

LEGISLATIVE COUNCIL

MINUTES

No. 20

Minutes of the meeting held on Wednesday 1 March 2000 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, JP

The Hon David CHU Yu-lin

The Hon HO Sai-chu, SBS, JP

The Hon Cyd HO Sau-lan

The Hon Edward HO Sing-tin, SBS, JP

The Hon Albert HO Chun-yan

The Hon Michael HO Mun-ka

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Wing-tat

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

The Hon LEE Kai-ming, SBS, JP

Dr the Hon David LI Kwok-po, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing

Prof the Hon NG Ching-fai

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-ye, 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 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 LAU Wong-fat, GBS, JP

Public officers attending:

The Honourable Mrs Anson CHAN, GBM, JP
The Chief Secretary for Administration

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

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

Mr Michael SUEN Ming-yeung, GBS, JP
Secretary for Constitutional Affairs

Mr CHAU Tak-hay, JP
Secretary for Trade and Industry

Mr Nicholas NG Wing-fui, JP

Secretary for Transport

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

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

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

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

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

Ms Maria KWAN Sik-ning, JP
Secretary for Economic Services

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation

L.N. No.

Hong Kong Sports Development Board (Amendment) Ordinance 2000 (7 of 2000) (Commencement) Notice 2000 (gazetted on 25.2.2000) 50/2000

Other Papers

No.78 - Report by the Commissioner of Correctional Services on the Administration of the Correctional Services Department Welfare Fund for the year ended 31 March 1999 (published on 21.2.2000)

No.79 - The Lord Wilson Heritage Trust Annual Report 1998 - 1999 (published on 25.2.2000)

No.82 - The Government Minute in response to Report No. 33A of the Public Accounts Committee dated December 1999 (published on 1.3.2000)

Report of the Bills Committee on International Organizations (Privileges and Immunities) Bill (published on 28.2.2000)

Address

The Financial Secretary addressed the Council on the Government Minute in response to Report No. 33A of the Public Accounts Committee dated December 1999.

Questions

1. Hon David CHU asked Question 1.

The Secretary for the Environment and Food replied.

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

2. Dr Hon LUI Ming-wah asked Question 2.

The Secretary for Trade and Industry replied.

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

3. Hon Cyd HO asked Question 3.

The Secretary for Constitutional Affairs replied.

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

4. Hon Emily LAU asked Question 4.

The Secretary for Economic Services replied.

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

5. Hon CHOY So-yuk asked Question 5.

The Secretary for Economic Services replied.

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

6. Hon LAU Kong-wah asked Question 6.

The Secretary for the Treasury replied.

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

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

Bills

First Reading

Road Traffic Legislation (Amendment) Bill 2000
Employees' Compensation (Amendment) (No. 2) 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

Road Traffic Legislation (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) (No. 2) 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.

International Organizations (Privileges and Immunities) Bill

Resumption of Second Reading debate

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

Hon James TO, Chairman of the Bills Committee on International Organizations (Privileges and Immunities) Bill, addressed the Council on the Report of the Bills Committee on the Bill.

A Member spoke on the Bill.

The Chief Secretary for Administration 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 **International Organizations (Privileges and Immunities) Bill**.

Question that clauses 1, 2, 6, 7 and 9 to 14 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 4, 5, 8 and 15 stand part of the Bill proposed.

The Chief Secretary for Administration moved amendments to clauses 3, 4, 5 and 8 and the deletion of the heading before clause 15 and clause 15 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to the heading before clause 15 and clause 15, which dealt with deletion, had been agreed, the heading before clause 15 and clause 15 were therefore deleted from the Bill.

Question that clauses 3, 4, 5 and 8, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Chief Secretary for Administration reported that

the International Organizations (Privileges and Immunities) Bill

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.

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

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 16 February 2000 resumed.

A Member spoke 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 **Legislative Council (Amendment) Ordinance 1999 (Amendment) Bill 2000**.

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

The Council then resumed.

Third Reading

The Secretary for Constitutional Affairs reported that

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

had passed through the 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.

Dumping at Sea (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 26 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 **Dumping at Sea (Amendment) Bill 2000**.

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 the Environment and Food reported that

the Dumping at Sea (Amendment) Bill 2000

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

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

Bill read the third time and passed.

Mental Health (Amendment) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 26 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 **Mental Health (Amendment) Bill 2000**.

Question that clauses 1 to 6 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Health and Welfare reported that

the **Mental Health (Amendment) Bill 2000**

had passed through the 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

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that the Legislative Council (Formation of Election Committee) (Appeals) (Amendment) Regulation 2000, published as Legal Notice No. 13 of 2000 and laid on the table of the Legislative Council on 26 January 2000, be repealed.

Question on the motion proposed.

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

Hon Emily LAU replied.

Question on the motion put.

Hon Emily LAU claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, 17 were against the motion and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, five were in favour of the motion, 14 against it and eight abstained. (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 motion was negatived.

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that the Distribution of Number of Members Among Designated Bodies (Election Committee) (Legislative Council) Order 2000, published as Legal Notice No. 15 of 2000 and laid on the table of the Legislative Council on 26 January 2000, be repealed.

Question on the motion proposed.

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

Hon Emily LAU replied.

Question on the motion put.

Hon Emily LAU claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 19 were present, 15 were against the motion and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, four were in favour of the motion, 15 against it and eight 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 motion was negatived.

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that the 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, be amended by repealing section 3(a) and substituting -

“(a) by repealing subsection (1)(a), (b) and (c) and substituting -

“(a) in respect of the Kowloon West geographical constituency and the Kowloon East geographical constituency, \$750,000;

(b) in respect of the Hong Kong Island geographical constituency, \$1,000,000;

(c) in respect of the New Territories West geographical constituency and the New Territories East geographical constituency, \$1,250,000.”;”.

Question on the motion proposed.

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

Hon Emily LAU replied.

The President allowed another Member who had not spoken to speak on the motion.

Hon Emily LAU replied a second time.

Question on the motion put.

Hon Emily LAU claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 24 were present, four were in favour of the motion and 20 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 14 were in favour of the motion and 14 against it. (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 motion was negatived.

Accident and emergency services

Hon Howard YOUNG moved the following motion and addressed the Council:

That, in view of the prolonged serious overcrowding at the accident and emergency departments of public hospitals, which has adversely affected the quality of the medical services provided, and in order to effectively reduce the misuse of accident and emergency services and ensure that those who are really suffering from acute illnesses can receive speedy medical treatment, this Council urges the Government to actively introduce and improve other medical services, including extending the service hours of out-patient government clinics at various districts, reforming the allocation and operating systems of clinics in public housing estates, and promoting the development of comprehensive primary medical services in private housing estates, so that the public can have more choices in medical services.

Question on Hon Howard YOUNG's motion proposed.

The President stated that Dr Hon TANG Siu-tong, Dr Hon LEONG Che-hung, Hon CHAN Yuen-han and Hon Michael HO would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the four amendments would be debated together in a joint debate.

Dr Hon TANG Siu-tong, Dr Hon LEONG Che-hung, Hon CHAN Yuen-han and Hon Michael HO respectively spoke on the motion and the amendments.

12 Members spoke on the motion and the amendments.

Hon Howard YOUNG spoke on the amendments.

The Secretary for Health and Welfare spoke on the motion and the amendments.

Dr Hon TANG Siu-tong moved the following amendment to Hon Howard YOUNG's motion:

To add "fact that the community has yet to reach a consensus on the comprehensive reform in the health care services, this Council opposes the Government's charging of fees for consultations at the accident and emergency departments of public hospitals; however, in view of the" after "in view of the"; to delete "effectively reduce the misuse of accident and emergency services and"; to add "allocate adequate resources to ensure that all patients who are in critical conditions can receive speedy medical treatment, and at the same time, to" after "urges the Government to"; to add "operating out-patient services in the vicinity of accident and emergency departments; increasing the quota for consultations in and" after "including"; to delete "at" after "government clinics" and substitute with "according to different demands in"; to delete "reforming" and substitute with "improving"; and to add "as well as educating and assisting the public, through long-term and continuous publicity and educational efforts, to choose appropriate medical services" after "choices in medical services,".

Question on Dr Hon TANG Siu-tong's amendment to Hon Howard YOUNG's motion proposed and put.

Dr Hon TANG Siu-tong 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, 11 were in favour of the amendment, six against it and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 16 were in favour of the amendment, five against it and one abstained. (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.

The President stated that Members had been informed by circular that Dr Hon LEONG Che-hung, Hon CHAN Yuen-han and Hon Michael HO would withdraw their amendments if Dr Hon TANG Siu-tong's amendment was agreed. Since Dr Hon TANG Siu-tong's amendment was agreed, they therefore withdrew their amendments.

Hon Howard YOUNG replied.

Question on Hon Howard YOUNG's motion as amended by Dr Hon TANG Siu-tong put.

Dr Hon LEONG Che-hung 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, 12 were in favour of the amended motion, five against it and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 18 were in favour of the amended motion, four against it and two abstained. (Voting record in Appendix V.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that Hon Howard YOUNG's motion as amended by Dr Hon TANG Siu-tong was carried.

Alleviating the disparity between the rich and the poor

Hon CHAN Wing-chan moved the following motion and addressed the Council:

That, in view of the fact that the structurally imbalanced development of the local economy over the past 20-plus years has resulted in the less skilled and less educated labour being forced out of the market or to take up jobs with lower remuneration, that the financial turmoil has dealt a further blow to the job market, causing a deterioration in the employment environment and a drastic drop in the living standards of the grass-roots labour, and that the Government has cut back the financial assistance to the poor in a bid to tighten expenditure, thereby aggravating the disparity between the rich and the poor, this Council urges the Government to expeditiously formulate a policy of assisting the local labour to re-join the workforce, with a view to alleviating the disparity between the rich and the poor; the specific measures should include:

- (a) formulating a priority employment policy to ensure that local workers will be given priority in employment;
- (b) initiating a 're-employment support scheme' to assist the unemployed in receiving urgent assistance and appropriate bridging-over training to facilitate their re-joining the labour market;
- (c) increasing the investment in human resource training targeted at the needs of the less educated labour and new arrivals to Hong Kong and offering more effective general and technical training; and
- (d) developing emerging industries such as the waste recycling and recovery industry in Hong Kong, in order to provide a certain number of labour-intensive jobs

belonging to the less skilled categories, consolidate the local job market and give impetus to social services.

At 9:19 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon CHAN Wing-chan's motion proposed.

The President's Deputy stated that Hon LAW Chi-kwong would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Hon LAW Chi-kwong moved the following amendment to Hon CHAN Wing-chan's motion and addressed the Council:

To delete "educated" after "the less skilled and less" and substitute with "academically qualified"; to add ", and at the same time to provide the unemployed with counselling and support services," after "between the rich and the poor"; to delete "initiating a 're-employment support scheme' to assist" and substitute with "strengthening the actual operation and complementary measures of the Comprehensive Social Security Assistance system to achieve the objective of encouraging the poor to get rid of poverty by providing"; to delete "in receiving" and substitute with "and their families with"; to add "financial" after "urgent"; to delete "and" before "appropriate bridging-over training" and substitute with "as well as assisting the unemployed in receiving"; to delete "educated" before "labour and new arrivals" and substitute with "qualified"; to delete "and" after "technical training"; and to add "; and (e) establishing an inter-departmental working group to formulate a comprehensive policy on eliminating poverty and to conduct reviews on a regular basis" after "impetus to social services".

Question on Hon LAW Chi-kwong's amendment to Hon CHAN Wing-chan's motion proposed.

Two Members spoke on the motion and the amendment.

At 9:46 pm, the President resumed the chair.

Another 10 Members spoke on the motion and the amendment.

Hon CHAN Wing-chan spoke on the amendment.

The Secretary for Education and Manpower spoke on the motion and the amendment.

Question on Hon LAW Chi-kwong's amendment to Hon CHAN Wing-chan's motion 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, 18 were present, four were in favour of the amendment, 11 against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 15 were in favour of the amendment, five against it and two abstained. (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 amendment was negatived.

Hon CHAN Wing-chan replied.

Question on Hon CHAN Wing-chan's motion 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, 18 were present, six were in favour of the motion, five against it and seven abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 12 were in favour of the motion and 10 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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 8 March 2000 at 2:30 pm.

The Council was adjourned at 11:18 pm.

(Mrs Rita FAN)

President

Council Chamber
Hong Kong