as they were inconsistent with the decision already taken.

The Secretary for Trade and Industry moved the addition of subclause (4A) to clause 35 and addressed the Committee.

Question on the amendment put and agreed to.

The Secretary for Trade and Industry moved the addition of subclause (6A) to clause 35 and addressed the Committee.

Question on the amendment put and agreed to.

The Secretary for Trade and Industry moved an amendment to clause 35(7) and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 35, as amended, stand part of the Bill put and agreed to.

The Chairman stated that both the Secretary for Trade and Industry and Dr HUANG Chen-ya had separately given notices to propose amendments to clause 110. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Trade and Industry to move her amendments first as she was the Public Officer in charge of the Bill.

The Secretary for Trade and Industry moved amendments to clause 110 and addressed the Committee.

The Chairman invited Dr HUANG Chen-ya to speak on the Secretary for Trade and Industry's motion as well as his own proposed amendments. He added, however, that Dr HUANG Chen-ya might not move his amendments unless the Secretary for Trade and Industry's amendments were not agreed.

Dr HUANG Chen-ya spoke on the Secretary for Trade and Industry's motion as well as his own proposed amendments.

A Member spoke on the motion and the proposed amendments.

At 2:40 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

Question on the amendments to clause 110 moved by the Secretary for Trade and Industry put. As the Deputy Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

At 2:41 pm, the Chairman resumed the chair.

The Chairman announced that there were 28 votes for the amendments and 23 votes against them. (Voting record in Appendix 39.) He declared that the amendments were agreed.

The Chairman stated that Dr HUANG Chen-ya might not move his amendments to clause 110 as they were inconsistent with the decision already taken.

Question that clause 110, as amended, stand part of the Bill put and agreed to.

The Secretary for Trade and Industry moved amendments to clause 115(1), (2) and (3) and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that both the Secretary for Trade and Industry and Mr Howard YOUNG had separately given notices to propose the addition of subclauses (5A) and (5B) to clause 115. He proposed that the proposals of the Secretary for Trade and Industry and Mr YOUNG be debated together in a joint debate. There being no dissenting voice, the Chairman ordered

that the proposals of the Secretary for Trade and Industry and Mr YOUNG be debated together in a joint debate.

The Chairman invited the Secretary for Trade and Industry to move her amendments first as she was the Public Officer in charge of the Bill.

The Secretary for Trade and Industry moved the addition of subclauses (5A) and (5B) to clause 115 and addressed the Committee.

At 2:44 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

The Deputy Chairman invited Mr Howard YOUNG to speak on the Secretary for Trade and Industry's motion as well as his own proposal. He added, however, that Mr Howard YOUNG might not move his proposed amendments unless the Secretary for Trade and Industry's amendments were not agreed.

Mr Howard YOUNG spoke on the Secretary for Trade and Industry's motion as well as his own proposal.

At 2:46 pm, the Chairman resumed the chair.

A Member spoke on the motion and the proposed amendments.

The Secretary for Trade and Industry replied.

Question on the addition of subclauses (5A) and (5B) to clause 115 moved by the Secretary for Trade and Industry put and negatived.

Mr Howard YOUNG moved the addition of subclauses (5A) and (5B) to clause 115.

Question on the addition of subclauses (5A) and (5B) to clause 115 moved by Mr Howard YOUNG put and agreed to.

Question that clause 115, as amended, stand part of the Bill put and agreed to.

Heading before new clause 35A and new clause 35A read the first time.

The Chairman stated that the Secretary for Trade and Industry, Dr HUANG Chen-ya, Mr Howard YOUNG and Mr CHAN Kam-lam had separately given notices to propose the addition of heading before new clause 35A and new clause 35A to the Bill. He proposed that the proposals of the Secretary for Trade and Industry, Dr HUANG, Mr YOUNG and Mr CHAN be debated together in

a joint debate. There being no dissenting voice, the Chairman ordered that the proposals of the Secretary for Trade and Industry, Dr HUANG, Mr YOUNG and Mr CHAN be debated together in a joint debate.

The Chairman invited the Secretary for Trade and Industry to move the Second Reading of her amendment first as she was the Public Officer in charge of the Bill.

The Secretary for Trade and Industry moved the Second Reading of heading before new clause 35A and new clause 35A and addressed the Committee.

The Chairman invited Dr HUANG Chen-ya, Mr Howard YOUNG and Mr CHAN Kam-lam to speak on the Secretary for Trade and Industry's motion as well as their respective proposals. He added, however, that Dr HUANG Chen-ya, Mr Howard YOUNG and Mr CHAN Kam-lam might not move their proposals unless the Secretary for Trade and Industry's motion was not agreed.

Dr HUANG Chen-ya, Mr Howard YOUNG and Mr CHAN Kam-lam spoke on the Secretary for Trade and Industry's motion as well as the proposals.

A Member spoke on the Secretary for Trade and Industry's motion and the respective proposals by Dr HUANG Chen-ya, Mr Howard YOUNG and Mr CHAN Kam-lam.

The Secretary for Trade and Industry replied.

Question on the Second Reading of heading before new clause 35A and new clause 35A moved by the Secretary for Trade and Industry put and negatived.

Dr HUANG Chen-ya moved the Second Reading of heading before new clause 35A and new clause 35A.

Question on the Second Reading of heading before new clause 35A and new clause 35A moved by Dr HUANG Chen-ya put. The Chairman stated that he thought the motion had been carried.

Dr HUANG Chen-ya claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 28 votes for the motion and 26 votes against it. (Voting record in Appendix 40.) He declared that the motion was carried.

The Chairman stated that Mr Howard YOUNG and Mr CHAN Kam-lam might not move the Second Reading of their respective proposed

heading before new clause 35A and new clause 35A as they were inconsistent with the decision already taken.

Heading before new clause 35A and new clause 35A read the second time.

Dr HUANG Chen-ya moved the addition of heading before new clause 35A and new clause 35A to the Bill.

Question on the addition proposed, put and agreed to.

Heading before new clause 85A and new clauses 85A, 85B, 85C, 123A and 182A read the first time.

The Secretary for Trade and Industry moved the Second Reading of heading before new clause 85A and new clauses 85A, 85B, 85C, 123A and 182A and addressed the Committee.

Question on the Second Reading of heading before new clause 85A and new clauses 85A, 85B, 85C, 123A and 182A proposed, put and agreed to.

Heading before new clause 85A and new clauses 85A, 85B, 85C, 123A and 182A read the second time.

The Secretary for Trade and Industry moved the addition of heading before new clause 85A and new clauses 85A, 85B, 85C, 123A and 182A to the Bill.

Question on the addition proposed, put and agreed to.

Schedules 1 and 5 put and agreed to.

The Secretary for Trade and Industry moved an amendment to schedule 2 and addressed the Committee.

Question on the amendment put and agreed to.

Mr Howard YOUNG moved a further amendment to schedule 2 and addressed the Committee.

The Secretary for Trade and Industry spoke on the amendment.

At 3:44 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

Three Members spoke on the amendment.

Mr Howard YOUNG replied.

At 3:53 pm, the Chairman resumed the chair.

Question on the amendment put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 39 votes for the amendment and 14 votes against it. (Voting record in Appendix 41.) He declared that the amendment was agreed.

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

The Secretary for Trade and Industry moved amendments to schedules 3 and 4 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for Trade and Industry reported that

the **Copyright Bill**

had passed through Committee with amendments. She moved that the Bill be read the third time and do pass.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Smoking (Public Health) (Amendment) (No.2) Bill 1997

Second Reading

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

13 Members spoke on the motion.

The President suspended the sitting at 5:37 pm.

The Council resumed at 7:22 pm.

Another three 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 **Smoking (Public Health) (Amendment) (No.2) Bill 1997**.

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

Question on clauses 5, 7, 8, 9, 12, 16, 17, 19 to 22, 24 and 25 put and agreed to.

The Chairman stated that both Mr LAW Chi-kwong and Dr LEONG Che-hung had separately given notices to propose the addition of subclause (2A) to clause 1. He proposed that the proposals of Dr LEONG and Mr LAW be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposals of Dr LEONG and Mr LAW be debated together in a joint debate.

The Chairman invited Dr LEONG Che-hung to move his amendment first by virtue of his seniority.

Dr LEONG Che-hung moved the addition of subclause (2A) to clause 1 and addressed the Committee.

The Chairman invited Mr LAW Chi-kwong to speak on Dr LEONG Che-hung's motion as well as his own proposal. He added, however, that Mr LAW Chi-kwong might not move his proposed amendment unless Dr LEONG Che-hung's amendment was not agreed.

Mr LAW Chi-kwong spoke on Dr LEONG Che-hung's motion as well as his own proposal.

The Secretary for Health and Welfare spoke on the motion and the amendment.

Question on the addition of subclause (2A) to clause 1 moved by Dr LEONG Che-hung put.

Dr LEONG Che-hung claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were eight votes for the amendment and 37 votes against it. (Voting record in Appendix 42.) He declared that the amendment was negatived.

Dr LEONG Che-hung rose to move the following motion without notice:

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

Mr LAW Chi-kwong moved the addition of subclause (2A) to clause 1.

Question on the amendment put and agreed to.

Dr LEONG Che-hung moved the addition of subclause (2B) to clause 1 and an amendment to clause 10, which was related, and addressed the Committee.

A Member and the Secretary for Health and Welfare spoke on the amendments.

Dr LEONG Che-hung replied.

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

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 37 votes for the amendments and nine votes against them. (Voting record in Appendix 43.) He declared that the amendments were agreed.

Question that clauses 1 and 10, as amended, stand part of the Bill put and agreed to.

The Secretary for Health and Welfare moved an amendment to clause 2 and addressed the Committee.

Question on the amendment put and agreed to.

The Secretary for Health and Welfare moved an amendment in paragraph (b) of her proposed amendment to clause 3 and addressed the Committee.

Question on the amendment put and agreed to.

The Chairman stated that Mr LAW Chi-kwong had given notice to move amendments to clauses 2, 3 and 4, which were related, and the Secretary for Health and Welfare had also given notice to move an amendment to re-number clause 3 as clause 3(2). He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr LAW Chi-kwong to move his amendments in accordance with Standing Order No. 25(4).

Mr LAW Chi-kwong moved amendments to clauses 2, 3 and 4 and addressed the Committee.

The Chairman invited the Secretary for Health and Welfare to speak on Mr LAW Chi-kwong's motion as well as her own proposed amendment. He added, however, that the Secretary for Health and Welfare might not move her proposed amendment unless Mr LAW Chi-kwong's amendments were not agreed.

The Secretary for Health and Welfare spoke on Mr LAW Chi-kwong's motion as well as her own proposed amendment.

Five Members spoke on the motion and the proposed amendments.

Mr LAW Chi-kwong replied.

Question on the amendments to clauses 2, 3 and 4 moved by Mr LAW Chi-kwong put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 26 votes for the amendments and 15 votes against them. (Voting record in Appendix 44.) He declared that the amendments were agreed.

The Chairman stated that the Secretary for Health and Welfare might not move her proposed amendment to re-number clause 3 as it was inconsistent with the decision already taken.

Question that clauses 2, 3 and 4, as amended, stand part of the Bill put and agreed to.

The Secretary for Health and Welfare moved amendments to clauses 6, 13 and 15 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 6, 13 and 15, as amended, stand part of the Bill put and agreed to.

Mr LEUNG Yiu-chung moved amendments to clause 11 and addressed the Committee.

Two Members and the Secretary for Health and Welfare spoke on the amendments.

Mr LEUNG Yiu-chung replied.

Question on the amendments put. The Chairman stated that he thought the amendments 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 22 votes for the amendments and 28 votes against them. (Voting record in Appendix 45.) He declared that the amendments were negatived.

Dr LEONG Che-hung moved the addition of subclause (1A) to clause 11 and addressed the Committee.

Five Members and the Secretary for Health and Welfare spoke on the amendment.

Dr LEONG Che-hung replied.

Question on the amendment put and agreed to.

The Chairman stated that Dr LEONG Che-hung had given notice to propose the addition of subclause (1B) to clause 11 and Mrs Selina CHOW had also given notice to propose the addition of subclause (4) to clause 11. He proposed that the proposals of Dr LEONG and Mrs CHOW be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposals of Dr LEONG and Mrs CHOW be debated together in a joint debate.

The Chairman invited Dr LEONG Che-hung to move his amendment in accordance with Standing Order No. 25(4).

Dr LEONG Che-hung moved the addition of subclause (1B) to clause 11.

The Chairman invited Mrs Selina CHOW to speak on Dr LEONG Che-hung's motion as well as her own proposal. He added, however, that Mrs Selina CHOW might not move her proposed amendment unless Dr LEONG Che-hung's amendment was not agreed.

Mrs Selina CHOW spoke on Dr LEONG Che-hung's motion as well as her own proposal.

Four Members and the Secretary for Health and Welfare spoke on the motion and the amendment.

Dr LEONG Che-hung replied.

Question on the addition of subclause (1B) to clause 11 moved by Dr LEONG Che-hung put. The Chairman stated that he thought the amendment had been agreed.

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 38 votes for the amendment and nine votes against it. (Voting record in Appendix 46.) He declared that the amendment was agreed.

The Chairman stated that Mrs Selina CHOW might not move the addition of her subclause (4) to clause 11 as it was inconsistent with the decision already taken.

Question that clause 11, as amended, stand part of the Bill put and agreed to.

The Chairman stated that the Secretary for Health and Welfare, Mr LEUNG Yiu-chung and Dr LEONG Che-hung had separately given notices to move amendments to the proposed section 14(2) in clause 14. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Health and Welfare to move her amendment in accordance with Standing Order No. 25(4).

The Secretary for Health and Welfare moved an amendment to the proposed section 14(2) in clause 14 and addressed the Committee.

The Chairman invited Mr LEUNG Yiu-chung and Dr LEONG Che-hung to speak on the Secretary for Health and Welfare's motion as well as the amendments. He added, however, that Mr LEUNG Yiu-chung and Dr LEONG Che-hung might not move their proposed

amendments unless the Secretary for Health and Welfare's amendment was not agreed.

Mr LEUNG Yiu-chung and Dr LEONG Che-hung spoke on the Secretary for Health and Welfare's motion as well as the proposed amendments.

Six Members spoke on the motion and the proposed amendments.

The Secretary for Health and Welfare replied.

Question on the amendment to clause 14 moved by the Secretary for Health and Welfare put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 26 votes for the amendment and 18 votes against it. (Voting record in Appendix 47.) He declared that the amendment was agreed.

The Chairman stated that Mr LEUNG Yiu-chung and Dr LEONG Che-hung might not move their proposed amendments to the proposed section 14(2) in clause 14 as they were inconsistent with the decision already taken.

Mr LEUNG Yiu-chung moved an amendment to the proposed section 14(3) in clause 14.

The Secretary for Health and Welfare spoke on the amendment.

Question on the 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 10 votes for the amendment and 37 votes against it. (Voting record in Appendix 48.) He declared that the amendment was negatived.

Mrs Selina CHOW withdrew her proposed amendment to clause 14(4).

Question that clause 14, as amended, stand part of the Bill put and agreed to.

Mrs Selina CHOW moved an amendment to clause 18 and addressed the Committee.

Two Members and the Secretary for Health and Welfare spoke on the amendment.

Mrs Selina CHOW replied.

Question on the amendment put and negatived.

Question on the original clause 18 standing part of the Bill put and agreed to.

Mr LAW Chi-kwong moved an amendment to clause 23 and addressed the Committee.

A Member and the Secretary for Health and Welfare spoke on the amendment.

Mr LAW Chi-kwong replied.

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

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 32 votes for the amendment and 11 votes against it. (Voting record in Appendix 49.) He declared that the amendment was agreed.

The Secretary for Health and Welfare moved a further amendment to clause 23 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 23, as amended, stand part of the Bill put and agreed to.

New clause 3A read the first time.

The Secretary for Health and Welfare moved the Second Reading of new clause 3A and addressed the Committee.

Question on the Second Reading of new clause 3A proposed, put and agreed to.

New clause 3A read the second time.

The Secretary for Health and Welfare moved the addition of new clause 3A to the Bill.

Question on the addition proposed, put and agreed to.

New clause 22A read the first time.

Mr LAW Chi-kwong moved the Second Reading of new clause 22A and addressed the Committee.

Question on the Second Reading of new clause 22A proposed, put and agreed to.

New clause 22A read the second time.

Mr LAW Chi-kwong moved the addition of new clause 22A to the Bill.

Question on the addition proposed, put and agreed to.

New clause 22B read the first time.

The Secretary for Health and Welfare moved the Second Reading of new clause 22B and addressed the Committee.

Question on the Second Reading of new clause 22B proposed, put and agreed to.

New clause 22B read the second time.

The Secretary for Health and Welfare moved the addition of new clause 22B 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 **Smoking (Public Health) (Amendment) (No.2) 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 of the Bill proposed.

Dr LEONG Che-hung spoke on the Bill and stated that he would withdraw his Smoking (Public Health) (Amendment) Bill 1997.

Question on the Third Reading of the Bill put and agreed to.

Bill read the third time and passed.

The President suspended the sitting at 10:22 pm.

* * * * *

The Council resumed at 9:00 am on 25 June 1997.

Legal Services Legislation (Miscellaneous Amendments) Bill 1996

Second Reading

Resumption of debate on Second Reading which had been moved on 26 June 1996.

Four Members spoke on the motion.

At 9:40 am, the President's Deputy took the chair during the temporary absence of the President.

Another Member spoke on the motion.

At 10:00 am, the President resumed the chair.

12 more Members spoke on the motion.

The Attorney General 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 12:27 pm.

The Council resumed at 2:09 pm.

Committee Stage

The Council went into Committee and considered the **Legal Services Legislation (Miscellaneous Amendments) Bill 1996**.

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

The Attorney General moved amendments to clauses 2 to 6, Part III, clauses 9 to 13, Part V, clauses 19 and 21 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2 to 6, Part III, clauses 9 to 13, Part V, clauses 19 and 21, as amended, stand part of the Bill put and agreed to.

The Chairman stated that both the Attorney General and Miss Margaret NG had separately given notices to move amendments to clause 8. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Attorney General to move his amendments first as he was the Public Officer in charge of the Bill.

The Attorney General moved amendments to clause 8 and addressed the Committee.

The Chairman invited Miss Margaret NG to speak on the Attorney General's motion as well as her own proposed amendments. He added, however, that Miss Margaret NG might not move her proposed amendments unless the Attorney General's amendments were not agreed.

Miss Margaret NG spoke on the motion as well as her own proposed amendments.

Four Members spoke on the motion and the proposed amendments.

The Attorney General replied.

Question on the amendments to clause 8 moved by the Attorney General put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 17 votes for the amendments and 39 votes against them. (Voting record in Appendix 50.) He declared that the amendments were negatived.

Dr LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions at the Committee Stage of the Legal Services Legislation (Miscellaneous Amendments) Bill 1996 at this sitting, Standing Order No. 36(4) be suspended so that the Chairman may order that the Committee 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.

Miss Margaret NG moved amendments to clause 8.

Question on the amendments to clause 8 moved by Miss Margaret NG put and agreed to.

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

Mr Fred LI moved an amendment to clause 16 and addressed the Committee.

13 Members and the Attorney General spoke on the amendment.

Question on the amendment put.

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 31 votes for the amendment and 24 votes against it. (Voting record in Appendix 51.) He declared that the amendment was agreed.

The Chairman stated that as Mr LI's amendment, which was to delete clause 16, had been agreed, the Attorney General might not move his proposed amendment, which was to add the Chinese text to the original clause 16 which had been deleted.

The Attorney General moved amendments to clause 17(a) and (c) and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that the Attorney General, Mr Fred LI and Mr Andrew CHENG had separately given notices to propose the addition of subclause (aa) to clause 17. He proposed that the proposals of the Attorney General, Mr Fred LI and Mr Andrew CHENG be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposals of the Attorney General, Mr Fred LI and Mr Andrew CHENG be debated together in a joint debate.

The Chairman invited the Attorney General to move his amendment first as he was the Public Officer in charge of the Bill.

The Attorney General moved the addition of subclause (aa) to clause 17 and addressed the Committee.

The Chairman invited Mr Fred LI and Mr Andrew CHENG to speak on the Attorney General's motion as well as the proposals. He added, however, that Mr Fred LI and Mr Andrew CHENG might not move their proposals unless the Attorney General's motion was not agreed.

Mr Fred LI and Mr Andrew CHENG spoke on the Attorney General's motion as well as the proposals.

Five Members spoke on the Attorney General's motion and the respective proposals by Mr LI and Mr CHENG.

The Attorney General replied.

Question on the addition of subclause (aa) to clause 7 moved by the Attorney General put. The Chairman stated that he thought the amendment had been negatived.

Miss Emily LAU claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 27 votes for the amendment and 23 votes against it. (Voting record in Appendix 52.) He declared that the amendment was agreed.

The Chairman stated that Mr LI and Mr CHENG might not move their respective proposed amendments as they were inconsistent with the decision already taken.

The Chairman stated that both the Attorney General and Mr Andrew CHENG had separately given notices to move amendments to clause 17(b). He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Attorney General to move his amendment first as he was the Public Officer in charge of the Bill.

The Attorney General moved an amendment to clause 17(b) and addressed the Committee.

The Chairman invited Mr Andrew CHENG to speak on the Attorney General's motion as well as his own proposed amendment. He added, however, that Mr Andrew CHENG might not move his proposed amendment unless the Attorney General's amendment was not agreed.

Mr Andrew CHENG spoke on the motion as well as his own proposed amendment.

The Attorney General replied.

Question on the amendment to clause 17(b) moved by the Attorney General put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 27 votes for the amendment and 28 votes against it. (Voting record in Appendix 53.) He declared that the amendment was negatived.

Mr Andrew CHENG moved an amendment to clause 17(b).

The Chairman suspended the sitting at 6:05 pm.

The Committee resumed at 6:17 pm.

Question on the amendment to clause 17(b) moved by Mr Andrew CHENG put and agreed to.

The Chairman stated that the Attorney General and Mr Fred LI had separately given notices to move amendments to clause 17(d). He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr Fred LI to move his amendment in accordance with Standing Order No. 25(4).

Mr Fred LI moved an amendment to clause 17(d) and addressed the Committee.

The Chairman invited the Attorney General to speak on Mr Fred LI's motion as well as his own proposed amendment. He added, however, that the Attorney General might not move his proposed amendment unless Mr Fred LI's amendment was not agreed.

The Attorney General spoke on the motion as well as his own proposed amendment.

A Member spoke on the motion and the amendment.

Question on the amendment to clause 17(d) moved by Mr Fred LI put.

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 30 votes for the amendment and 24 votes against it. (Voting record in Appendix 54.) He declared that the amendment was agreed.

The Chairman stated that the Attorney General might not move his proposed amendment to clause 17(d) as it was inconsistent with the decision already taken.

Mr Fred LI moved amendments to clause 17(e) and (f) and addressed the Committee.

Three Members and the Attorney General spoke on the amendments.

Question on the amendments put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 29 votes for the amendments and 24 votes against them. (Voting record in Appendix 55.) He declared that the amendments were agreed.

Question that clause 17, as amended, stand part of the Bill put and agreed to.

The Chairman stated that Mr Fred LI had given notice to amend Part VII, which was to delete the part consisting of clause 18, and Mr Andrew CHENG had also given notice to move amendments to clause 18. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr Fred LI to move his amendment in accordance with Standing Order No. 25(4).

Mr Fred LI moved an amendment to Part VII and addressed the Committee.

The Chairman invited Mr Andrew CHENG to speak on Mr Fred LI's motion as well as his own proposed amendments. He added, however, that Mr Andrew CHENG might not move his proposed amendments unless Mr Fred LI's amendment was not agreed.

Two Members and the Attorney General spoke on the motion and the proposed amendments.

Question on the amendment to Part VII moved by Mr Fred LI put. As the Chairman could not judge from the voice votes whether

the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 24 votes for the amendment and 25 votes against it. (Voting record in Appendix 56.) He declared that the amendment was negatived.

Mr Andrew CHENG moved an amendment to clause 18.

Question on the amendment put and agreed to.

The Attorney General moved a further amendment to clause 18 and addressed the Committee.

Question on the amendment moved by the Attorney General put and agreed to.

Question that clause 18, as amended, stand part of the Bill put and agreed to.

The President ordered the Council to resume and granted leave for Mr Fred LI to move a motion under Standing Order No.68 that Standing Order No.46(7) be suspended to enable the Committee of the whole Council to consider his proposed amendment to clause 20 together with his proposed amendment to schedule 2 as one single question.

Question on the motion proposed, put and agreed to.

The Council went into Committee.

Mr Fred LI moved amendments to clause 20 and schedule 2 and addressed the Committee.

A Member and the Attorney General spoke on the amendments.

Mr Fred LI replied.

Question on the amendments put.

Mr IP Kwok-him claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 27 votes for the amendments and 23 votes against them. (Voting record in Appendix 57.) He declared that the amendments were agreed.

Question that clause 20 and schedule 2, as amended, stand part of the Bill put and agreed to.

The President ordered the Council to resume and granted leave for the Attorney General to move a motion under Standing Order No.68 that Standing Order No.46(5) and (7) be suspended to enable the Committee of the whole Council to consider schedules 1 and 3 ahead of clause 1 and the proposed new clauses.

Question on the motion proposed, put and agreed to.

The Council went into Committee.

The Attorney General moved amendments to items 1 to 68 and 70 to 127 in schedule 1 and addressed the Committee.

Question on the amendments put and agreed to.

Mr Fred LI moved an amendment to item 69 in schedule 1 and addressed the Committee.

A Member and the Attorney General spoke on the amendment.

Question on the amendment put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 26 votes for the amendment and 26 votes against it. (Voting record in Appendix 58.) The Chairman stated that he had previously exercised his casting vote in accordance with the principle in the decision of Speaker DENISON of the UK House of Commons in 1867. He then exercised his casting vote and voted in the negative; and declared that the amendment was negatived.

The Attorney General moved an amendment to item 69 in schedule 1 and addressed the Committee.

Question on the amendment put and agreed to.

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

The Attorney General moved an amendment to schedule 3 and addressed the Committee.

Question on the amendment put and agreed to.

Mr Fred LI withdrew his proposed amendment to schedule 3.

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

The Attorney General moved amendments to clause 1 and addressed the Committee.

Question on the amendments put and agreed to.

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

New clauses 20A, 20B, 20C, 20D and 20E read the first time.

The Attorney General moved the Second Reading of new clauses 20A, 20B, 20C, 20D and 20E and addressed the Committee.

Question on the Second Reading of new clauses 20A, 20B, 20C, 20D and 20E proposed, put and agreed to.

New clauses 20A, 20B, 20C, 20D and 20E read the second time.

The Attorney General moved the addition of new clauses 20A, 20B, 20C, 20D and 20E to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Attorney General reported that

the **Legal Services Legislation (Miscellaneous 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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Legal Practitioners (Amendment) Bill 1996

Second Reading

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

A Member spoke on the motion.

At 7:25 pm, the President's Deputy took the chair during the temporary absence of the President.

Another four Members spoke on the motion.

The Attorney General 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's Deputy suspended the sitting at 8:03 pm.

The President resumed the Council at 8:13 pm.

Committee Stage

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

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

The Attorney General moved amendments to clauses 1, 2, 4, 5 and 6 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1, 2, 4, 5 and 6, as amended, stand part of the Bill put and agreed to.

The Chairman stated that both the Attorney General and Miss Margaret NG had separately given notices to move amendments to clause 3. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Attorney General to move his amendments first as he was the Public Officer in charge of the Bill.

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

The Chairman invited Miss Margaret NG to speak on the Attorney General's motion as well as her own proposed amendments. He added, however, that Miss Margaret NG might not move her

proposed amendments unless the Attorney General's amendments were not agreed.

Miss Margaret NG spoke on the motion as well as her own proposed amendments.

A Member spoke on the motion and the proposed amendments.

The Attorney General replied.

Question on the amendments to clause 3 moved by the Attorney General put.

Miss Emily LAU claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were two votes for the amendments and 48 votes against them. (Voting record in Appendix 59.) He declared that the amendments were negatived.

Dr LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions at the Committee Stage of the Legal practitioners (Amendment) Bill 1996 at this sitting, Standing Order No. 36(4) be suspended so that the Chairman may order that the Committee 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.

Miss Margaret NG moved amendments to clause 3.

Question on the amendments to clause 3 moved by Miss Margaret NG put and agreed to.

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

Heading before new clause 5A and new clause 5A read the first time.

The Attorney General moved the Second Reading of heading before new clause 5A and new clause 5A and addressed the Committee.

Question on the Second Reading of heading before new clause 5A and new clause 5A proposed, put and agreed to.

Heading before new clause 5A and new clause 5A read the second time.

The Attorney General moved the addition of heading before new clause 5A and new clause 5A 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 put and agreed to.

The Council then resumed.

Third Reading

The Attorney General addressed the Council and announced that he withdrew the Bill.

The President stated that as the Bill was withdrawn in accordance with Standing Order No. 52, no further proceedings would be taken on the Bill.

Supreme Court (Amendment) Bill 1997

Second Reading

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

The President suspended the sitting at 8:31 pm.

The Council resumed at 8:36 pm.

Four Members spoke on the motion.

The Attorney General 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 **Supreme Court (Amendment) Bill 1997**.

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

The Attorney General moved amendments to clauses 1 and 2 and addressed the Committee.

Question on the amendments put and agreed to.

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

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

At 9:10 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

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

The Attorney General moved amendments to clauses 4, 5 and 6 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 4, 5 and 6, as amended, stand part of the Bill put and agreed to.

New clauses 5A and 5B read the first time.

The Attorney General moved the Second Reading of new clauses 5A and 5B and addressed the Committee.

Question on the Second Reading of new clauses 5A and 5B proposed, put and agreed to.

New clauses 5A and 5B read the second time.

The Attorney General moved the addition of new clauses 5A and 5B to the Bill.

At 9:17 pm, the Chairman resumed the chair.

Question on the addition proposed, put and agreed to.

The Attorney General moved an amendment to the long title.

Question on the amendment put and agreed to.

The Council then resumed.

Third Reading

The Attorney General reported that

the **Supreme Court (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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Veterinary Surgeons Registration Bill

Second Reading

Resumption of debate on Second Reading which had been moved on 15 May 1996.

A Member spoke on the motion.

The Secretary for Economic Services 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 **Veterinary Surgeons Registration Bill**.

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

Question on clauses 2, 4 to 11, 13 to 16, 19 to 23, 25 to 34 and 42 put and agreed to.

The President ordered the Council to resume and granted leave for Dr HUANG Chen-ya to move a motion under Standing Order No.68 that Standing Order No.46(5) be suspended to enable the Committee of the whole Council to consider the new clause 29B ahead of the other clauses of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee.

New clause 29B read the first time.

Dr HUANG Chen-ya moved the Second Reading of new clause 29B and addressed the Committee.

The Chairman suspended the sitting at 9:41 pm.

The Chairman resumed the Committee at 9:59 pm.

Question on the Second Reading of new clause 29B proposed.

Two Members and the Secretary for Economic Services spoke on the motion.

Dr HUANG Chen-ya replied.

Question on the Second Reading of new clause 29B put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 11 votes for the motion and 23 votes against it. (Voting record in Appendix 60.) He declared that the motion was negatived.

The Chairman stated that as the second reading of Dr HUANG's proposed new clause 29B had been negatived, that by implication meant that his proposed amendment to clause 1 (which was related to new clause 29B) was also not agreed.

Question on the original clause 1 standing part of the Bill put and agreed to.

The Secretary for Economic Services moved amendments to clauses 3, 12, 17, 18, 24 and 35 to 41 and addressed the Committee.

Five Members spoke on the amendments.

In response to Mr IP Kwok-him's request for clarification about the remarks made by Dr HUANG Chen-ya, the Chairman suspended the sitting at 10:50 pm.

The Committee resumed at 11:00 pm.

Dr HUANG Chen-ya withdrew the remarks he had made.

Another Member spoke on the amendments.

The Secretary for Economic Services replied.

Question on the amendments put and agreed to.

Question that clauses 3, 12, 17, 18, 24 and 35 to 41, as amended, stand part of the Bill put and agreed to.

New clause 29A read the first time.

The Secretary for Economic Services moved the Second Reading of new clause 29A and addressed the Committee.

Question on the Second Reading of new clause 29A proposed.

Two Members spoke on the motion.

Question on the Second Reading of new clause 29A put and agreed to.

New clause 29A read the second time.

The Secretary for Economic Services moved the addition of new clause 29A to the Bill.

Question on the addition proposed, put and agreed to.

Question on schedules 1 and 2 put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the **Veterinary Surgeons Registration 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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Dogs and Cats (Amendment) Bill 1996

Second Reading

Resumption of debate on Second Reading which had been moved on 22 May 1996.

A Member spoke on the motion.

The Secretary for Economic Services 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 **Dogs and Cats (Amendment) Bill 1996**.

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

Question on clauses 1, 2, 3, 6, 7 and 9 put and agreed to.

The Secretary for Economic Services moved amendments to clauses 4, 5, 8, 10 and 11 and addressed the Committee.

Question on the amendments put and agreed to.

Mr Michael HO moved a further amendment to clause 5 and addressed the Committee.

The Secretary for Economic Services spoke on the amendment.

Question on the amendment put and agreed to.

Question that clauses 4, 5, 8, 10 and 11, as amended, stand part of the Bill put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the **Dogs and Cats (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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Members' Motions

Interpretation and General Clauses Ordinance

Mr Ronald ARCULLI moved the following motion and addressed the Council:

That section 2 of the Government Rent (Assessment and Collection) Regulation, published as Legal Notice No. 296 of 1997 and laid on the table of the Legislative Council on 11 June 1997, be amended by repealing "as if the leased land were a tenement liable for assessment to rates under the Rating Ordinance (Cap. 116)" and substituting "in accordance with sections 7 and 7A of the Rating Ordinance (Cap. 116)".

Question on the motion proposed.

Three Members and the Secretary for Planning, Environment and Lands spoke on the motion.

Mr Ronald ARCULLI replied.

Question on the motion put.

Mr Ronald ARCULLI claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were six votes for the motion and 36 votes against it. (Voting record in Appendix 61.) He declared that the motion was negatived.

The President suspended the sitting at 12:02 am on 26 June 1997.

* * * * *

The Council resumed at 9:00 am on 26 June 1997 and continued the debate on Members' motions.

Amendments to the Basic Law

Mr TSANG Kin-shing moved the following motion and addressed the Council:

That this Council urges the Chinese Government, following the reunification of Hong Kong with China on 1 July 1997, to immediately amend the Basic Law, so as to achieve as soon as possible the objectives of electing the legislature by universal suffrage and the Chief Executive by direct election; give effect to 'one country, two systems', 'Hong Kong people ruling Hong Kong', 'a high degree of autonomy'; and safeguard the democracy, freedom, human rights and the rule of law in Hong Kong.

Question on Mr TSANG Kin-shing's motion proposed. The President stated that Mr LO Suk-ching had given notice to move an amendment to the motion. He proposed that the motion and the proposed amendment be debated together in a joint debate. There being no dissenting voice, the President ordered that the motion and the proposed amendment be debated together in a joint debate.

Mr LO Suk-ching moved the following amendment to Mr TSANG Kin-shing's motion and addressed the Council:

To delete "urges" and substitute with "has strong confidence that,"; to delete "the Chinese Government"; to delete "to immediately amend the Basic Law, so as to achieve as soon as possible the objectives of electing the legislature by universal suffrage and the Chief Executive by direct election,"; to add "[the Hong Kong Special Administrative Region](#) Government will" before "give effect to 'one country, two systems'"; and to add "in accordance with the Basic Law" after "'a high degree of autonomy'".

Question on Mr LO Suk-ching's amendment to Mr TSANG Kin-shing's motion proposed.

19 Members spoke on the motion and the amendment.

Mr TSANG Kin-shing spoke on the amendment.

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

Question on Mr LO Suk-ching's amendment to Mr TSANG Kin-shing's motion put. The President stated that he thought the amendment had been negatived.

Mr LO Suk-ching claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 22 votes for the motion and 31 votes against it. (Voting record in Appendix 62.) He declared that Mr LO Suk-ching's amendment to Mr TSANG Kin-shing's motion was negatived.

Mr TSANG Kin-shing replied.

Question on Mr TSANG Kin-shing's original motion put and agreed to.

Improving underground water quality and water supply in villages

Mr Ambrose LAU moved the following motion and addressed the Council:

That, as the survey findings on the quality of local well water show that most of the well water in the New Territories has an E-coli count in excess of the established standard and is definitely not suitable for drinking, this Council urges the Government to expeditiously draw up a comprehensive plan to improve the quality of the well water concerned and to install water pipes for the over 80 villages in the New Territories which are currently deprived of tap water supply, so as to enable villagers to enjoy tap water.

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

Question on the motion proposed.

Eight Members and the Secretary for Works spoke on the motion.

Mr Ambrose LAU replied.

At 12:35 pm, the President resumed the chair.

Question on the motion put and agreed to.

Independent Police Complaints Council Bill

The President had dispensed with the notice required for Mr WONG Wai-yin to move the motion on the Independent Police Complaints Council Bill for debate at this sitting.

Mr WONG Wai-yin moved the following motion and addressed the Council:

That this Council strongly urges the Government to expeditiously re-introduce the Independent Police Complaints Council Bill into this Council.

Question on the motion proposed.

A Member spoke on the motion.

The President suspended the sitting at 1:00 pm.

The Council resumed at 2:05 pm.

Another 13 Members and the Secretary for Security spoke on the motion.

Mr WONG Wai-yin replied.

Question on the motion put. The President stated that he thought the motion had been carried.

Miss Emily LAU claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 41 votes for the motion and no vote against it. (Voting record in Appendix 63.) He declared that the motion was carried.

Members' Bills

Employment (Amendment) Bill 1997

Second Reading

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

A Member spoke on the motion.

At 3:30 pm, the President's Deputy took the chair during the temporary absence of the President.

Another two Members spoke on the motion.

At 3:44 pm, the President resumed the chair.

Four more Members and the Secretary for Education and Manpower spoke on the motion.

Mr LEE Cheuk-yan 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 33 votes for the motion and 23 votes against it. (Voting record in Appendix 64.) 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 **Employment (Amendment) Bill 1997**.

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

Question on clause 1 put and agreed to.

The Chairman approved Mr LEE Cheuk-yan's request to delete section 21(H) (2) (h) from his proposed amendment to clause 2.

Mr LEE Cheuk-yan moved amendments to clause 2 and addressed the Committee.

Two Members spoke on the amendments.

Mr LEE Cheuk-yan replied.

Question on the amendments put.

Mr LEE Cheuk-yan claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 33 votes for the amendments and 19 votes against them. (Voting record in Appendix 65.) He declared that the amendments were agreed.

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

Heading before new clause 3, new clauses 3 and 4 read the first time.

Mr LEE Cheuk-yan moved the Second Reading of heading before new clause 3, new clauses 3 and 4 and addressed the Committee.

Question on the Second Reading of heading before new clause 3, new clauses 3 and 4 proposed, put and agreed to.

Heading before new clause 3, new clauses 3 and 4 read the second time.

Mr LEE Cheuk-yan moved the addition of heading before new clause 3, new clauses 3 and 4 to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

Mr LEE Cheuk-yan reported that

the **Employment (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 of the Bill proposed and put. The President stated that he thought the motion had been carried.

Mr James TIEN claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 33 votes for the motion and 23 votes against it. (Voting record in Appendix 66.) He declared that the motion was carried.

Bill read the third time and passed.

Unfair Dismissal Bill

Second Reading

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

Five Members and the Secretary for Education and Manpower spoke on the motion.

Mr LEUNG Yiu-chung 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 24 votes for the motion and 32 votes against it. (Voting record in Appendix 67.) He declared that the motion was negatived and no further proceedings would be taken on the Bill.

Occupational Deafness (Compensation) (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 16 April 1997.

Two Members spoke on the motion.

At 5:58 pm, the President's Deputy took the chair during the temporary absence of the President.

Another two Members and the Secretary for Education and Manpower spoke on the motion.

Mr LEUNG Yiu-chung replied.

At 6:18 pm, the President resumed the chair.

The Secretary for Education and Manpower spoke on the motion for the second time to explain the part of his speech which had been misunderstood.

Question on Second Reading put. The President stated that he thought the motion had been carried.

Mr James TIEN and Mr LEUNG Yiu-chung claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 30 votes for the motion and 22 votes against it. (Voting record in Appendix 68.) 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 **Occupational Deafness (Compensation) (Amendment) Bill 1997**.

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

Question on clause 1 put and agreed to.

Mr LEUNG Yiu-chung moved amendments to clauses 2 and 3 and addressed the Committee.

Question on the amendments put.

Mr LEUNG Yiu-chung claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 31 votes for the amendments and 21 votes against them. (Voting record in Appendix 69.) He declared that the amendments were agreed.

Question that clauses 2 and 3, as amended, stand part of the Bill put and agreed to.

The Council then resumed.

Third Reading

Mr LEUNG Yiu-chung reported that

the **Occupational Deafness (Compensation) (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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Employment (Amendment) (No.3) Bill 1997

Second Reading

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

A Member spoke on the motion.

At 6:30 pm, the President's Deputy took the chair during the temporary absence of the President.

Another two Members spoke on the motion.

At 6:36 pm, the President resumed the chair.

The Secretary for Education and Manpower spoke on the motion.

Mr LAU Chin-shek 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 22 votes against it. (Voting record in Appendix 70.) 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 **Employment (Amendment) (No.3) Bill 1997**.

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

Question on clauses 1 and 2 put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 27 votes for the motion and 22 votes against it. (Voting record in Appendix 71.) He declared that the motion was carried.

The Council then resumed.

Third Reading

Mr LAU Chin-shek reported that

the **Employment (Amendment) (No.3) 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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Employee's Rights to Representation, Consultation and Collective Bargaining Bill

Second Reading

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

12 Members and the Secretary for Education and Manpower spoke on the motion.

Mr LEE Cheuk-yan 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 30 votes for the motion and 25 votes against it. (Voting record in Appendix 72.) 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 **Employee's Rights to Representation, Consultation and Collective Bargaining Bill**.

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

Mr LEE Cheuk-yan moved amendments to clauses 7, 9, 10, 15, 17, 18 and 22 and addressed the Committee.

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

The Chairman announced that there were 28 votes for the amendments and 26 votes against them. (Voting record in Appendix 73.) He declared that the amendments were agreed.

Question that clauses 7, 9, 10, 15, 17, 18 and 22, as amended, stand part of the Bill put and agreed to.

Mr LEE Cheuk-yan moved amendments to clauses 1 to 6, 8, 11, 12, 13, 14, 16, 19, 20, 21 and 23 to 27 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1 to 6, 8, 11, 12, 13, 14, 16, 19, 20, 21 and 23 to 27, as amended, stand part of the Bill put and agreed to.

Mr LEE Cheuk-yan 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

Mr LEE Cheuk-yan reported that

the **Employee's Rights to Representation, Consultation and Collective Bargaining 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 of the Bill proposed and put. The President stated that he thought the motion had been carried.

Mr Ronald ARCULLI and Mr James TIEN claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 28 votes for the motion and 26 votes against it. (Voting record in Appendix 74.) He declared that the motion was carried.

Bill read the third time and passed.

Trade Unions (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 8 January 1997.

Five Members and the Secretary for Education and Manpower spoke on the motion.

Mr LEE Cheuk-yan 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 28 votes for the motion and 15 votes against it. (Voting record in Appendix 75.) 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 **Trade Unions (Amendment) Bill 1997**.

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

Question on clause 1 put and agreed to.

The Chairman suspended the sitting at 9:47 pm.

The Committee resumed at 9:57 pm.

Mr LEE Cheuk-yan moved amendments to clauses 2, 5(a), 6 and 11 and addressed the Committee.

A Member spoke on the amendments.

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

The Chairman announced that there were 29 votes for the amendments and 10 votes against them. (Voting record in Appendix 76.) He declared that the amendments were agreed.

Question that clauses 2, 6 and 11, as amended, stand part of the Bill put and agreed to.

Mr LEE Cheuk-yan moved an amendment to clause 5(b) and the addition of subclause (c) to clause 5 and addressed the Committee.

Four Members spoke on the amendments.

Mr LEE Cheuk-yan replied.

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

The Chairman announced that there were 24 votes for the amendments and 18 votes against them. (Voting record in Appendix 77.) He declared that the amendments were agreed.

Mr CHEUNG Man-kwong rose to move the following motion without notice:

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

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

Mr LEE Cheuk-yan moved an amendment to clause 12 and addressed the Committee.

Question on the amendment put and agreed to.

The Chairman stated that as the amendment to clause 12, which dealt with deletion, had been agreed, clause 12 was deleted from the Bill.

Mr LEE Cheuk-yan moved an amendment to clause 3(a) and addressed the Committee.

A Member spoke on the amendment.

Question on the amendment put and agreed to.

Mr LEE Cheuk-yan moved an amendment to clause 3(b) and addressed the Committee.

A Member spoke on the amendment.

Question on the amendment put and agreed to.

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

Mr LEE Cheuk-yan moved an amendment to clause 4 and addressed the Committee.

Three Members spoke on the amendment.

Question on the amendment put and agreed to.

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

Question on clause 7 put and agreed to.

Question on clauses 8, 9 and 10 put and agreed to.

The Council then resumed.

Third Reading

Mr LEE Cheuk-yan reported that

the **Trade Unions (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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

**Cross-Harbour Tunnel (Cross-Harbour Tunnel Regulations)
(Amendment) Bill 1997**

Second Reading

Resumption of debate on Second Reading which had been moved on 16 April 1997.

A Member spoke on the motion.

At 10:25 pm, the President's Deputy took the chair during the temporary absence of the President.

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

Mr IP Kwok-him 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 **Cross-Harbour Tunnel (Cross-Harbour Tunnel Regulations) (Amendment) Bill 1997**.

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

Mr IP Kwok-him moved an amendment to clause 1 and addressed the Committee.

Question on the amendment put and agreed to.

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

Mr IP Kwok-him moved amendments to clause 2 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

Mr IP Kwok-him reported that

the **Cross-Harbour Tunnel (Cross-Harbour Tunnel Regulations) (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 of the Bill proposed.

A Member spoke on the motion.

At 10:57 pm, the President resumed the chair.

Question on the Third Reading of the Bill put and agreed to.

Bill read the third time and passed.

Eastern Harbour Crossing (Eastern Harbour Crossing Road Tunnel Regulations) (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 16 April 1997.

Four Members and the Secretary for Transport spoke on the motion.

Mr IP Kwok-him 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 **Eastern Harbour Crossing (Eastern Harbour Crossing Road Tunnel Regulations) (Amendment) Bill 1997**.

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

Mr IP Kwok-him moved an amendment to clause 1 and addressed the Committee.

Question on the amendment put and agreed to.

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

Mr IP Kwok-him moved amendments to clause 2 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

Mr IP Kwok-him reported that

the **Eastern Harbour Crossing (Eastern Harbour Crossing Road Tunnel Regulations) (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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Tate's Cairn Tunnel (Tate's Cairn Tunnel Regulations) (Amendment) Bill 1997

Second Reading

Resumption of debate on Second Reading which had been moved on 16 April 1997.

Four Members spoke on the motion.

Mr IP Kwok-him 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 **Tate's Cairn Tunnel (Tate's Cairn Tunnel Regulations) (Amendment) Bill 1997**.

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

Mr IP Kwok-him moved an amendment to clause 1 and addressed the Committee.

Question on the amendment put and agreed to.

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

Mr IP Kwok-him moved amendments to clause 2 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

Mr IP Kwok-him reported that

the **Tate's Cairn Tunnel (Tate's Cairn Tunnel Regulations) (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 of the Bill proposed, put and agreed to.

Bill read the third time and passed.

Security and Guarding Services (Amendment) (No.2) Bill 1997

Second Reading

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

Two Members spoke on the motion.

The President suspended the sitting at 11:56 pm.

* * * * *

The Council resumed at 9:00 am on 27 June 1997 and continued the debate on the second reading of the Security and Guarding Services (Amendment) (No.2) Bill 1997.

Another seven Members and the Secretary for Security spoke on the motion.

Mr CHAN Wing-chan replied.

Question on Second Reading put. The President stated that he thought the motion had been negatived.

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

The President announced that there were 20 votes for the motion and 30 votes against it. (Voting record in Appendix 78.) He declared that the motion was negatived and no further proceedings would be taken on the Bill.

Protection of the Harbour Bill

Second Reading

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

Six Members and the Secretary for Planning, Environment and Lands spoke on the motion.

At 11:00 am, the President's Deputy took the chair during the temporary absence of the President.

Miss Christine LOH replied.

At 11:15 am, the President resumed the chair.

Question on Second Reading put.

Miss Christine LOH claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 30 votes for the motion and 20 votes against it. (Voting record in Appendix 79.) 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 **Protection of the Harbour Bill**.

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

Question on clauses 1 and 5 put and agreed to.

The President ordered the Council to resume and granted leave for Mr Albert CHAN to move a motion under Standing Order No.68 that Standing Order No.46(5) be suspended to enable the Committee of the whole Council to consider his proposed new schedule 1 ahead of the remaining clauses of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee.

New schedule 1 read the first time.

Mr Albert CHAN moved the Second Reading of new schedule 1 and addressed the Committee.

Question on the Second Reading of new schedule 1 proposed.

Two Members and the Secretary for Planning, Environment and Lands spoke on the motion.

Mr Albert CHAN replied.

Question on the Second Reading of new schedule 1 put and agreed to.

New schedule 1 read the second time.

Mr Albert CHAN moved the addition of new schedule 1 to the Bill.

Question on the addition proposed, put and agreed to.

Mr Albert CHAN moved an amendment to clause 2 and addressed the Committee.

The Secretary for Planning, Environment and Lands and a Member spoke on the amendment.

Question on the amendment put and agreed to.

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

Mr Albert CHAN moved an amendment to clause 3 and addressed the Committee.

Three Members and the Secretary for Planning, Environment and Lands spoke on the amendment.

Mr Albert CHAN replied.

Question on the amendment put.

Mr Edward HO claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 31 votes for the amendment and 21 votes against it. (Voting record in Appendix 80.) He declared that the amendment was agreed.

Dr LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions at the Committee Stage of the Protection of the Harbour Bill at this sitting, Standing Order No. 36(4) be suspended so that the Chairman may order that the Committee 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.

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

As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 31 votes for the motion and 21 votes against it. (Voting record in Appendix 81.) He declared that the motion was carried.

Mr Albert CHAN moved an amendment to clause 4 and addressed the Committee.

The Secretary for Planning, Environment and Lands and two Members spoke on the amendment.

Mr Albert CHAN replied.

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

Mr IP Kwok-him claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 26 votes for the amendment and 23 votes against it. (Voting record in Appendix 82.) He declared that the amendment was agreed.

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

Six Members and the Secretary for Planning, Environment and Lands spoke on the motion.

As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 25 votes for the motion and 27 votes against it. (Voting record in Appendix 83.) He declared that the motion was negatived and clause 4 was deleted from the Bill.

Four Members spoke on clauses 6 to 13.

The Chairman suspended the sitting at 12:45 pm.

The Committee resumed at 2:00 pm.

The Chairman stated that as clause 4 had been deleted from the Bill, he ordered that clauses 6 to 13 (which were related to

clause 4) might not be called. The Chairman further stated that for the same reason, the definition of "foreshore" and "sea bed" in clause 2 (which was referred to in the original clause 4) was redundant. In accordance with Standing Order No. 51(2), he regarded the inclusion of the definition in clause 2 as an oversight and ordered that it be deleted from the Bill.

The Council then resumed.

Third Reading

Miss Christine LOH reported that

the Protection of the Harbour Bill

had passed through Committee with amendments. She moved that the Bill be read the third time and do pass.

Question on the Third Reading of the Bill proposed and put.

Miss Christine LOH and Mr Edward HO claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 29 votes for the motion and 22 votes against it. (Voting record in Appendix 84.) He declared that the motion was carried.

Bill read the third time and passed.

Equal Opportunities (Family Responsibility, Sexuality and Age) Bill

Second Reading

Resumption of debate on Second Reading which had been moved on 10 July 1996.

11 Members and the Secretary for Education and Manpower spoke on the motion.

At 4:00 pm, the President's Deputy took the chair during the temporary absence of the President.

Another Member and the Secretary for Home Affairs spoke on the motion.

At 4:15 pm, the President resumed the chair.

Mr LAU Chin-shek 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 **Equal Opportunities (Family Responsibility, Sexuality and Age) Bill**.

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

Mr LAU Chin-shek moved the deletion of the definition of "family responsibility or family status" in clause 3 and of Part II, consisting of clauses 8 to 26 and addressed the Committee.

The Secretary for Home Affairs spoke on the amendments.

Question on the amendments put and agreed to.

The Chairman stated that as the deletion of the definition of "family responsibility or family status" in clause 3 and of Part II, consisting of clauses 8 to 26, proposed by Mr LAU Chin-shek had been agreed, they were deleted from the Bill.

Mr LAU Chin-shek moved amendments to the definitions of "charitable benefits", "educational authority", "educational institution", "employment" and "voluntary body" in clause 3 and clauses 5, 6, 7, 83, 87, 88 and 100 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to clauses 6 and 88, which dealt with deletions, had been agreed, clauses 6 and 88 would be deleted from the Bill.

Question that clauses 5, 7, 83, 87 and 100, as amended, stand part of the Bill put and agreed to.

Question that clause 3 (the rest of the definitions with the exception of "age", "reproductive technology procedure", "relative" and "sexuality"), clauses 82, 86, 89, 90, 93, 95 to 99, 101 and 102 stand part of the Bill put and agreed to.

Mr LAU Chin-shek moved amendments to clauses 27, 35, 38, 42 and 44 and addressed the Committee.

The Secretary for Home Affairs spoke on the amendments.

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

Mr LEE Cheuk-yan claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 27 votes for the amendments and 20 votes against them. (Voting record in Appendix 85.) He declared that the amendments were agreed.

Dr LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions at the Committee Stage of the Equal Opportunities (Family Responsibility, Sexuality and Age) Bill at this sitting, Standing Order No. 36(4) be suspended so that the Chairman may order that the Committee 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.

Question that clauses 27, 35, 38, 42 and 44, as amended, stand part of the Bill put. The Chairman stated that he thought the motion had been carried.

Mr Bruce LIU claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 27 votes for the motion and 20 votes against it. (Voting record in Appendix 86.) He declared that the motion was carried.

Question that clauses 28 to 34, 36, 37, 39, 40, 41, 43 and 45 to 53 stand part of the Bill put. The Chairman stated that he thought the motion had been carried.

Mr IP Kwok-him claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 26 votes for the motion and 20 votes against it. (Voting record in Appendix 87.) He declared that the motion was carried.

Mr LAU Chin-shek moved an amendment to clause 54 and addressed the Committee.

The Secretary for Education and Manpower spoke on the amendment.

Mr LAU Chin-shek replied.

Question on the amendment put and agreed to.

Question that clause 54, as amended, stand part of the Bill put and agreed to.

Mr LAU Chin-shek moved amendments to clauses 62 and 65 and addressed the Committee.

The Secretary for Education and Manpower spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 62 and 65, as amended, stand part of the Bill put. The Chairman stated that he thought the motion had been carried.

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

The Chairman announced that there were 34 votes for the motion and eight votes against it. (Voting record in Appendix 88.) He declared that the motion was carried.

Mr LAU Chin-shek moved an amendment to clause 71 and addressed the Committee.

The Secretary for Education and Manpower spoke on the amendment.

Question on the amendment put and agreed to.

Question that clause 71, as amended, stand part of the Bill put and agreed to.

The Secretary for Education and Manpower spoke on clauses 55 to 61.

Question on clauses 55 to 61 put.

Miss CHAN Yuen-han and Mrs Miriam LAU claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.37(5).

The Chairman announced that there were 34 votes for the motion and 12 votes against it. (Voting record in Appendix 89.) He declared that the motion was carried.

The Secretary for Education and Manpower spoke on clauses 63, 64, 67 to 70 and 72 to 81.

Question on clauses 63, 64, 67 to 70 and 72 to 81 put. The Chairman stated that he thought the motion had been carried.

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

The Chairman announced that there were 36 votes for the motion and nine votes against it. (Voting record in Appendix 90.) He declared that the motion was carried.

The Secretary for Education and Manpower spoke on clause 66.

Mr LAU Chin-shek replied.

Question on clause 66 put and agreed to.

The President ordered the Council to resume and granted leave for Mr LAU Chin-shek to move a motion under Standing Order No.68 that Standing Order No.46(5) and (7) be suspended to enable the Committee of the whole Council to consider his proposed new clauses 42A, 53A, 71A, 77A and the proposed new schedule ahead of the remaining clauses of the Bill as one single question.

Question on the motion proposed, put and agreed to.

The Council went into Committee.

New clauses 42A, 53A, 71A, 77A and the new schedule read the first time.

Mr LAU Chin-shek moved the Second Reading of new clauses 42A, 53A, 71A, 77A and the new schedule and addressed the Committee.

Question on the Second Reading of new clauses 42A, 53A, 71A, 77A and the new schedule proposed.

The Secretary for Education and Manpower and the Secretary for Home Affairs spoke on the motion.

Question on Second Reading of new clauses 42A, 53A, 71A, 77A and the new schedule put. The Chairman stated that he thought the motion had been carried.

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

The Chairman announced that there were 31 votes for the motion and 11 votes against it. (Voting record in Appendix 91.) He declared that the motion was carried.

New clauses 42A, 53A, 71A, 77A and the new schedule read the second time.

Mr LAU Chin-shek moved the addition of new clauses 42A, 53A, 71A, 77A and the new schedule to the Bill.

Question on the addition proposed, put and agreed to.

Mr LAU Chin-shek moved further amendments to clause 3 by the addition of the definitions of "pupil", "pupillage", "tenancy" and "tenant" to clause 3.

The Secretary for Education and Manpower spoke on the amendments.

Question on the amendments put and agreed to.

Mr LAU Chin-shek moved amendments to clauses 1, 2, 4, 84, 85, 91, 92 and 94.

The Secretary for Education and Manpower and the Secretary for Home Affairs spoke on the amendments.

Question on the amendments put and agreed to.

Question that clauses 1, 2, 4, 84, 85, 91, 92 and 94, as amended, stand part of the Bill put and agreed to.

Question on the definitions of "age", "relative", "reproductive technology procedure" and "sexuality" in clause 3 put.

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

The Chairman announced that there were 27 votes for the motion and 17 votes against it. (Voting record in Appendix 92.) He declared that the motion was carried.

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

Mr LAU Chin-shek moved an amendment to the long title and addressed the Committee.

Question on the amendment put and agreed to.

The Chairman stated that he had previously ruled that clause 103 offended clause XXV(3) of the Royal Instructions. Clause 103 was therefore deleted from the Bill and would not be called.

The Council then resumed.

Third Reading

Mr LAU Chin-shek reported that

the **Equal Opportunities (Family Responsibility, Sexuality and Age) 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 of the Bill proposed and put.

Mrs Miriam LAU 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 29 votes against it. (Voting record in Appendix 93.) He declared that the motion was negatived and no further proceedings would be taken on the Bill.

Equal Opportunities (Race) Bill

Second Reading

Resumption of debate on Second Reading which had been moved on 10 July 1996.

A Member spoke on the motion.

At 5:25 pm, the President's Deputy took the chair during the temporary absence of the President.

Mrs Elizabeth WONG replied.

At 5:34 pm, the President resumed the chair.

Five more Members, the Secretary for Home Affairs and the Secretary for Education and Manpower spoke on the motion.

The President invited Mrs Elizabeth WONG to speak for the second time.

Question on Second Reading put.

Mr Edward HO claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 26 votes for the motion and 31 votes against it. (Voting record in Appendix 94.) He declared that the motion was negatived and no further proceedings would be taken on the Bill.

The President suspended the sitting at 6:45 pm.

The Council resumed at 9:00 pm.

Hong Kong Bill of Rights (Amendment) Bill 1997

Second Reading

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

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

Mr LAU Chin-shek 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 **Hong Kong Bill of Rights (Amendment) 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

Mr LAU Chin-shek reported that

the **Hong Kong Bill of Rights (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 of the Bill proposed and put. The President stated that he thought the motion had been carried.

Mr IP Kwok-him claimed a division. The President then ordered the Council to divide under Standing Order No.36(4).

The President announced that there were 28 votes for the motion and 23 votes against it. (Voting record in Appendix 95.) He declared that the motion was carried.

Bill read the third time and passed.

Housing (Amendment) (No.3) Bill 1996

Second Reading

Resumption of debate on Second Reading which had been moved on 11 December 1996.

Six Members and the Secretary for Housing spoke on the motion.

Mr LEUNG Yiu-chung 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 36 votes for the motion and 18 votes against it. (Voting record in Appendix 96.) 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 **Housing (Amendment) (No.3) Bill 1996**.

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

Mr LEUNG Yiu-chung moved an amendment to clause 1 and addressed the Committee.

The Secretary for Housing and two Members spoke on the amendment.

Question on the amendment put and agreed to.

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

The Chairman stated that Mr LEE Wing-tat, Mr CHAN Kam-lam and Mr Bruce LIU had separately given notices to move amendments to the proposed section 16(1A)(a) in clause 2. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr LEE Wing-tat to move his amendment first by virtue of his seniority.

Mr LEE Wing-tat moved an amendment to the proposed section 16(1A)(a) in clause 2 and addressed the Committee.

The Chairman invited Mr CHAN Kam-lam and Mr Bruce LIU to speak on Mr LEE Wing-tat's motion as well as their proposed amendments. He added, however, that Mr CHAN Kam-lam and Mr Bruce LIU might not move their proposed amendments unless Mr LEE Wing-tat's amendment was not agreed.

Mr CHAN Kam-lam and Mr Bruce LIU spoke on Mr LEE Wing-tat's motion as well as their own proposed amendments.

The Secretary for Housing and two Members spoke on the motion and the proposed amendments.

Question on the amendment to section 16(1A)(a) in clause 2 moved by Mr LEE Wing-tat put. The Chairman stated that he thought the amendment had been agreed.

Mr Bruce LIU and Mr CHAN Kam-lam claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 29 votes for the amendment and 25 votes against it. (Voting record in Appendix 97.) He declared that the amendment was agreed.

The Chairman stated that Mr CHAN Kam-lam and Mr Bruce LIU might not move their respective amendments to the proposed section 16(1A)(a) in clause 2 as they were inconsistent with the decision already taken.

The Chairman stated that Mr LEE Wing-tat, Mr CHAN Kam-lam and Mr Bruce LIU had separately given notices to move amendments to the proposed section 16(1A)(b) in clause 2. He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr LEE Wing-tat to move his amendment first by virtue of his seniority.

Mr LEE Wing-tat moved an amendment to the proposed section 16(1A)(b) in clause 2 and addressed the Committee.

The Chairman invited Mr CHAN Kam-lam and Mr Bruce LIU to speak on Mr LEE Wing-tat's motion as well as their proposed amendments. He added, however, that Mr CHAN Kam-lam and Mr Bruce LIU might not move their proposed amendments unless Mr LEE Wing-tat's amendment was not agreed.

Mr CHAN Kam-lam spoke on Mr LEE Wing-tat's motion and the proposed amendments.

Six Members and the Secretary for Housing spoke on the motion and the proposed amendments.

Question on the amendment to section 16(1A)(b) in clause 2 moved by Mr LEE Wing-tat put. The Chairman stated that he thought the amendment had been agreed.

Mr CHAN Kam-lam claimed a division. The Chairman then ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 28 votes for the amendment and 28 votes against it. (Voting record in Appendix 98.) The Chairman stated that he had previously exercised his casting vote in accordance with the principle in the decision of Speaker DENISON of the UK House of Commons in 1867. He then exercised his casting vote and voted in the negative; and declared that Mr LEE Wing-tat's amendment to the proposed section 16(1A)(b) in clause 2 was negatived.

Mr CHAN Kam-lam moved an amendment to the proposed section 16(1A)(b) in clause 2 and addressed the Committee.

Question on the amendment to section 16(1A)(b) in clause 2 moved by Mr CHAN Kam-lam put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 40 votes for the amendment and 15 votes against it. (Voting record in Appendix 99.) He declared that the amendment was agreed.

The Chairman stated that Mr Bruce LIU might not move his proposed amendment to the proposed section 16(1A)(b) in clause 2 as it was inconsistent with the decision already taken.

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

Mr LEUNG Yiu-chung 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

Mr LEUNG YIU-chung reported that

the **Housing (Amendment) (No.3) 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 of the Bill proposed and put.

Dr YEUNG Sum and Mr SZETO Wah claimed a division. The President then ordered the Council to divide under Standing Order No. 36(4).

The President announced that there were 38 votes for the motion and 19 votes against it. (Voting record in Appendix 100.) He declared that the motion was carried.

Bill read the third time and passed.

Interception of Communications Bill

Second Reading

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

A Member spoke on the motion.

At 1:05 am, the President's Deputy took the chair during the temporary absence of the President.

Another four Members and the Secretary for Security spoke on the motion.

Mr James TO replied.

At 1:55 am, the President resumed the chair.

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 **Interception of Communications Bill**.

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

Mr James TO moved amendments to clauses 1 and 3 and addressed the Committee.

Question on the amendments to clauses 1 and 3 put and agreed to.

Question that clauses 1 and 3, as amended, stand part of the Bill put and agreed to.

Mr James TO moved amendments to clause 4(1) and addressed the Committee.

Question on the amendments to clause 4(1) put and agreed to.

Mr James TO moved amendments to clause 4(2) and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments to clause 4(2) put and negatived.

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

Mr James TO moved amendments to clauses 5, 8, 9 and 11 to 14 and addressed the Committee.

Question on the amendments to clauses 5, 8, 9 and 11 to 14 put and agreed to.

Question that clause 5, 8, 9 and 11 to 14, as amended, stand part of the Bill put and agreed to.

The Chairman stated that both Mr James TO and Mr Albert HO had separately given notices to move amendments to clause 6(4) and (8). He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr James TO to move his amendments first as he was the Member in charge of the Bill.

Mr James TO moved amendments to clause 6(4) and (8) and addressed the Committee.

The Chairman invited Mr Albert HO to speak on Mr James TO's motion as well as his own proposed amendments. He added, however, that Mr Albert HO might not move his proposed amendments unless Mr James TO's amendments were not agreed.

Mr Albert HO spoke on Mr James TO's motion as well as his own proposed amendments.

A Member spoke on the motion and the proposed amendments.

Question on the amendments to clause 6(4) and (8) moved by Mr James TO put and negatived.

Mr Albert HO moved amendments to clause 6(4) and (8).

Question on the amendments to clause 6(4) and (8) moved by Mr Albert HO put and agreed to.

Mr James TO moved further amendments to clause 6.

Question on the amendments put and agreed to.

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

The Chairman stated that both Mr James TO and Mr Albert HO had separately given notices to move amendments to clause 7(3), (5), (6) and (7). He proposed that the amendments be debated together in a joint debate. There being no dissenting voice, the Chairman ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Mr James TO to move his amendments first as he was the Member in charge of the Bill.

Mr James TO moved amendments to clause 7(3), (5), (6) and (7) and addressed the Committee.

The Chairman invited Mr Albert HO to speak on Mr James TO's motion as well as his own proposed amendments. He added, however, that Mr Albert HO might not move his proposed amendments unless Mr James TO's amendments were not agreed.

Mr Albert HO spoke on the motion as well as his own proposed amendments.

A Member spoke on the motion and the proposed amendments.

Mr James TO replied.

Question on the amendments to clause 7(3), (5), (6) and (7) moved by Mr James TO put. As the Chairman could not judge from the voice votes whether the 'ayes' had it or the 'noes' had it, he ordered the Committee to divide under Standing Order No.36(4).

The Chairman announced that there were 26 votes for the amendments and 19 votes against them. (Voting record in Appendix 101.) He declared that the amendments were agreed.

The Chairman stated that Mr Albert HO might not move his proposed amendments to clause 7(3), (5), (6) and (7) as they were inconsistent with the decision already taken.

Mr James TO moved further amendments to clause 7.

Question on the amendments put and agreed to.

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

Mr James TO moved amendments to clause 2 (with the exception of the definition of "serious crime") and addressed the Committee.

Question on the amendments put and agreed to.

Mr Albert HO moved an amendment to the definition of "serious crime" in clause 2 and addressed the Committee.

Two Members spoke on the amendment.

Question on the amendment put and agreed to.

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

The Chairman stated that as Mr HO's amendment to the definition of "serious crime" in clause 2 had been agreed, which meant by implication that clause 10 and the schedule, which were related to the original definition of "serious crime", were not agreed. Clause 10 and the schedule were therefore deleted from the Bill and Mr James TO could not move his amendments to clause 10 and the schedule.

Part IVA heading before new clause 7A, new clause 7A, Part VA heading before new clause 8A, new clause 8A, heading before new clause 13A, new clauses 13A and 13B read the first time.

Mr James TO moved the Second Reading of Part IVA heading before new clause 7A, new clause 7A, Part VA heading before new clause 8A, new clause 8A, heading before new clause 13A, new clauses 13A and 13B and addressed the Committee.

Question on the Second Reading of Part IVA heading before new clause 7A, new clause 7A, Part VA heading before new clause 8A, new clause 8A, heading before new clause 13A, new clauses 13A and 13B proposed, put and agreed to.

Part IVA heading before new clause 7A, new clause 7A, Part VA heading before new clause 8A, new clause 8A, heading before new clause 13A, new clauses 13A and 13B read the second time.

Mr James TO moved the addition of Part IVA heading before new clause 7A, new clause 7A, Part VA heading before new clause 8A, new clause 8A, heading before new clause 13A, new clauses 13A and 13B to the Bill.

Question on the addition proposed, put and agreed to.

Mr James TO 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

Mr James TO reported that

the **Interception of Communications 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 of the Bill proposed and put.

Mr IP Kwok-him claimed a division. The President then ordered the Council to divide under Standing Order No. 36(4).

The President announced that there were 31 votes for the motion and 15 votes against it. (Voting record in Appendix 102.) He declared that the motion was carried.

Bill read the third time and passed.

Valedictory Motion

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

That this Council bids farewell to the British Government and wishes the Hong Kong Special Administrative Region continued stability and prosperity.

Question on the motion proposed.

45 Members spoke on the motion.

Dr LEONG Che-hung replied.

Question on the motion put and agreed to.

Close of Session

The President made a closing statement and announced that the session was concluded and adjourned the Council sine die.

Adjourned accordingly at eight o'clock on the morning of 28 June 1997.

(Andrew WONG)
President
30 October 1997

Council Chamber
Hong Kong