

LEGISLATIVE COUNCIL

MINUTES

No. 13

Minutes of the meeting held on Wednesday 5 January 2000 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, JP

The Hon David CHU Yu-lin

The Hon HO Sai-chu, SBS, JP

The Hon Cyd HO Sau-lan

The Hon Edward HO Sing-tin, SBS, JP

The Hon Albert HO Chun-yan

The Hon Michael HO Mun-ka

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Wing-tat

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

The Hon LEE Kai-ming, SBS, JP

Dr the Hon David LI Kwok-po, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing

Prof the Hon NG Ching-fai

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-yee, JP

The Hon Ronald ARCULLI, JP

The Hon MA Fung-kwok

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching

The Hon Christine LOH

The Hon CHAN Kwok-keung

The Hon CHAN Yuen-han

The Hon Bernard CHAN

The Hon CHAN Wing-chan

The Hon CHAN Kam-lam

Dr the Hon LEONG Che-hung, JP

The Hon Mrs Sophie LEUNG LAU Yau-fun, JP

The Hon LEUNG Yiu-chung

The Hon Gary CHENG Kai-nam, JP

The Hon SIN Chung-kai

The Hon Andrew WONG Wang-fat, JP

Dr the Hon Philip WONG Yu-hong

The Hon WONG Yung-kan

The Hon Jasper TSANG Yok-sing, JP

The Hon Howard YOUNG, JP

Dr the Hon YEUNG Sum

The Hon YEUNG Yiu-chung

The Hon LAU Chin-shek, JP

The Hon LAU Kong-wah

The Hon LAU Wong-fat, GBS, JP

The Hon Mrs Miriam LAU Kin-yee, JP

The Hon Ambrose LAU Hon-chuen, JP

The Hon Emily LAU Wai-hing, JP

The Hon CHOY So-yuk

The Hon Andrew CHENG Kar-foo

The Hon SZETO Wah

The Hon Timothy FOK Tsun-ting, SBS, JP

The Hon LAW Chi-kwong, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon FUNG Chi-kin

Dr the Hon TANG Siu-tong, JP

Public officers attending:

The Honourable Mrs Anson CHAN, GBM, JP
The Chief Secretary for Administration

The Honourable Donald TSANG Yam-kuen, JP
The Financial Secretary

The Honourable Elsie LEUNG Oi-sie, JP
The Secretary for Justice

Mr Michael SUEN Ming-yeung, GBS, JP
Secretary for Constitutional Affairs

Mr CHAU Tak-hay, JP
Secretary for Trade and Industry

Mr Gordon SIU Kwing-chue, JP
Secretary for Planning and Lands

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

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

Mr KWONG Ki-chi, GBS, JP
Secretary for Information Technology and Broadcasting

Mr David LAN Hong-tsung, JP
Secretary for Home Affairs

Mrs Lily YAM KWAN Pui-ying, JP
Secretary for the Environment and Food

Mrs Regina IP LAU Suk-yee, JP
Secretary for Security

Mr LEE Shing-see, JP
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)

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation</u>	<u>L.N. No.</u>
1. Shipping and Port Control (Amendment) Ordinance 1999 (70 of 1999) (Commencement) Notice 1999 (gazetted on 17.12.1999)	319/99
2. Provision of Municipal Services (Reorganization) Ordinance (78 of 1999) (Commencement) Notice 1999 (gazetted on 17.12.1999)	320/99
3. Specification of Public Office (gazetted on 24.12.1999)	324/99
4. Overseas Lawyers (Qualification for Admission) (Amendment) Rules 1999 (gazetted on 24.12.1999)	325/99
5. Banking Ordinance (Amendment of Third Schedule) Notice 1999 (gazetted on 24.12.1999)	326/99
6. Merchant Shipping (Liability and Compensation for Oil Pollution) (Amendment) Ordinance 1997 (46 of 1997) (Commencement) Notice 1999 (gazetted on 24.12.1999)	327/99
7. Antiquities and Monuments (Declaration of Historical Building) Notice 1999 (gazetted on 30.12.1999)	328/99
8. Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1999 (gazetted on 30.12.1999)	329/99
9. Declaration of Change of Titles (Planning, Environment and Lands Bureau and Secretary for Planning, Environment and Lands) Notice 1999 (gazetted on 30.12.1999)	330/99
10. Declaration of Change of Titles (Agriculture and Fisheries Department, Director of Agriculture and Fisheries, Deputy Director of Agriculture and Fisheries and Assistant Director of Agriculture and Fisheries) Notice 1999 (gazetted on 30.12.1999)	331/99
11. Tax Reserve Certificates (Rate of Interest) (No. 9) Notice 1999 (gazetted on 30.12.1999)	332/99

Other Papers

1. Report of the Bills Committee on Arbitration (Amendment) Bill 1999 (published on 24.12.1999)
2. Report of the Bills Committee on Electronic Transactions Bill (published on 30.12.1999)

Questions

1. Hon James TIEN asked Question 1.

The Secretary for Trade and Industry replied.

Seven Members asked supplementaries and the Secretary for Trade and Industry replied.

2. Hon SZETO Wah asked Question 2.

The Secretary for Education and Manpower replied.

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

3. Hon CHAN Kwok-keung asked Question 3.

The Secretary for Works replied.

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

4. Dr Hon LUI Ming-wah asked Question 4.

The Secretary for Trade and Industry replied.

Five Members asked supplementaries and the Secretary for Trade and Industry replied.

5. Hon LAU Chin-shek asked Question 5.

The Secretary for Constitutional Affairs replied.

Nine Members asked supplementaries and the Secretary for Constitutional Affairs replied.

6. Hon CHOY So-yuk asked Question 6.

The Secretary for Education and Manpower replied.

Seven Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for Works replied.

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

Bills

First Reading

Securities (Amendment) Bill 1999

The Bill was read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading

Securities (Amendment) Bill 1999

The Secretary for Financial Services moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

Arbitration (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 7 July 1999 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Arbitration (Amendment) Bill 1999, addressed the Council on the Report of the Bills Committee on the Bill.

A Member spoke on the Bill.

The Secretary for Justice replied.

Question on the Second Reading put and agreed to.

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

Committee Stage

The Council went into Committee and considered the **Arbitration (Amendment) Bill 1999**.

Question that clauses 1 to 4, 6, 7, 8 and 10 to 15 stand part of the Bill proposed, put and agreed to.

Question that clauses 5 and 9 stand part of the Bill proposed.

The Secretary for Justice moved amendments to clauses 5 and 9 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 5 and 9, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Justice reported that

the **Arbitration (Amendment) Bill 1999**

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

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

Bill read the third time and passed.

Adaptation of Laws (No.7) Bill 1998

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 18 November 1998 resumed.

Question on the Second Reading put and agreed to.

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

Committee Stage

The Council went into Committee and considered the **Adaptation of Laws (No.7) Bill 1998**.

Question that clauses 1, 2 and 3 stand part of the Bill proposed, put and agreed to.

Question that schedules 3, 4, 6 and 7 stand part of the Bill proposed, put and agreed to.

Question that schedules 1, 2 and 5 stand part of the Bill proposed.

The Secretary for Planning and Lands moved amendments to schedules 1, 2 and 5 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedules 1, 2 and 5, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Planning and Lands reported that

the **Adaptation of Laws (No.7) Bill 1998**

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

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

Bill read the third time and passed.

Electronic Transactions Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 14 July 1999 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee on Electronic Transactions Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Three Members spoke on the Bill.

The Secretary for Information Technology and Broadcasting replied.

Question on the Second Reading put and agreed to.

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

Committee Stage

The Council went into Committee and considered the **Electronic Transactions Bill**.

Question that clauses 9, 10, 13, 14, 17, 28, 31, 33, 35 and 38 stand part of the Bill proposed, put and agreed to.

The President ordered the Council to resume and granted leave for the Secretary for Information Technology and Broadcasting to move a motion under Rule 91 of the Rules of Procedure that Rule 58(5) of the Rules of Procedure be suspended to enable the Committee of the whole Council to consider the proposed new clauses 14A, 27A, 27B, the heading before new clause 27C, new clauses 27C, 27D, 27E and 38A ahead of the remaining clauses of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

New clauses 14A, 27A, 27B, the heading before new clause 27C, new clauses 27C, 27D, 27E and 38A read the first time.

The Secretary for Information Technology and Broadcasting moved the Second Reading of the above clauses and heading and addressed the Committee.

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

New clauses 14A, 27A, 27B, the heading before new clause 27C, new clauses 27C, 27D, 27E and 38A read the second time.

The Secretary for Information Technology and Broadcasting moved the addition of the above clauses and heading to the Bill.

Question on the addition proposed, put and agreed to.

Question that clauses 1 to 8, 11, 12, 15, 16, 18 to 27, 29, 30, 32, 34, 36, 37, the heading of Part X before clause 39, clauses 39 to 46 stand part of the Bill proposed.

The Secretary for Information Technology and Broadcasting moved amendments to clauses 1 to 8, 11, 12, 15, 16, 18 to 27, 29, 30, 32, 34, 36, 37 and 41 to 46 and the deletion of the heading of Part X before clause 39 and clauses 39 and 40 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to the heading of Part X before clause 39 and clauses 39 and 40, which dealt with deletion, had been agreed, the heading of Part X before clause 39 and clauses 39 and 40 were therefore deleted from the Bill.

Question that clauses 1 to 8, 11, 12, 15, 16, 18 to 27, 29, 30, 32, 34, 36, 37 and 41 to 46, as amended, stand part of the Bill proposed, put and agreed to.

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

Question that schedule 1 stand part of the Bill proposed.

The Secretary for Information Technology and Broadcasting moved amendments to schedule 1 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for Information Technology and Broadcasting reported that

the Electronic Transactions Bill

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

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

Bill read the third time and passed.

Adaptation of Laws (No.30) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 14 July 1999 resumed.

Question on the Second Reading put and agreed to.

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

Committee Stage

The Council went into Committee and considered the **Adaptation of Laws (No.30) Bill 1999**.

Question that clauses 1, 2 and 3 stand part of the Bill proposed, put and agreed to.

Question that schedules 1 to 4, 6 to 11 and 13 to 24 stand part of the Bill proposed, put and agreed to.

Question that schedules 5 and 12 stand part of the Bill proposed.

The Secretary for Home Affairs moved amendments to schedules 5 and 12 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedules 5 and 12, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Home Affairs reported that

the **Adaptation of Laws (No.30) Bill 1999**

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

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

Bill read the third time and passed.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Security moved the motion in Appendix I and addressed the Council.

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Security replied.

Question on the motion put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that in relation to the -

- (a) Electoral Affairs Commission (Printing of Name of Organization and Emblem on Ballot Paper) (Legislative Council) Regulation, published as Legal Notice No. 306 of 1999; and
- (b) Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) (Amendment) Regulation 1999, published as Legal Notice No. 307 of 1999,

and laid on the table of the Legislative Council on 15 December 1999, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) for amending subsidiary legislation be extended under section 34(4) of that Ordinance to the meeting of 19 January 2000.

Question on the motion proposed, put and agreed to.

Assisting Hong Kong's work force in meeting the economic challenges of the new millennium

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

That, as the restructuring of Hong Kong's economy towards the high value-added, high-technology and knowledge-based directions and China's impending accession to the World Trade Organization will affect the local work force severely, this Council urges the Government to actively formulate a set of

stable and long-term policies on education, training, migrants, labour and finance etc., with a view to reducing the rate of unemployment, upgrading the capability and adaptability of the work force and, in particular, assisting the less skilled and less educated in better equipping themselves, so as to meet the economic challenges of the new millennium.

Question on Hon David CHU's motion proposed.

The President stated that Hon Andrew CHENG, Hon CHAN Yuen-han and Hon LEE Cheuk-yan would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

Hon Andrew CHENG spoke on the motion and his amendment.

At 6:19 pm, the President's Deputy took the chair during the temporary absence of the President.

Hon CHAN Yuen-han and Hon LEE Cheuk-yan spoke respectively on the motion and their amendments.

15 Members spoke on the motion and the amendments.

Hon David CHU spoke on the amendments.

At 8:22 pm, the President resumed the chair.

The Secretary for Education and Manpower spoke on the motion and the amendments.

Hon Andrew CHENG moved the following amendment to Hon David CHU's motion:

To add "innovative," after "high value-added,"; to delete ", with a view to reducing the rate of unemployment," and substitute with "and to train professionals for the high value-added, innovative and high-technology industries in the territory, as well as conducting a comprehensive review on the functions, structures and effectiveness of the Vocational Training Council and the Employees Retraining Board, with a view to"; to delete "the work force" and substitute with "local workers, reducing the unemployment rate"; to delete "economic" after "so as to meet the" and substitute with "restructuring and"; and to delete "new millennium" and substitute with "employment market in the new century".

Question on Hon Andrew CHENG's amendment to Hon David CHU's motion proposed and put.

Hon Andrew CHENG claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, 11 were in favour of the amendment, six against it and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 14 were in favour of the amendment, two against it and nine abstained. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amendment was agreed.

Dr Hon 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 to be moved at the motion of Assisting Hong Kong's work force in meeting the economic challenges of the new millennium at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the President may order that the Council 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 President stated that as Hon Andrew CHENG's amendment had been agreed, she granted leave for Hon CHAN Yuen-han to revise and explain to the Council the terms of her amendment.

Hon CHAN Yuen-han moved the following revised amendment to Hon David CHU's motion as amended by Hon Andrew CHENG and explained the revised wording of her amendment to the Council:

To add "; and to establish a policy on manpower development aiming at "creating jobs and upgrading capability", promote the development of industries such as personal and community services and tourism etc. in order to create job opportunities for the less skilled and less educated labour force; the Government should also consider restructuring the vocational training provision framework and enhancing the development of continuing education" after "challenges of the employment market in the new century".

Question on Hon CHAN Yuen-han's further amendment to Hon David CHU's motion as amended by Hon Andrew CHENG proposed and put.

Hon CHAN Wing-chan claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, seven were in favour of the amendment, 13 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election

Committee, 26 were present, 19 were in favour of the amendment, three against it and three abstained. (Voting record in Appendix III.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

The President stated that as Hon Andrew CHENG's amendment had been agreed, she granted leave for Hon LEE Cheuk-yan to revise the terms of his amendment.

Hon LEE Cheuk-yan moved the following revised amendment to Hon David CHU's motion as amended by Hon Andrew CHENG:

To add "The specific measures should include: (a) establishing a tripartite committee comprising representatives of employees, employers and the Government to formulate a comprehensive strategy, so that employers and workers of different strata can share the risks as well as the fruit of economic restructuring; (b) assessing the impact of information and innovative technology, globalization of the world's economy and China's accession to the World Trade Organization on the local manpower demand; (c) exploring feasible options of industrial process restructuring, thereby enabling workers with different levels of education and skills to share the job opportunities brought about by economic restructuring; (d) formulating a comprehensive "training programme for the employed" to upgrade the overall basic skills of local workers by, inter alia, increasing the number of retraining places, upgrading the training of low-skilled workers, and enhancing the Vocational Training Council's skills-upgrading courses for workers with intermediate level of skills, so as to prevent them from competing for jobs with basic-level workers due to the deletion of middle-level posts; and encouraging the private sector to provide on-the-job training to their staff by offering tax concessions and technical support; and (e) promoting the development of the local manufacturing industry, environmental protection industry and community services, in order to create job opportunities for basic-level workers." after "challenges of the employment market in the new century."

Question on Hon LEE Cheuk-yan's further amendment to Hon David CHU's motion as amended by Hon Andrew CHENG proposed and put.

Hon LEE Cheuk-yan claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, seven were in favour of the amendment and 14 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 19 were in favour of the amendment and six against it. (Voting record in Appendix IV.) Since the question was not agreed by a

majority of each of the two groups of Members present, she declared that the amendment was negatived.

Hon David CHU replied.

Question on Hon David CHU's motion as amended by Hon Andrew CHENG put and agreed to.

Establishing a labelling system for genetically-modified foods

Dr Hon TANG Siu-tong moved the following motion and addressed the Council:

That, as genetically-modified foods represent a new group of products and their effect on human beings and the environment is still uncertain, in order to alleviate consumers' worries and protect their right to information as well as their right to choose, this Council urges the Government to draw on the experience of most member states of the European Union and expeditiously legislate for a labelling system for genetically-modified foods, conduct strict examinations and tests on the genetically-modified foods on sale locally and enhance consumers' knowledge of these foods.

Question on Dr Hon TANG Siu-tong's motion proposed.

The President stated that Hon Howard YOUNG would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Hon Howard YOUNG moved the following amendment to Dr Hon TANG Siu-tong's motion and addressed the Council:

To add "no final conclusion has been reached on the effects of" after "That, as"; to delete "represent a new group of products and their effect"; to delete "is still uncertain"; to delete "draw on the experience of most member states of the European Union and"; to delete "legislate for a labelling system for genetically-modified foods, conduct strict examinations and tests on the" and substitute with "formulate guidelines to encourage food manufacturers to attach labels to"; and to delete "on sale locally and" and substitute with ", and to".

Question on Hon Howard YOUNG's amendment to Dr Hon TANG Siu-tong's motion proposed.

12 Members spoke on the motion and the amendment.

Dr Hon TANG Siu-tong spoke on the amendment.

The Secretary for the Environment and Food spoke on the motion and the amendment.

Question on Hon Howard YOUNG's amendment to Dr Hon TANG Siu-tong's motion put.

Dr Hon TANG Siu-tong claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 20 were present, five were in favour of the amendment, 13 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, one were in favour of the amendment, 23 against it and one abstained. (Voting record in Appendix V.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

Dr Hon TANG Siu-tong replied.

Question on Dr Hon TANG Siu-tong's motion put.

Hon James TIEN claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 20 were present, 14 were in favour of the motion and six abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 25 were in favour of the motion and one abstained. (Voting record in Appendix VI.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 12 January 2000 at 2:30 pm.

The Council was adjourned at 11:20 pm.

(Mrs Rita FAN)

President

Council Chamber
Hong Kong