

LEGISLATIVE COUNCIL

MINUTES

No. 17

Minutes of the meeting held on Wednesday 26 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

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

Members absent:

The Hon Martin LEE Chu-ming, SC, JP
Dr the Hon David LI Kwok-po, JP

Public officers attending:

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

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

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 LAM Woon-kwong, JP

Secretary for the Civil Service

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

Miss Yvonne CHOI Ying-pik, JP
Secretary for Trade and Industry

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy 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. Legislative Council (Formation of Election Committee) (Appeals) (Amendment) Regulation 2000 (gazetted on 21.1.2000) | 13/2000 |
| 2. Legislative Council (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2000 (gazetted on 21.1.2000) | 14/2000 |
| 3. Distribution of Number of Members Among Designated Bodies (Election Committee) (Legislative Council) Order 2000 (gazetted on 21.1.2000) | 15/2000 |
| 4. Maximum Scale of Election Expenses (Legislative Council) Order 1997 (Amendment) Order 2000 (gazetted on 21.1.2000) | 16/2000 |
| 5. Estate Agents (Registration of Determination and Appeal) Regulation (gazetted on 21.1.2000) | 17/2000 |
| 6. Census and Statistics (Labour Earnings Survey) Order (gazetted on 21.1.2000) | 18/2000 |
| 7. Companies Ordinance (Amendment of Eighth Schedule) Order 2000 (gazetted on 21.1.2000) | 19/2000 |

Other Papers

- No.63 - Occupational Deafness Compensation Board Annual Report 1998-99 (published on 17.1.2000)
- No.64 - Employees Compensation Assistance Fund Board Annual Report 1997/98 (published on 17.1.2000)
- No.65 - Annual Report of the Protection of Wages on Insolvency Fund Board 1998-99 (published on 17.1.2000)
- No.66 - Pneumoconiosis Compensation Fund Board 1998 Annual Report (published on 17.1.2000)
- No.67 - Hong Kong Arts Development Council Annual Report 1998/1999 (published on 21.1.2000)
- No.68 - The Hong Kong Academy for Performing Arts

Annual Report 1998-1999 (published on 21.1.2000)

No.69 - The Hong Kong Academy for Performing Arts - Financial Statements and Auditor's Report for the year ended 30th June 1999 (published on 21.1.2000)

No.70 - Li Po Chun Charitable Trust Fund Annual Report for the period 1 September 1998 to 31 August 1999 (published on 24.1.2000)

Report of the Bills Committee on Hong Kong Arts Development Council (Amendment) Bill 1999 (published on 24.1.2000)

Questions

1. Hon YEUNG Yiu-chung asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon Timothy FOK Tsun-ting asked Question 2.

The Secretary for Home Affairs replied.

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

3. Hon CHAN Kam-lam asked Question 3.

The Secretary for the Environment and Food replied.

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

4. Hon Emily LAU asked Question 4.

The Secretary for Health and Welfare replied.

Five Members asked supplementaries and the Secretary for Health and Welfare replied.

5. Hon SIN Chung-kai asked Question 5.

The Secretary for the Civil Service replied.

Five Members asked supplementaries and the Secretary for the Civil Service replied.

6. Hon LEUNG Yiu-chung asked Question 6.

The Secretary for Education and Manpower replied.

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

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

Bills

First Reading

Intellectual Property (Miscellaneous Amendments) Bill 2000
Insurance Companies (Amendment) Bill 2000
Building Management (Amendment) Bill 2000
Dumping at Sea (Amendment) Bill 2000
Mental Health (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

Intellectual Property (Miscellaneous Amendments) Bill 2000

The Secretary for Trade and Industry 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.

Insurance 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.

Building Management (Amendment) Bill 2000

The Secretary for Home Affairs 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.

Dumping at Sea (Amendment) Bill 2000

The Secretary for the Environment and Food 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.

Mental Health (Amendment) 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.

Hong Kong Arts Development Council (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 Arts Development Council (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 Arts Development Council (Amendment) Bill 1999**.

Question that clauses 1 and 2 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 Arts Development Council (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 Pharmacy and Poisons Ordinance

The Secretary for Health and Welfare moved the following motion and addressed the Council:

Resolved that the following Regulations, made by the Pharmacy and Poisons Board on 4 January 2000, be approved -

- (a) the Pharmacy and Poisons (Amendment) Regulation 2000; and
- (b) the Poisons List (Amendment) Regulation 2000.

Question on the motion proposed, put and agreed to.

Members' Motions

Motion on "Restructuring of Panels"

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

That the schedule to the resolution on the "Formation of Panels" passed by the Legislative Council on 8 July 1998 pursuant to Rule 77(1) and (2) of the Rules of Procedure be amended as follows -

- a. In item 4, in the column of Policy Area in respect of the

Panel on Home Affairs, by adding "the provision of leisure and cultural services as well as" before "matters relating to development of arts and culture, public entertainment, sport and recreation".

b. In item 12, in the column of Corresponding Bureau/Body in respect of the Panel on Planning, Lands and Works, by deleting "(a) Planning, Environment and Lands Bureau" and substituting "(a) Planning and Lands Bureau".

c. By deleting items 16 and 17 and substituting -

| | | |
|---------------------------|---------------------------------|--|
| "16. Health Services | (a) Health and Welfare Bureau | Medical and health services, public health education, food safety, and agriculture and fisheries matters |
| | (b) Environment and Food Bureau | |
| 17. Environmental Affairs | Environment and Food Bureau | Environmental and conservation matters, and environmental hygiene". |

Question on Dr Hon LEONG Che-hung's motion proposed.

The President stated that Hon Fred LI 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 Fred LI moved the following amendment to Dr Hon LEONG Che-hung's motion and addressed the Council:

That the motion to be moved by Dr Hon LEONG Che-hung be amended as follows -

a. By deleting paragraph c and substituting -

"c. In item 17, in the column of Corresponding Bureau/Body in respect of the Panel on Environmental Affairs, by deleting "Planning, Environment and Lands Bureau" and substituting "Environment and Food Bureau".

b. By adding a new paragraph d -

"d. By adding -

| | | |
|---|-----------------------------|--|
| 18. Food Safety and Environmental Hygiene | Environment and Food Bureau | Food safety, environmental hygiene, public health education, and agriculture |
|---|-----------------------------|--|

and fisheries
matters".

Question on Hon Fred LI's amendment to Dr Hon LEONG Che-hung's motion proposed.

Six Members spoke on the motion and the amendment.

Dr Hon LEONG Che-hung spoke on the amendment.

Question on Hon Fred LI's amendment to Dr Hon LEONG Che-hung's motion put.

Hon Fred LI 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, 26 were present, 13 were in favour of the amendment and 13 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, 15 were in favour of the amendment and six 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 LEONG Che-hung replied.

Question on Dr Hon LEONG Che-hung's motion put and agreed to.

Proposed resolution under the Legislative Council (Powers and Privileges) Ordinance

Hon Andrew CHENG moved the following motion and addressed the Council:

Resolved that in relation to the resolution passed by the Legislative Council Panel on Home Affairs on 7 December 1999 requesting the Government to immediately provide the Panel with the Government Economist's feasibility evaluation report regarding the proposal for the Hong Kong Special Administrative Region to host the 2006 Asian Games and related matters, the Panel be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance.

Question on the motion proposed.

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

Hon Andrew CHENG replied.

Question on the motion 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, 27 were present, four were in favour of the motion and 23 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 11 were in favour of the motion and 14 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 motion was negatived.

Review of Buildings Ordinance

Ir Dr Hon HO Chung-tai moved the following motion and addressed the Council:

That, as the existing Buildings Ordinance was enacted many years ago and despite the amendments to certain provisions thereof and the related subsidiary legislation, the concerned legislation fails to meet the practical needs of present-day Hong Kong in the face of continuing and rapid economic development, social evolution, changes in the natural environment and technological advancements, this Council urges the Government to expeditiously conduct a comprehensive review and amend the Buildings Ordinance and related subsidiary legislation, so as to achieve the following targets:

- (a) streamlining the vetting procedure and enhancing the powers and accountability of the professionals in order to ensure building safety;
- (b) encouraging developers to adopt designs and use building materials that are environmentally friendly, easy to maintain and standardized;
- (c) ensuring that future building developments tie in with the principles of sustainable development, including the protection of the environment and the promotion of economic development and advanced and new technologies; and
- (d) enhancing the capability of future buildings in withstanding natural disasters such as earthquakes, flooding, subsidence and natural slope failure, etc..

At 7:06 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Ir Dr Hon HO Chung-tai's motion proposed.

The President's Deputy stated that Hon Edward HO and Hon LEE Wing-tat 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 Edward HO and Hon LEE Wing-tat spoke respectively on the motion and their amendments.

Three Members spoke on the motion and the amendments.

Ir Dr Hon HO Chung-tai spoke on the amendments.

The Secretary for Planning and Lands spoke on the motion and the amendments.

At 7:55 pm, the President resumed the chair.

Hon Edward HO moved the following amendment to Ir Dr Hon HO Chung-tai's motion:

To add "consult the industries concerned," after "Government to expeditiously"; to delete "so as to achieve the following targets" and substitute with "with the objectives of"; to delete "and enhancing the powers and accountability of the professionals in order to ensure building safety"; to add "(b) defining clearly the powers and responsibilities of authorized persons, registered engineers, other professionals and registered general building contractors or registered specialist contractors, in order to ensure building safety;" before "(b)"; to delete "(b)" from "(b) encouraging developers to adopt designs" and substitute with "(c)"; to delete "encouraging" before "developers to adopt designs" and substitute with "providing incentives to encourage"; to delete ", easy to maintain and standardized"; to add "and" after "that are environmentally friendly;"; to delete "(c) ensuring that future building developments tie in with the principles of sustainable development, including the protection of the environment and the promotion of economic development and advanced and new technologies; and"; to add ", with regard to their structure and planning," after "capability of future buildings"; and to delete "." after "slope failure, etc." and substitute with ", meanwhile, the Government should ensure that future building developments tie in with the principles of sustainable development, including the protection of the environment and the promotion of economic development and advanced and new technologies."

Question on Hon Edward HO's amendment to Ir Dr Hon HO Chung-tai's motion proposed and put.

Hon Edward 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, 22 were present, 20 were in favour of the amendment and two against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 21 were present, 17 were in favour of the amendment and three against it. (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 amendment was agreed.

The President stated that as Hon Edward HO's amendment had been agreed, she granted leave for Hon LEE Wing-tat to revise and explain to the Council the terms of his amendment.

Hon LEE Wing-tat moved the following revised amendment to Ir Dr Hon HO Chung-tai's motion as amended by Hon Edward HO:

To add “; this Council also urges the Government to impose heavier penalty on building contractors and related persons who contravene the Buildings Ordinance or related subsidiary legislation, so as to strengthen its deterrent effects” after “the promotion of economic development and advanced and new technologies”.

Question on Hon LEE Wing-tat's further amendment to Ir Dr Hon HO Chung-tai's motion as amended by Hon Edward HO proposed and put.

Ir Dr Hon HO Chung-tai 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, 16 were in favour of the amendment, six against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 21 were present, 14 were in favour of the amendment and six against it. (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 amendment was agreed.

Ir Dr Hon HO Chung-tai replied.

Question on Ir Dr Hon HO Chung-tai's motion as amended by Hon Edward HO and Hon LEE Wing-tat put and agreed to.

Assisting import and export trade in seizing the opportunities created by China's accession to the World Trade Organization

Hon HUI Cheung-ching moved the following motion and addressed the Council:

That, in view of China's imminent accession to the World Trade Organization and the impact of new competition that Hong Kong's import and export trade has to face, this Council urges the Government and the relevant support organizations, apart from continuing to consolidate Hong Kong's established advantageous position and improve the local business environment, to exert all efforts to enhance the competitiveness of our import and export trade, thereby giving Hong Kong a head start in seizing any opportunities that may arise; to this end, the policies to be adopted should include:

- (1) broadening and strengthening the connections between Hong Kong and the Mainland, including setting up more resident business liaison offices in key provinces and cities in the Mainland to provide up-to-date information for Hong Kong businessmen and assist them in exploring business opportunities and solving problems;
- (2) enhancing Hong Kong's import and export services infrastructure in order to attract enterprises in the Mainland to patronize various import and export services provided in Hong Kong, including those in re-export, transportation, financing, insurance, logistics management, technical processing, quality accreditation and electronic transactions, etc.;
- (3) implementing expeditiously infrastructural projects on cross-border transport and improving cross-border arrangements, including streamlining customs clearance procedures for passenger and freight transport between the Mainland and Hong Kong;
- (4) stepping up trade promotion efforts, and in particular actively canvassing overseas enterprises to co-operate with Hong Kong enterprises (particularly those small and medium ones) in developing the Mainland market; and
- (5) providing additional training and financial support, etc., to upgrade the standards of the trade in such areas as language proficiency, information technology, management, marketing and global vision.

Question on the motion proposed.

10 Members and the Secretary for Trade and Industry spoke on the motion.

Hon HUI Cheung-ching replied.

Question on the motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 16 February 2000 at 2:30 pm and wished Members a happy Lunar New Year holiday in the Year of the Dragon.

The Council was adjourned at 10:10 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong