

LEGISLATIVE COUNCIL

MINUTES

No. 18

Minutes of the meeting held on Wednesday 16 February 2000 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN, GBS, JP

The Hon James TIEN Pei-chun, JP

The Hon HO Sai-chu, 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

The Hon Fred LI Wah-ming, JP

The Hon NG Leung-sing

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 CHEUNG Man-kwong

The Hon HUI Cheung-ching

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 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 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 Kenneth TING Woo-shou, JP

The Hon David CHU Yu-lin

The Hon Cyd HO Sau-lan

The Hon Edward HO Sing-tin, SBS, JP

Dr the Hon David LI Kwok-po, JP

Dr the Hon LUI Ming-wah, JP

Prof the Hon NG Ching-fai

The Hon James TO Kun-sun

The Hon Christine LOH

The Hon Mrs Sophie LEUNG LAU Yau-fun, JP

The Hon LAU Chin-shek, JP

The Hon LAU Kong-wah

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

Mr Nicholas NG Wing-fui, JP

Secretary for Transport

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

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

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 HO Wing-him
Secretary for Health and Welfare

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. Television (Royalty and Licence Fees) (Amendment) Regulation 2000 (gazetted on 28.1.2000)	25/2000
2. Arbitration (Amendment) Ordinance 2000 (2 of 2000) (Commencement) Notice 2000 (gazetted on 28.1.2000)	26/2000
3. Merchant Shipping (Safety) (Amendment) Ordinance 2000 (6 of 2000) (Commencement) Notice 2000 (gazetted on 28.1.2000)	27/2000
4. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	32/2000
5. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	33/2000
6. Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	34/2000
7. Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	35/2000
8. Merchant Shipping (Safety) (Load Lines) (Length of Ship) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	36/2000
9. Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	37/2000
10. Merchant Shipping (Safety) (Radio Installations Survey) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	38/2000
11. Road Traffic (Traffic Control) (Amendment) Regulation 2000 (gazetted on 3.2.2000)	39/2000
12. Public Health and Municipal Services Ordinance (Civic Centres) (Amendment of Thirteenth Schedule) Order 2000 (gazetted on 3.2.2000)	40/2000

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| 13. Tax Reserve Certificates (Rate of Interest) Notice 2000 (gazetted on 11.2.2000) | 41/2000 |
| 14. Air Pollution Control (Motor Vehicle Fuel) (Amendment) Regulation 2000 (gazetted on 11.2.2000) | 42/2000 |
| 15. Licensing Appeals Board Rules (gazetted on 11.2.2000) | 43/2000 |
| 16. Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2000 (L.N. 2 of 2000) (Commencement) Notice 2000 (gazetted on 11.2.2000) | 44/2000 |

Other Papers

- No.71 - Report by the Commissioner of Correctional Services on the administration of the Prisoners' Welfare Fund for the year ended 31 March 1999 (published on 11.2.2000)
- No.72 - Audited Statement of Accounts together with the Director of Audit's Report and Trustee's Report on the Administration of the Education Scholarships Fund for the year ended 31 August 1999 (published on 11.2.2000)
- No.73 - The Legislative Council Commission Annual Report 1998-1999 (published on 14.2.2000)
- No.74 - Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 1999 and the Results of Value for Money Audits (Report No. 33) (February 2000 - P.A.C. Report No. 33) (published on 16.2.2000)
- No.75 - Legal Aid Services Council Annual Report 1998-99 (published on 16.2.2000)
- Report of the Bills Committee on Elections (Corrupt and Illegal Conduct) Bill (published on 11.2.2000)

Addresses

Hon Eric LI, Chairman of the Public Accounts Committee, addressed the Council on the Committee's report on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended

31 March 1999 and the Results of Value for Money Audits (Report No. 33).

The Chief Secretary for Administration addressed the Council on the Legal Aid Services Council Annual Report 1998-99.

Questions

1. Hon Ambrose LAU asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon Eric LI asked Question 2.

The Secretary for the Treasury replied.

Seven Members asked supplementaries and the Secretary for the Treasury replied.

3. Hon LAW Chi-kwong asked Question 3.

The Secretary for the Environment and Food replied.

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

4. Hon NG Leung-sing asked Question 4.

The Secretary for Financial Services replied.

Five Members asked supplementaries and the Secretary for Financial Services replied.

5. Hon LEE Wing-tat asked Question 5.

The Secretary for the Environment and Food replied.

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

6. Hon Mrs Selina CHOW asked Question 6.

The Secretary for Home Affairs replied.

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

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

Bills

First Reading

Legislative Council (Amendment) Ordinance 1999 (Amendment) Bill 2000

Town Planning Bill

Urban Renewal Authority Bill

Buildings (Amendment) Bill 2000

Road Traffic (Amendment) Bill 2000

Employees' Compensation (Amendment) Bill 2000

Broadcasting Bill

Family Status Discrimination (Amendment) Bill 2000

Noise Control (Amendment) Bill 2000

Security and Guarding Services (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

Legislative Council (Amendment) Ordinance 1999 (Amendment) Bill 2000

The Secretary for Constitutional 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.

Town Planning Bill

Urban Renewal Authority Bill

Buildings (Amendment) Bill 2000

The Secretary for Planning and Lands moved the Second Reading and addressed the Council on each of the above three Bills.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure,

the debates on the above Bills were adjourned and the Bills were referred to the House Committee.

Road Traffic (Amendment) Bill 2000

The Secretary for Transport 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.

Employees' Compensation (Amendment) Bill 2000

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.

Broadcasting Bill

The Secretary for Information Technology and Broadcasting 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.

Family Status Discrimination (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.

Noise Control (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.

Security and Guarding Services (Amendment) Bill 2000

The Secretary for Security 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.

Consular Relations Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 8 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 **Consular Relations Bill**.

Question that clauses 1, 2 and 5 to 15 stand part of the Bill proposed, put and agreed to.

Question that clauses 3 and 4 stand part of the Bill proposed.

The Chief Secretary for Administration moved amendments to clauses 3 and 4 and addressed the Committee.

Question on the amendments put and agreed to.

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

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

The Council then resumed.

Third Reading

The Chief Secretary for Administration reported that

the **Consular Relations 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 proposed, put and agreed to.

Bill read the third time and passed.

Elections (Corrupt and Illegal Conduct) Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 3 February 1999 resumed.

Mr Ronald ARCULLI, Chairman of the Bills Committee on Elections (Corrupt and Illegal Conduct) Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Four Members spoke on the Bill.

The Secretary for Constitutional Affairs 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 **Elections (Corrupt and Illegal Conduct) Bill**.

Question that clauses 1, 5, 8 to 11, 13 to 16, 20, 22 to 26, 32, 40, 41 and 43 to 46 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 3, 4, 28, 33 and 35 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to the definitions of "appropriate authority", "elector", "electoral law" and "returning officer" in, and to add the definitions of "Chief Executive" and "village representative" to clause 2 and amendments to clauses 3, 4, 28, 33 and 35.

Question on the amendments put and agreed to.

Question that clauses 3, 4, 28, 33 and 35, as amended, stand part of the Bill proposed, put and agreed to.

The Secretary for Constitutional Affairs moved amendments to the definitions of "advantage", "election advertisement" and "election donation" in, and to add the definition of "voluntary service" to clause 2.

A Member spoke on the amendments.

The Secretary for Constitutional Affairs spoke again.

Question on the amendments put and agreed to.

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

Question that clauses 6, 12, 17, 18, 21, 27, 29, 30 and 36 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to clauses 6, 12, 17, 18, 21, 27, 29, 30 and 36.

Question on the amendments put and agreed to.

Question that clauses 6, 12, 17, 18, 21, 27, 29, 30 and 36, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 7, 19, 31, 34, 37, 38, 39 and 42 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to clauses 7, 19, 31, 34, 37, 38, 39 and 42 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 7, 19, 31, 34, 37, 38, 39 and 42, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 34A, 47 and 48 read the first time.

The Secretary for Constitutional Affairs moved the Second Reading of the above clauses and addressed the Committee.

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

New clauses 34A, 47 and 48 read the second time.

The Secretary for Constitutional Affairs moved the addition of the above clauses to the Bill.

Question on the addition proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to the schedule.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for Constitutional Affairs reported that

the **Elections (Corrupt and Illegal Conduct) 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.

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

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 12 January 2000 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 **Factories and Industrial Undertakings (Amendment) (No.2) Bill 1999**.

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

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

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

Members' Motions

Opposing the levy of a sales tax

Dr Hon YEUNG Sum moved the following motion and addressed the Council:

That this Council opposes levying a sales tax.

At 6:50 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

17 Members spoke on the motion.

At 8:40 pm, the President resumed the chair.

Another four Members and the Secretary for the Treasury spoke on the motion.

Dr Hon YEUNG Sum replied.

Question on the motion put.

Dr Hon YEUNG Sum 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, 19 were in favour of the motion, one against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 20 were

present, 17 were in favour of the motion, one against it and one abstained. (Voting record in the Appendix.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the motion was carried.

Preserving natural resources and developing leisure agriculture and fishery trades

Hon WONG Yung-kan moved the following motion and addressed the Council:

That this Council urges the Government to make its best endeavours to preserve the natural resources, create an environment for the sustainable development of agriculture and fisheries and promote the leisure agriculture and fishery trades, in order to keep in line with environmental protection and further developments in green and marine tourism, so that Hong Kong may, while preserving its natural resources, open up new dimensions in agriculture and fisheries to ensure their continued contribution to the economy of Hong Kong.

Question on the motion proposed.

Seven Members and the Secretary for the Environment and Food spoke on the motion.

Hon WONG Yung-kan 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 23 February 2000 at 2:30 pm.

The Council was adjourned at 10:31 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong