

LEGISLATIVE COUNCIL

MINUTES

No. 14

Minutes of the meeting held on Wednesday 12 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 Nicholas NG Wing-fui, JP
Secretary for Transport

Mr Dominic WONG Shing-wah, JP
Secretary for Housing

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

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

Miss Denise YUE Chung-yee, JP
Secretary for the Treasury

Mr Stephen IP Shu-kwan, JP
Secretary for Economic Services

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Ms Pauline NG Man-wah, Assistant Secretary General (1)

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. Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2000 (gazetted on 7.1.2000)	1/2000
2. Mutual Legal Assistance in Criminal Matters (United States of America) Order (L.N. 278 of 1999) (Commencement) Notice 2000 (gazetted on 7.1.2000)	3/2000

<u>Instrument</u>	<u>L.N. No.</u>
Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2000 (gazetted on 7.1.2000)	2/2000

Other Papers

No.59 - Report by the Controller, Government Flying Service on the Administration of the Government Flying Service Welfare Fund for the year ended 31 March 1999 (published on 5.1.2000)

No.60 - Audited Financial Statements and Programme of Activities of the Hong Kong Examinations Authority for the year ending 31 August 1999 (published on 7.1.2000)

Report of the Bills Committee on Hong Kong Sports Development Board (Amendment) Bill 1999 (published on 10.1.2000)

Questions

1. Hon CHEUNG Man-kwong asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon LEE Cheuk-yan asked Question 2.

The Secretary for Housing replied.

Six Members asked supplementaries and the Secretary for Housing replied.

3. Hon Andrew CHENG asked Question 3.

The Secretary for Transport replied.

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

4. Dr Hon TANG Siu-tong asked Question 4.

The Secretary for Home Affairs replied.

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

5. Hon LAU Kong-wah asked Question 5.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

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

Bills

First Reading

Factories and Industrial Undertakings (Amendment) (No. 2) 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

**Factories and Industrial Undertakings (Amendment) (No. 2) Bill
1999**

The Secretary for Education and Manpower 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.

Stamp Duty (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 October 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 **Stamp Duty (Amendment) Bill 1999**.

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

Question that clause 3 stand part of the Bill proposed.

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

Question on the amendment put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for the Treasury reported that

the **Stamp Duty (Amendment) Bill 1999**

had passed through Committee with an amendment. 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.

Merchant Shipping (Safety) (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 1 December 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 **Merchant Shipping (Safety) (Amendment) Bill 1999**.

Question that clauses 1 to 19 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the **Merchant Shipping (Safety) (Amendment) Bill 1999**

had passed through Committee without amendment. He moved that the Bill be read the third time and do pass.

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

Bill read the third time and passed.

Hong Kong Sports Development Board (Amendment) Bill 1999

Resumption of Second Reading debate

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

Hon Timothy FOK Tsun-ting, Chairman of the Bills Committee on Hong Kong Sports Development Board (Amendment) Bill 1999,

addressed the Council on the Report of the Bills Committee on the Bill.

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 **Hong Kong Sports Development Board (Amendment) Bill 1999**.

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

The Council then resumed.

Third Reading

The Secretary for Home Affairs reported that

the **Hong Kong Sports Development Board (Amendment) Bill 1999**

had passed through Committee without amendment. He moved that the Bill be read the third time and do pass.

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

Bill read the third time and passed.

Motions

Proposed resolution under the Organized and Serious Crimes Ordinance

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

Resolved that the Organized and Serious Crimes Ordinance (Amendment of Schedule 1) Order 1999, made by the Chief Executive in Council on 12 October 1999, be approved.

Question on the motion proposed.

Three Members spoke on the motion.

The Secretary for Trade and Industry replied.

Question on the motion put and agreed to.

Proposed resolution under the Trading Funds Ordinance

The Secretary for Information Technology and Broadcasting moved the following motion and addressed the Council:

Resolved that Schedule 1 to the resolution establishing the Post Office Trading Fund by the then Legislative Council made and passed on 19 July 1995 (Cap. 430 sub. leg.) be amended by adding -

"10. Providing the services of a certification authority within the meaning of the Electronic Transactions Ordinance (1 of 2000) and services incidental or related to such services.".

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Information Technology and Broadcasting replied.

Question on the motion put and agreed to.

Members' Motions

Political reforms

Hon Emily LAU moved the following motion and addressed the Council:

That this Council urges the Executive Authorities to conduct a public consultation as soon as possible on the relationship between the executive and the legislature, the ministerial system and the election of the Chief Executive and the Legislative Council by universal and equal suffrage.

Question on Hon Emily LAU's motion proposed.

The President stated that Hon James TIEN and Dr Hon YEUNG Sum would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Hon James TIEN and Dr Hon YEUNG Sum spoke respectively on the motion and their amendments.

16 Members spoke on the motion and the amendments.

Hon Emily LAU spoke on the amendments.

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

Another two Members spoke on the motion and the amendments.

The Secretary for Constitutional Affairs spoke on the motion and the amendments a second time.

Hon James TIEN moved the following amendment to Hon Emily LAU's motion:

To delete "Executive Authorities" and substitute with "Government"; to delete "conduct a public consultation" and substitute with "review"; to delete "on" after "as soon as possible"; to delete "the" before "ministerial system" and substitute with "examine the feasibility of a"; to add "consult the public at an appropriate time on the respective methods for," after "ministerial system and"; to delete "election" before "of the Chief Executive" and substitute with "selection"; to add "the formation of," before "the Legislative Council"; and to delete "by universal and equal suffrage" and substitute with "after 2007".

Question on Hon James TIEN's amendment to Hon Emily LAU's motion proposed and put.

Hon Emily LAU 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, 25 were present, 18 were in favour of the amendment and seven against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 13 were in favour of the amendment and 15 against it. (Voting record in Appendix I.) 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 YEUNG Sum moved the following amendment to Hon Emily LAU's motion:

To add ", with a view to establishing a political system which is democratic and open and in which the executive authorities are accountable to the legislature, thus fulfilling the promises in the Sino-British Joint Declaration and the Basic Law" after "equal suffrage".

Question on Dr Hon YEUNG Sum's amendment to Hon Emily LAU's motion proposed and 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, 25 were present, 12 were in favour of the amendment, 12 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 20 were in favour of the amendment and eight against it. (Voting record in Appendix II.) 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 Emily LAU replied.

Question on Hon Emily LAU's motion put.

Hon Emily LAU 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, 25 were present, 13 were in favour of the motion and 12 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 21 were in favour of the motion, six against it and two abstained. (Voting record in Appendix III.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Demand for Compensation from Japan

Hon Albert HO moved the following motion and addressed the Council:

That, as the Japanese Government has, since the Second World War ended over fifty years ago, never made any formal apology and reasonable compensation for its invasion of China (including Hong Kong) and the war crimes it committed during that time, but has instead tried to distort the historical facts of its invasion of China by embellishing the invasive war and concealing the war crimes, as well as honouring the war criminals, unlawfully occupying the Diaoyutai Islands, expanding its military forces, and is exhibiting an inclination towards reviving militarism, this Council expresses strong regrets about Japan's policies and behaviours mentioned above and solemnly urges the Japanese Government to take the following actions immediately:

- (1) to offer an official written apology to the Chinese people for waging the war against China (including Hong Kong) and the war crimes it committed during that time, as an indication of its admission of the responsibilities for the invasion and the war crimes;
- (2) to make apologies and compensation to individual victims or their families for the various war crimes it committed, which include the "Nanjing Massacre", "Unit 731 Scheme", "use of chemical weapons", "army sex slaves (comfort women)", "forced labour" and "forced exchange of war currency";
- (3) to return the sovereignty of the Diaoyutai Islands to China;
- (4) to disclose all the existing secret official records of Japan's invasion of China and the war crimes it committed during that time; and
- (5) to educate the younger generations of Japan on the historical facts of Japan's invasion of China and to disseminate the message of safeguarding peace and human rights in order to stop the revival of the militarism trend;

this Council also urges the Central People's Government and the Hong Kong Special Administrative Region Government to step up education on the history of our ethnicity, build a museum in Hong Kong in memory of the defence against the Japanese invasion, and give appropriate support to the war crimes victims in their demand for compensation from the Japanese Government.

At 7:32 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon Albert HO's motion proposed.

The President's Deputy stated that Hon YEUNG Yiu-chung 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 YEUNG Yiu-chung moved the following amendment to Hon Albert HO's motion and addressed the Council:

To delete "Diaoyutai" after "unlawfully occupying the" and substitute with "Diaoyu"; to delete "reviving" and substitute with "restoring"; to delete "return the" before "sovereignty" and substitute with "acknowledge China's"; to delete "of" after "sovereignty" and substitute with "over"; to delete "Diaoyutai"

in "Diaoyutai Islands to China" and substitute with "Diaoyu"; to delete "to China" and substitute with "and to cease all incursions into the Diaoyu Islands, which are our territory"; and to delete "revival" and substitute with "restoration".

Question on Hon YEUNG Yiu-chung's amendment to Hon Albert HO's motion proposed.

10 Members spoke on the motion and the amendment.

Hon Albert HO spoke on the amendment.

At 8:50 pm, the President resumed the chair.

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

Question on Hon YEUNG Yiu-chung's amendment to Hon Albert HO's motion put and agreed to.

Hon Albert HO replied.

Question on Hon Albert HO's motion as amended by Hon YEUNG Yiu-chung put.

Hon Albert HO 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, 16 were present and 16 were in favour of the amended motion; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present and 23 were in favour of the amended motion. (Voting record in Appendix IV.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amended motion was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 13 January 2000 at 3:00 pm.

The Council was adjourned at 9:10 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong