

LEGISLATIVE COUNCIL

MINUTES

No. 19

Minutes of the meeting of Wednesday 23 February 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

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

Member absent:

The Hon Michael HO Mun-ka

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 CHAU Tak-hay, JP
Secretary for Trade and Industry

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 Stephen IP Shu-kwan, JP
Secretary for Economic Services

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

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 (Parking) (Amendment) Regulation 2000 (gazetted on 18.2.2000)	45/2000
2. Road Traffic (Parking) (Approved Cards) Notice (gazetted on 18.2.2000)	46/2000
3. Securities (Exchange—Traded Stock Options) (Amendment) Rules 2000 (gazetted on 18.2.2000)	47/2000
4. Banking (Amendment) Ordinance 1999 (42 of 1999) (Commencement) Notice 2000 (gazetted on 18.2.2000)	48/2000
5. Mutual Legal Assistance in Criminal Matters (South Korea) Order (L.N. 23 of 2000) (Commencement) Notice 2000 (gazetted on 18.2.2000)	49/2000

Other Papers

No.76 - AIDS Trust Fund 1998-99 Annual Accounts together with the Director of Audit's Report (published on 16.2.2000)

No.77 - Hong Kong Tourist Association Annual Report 98/99 (published on 21.2.2000)

Report of the Bills Committee on Mass Transit Railway Bill (published on 21.2.2000)

Report of the Bills Committee on Exchanges and Clearing Houses (Merger) Bill (published on 18.2.2000)

Report of the Bills Committee on Firearms and Ammunition (Amendment) Bill 1999 (published on 18.2.2000)

Questions

1. Hon Edward HO asked Question 1.

The Secretary for the Treasury replied.

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

2. Hon HUI Cheung-ching asked Question 2.

The Secretary for Trade and Industry replied.

Three Members asked supplementaries. The Secretary for Trade and Industry and the Secretary for Economic services replied.

3. Hon Albert HO asked Question 3.

The Secretary for Home Affairs replied.

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

4. Hon LEE Wing-tat asked Question 4.

The Secretary for Education and Manpower replied.

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

5. Hon Mrs Selina CHOW asked Question 5.

The Secretary for Planning and Lands replied.

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

6. Hon Fred LI asked Question 6.

The Secretary for the Environment and Food replied.

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

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

Bills

First Reading

Employment (Amendment) Bill 2000

Entertainment Special Effects Bill

**Drug Dependent Persons Treatment and Rehabilitation Centres
(Licensing) Bill**

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

Employment (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.

Entertainment Special Effects 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.

Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill

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.

Mass Transit Railway Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 October 1999 resumed.

Hon Mrs Miriam LAU, Chairman of the Bills Committee on Mass Transit Railway Bill, addressed the Council on the Report of the Bills Committee on the Bill. After the address, she spoke on the Bill as a Member.

Eight more Members spoke on the Bill.

At 5:58 pm, the President's Deputy took the chair during the temporary absence of the President.

Another Member spoke on the Bill.

At 6:07 pm, the President resumed the chair.

Another 10 Members spoke on the Bill.

The Secretary for Transport replied.

Question on the Second Reading 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 55 Members were present, 49 were in favour of the motion and five against it. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

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

Committee Stage

The Council went into Committee and considered the **Mass Transit Railway Bill**.

Question that clauses 1, 3, 10, 11, 12, 16, 17, 22 to 26, 31, 32, 33, 36 to 40, 42 to 47, 49, 50, 52, 55, 56, 58, 60, 61 and 64 stand part of the Bill proposed, put and agreed to.

Question that clauses 2 and 4 stand part of the Bill proposed.

The Chairman stated that the Secretary for Transport and Hon LAU Chin-shek had separately given notice to move amendments to the definition of "operating agreement" in clause 2 and to clause 4(2). She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Transport to move his amendments first as he was the Public Officer in charge of the Bill.

The Secretary for Transport moved amendments to the definition of "operating agreement" in clause 2 and to clause 4(2) and addressed the Committee.

The Chairman invited Hon LAU Chin-shek to speak on the Secretary for Transport's amendments as well as his own proposed amendments.

Hon LAU Chin-shek spoke on the Secretary for Transport's amendments and his own proposed amendments.

Two Members spoke on the amendments and the proposed amendments.

The Secretary for Transport spoke again.

Question on the amendments moved by the Secretary for Transport put and agreed to.

The Chairman stated that as the Secretary for Transport's amendments had been passed, Hon LAU Chin-shek might not move his amendments which were inconsistent with the decision already taken.

The Secretary for Transport moved an amendment to the definition of "extension" in clause 2 and addressed the Committee.

Question on the amendment put and agreed to.

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

The Secretary for Transport moved an amendment to clause 4(1) and addressed the Committee.

Question on the amendment put and agreed to.

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

Question that clause 5 stand part of the Bill proposed.

Hon LAU Chin-shek moved amendments to clause 5 and addressed the Committee.

Two Members and the Secretary for Transport spoke on the amendments.

Hon LAU Chin-shek spoke again.

Question on the amendments put and negatived.

Question that clause 5 stand part of the Bill put and agreed to.

Question that clause 6 stand part of the Bill proposed.

Hon LAU Chin-shek moved an amendment to clause 6 and addressed the Committee.

The Secretary for Transport spoke on the amendment.

Question on the amendment put and negatived.

Question that clause 6 stand part of the Bill put and agreed to.

Question that clause 7 stand part of the Bill proposed.

Hon CHAN Yuen-han moved amendments to clause 7 and addressed the Committee.

Four Members and the Secretary for Transport spoke on the amendments.

Hon CHAN Yuen-han spoke again.

Question on the amendments put.

Hon CHAN Yuen-han claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the amendments, 17 against them and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, four were in favour of the amendments, eight against them and 13 abstained. (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 amendments were negatived.

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 Committee Stage of the Mass Transit Railway Bill at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the Chairman may order that the Committee 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.

Question that clause 7 stand part of the Bill put and agreed to.

Question that clause 8 stand part of the Bill proposed.

Hon LAU Chin-shek moved an amendment to clause 8 and addressed the Committee.

A Member and the Secretary for Transport spoke on the amendment.

Question on the amendment put.

Hon LAU Chin-shek claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 23 were present, six were in favour of the amendment, 16 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 12 were in favour of the amendment, nine against it and four 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.

Question that clause 8 stand part of the Bill put and agreed to.

The President ordered the Council to resume and granted leave for Hon Andrew CHENG to move a motion under Rule 91 of the Rules of Procedure that Rule 58(7) of the Rules of Procedure be suspended in order that the Committee of the whole Council to consider the proposed new schedule 5A ahead of the remaining clauses and schedules of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

New schedule 5A read the first time.

Hon Andrew CHENG moved the Second Reading of new schedule 5A and addressed the Committee.

Question on the Second Reading of new schedule 5A proposed.

A Member and the Secretary for Transport spoke on the motion.

Hon Andrew CHENG spoke again.

Question on the Second Reading of the new schedule 5A put.

Hon Andrew CHENG claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, three were in favour of the motion and 24 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 11 were in favour of the motion and 15 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 motion was negatived.

The Chairman stated that as Hon Andrew CHENG's motion to move the Second Reading of new schedule 5A had been negatived, Hon Andrew CHENG might not move his amendments to clause 9, which were inconsistent with the decision already taken.

Question that clause 9 stand part of the Bill proposed, put and agreed to.

Question that clause 13 stand part of the Bill proposed.

Hon Albert HO moved an amendment to clause 13 and addressed the Committee.

A Member and the Secretary for Transport spoke on the amendment.

Hon Albert HO spoke again.

Question on the amendment put.

Hon Albert HO claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 28 were present, six were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 17 were in favour of the amendment and 10 against it. (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.

The Secretary for Transport moved amendments to clause 13 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 13, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 14 stand part of the Bill proposed.

The Secretary for Transport moved amendments to clause 14 and addressed the Committee.

Question on the amendments put and agreed to.

Hon Andrew CHENG moved further amendments to clause 14 and addressed the Committee.

A Member and the Secretary for Transport spoke on the amendments.

Hon Andrew CHENG spoke again.

Question on the amendments put.

Hon Andrew CHENG claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 28 were present, three were in favour of the amendments and 25 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 10 were in favour of the amendments and 17 against them. (Voting record in Appendix VI.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendments were negatived.

Question that clause 14, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 15, 18, 19, 20, 21, 27, 28, 30, 35, 48, 51, 53, 54, 57, 59 and 63 stand part of the Bill proposed.

The Secretary for Transport moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

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

Question that clause 29 stand part of the Bill proposed.

The Chairman stated that Hon LAU Chin-shek had given notice to move the deletion of clause 29 while the Secretary for Transport and Hon CHAN Yuen-han had separately given notice to move an amendment to the same clause. The Chairman also stated that as the amendments proposed by the Secretary for Transport and Hon CHAN Yuen-han were identical and had the same effect, she would not, irrespective of the outcome of the amendment to be moved by the Secretary for Transport, allow Hon CHAN Yuen-

han to move her amendment. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Hon LAU Chin-shek to move his amendment.

Hon LAU Chin-shek moved the deletion of clause 29 and addressed the Committee.

The Secretary for Transport and Hon CHAN Yuen-han spoke on Hon LAU Chin-shek's amendment and their own proposed amendments.

Five Members spoke on the amendment and the proposed amendments.

Hon LAU Chin-shek spoke again.

Question on the amendment moved by Hon LAU Chin-shek put.

Hon LAU Chin-shek claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, two were in favour of the amendment, 23 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, three were in favour of the amendment, 24 against it and one abstained. (Voting record in Appendix VII.) 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 Secretary for Transport moved an amendment to clause 29.

Question on the amendment moved by the Secretary for Transport put and agreed to.

Question that clause 29, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 41 stand part of the Bill proposed.

The Chairman stated that the Secretary for Transport and Hon CHAN Yuen-han had separately given notice to move amendments to clause 41. The Chairman also stated that as the amendments proposed by the Secretary for Transport and Hon CHAN Yuen-han were almost identical and had the same effect, she would not, irrespective of the outcome of the amendment to be moved by the Secretary for Transport, allow Hon CHAN Yuen-han to move her amendments. She ordered that the proposed amendments be debated together in a joint debate.

The Secretary for Transport moved amendments to clause 41 and addressed the Committee.

Hon CHAN Yuen-han spoke on the amendments.

Four other Members spoke on the amendments, and one of them spoke twice.

The Secretary for Transport spoke again.

The Member who had spoken twice on the amendments spoke again and the Secretary for Transport spoke a third time.

Hon CHAN Yuen-han spoke on the amendments a second time.

Another Member spoke on the amendments.

Question on the amendments put.

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

The Chairman announced that 55 Members were present and 54 were in favour of the amendments. (Voting record in Appendix VIII.) Since the question was agreed by a majority of the Members present, she declared that the amendments were agreed.

Hon LAU Chin-shek moved a further amendment to clause 41 and addressed the Committee.

Five Members and the Secretary for Transport spoke on the amendment.

Hon LAU Chin-shek spoke again.

Question on the amendment put.

Hon LAU Chin-shek claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, six were in favour of the amendment, 19 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 12 were in favour of the amendment, 10 against it and five abstained. (Voting record in Appendix IX.) 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.

Question that clause 41, as amended by the Secretary for Transport, stand part of the Bill proposed, put and agreed to.

Question that clause 34 stand part of the Bill proposed.

The Secretary for Transport moved an amendment to clause 34 and addressed the Committee.

Question on the amendment put and agreed to.

The Chairman stated that Hon LAU Chin-shek had given notice to move a further amendment to clause 34, Hon CHAN Kam-lam had given notice to move amendments to add a heading before new clause 14A and new clause 14A to the Bill, and Hon Andrew CHENG had given notice to move amendments to add a heading before new clause 14A, new clause 14A and new schedule 5B to the Bill. She ordered that the proposed amendments be debated together in a joint debate.

Hon LAU Chin-shek moved a further amendment to clause 34 and addressed the Committee.

At 10:53 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

Hon CHAN Kam-lam and Hon Andrew CHENG spoke on Hon LAU Chin-shek's amendment as well as their own proposed amendments.

A Member spoke on the amendments.

At 11:13 pm, the Chairman resumed the chair.

Hon CHAN Kam-lam and Hon Andrew CHENG spoke on the amendments a second time.

One more Member and the Secretary for Transport spoke on the amendments.

Hon LAU Chin-shek spoke again.

Question on the amendment moved by Hon LAU Chin-shek put.

Hon LAU Chin-shek claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, three were in favour of the amendment and 24 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 11 were in favour of the amendment and 16 against it. (Voting

record in Appendix X.) 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.

Question that clause 34, as amended by the Secretary for Transport, stand part of the Bill proposed, put and agreed to.

The President ordered the Council to resume and granted leave for Hon CHAN Kam-lam to move a motion under Rule 91 of the Rules of Procedure that Rule 58(5) of the Rules of Procedure be suspended in order that the Committee of the whole Council to consider the proposed heading before new clause 14A and new clause 14A ahead of the remaining clauses of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

The heading before new clause 14A and new clause 14A read the first time.

Hon CHAN Kam-lam moved the Second Reading of the aforesaid heading and clause.

Question on the Second Reading of the aforesaid heading and clause proposed and put.

Hon CHAN Kam-lam claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, six were in favour of the motion and 21 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 17 were in favour of the motion and 10 against it. (Voting record in Appendix XI.) 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.

The President ordered the Council to resume and granted leave for Hon Andrew CHENG to move a motion under Rule 91 of the Rules of Procedure that Rule 58(7) of the Rules of Procedure be suspended in order that the Committee of the whole Council to consider the proposed new schedule 5B ahead of the remaining clauses and schedules of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

New schedule 5B read the first time.

Hon Andrew CHENG moved the Second Reading of the heading before new clause 14A, new clause 14A and new schedule 5B.

Question on the Second Reading of the aforesaid heading, clause and schedule proposed and put.

Hon Andrew CHENG claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, three were in favour of the motion, 21 against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 11 were in favour of the motion, 10 against it and six abstained. (Voting record in Appendix XII.) 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.

Question that clause 62 stand part of the Bill proposed.

The Chairman stated that as Hon Andrew CHENG had not been allowed to move amendment to clause 9 and his amendment to add new clause 14A to the Bill had been negatived, and as Hon LAU Chin-shek's amendments to clauses 5 and 8 had been negatived, they might not move amendments to clause 62, which were inconsistent with the decisions already taken.

The Secretary for Transport moved amendments to clause 62 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 62, as amended, stand part of the Bill proposed, put and agreed to.

The heading before new clause 8A and new clause 8A read the first time.

Hon Albert HO moved the Second Reading of the aforesaid heading and clause and addressed the Committee.

Question on the Second Reading of the aforesaid heading and clause proposed.

Three Members and the Secretary for Transport spoke on the motion.

Hon Albert HO spoke again.

Another Member spoke on the motion.

Question on the Second Reading of the aforesaid heading and clause put.

Hon Albert HO claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 27 were present, three were in favour of the motion, 22 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 10 were in favour of the motion, 10 against it and five abstained. (Voting record in Appendix XIII.) 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.

New clause 62A read the first time.

The Secretary for Transport moved the Second Reading of the new clause 62A and addressed the Committee.

Question on the Second Reading of new clause 62A proposed, put and agreed to.

New clause 62A read the second time.

The Secretary for Transport moved the addition of new clause 62A to the Bill.

Question on the addition proposed, put and agreed to.

Question that schedules 1, 3, 4 and 5 stand part of the Bill proposed, put and agreed to.

Question that schedules 2 and 6 stand part of the Bill proposed.

The Secretary for Transport moved amendments to schedules 2 and 6 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedules 2 and 6, as amended, stand part of the Bill proposed, put and agreed to.

Question that the long title stand part of the Bill proposed.

The Secretary for Transport moved an amendment to the long title and addressed the Committee.

Question on the amendment put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Transport reported that

the Mass Transit Railway Bill

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

Question on the Third Reading proposed and 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 57 Members were present, 34 were in favour of the motion and 22 against it. (Voting record in Appendix XIV.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Bill read the third time and passed.

Exchanges and Clearing Houses (Merger) Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 10 November 1999 resumed.

Hon Ronald ARCULLI, Chairman of the Bills Committee on Exchanges and Clearing Houses (Merger) Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Four Members spoke on the Bill.

The Secretary for Financial Services 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 **Exchanges and Clearing Houses (Merger) Bill**.

Question that clauses 5, 11 to 14, 17, 19 and 23 stand part of the Bill proposed, put and agreed to.

The President ordered the Council to resume and granted leave for the Secretary for Financial Services to move a motion under Rule 91 of the Rules of Procedure that Rule 58(7) of the Rules of Procedure be suspended in order that the Committee of the whole Council to consider schedules 1 and 2 and the proposed new schedules 1 and 3 ahead of the remaining clauses of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

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

The Secretary for Financial Services moved amendments to schedules 1 and 2 and addressed the Committee.

Question on the amendments put and agreed to.

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

New schedules 1 and 3 read the first time.

The Secretary for Financial Services moved the Second Reading of new schedules 1 and 3 and addressed the Committee.

Question on the Second Reading of new schedules 1 and 3 proposed, put and agreed to.

New schedules 1 and 3 read the second time.

The Secretary for Financial Services moved the addition of new schedules 1 and 3 to the Bill.

Question on the addition proposed, put and agreed to.

Question that clauses 1 to 4, 6 to 10, 15, 16, 18, 20, 21, 22 and 24 stand part of the Bill proposed.

The Secretary for Financial Services moved amendments to clauses 1 to 4, 6 to 10, 15, 16, 18, 20, 22 and 24 and the deletion of clause 21 and addressed the Committee.

A Member spoke on the amendments.

The Secretary for Financial Services spoke again.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 21, which dealt with deletion, had been agreed, clause 21 was therefore deleted from the Bill.

Question that 1 to 4, 6 to 10, 15, 16, 18, 20, 22 and 24, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services reported that

the **Exchanges and Clearing Houses (Merger) Bill**

had passed through the 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.

Firearms and Ammunition (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 27 January 1999 resumed.

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

Five Members spoke 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 **Firearms and Ammunition (Amendment) Bill 1999**.

Question that clauses 1, 2, 4, 5, 8, 9, 10, 12 to 15, 20, 21, 22, 26, 28, 29 and 30 stand part of the Bill proposed, put and agreed to.

The President ordered the Council to resume and granted leave for the Secretary for Security to move a motion under Rule 91 of the Rules of Procedure that Rule 58(5) of the Rules of Procedure be suspended in order that the Committee of the whole Council to consider new clauses 3A, 9A and 24A 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 3A, 9A and 24A read the first time.

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

Question on the Second Reading of the aforesaid clauses proposed.

Four Members spoke on the motion.

The Secretary for Security spoke again.

Three Members who had spoken on the motion spoke again.

Question on the Second Reading of the said clauses put.

Hon MA Fung-kwok claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that 37 Members were present, 15 were in favour of the motion and 21 against it. (Voting record in Appendix XV.) Since the question was not agreed by a majority of the Members present, she declared that the motion was negatived.

Question that clauses 24 and 25 stand part of the Bill proposed.

The Chairman stated that as the Secretary for Security's amendment to add new clauses 3A, 9A and 24A were negatived, the Secretary for Security might not move her amendments to clauses 24 and 25 which were inconsistent with the decision already taken. The Chairman also granted permission for the Secretary for Security to revise the terms of her amendments to clauses 18 and 19 and of new clause 31.

Question that clauses 24 and 25 stand part of the Bill put and agreed to.

Question that clauses 3, 18, 19 and 27 stand part of the Bill proposed.

The Secretary for Security moved amendments to clauses 3 and 27 and revised amendments to clauses 18 and 19 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 3, 18, 19 and 27, as amended, stand part of the Bill proposed, put and agreed to.

Question that clauses 6, 7, 11, 16, 17 and 23 stand part of the Bill proposed.

The Secretary for Security moved amendments to clause 6, the proposed section 12A in clause 7, clauses 11, 16, 17 and 23 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 6, 11, 16, 17 and 23, as amended, stand part of the Bill proposed, put and agreed to.

The Secretary for Security moved an amendment to the proposed section 12B in clause 7 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 7, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 4A, 4B, the heading before new clause 31 and new clause 31 read the first time.

The Secretary for Security moved the Second Reading of the aforesaid heading and clauses and addressed the Committee.

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

New clauses 4A, 4B, the heading before new clause 31 and new clause 31 read the second time.

The Secretary for Security moved the addition of the aforesaid heading and clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the **Firearms and Ammunition (Amendment) Bill 1999**

had passed through the 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.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that in relation to the -

- (a) Legislative Council (Formation of Election Committee) (Appeals) (Amendment) Regulation 2000, published as Legal Notice No. 13 of 2000;
- (b) Legislative Council (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2000, published as Legal Notice No. 14 of 2000;
- (c) Distribution of Number of Members Among Designated Bodies (Election Committee) (Legislative Council) Order 2000, published as Legal Notice No. 15 of 2000; and
- (d) Maximum Scale of Election Expenses (Legislative Council) Order 1997 (Amendment) Order 2000, published as Legal Notice No. 16 of 2000,

and laid on the table of the Legislative Council on 26 January 2000, 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 1 March 2000.

Question on the motion proposed, put and agreed to.

Developing the semiconductor industry

Dr Hon LUI Ming-wah moved the following motion and addressed the Council:

That, as semiconductor products are the foundation of technology-based industries and the mainstay of various industries, this Council urges the Government to actively

develop the semiconductor industry in Hong Kong, so as to promote economic development and create job opportunities.

At 3:29 am of 24 February 2000, the President's Deputy took the chair during the temporary absence of the President.

Question on Dr Hon LUI Ming-wah's motion proposed.

The President's Deputy stated that Hon SIN Chung-kai 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 SIN Chung-kai moved the following amendment to Dr Hon LUI Ming-wah's motion and addressed the Council:

To delete "semiconductor products are the foundation of technology-based industries" and substitute with "the semiconductor industry provides up-stream industrial support for the information technology industry"; to delete "the mainstay of various industries" and substitute with "is the major source of supply of the necessary components for various manufacturing industries,"; to delete "actively" and substitute with "initiate studies on whether Hong Kong possesses the requisites to"; to delete "in Hong Kong," and substitute with "; assess the feasibility of Hong Kong serving as a component support base for China in the development of industries engaging in the manufacture of computer hardware and peripheral products, communication products as well as electronic and electrical goods; and create and develop favourable conditions to attract foreign investments in the industry,"; to add "seize the opportunities arising from the rapid growth of the markets for these products after China's accession to the World Trade Organization, and at the same time" after "so as to"; to add "the" before "economic development"; to delete "and create job opportunities" and substitute with "of Hong Kong in a diversified and high value-added direction".

Question on Hon SIN Chung-kai's amendment to Dr Hon LUI Ming-wah's motion proposed.

Five Members spoke on the motion and the amendment.

Dr Hon LUI Ming-wah spoke on the amendment.

The Secretary for Trade and Industry spoke on the motion and the amendment.

At 4:16 am, the President resumed the chair.

Question on Hon SIN Chung-kai's amendment to Dr Hon LUI Ming-wah's motion put.

Hon SIN Chung-kai 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, 15 were present, seven were in favour of the amendment and eight against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 18 were present, seven were in favour of the amendment and 10 against it. (Voting record in Appendix XVI.) 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 LUI Ming-wah replied.

Question on Dr Hon LUI Ming-wah's motion put and agreed to.

The system of long-term employment for construction workers

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

That this Council urges the authorities concerned to adopt positive measures to promote the system of long-term employment for construction workers, which include:

- (a) conducting a comprehensive review on the progress of implementing the 'Supporting Pledge for Long-term Employment of Construction Workers' and expediting the implementation of the proposals contained therein;
- (b) taking the lead to restrict the number of tiers involved in the sub-contracting system and require the contractors to employ a certain proportion of long-term workers when awarding government and Housing Authority construction contracts, as well as encouraging private contractors to employ workers on a long-term basis;
- (c) promoting a registration system for construction workers and establishing a database of human resources in different trades of the industry;
- (d) strengthening the training in skills and job safety for construction workers and facilitating them to acquire multi-faceted skills, so as to upgrade their skills and enhance their awareness in industrial safety; and

(e) reviewing the contents of trade tests for the construction industry in order to meet the needs of the industry;

so as to provide construction workers with better job security, to ensure stable human resources for the construction industry and thus to upgrade the project quality and safety of the construction industry.

Question on Hon Andrew CHENG's motion proposed.

The President stated that Hon CHAN Wing-chan and Hon HO Sai-chu 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 CHAN Wing-chan and Hon HO Sai-chu respectively spoke on the motion and their amendments.

Five Members spoke on the motion and the amendments.

Hon Andrew CHENG spoke on the amendments.

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

Hon CHAN Wing-chan moved the following amendment to Hon Andrew CHENG's motion:

To add “, as the recent problems in the construction industry relating to the quality and safety of buildings have aroused public concerns, with queries and criticisms levelled at the sub-contracting system,” after “That”; to delete “adopt positive measures to promote” and substitute with “implement expeditiously”; to delete “, which” and substitute with “in order to address the existing safety and quality problems in the industry; the measures”; to add “, so as to upgrade the overall project quality and awareness in industrial safety of the industry” after “therein”; to delete “taking the lead to restrict the number of tiers involved in the sub-contracting system and”; to delete “require” and substitute with “requiring”; to delete “the contractors to” and substitute with “that it should be stipulated in government and Housing Authority construction contracts that there should not be excessive tiers of sub-contracting under the 'specialist sub-contractors' assigned by contractors; establishing a register of sub-contractors by the authorities concerned so that the financial resources and quality of sub-contractors are subjected to regulation; requiring contractors to engage only the sub-contractors listed in the register and at the same

time”; to delete “when awarding government and Housing Authority construction contracts” and substitute with “so as to enhance monitoring and project quality”; to add “so that the workers can have their skills recognised through tests, which will in turn ensure the safety and quality of building projects” after “trades of the industry”; to delete “so as to”; to add “, thus providing them with better job security; and improving the image of the industry by ensuring the availability of a pool of construction workers with proven skills to the community” after “industrial safety”; to add “ensure that workers” after “in order to”; and to delete “meet the needs; so as to provide construction workers with better job security, to ensure stable human resources for the construction industry and thus to upgrade the project quality and safety of the construction industry” and substitute with “can keep up with the new requirements arising from the technological developments of the construction industry”.

Question on Hon CHAN Wing-chan's amendment to Hon Andrew CHENG's motion proposed and put.

Hon CHAN Wing-chan 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, 14 were present, seven were in favour of the amendment, four against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 19 were present, eight were in favour of the amendment, three against it and seven abstained. (Voting record in Appendix XVII.) 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 HO Sai-chu moved the following amendment to Hon Andrew CHENG's motion:

To delete “adopt positive” and substitute with “study actively the conditions and”; to delete “to promote” and substitute with “necessary for promoting”; to delete “which” and substitute with “so as to upgrade the project quality and safety of the construction industry; these conditions and measures”; to delete “conducting a comprehensive review on the progress of implementing the 'Supporting Pledge for Long-term Employment of Construction Workers' and expediting the implementation of the proposals contained therein” and substitute with “promoting actively a registration system for construction workers and establishing a database of human resources in different trades of the industry for reference of and as a basis for deciding

the policy on the system of long-term employment for construction workers"; to delete "taking the lead to restrict the number of tiers involved in the sub-contracting system and require" and substitute with "requiring"; to add "some" after "awarding"; to delete "as well as encouraging private contractors to employ workers on a long-term basis" and substitute with "on a trial basis, and reviewing the results and experience afterwards for reference of and in preparation for the introduction of the system of long-term employment for construction workers to construction projects in both the public and the private sectors"; to delete "(c) promoting a registration system for construction workers and establishing a database of human resources in different trades of the industry;"; to delete "(d)" and substitute with "(c)"; to delete "(e)" and substitute with "(d)"; and to delete ";so as to provide construction workers with better job security, to ensure stable human resources for the construction industry and thus to upgrade the project quality and safety of the construction industry".

Question on Hon HO Sai-chu's amendment to Hon Andrew CHENG'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, 14 were present, six were in favour of the amendment, seven against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 19 were present, five were in favour of the amendment and 13 against it. (Voting record in Appendix XVIII.) 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 Andrew CHENG replied.

Question on Hon Andrew CHENG's motion put.

Hon HO Sai-chu 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, 14 were present, nine were in favour of the motion, four against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 19

were present, 15 were in favour of the motion, two against it and one abstained. (Voting record in Appendix XIX.) 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 1 March 2000 at 2:30 pm.

The Council was adjourned at 5:58 am on 24 February 2000.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong