

LEGISLATIVE COUNCIL

MINUTES

No. 25

Minutes of the meeting held on Wednesday 12 April 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-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 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 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 Mrs Miriam LAU Kin-yee, JP
The Hon Timothy FOK Tsun-ting, SBS, JP

Public officers attending:

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

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

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

Mr 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

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

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

Ms Anissa WONG Sean-yee, JP
Secretary for the Civil Service

Ms Eva CHENG, JP
Secretary for Information Technology and Broadcasting

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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 / Instruments</u>	<u>L.N. No.</u>
1. Electrical Products (Safety) (Amendment) Regulation 2000 (gazetted on 7.4.2000)	77/2000
2. Grant Schools Provident Fund (Amendment) Rules 2000 (gazetted on 7.4.2000)	78/2000
3. Subsidized Schools Provident Fund (Amendment) Rules 2000 (gazetted on 7.4.2000)	79/2000
4. Airport Authority Ordinance (Map of Restricted Area) Order (gazetted on 7.4.2000)	80/2000
5. Organized and Serious Crimes (Amendment) Ordinance 2000 (8 of 2000) (Commencement) Notice 2000 (gazetted on 7.4.2000)	81/2000
6. Hong Kong Arts Development Council (Amendment) Ordinance 2000 (9 of 2000) (Commencement) Notice 2000 (gazetted on 7.4.2000)	82/2000
7. International Organizations (Privileges and Immunities) Ordinance (17 of 2000) (Commencement) Notice 2000 (gazetted on 7.4.2000)	83/2000

Other Papers

- No.89 - Report of changes to the approved Estimates of Expenditure approved during the third quarter of 1999-2000 (Public Finance Ordinance : Section 8) (published on 3.4.2000)
- No.90 - Report of the Broadcasting Authority September 1998 - August 1999 (published on 6.4.2000)
- No.91 - Kowloon-Canton Railway Corporation Annual Report 1999 (published on 7.4.2000)
- No.92 - MTR Corporation Annual Report 1999 (published on 7.4.2000)
- No.93 - Supplemental Report of the Public Accounts Committee on Report No. 33 of the Director of Audit on the Results of Value for Money Audits (April 2000 - P.A.C. Report No. 33B) (published on 12.4.2000)

Address

Hon Eric LI, Chairman of the Public Accounts Committee, addressed the Council on the Committee's Supplemental Report on Report No. 33 of the Director of Audit on the Results of Value for Money Audits.

Questions

1. Hon Christine LOH asked Question 1.

The Secretary for Financial Services replied.

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

2. Hon CHAN Yuen-han asked Question 2.

The Secretary for the Civil Service replied.

Seven Members asked supplementaries. The Secretary for the Civil Service and the Secretary for the Treasury replied.

3. Hon CHAN Wing-chan asked Question 3.

The Secretary for Education and Manpower replied.

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

4. Dr Hon YEUNG Sum asked Question 4.

The Secretary for Planning and Lands replied.

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

5. Hon SZETO Wah asked Question 5.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

6. Hon CHAN Kam-lam asked Question 6.

The Secretary for Transport replied.

Five Members asked supplementaries and the Secretary for Transport replied.

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

Bills

Second Reading

Security and Guarding Services (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.

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 **Security and Guarding Services (Amendment) Bill 2000**.

Question that clauses 1 to 16 and 19 to 24 stand part of the Bill proposed, put and agreed to.

Question that clauses 17 and 18 stand part of the Bill proposed.

The Secretary for Security moved amendments to clauses 17 and 18 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 17 and 18, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the Security and Guarding Services (Amendment) Bill 2000

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.

Motions

Proposed resolution under the Discovery Bay Tunnel Link Ordinance

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

Resolved that the Discovery Bay Tunnel Link Bylaw, made by the Discovery Bay Road Tunnel Company Limited on 29 February 2000, be approved.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Electricity Ordinance and Interpretation and General Clauses Ordinance

The Secretary for Economic Services moved the following motion and addressed the Council:

Resolved that the Electricity Supply Lines (Protection) Regulation, made by the Chief Executive in Council on 14 December 1999, be approved, subject to the following amendments-

- (a) in section 6(1), by deleting "that there is evidence";
- (b) in section 6(1)(b), by deleting "in good faith and with all due diligence" and substituting "to the standard reasonably expected of a competent person";
- (c) in section 11-
 - (i) in subsection (7), by deleting "instructions" and substituting "direction";
 - (ii) in subsection (8), by deleting "instruction" where it twice appears and substituting "direction".

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Economic Services replied.

Question on the motion put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that in relation to the Chinese Medicine (Fees) Regulation, published as Legal Notice No. 69 of 2000 and laid on the table of the Legislative Council on 29 March 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 3 May 2000.

Question on the motion proposed, put and agreed to.

Elderly persons settling in their hometown

Hon CHAN Kam-lam moved the following motion and addressed the Council:

That, as the existing policy fails to meet the needs of the elderly persons who wish to settle in their hometown, this Council urges the Government to:

- (a) extend the 'Portable Comprehensive Social Security Assistance Scheme' (PCSSA) to places on the Mainland outside Guangdong;
- (b) address the need for medical services of the elderly PCSSA recipients who settle in the Mainland;
- (c) explore actively the feasibility of establishing 'estates for the elderly' in those Mainland cities in which more elderly persons choose to settle; and
- (d) abolish the absence rule on old age allowance received by the elderly persons who settle in their hometown.

Question on Hon CHAN Kam-lam's motion proposed.

The President stated that Hon CHOY So-yuk and Hon Fred LI 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 CHOY So-yuk and Hon Fred LI spoke respectively on the motion and their amendments.

Three Members spoke on the motion and the amendments.

At 5:47 pm, the President's Deputy took the chair during the temporary absence of the President.

Another eight Members spoke on the motion and the amendments.

Hon CHAN Kam-lam spoke on the amendments.

At 6:43 pm, the President resumed the chair.

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

Hon CHOY So-yuk moved the following amendment to Hon CHAN Kam-lam's motion:

To add "and relax the requirement, that applicants under the Scheme must have been in receipt of CSSA for at least three consecutive years, to at least one year" after "to places on the Mainland outside Guangdong".

Question on Hon CHOY So-yuk's amendment to Hon CHAN Kam-lam's motion proposed and put.

Hon CHAN Kam-lam claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 22 were present, 11 were in favour of the amendment, eight against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 21 were in favour of the amendment and one 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 amendment was negatived.

Hon Fred LI moved the following amendment to Hon CHAN Kam-lam's motion:

To delete "abolish" from "abolish the absence rule on old age allowance received by the elderly persons who settle in their hometown" and substitute with "review".

Question on Hon Fred LI's amendment to Hon CHAN Kam-lam's motion proposed and put.

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

The President announced that among the Members returned by functional constituencies, 22 were present, 12 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, 21 were present, 11 were in favour of the amendment, eight against it and one abstained. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amendment was agreed.

Hon CHAN Kam-lam replied.

Question on Hon CHAN Kam-lam's motion as amended by Hon Fred LI put and agreed to.

Sexual violence

Hon James TO moved the following motion and addressed the Council:

That, as the problem of sexual violence has all along been neglected in Hong Kong and there has been a lack of integrated measures to appreciate the actual situation, provide services, render legal protection and train the supporting personnel, resulting in appropriate assistance not being effectively provided to the victims, this Council urges the Government to:

- (a) provide comprehensive and timely "one-stop" emergency support service, and enhance the training of relevant professionals;
- (b) conduct a study on the issue and collate the relevant data;
- (c) review and amend the relevant legislation and procedures; and
- (d) step up community publicity, school education and the control of obscene and indecent articles, so as to enhance public awareness and prevent the occurrence of

sexual violence.

Question on Hon James TO's motion proposed.

The President stated that Hon Emily LAU 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 Emily LAU moved the following amendment to Hon James TO's motion and addressed the Council:

To add "expeditiously set up an inter-departmental working group to enable the relevant government departments to work in conjunction with non-government organizations, so as to" after "this Council urges the Government to".

Question on Hon Emily LAU's amendment to Hon James TO's motion proposed.

11 Members spoke on the motion and the amendment.

Hon James TO spoke on the amendment.

The Secretary for Security and the Secretary for Health and Welfare spoke on the motion and the amendment.

Question on Hon Emily LAU's amendment to Hon James TO's motion put and agreed to.

Hon James TO replied.

Question on Hon James TO's motion as amended by Hon Emily LAU put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 3 May 2000 at 2:30 pm.

The Council was adjourned at 9:03 pm.

(Mrs Rita FAN)

President

Council Chamber
Hong Kong