

LEGISLATIVE COUNCIL

MINUTES

No. 16

Minutes of the meeting held on Wednesday 19 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 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

Member absent:

The Hon Martin LEE Chu-ming, SC, 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 Joseph WONG Wing-ping, GBS, JP
Secretary for Education and Manpower

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

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

Dr YEOH Eng-kiong, JP
Secretary for Health and Welfare

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

Mr Patrick LAU Lai-chiu, JP
Secretary for Planning and Lands

Mrs Rebecca LAI KO Wing-yee, JP
Secretary for Financial Services

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. Electronic Transactions (Fees) Regulation (gazetted on 14.1.2000)	6/2000
2. Electronic Transactions Ordinance (1 of 2000) (Commencement) Notice 2000 (gazetted on 14.1.2000)	7/2000
3. Industrial Training (Clothing Industry) (Amendment) Ordinance 1999 (82 of 1999) (Commencement) Notice 2000 (gazetted on 14.1.2000)	8/2000
4. Import and Export (Registration) (Amendment) Regulation 1999 (L.N. 322 of 1999) (Commencement) Notice 2000 (gazetted on 14.1.2000)	9/2000

Other Papers

No.61 - Police Welfare Fund
Annual Report 1998/1999 (published on 12.1.2000)

No.62 - Hong Kong Council for Academic Accreditation
Annual Report 1998-99 (published on 13.1.2000)

Report of the Bills Committee on Organized and Serious Crimes
(Amendment) Bill 1999 (published on 14.1.2000)

Questions

1. Hon CHAN Kam-lam asked Question 1.

The Secretary for Trade and Industry replied.

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

2. Hon SIN Chung-kai asked Question 2.

The Secretary for Education and Manpower replied.

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

3. Hon Howard YOUNG asked Question 3.

The Secretary for Security replied.

Five Members asked supplementaries and the Secretary for Security replied.

4. Hon Fred LI asked Question 4.

The Secretary for Transport replied.

Seven Members asked supplementaries and the Secretary for Transport replied.

5. Dr Hon TANG Siu-tong asked Question 5.

The Secretary for the Environment and Food replied.

Three Members asked supplementaries and the Secretary for the Environment and Food replied.

6. Ir Dr Hon HO Chung-tai asked Question 6.

The Secretary for Planning and Lands replied.

Four Members asked supplementaries and the Secretary for Planning and Lands replied.

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

Bills

First Reading

Medical and Health Care (Miscellaneous Amendments) Bill 2000
Companies (Amendment) Bill 2000

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

Second Reading

Medical and Health Care (Miscellaneous Amendments) Bill 2000

The Secretary for Health and Welfare 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.

Companies (Amendment) Bill 2000

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.

Organized and Serious Crimes (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 21 April 1999 resumed.

Hon James TO, Chairman of the Bills Committee on Organized and Serious Crimes (Amendment) Bill 1999, addressed the Council on the Report of the Bills Committee on the Bill.

Hon Choy So-yuk spoke on the Bill. While she was speaking, Hon James TO raised a point of order on whether Hon CHOY So-yuk's speech was outside the scope of the Bill. The President stated that Hon CHOY So-yuk should speak on matters relevant to the Bill.

Hon Choy So-yuk ceased speaking on the Bill.

The Secretary for Security 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 **Organized and Serious Crimes (Amendment) Bill 1999**.

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

Question that clause 2 stand part of the Bill proposed.

The Secretary for Security 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 proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the **Organized and Serious Crimes (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.

Motions

Proposed resolution under the Mutual Legal Assistance in Criminal Matters Ordinance

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

Resolved that the Mutual Legal Assistance in Criminal Matters (Italy) Order, made by the Chief Executive in Council on 14 September 1999, be approved.

Question on the motion proposed.

A Member spoke on the motion.

Question on the motion put and agreed to.

Proposed resolution under the Mutual Legal Assistance in Criminal Matters Ordinance

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

Resolved that the Mutual Legal Assistance in Criminal Matters (South Korea) Order, made by the Chief Executive in Council on 14 September 1999, be approved.

Question on the motion proposed, 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 the 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 laid on the table of the Legislative Council on 15 December 1999, be repealed.

Question on the motion proposed.

Six Members and the Secretary for Constitutional Affairs spoke on the motion.

Hon Ronald ARCULLI replied.

Question on the motion put.

Hon LEE Wing-tat 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, 23 were present, 19 were in favour of the motion and four against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 16 were in favour of the motion and 11 against it. (Voting record in Appendix I.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Proposed resolution under Article 159 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

Hon LEUNG Yiu-chung moved the following motion and addressed the Council:

Resolved that this Council consents to forwarding the following amendments to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China to the delegation of the Hong Kong Special Administrative Region to the National People's Congress, for submission to the National People's Congress -

“Article 1

Article 74 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China which provides that “Members of the Legislative Council of the Hong Kong Special Administrative Region may introduce bills in accordance with the provisions of this Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the Council. The written consent of the Chief Executive shall be required before bills relating to government policies are introduced.” shall be amended as: “Members of the Legislative Council of the Hong Kong Special Administrative Region may, individually or jointly, introduce bills in accordance with the provisions of this Law and legal procedures. The written consent of the Chief Executive shall be required before bills, the object or effect of which may, in the opinion of the President of the Council, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong, are introduced individually or jointly by members of the Council.”

Article 2

The last two paragraphs of Item II of Annex II of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China which provide that “The passage of bills introduced by the government shall require at least a simple majority vote of the members of the Legislative Council present.” “The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council shall require a simple majority vote of each of the two groups of members present: members returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee.” shall be amended as: “All questions put to the Legislative Council shall be decided by a majority of the votes of the Members present and voting.” “The President of the Legislative Council shall, if the votes be equally divided, have a casting vote in addition to his original vote.””.

Question on the motion proposed.

The Secretary for Constitutional Affairs and 20 Members spoke on the motion.

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

Hon LEUNG Yiu-chung replied.

The President reminded Members that Article 159 of the Basic Law of Hong Kong Special Administrative Region of the People's Republic of China stipulated that the passage of this motion by the Council required the consent of two-thirds of all the Members of the Council.

Question on the motion put.

Hon LEUNG Yiu-chung claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that there were 57 Members present, 20 were in favour of the motion and 36 against it. (Voting record in Appendix II.) Since the question was not agreed by a two-thirds majority of the Members present, she declared that the motion was negatived.

Enhancing the functions of District Councils

Prof Hon NG Ching-fai moved the following motion and addressed the Council:

That, as the two municipal councils have been dissolved and it is necessary to allow the 18 District Councils (DCs) to take on more powers and responsibilities at the district level, this Council urges the Government to ensure that it attaches importance to the DCs' consultative role, and to expand the DCs' functions and provide them with additional funding and corresponding powers in deciding on the district affairs relating to community building, improvements to the local environment, provision and management of community facilities, organization of cultural and recreational activities, etc., so as to nurture political talents, promote civic awareness and strengthen social solidarity.

At 9:37 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

11 Members and the Secretary for Home Affairs spoke on the motion.

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

Prof Hon NG Ching-fai replied.

Hon CHOY So-yuk requested to speak.

The President stated that Hon CHOY So-yuk should have indicated her intention to speak before Prof Hon NG Ching-fai replied. If she acceded to Hon CHOY So-yuk's request to speak, she would have to allow the mover of the motion to reply a second time. The President disallowed the request.

Question on the motion put and agreed to.

Creating employment opportunities by providing support for the waste recovery and recycling industries

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

That, as the waste recovery rate in Hong Kong is on the low side, this Council urges the Government to adopt recovery, recycling and reuse as its major strategy for waste reduction, so as to reduce the environmental pollution caused by wastes and, at the same time, to create more employment opportunities for the working population. In this connection, the Administration must:

- (1) step up publicity and education on waste separation and recovery to enhance public awareness of waste recycling and reuse;
- (2) provide appropriate facilities for the convenient separation and recovery of wastes by the public and collectors of recyclable wastes ;
- (3) establish an industrial estate for the environmental industries and provide land and supporting infrastructure, in order to reduce the operating costs of the waste recovery and recycling industries; and
- (4) formulate positive policies and measures to attract more investors to join the waste recovery and recycling industries.

Question on Hon CHAN Kwok-keung's motion proposed.

The President stated that Hon LAW Chi-kwong 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 LAW Chi-kwong moved the following amendment to Hon CHAN Kwok-keung's motion and addressed the Council:

To add "implement the "polluter pays" principle and" before "step up publicity,"; and to add ", including a policy that gives priority to the procurement of green products in order to increase the demands for these products, as well as introducing commercial eco-labels that are suitable for Hong Kong to promote environmentally responsible purchasing among the public and exploiting the local green market, so as" after "policies and measures,".

Question on Hon LAW Chi-kwong's amendment to Hon CHAN Kwok-keung's motion proposed.

13 Members spoke on the motion and the amendment.

Hon CHAN Kwok-keung spoke on the amendment.

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

Question on Hon LAW Chi-kwong's amendment to Hon CHAN Kwok-keung's motion put and agreed to.

Hon CHAN Kwok-keung replied.

Question on Hon CHAN Kwok-keung's motion as amended by Hon LAW Chi-kwong put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 26 January 2000 at 2:30 pm.

The Council was adjourned at 12:52 am on 20 January 2000.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong