

LEGISLATIVE COUNCIL

MINUTES

No. 28

Minutes of the meeting held on Wednesday 17 May 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

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 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 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:

Dr the Hon David LI Kwok-po, JP

The Hon Mrs Selina CHOW LIANG Shuk-yee, JP

The Hon Timothy FOK Tsun-ting, SBS, JP

Public officers attending:

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

Mr Rafael HUI Si-yan, GBS, 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 Nicholas NG Wing-fui, JP
Secretary for Transport

Mr Joseph WONG Wing-ping, GBS, JP

Secretary for Education and Manpower

Mr Stephen IP Shu-kwan, JP
Secretary for Economic Services

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

Mr LEE Shing-see, JP
Secretary for Works

Mr Paul TANG Kwok-wai, JP
Secretary for the Environment and Food

Mr Stephen Frederick FISHER
Secretary for Planning and Lands

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 / Instruments</u> | <u>L.N. No.</u> |
|---|-----------------|
| 1. Security and Guarding Services (Fees) (Amendment) Regulation 2000 (gazetted on 12.5.2000) | 134/2000 |
| 2. Security and Guarding Services (Licensing) (Amendment) Regulation 2000 (gazetted on 12.5.2000) | 135/2000 |
| 3. Mass Transit Railway Ordinance (13 of 2000) (Commencement) Notice 2000 (gazetted on 12.5.2000) | 136/2000 |

Other Papers

- No.99 - Audited Statement of Accounts of the Quality Education Fund together with the Director of Audit's Report for the year ended 31 August 1999 (published on 8.5.2000)
- No.100 - Report on the Administration of the Fire Services Welfare Fund together with the Director of Audit's Report and Audited Statement of Accounts for the year ended 31 March 1999 (published on 12.5.2000)
- No.101 - Report by the Trustee of the Correctional Services Children's Education Trust for the period 1st September 1998 to 31st August 1999 (published on 15.5.2000)
- Report of the Bills Committee on District Court (Amendment) Bill 1999 (published on 15.5.2000)

Questions

As Hon Andrew WONG, who was to ask Question 1, was not in the Chamber, the President called upon Hon Martin LEE to ask Question 2.

1. Hon Martin LEE asked Question 2.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

2. Hon CHAN Yuen-han asked Question 3.

The Secretary for Planning and Lands replied.

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

3. Hon CHAN Wing-chan asked Question 4.

The Secretary for Works replied.

Five Members asked supplementaries and the Secretary for Works replied.

4. Hon Andrew CHENG asked Question 5.

The Secretary for Transport replied.

Six Members asked supplementaries and the Secretary for Transport replied.

5. Hon CHAN Kwok-keung asked Question 6.

The Secretary for Economic Services replied.

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

6. Hon Andrew WONG asked Question 1.

The Secretary for Transport replied.

Seven Members asked supplementaries and the Secretary for Transport replied.

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

Bills

Second Reading

District Court (Amendment) Bill 1999

Resumption of Second Reading debate

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

Hon Margaret NG, Chairman of the Bills Committee on District Court (Amendment) Bill 1999, 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 **District Court (Amendment) Bill 1999**.

Question that clauses 2, 4 to 8, 10 to 13, 15 to 19, 21, 24, 25, 26, 28, 29, 31, 33 to 38, 42, 43, 45, 46 and 47 stand part of the Bill proposed, put and agreed to.

Question that clauses 1, 3, 9, 14, 20, 22, 23, 27, 30, 32, 39, 40, 41 and 44 stand part of the Bill proposed.

The Chief Secretary for Administration moved amendments to clauses 1, 3, 9, 14, 20, 22, 23, 27, 30, 32, 39, 40, 41 and 44 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1, 3, 9, 14, 20, 22, 23, 27, 30, 32, 39, 40, 41 and 44, as amended, stand part of the Bill proposed, put and agreed to.

New clause 9A read the first time.

The Chief Secretary for Administration moved the Second Reading of new clause 9A and addressed the Committee.

Question on the Second Reading of new clause 9A proposed, put and agreed to.

New clause 9A read the second time.

The Chief Secretary for Administration moved the addition of new clause 9A to the Bill.

Question on the addition proposed, put and agreed to.

Question that schedule 3 stand part of the Bill proposed, put and agreed to.

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

The Chief Secretary for Administration 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.

The Council then resumed.

Third Reading

The Chief Secretary for Administration reported that

the District Court (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.

Air Cargo Transhipment (Facilitation) Bill 2000

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 15 March 2000 resumed.

A Member spoke on the Bill.

The Secretary for Trade and Industry 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 **Air Cargo Transshipment (Facilitation) Bill 2000**.

Question that clauses 1 to 10 stand part of the Bill proposed, put and agreed to.

Question that schedule 3 stand part of the Bill proposed, put and agreed to.

Question that schedules 1, 2 and 4 to 9 stand part of the Bill proposed.

The Secretary for Trade and Industry moved amendments to schedules 1, 2 and 4 to 9.

Question on the amendments put and agreed to.

Question that schedules 1, 2 and 4 to 9, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Trade and Industry reported that

the **Air Cargo Transshipment (Facilitation) Bill 2000**

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.

Motions

Proposed resolution under the Pneumoconiosis (Compensation) Ordinance

The Secretary for Education and Manpower moved the following motion and addressed the Council:

Resolved that the resolution made and passed by the then Legislative Council on 3 December 1980 (Cap. 360 sub. leg.) be amended in paragraphs (a) and (c) by repealing "0.3%" and substituting "0.25%".

Question on the motion proposed.

Five Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on the motion put and agreed to.

Proposed resolution under the Provision of Municipal Services (Reorganization) Ordinance

The Secretary for the Environment and Food moved the following motion and addressed the Council:

Resolved that the Provision of Municipal Services (Reorganization) Order, made by the Chief Executive in Council on 18 April 2000, be approved.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Dogs and Cats Ordinance and the Interpretation and General Clauses Ordinance

The Secretary for the Environment and Food moved the motion in Appendix I and addressed the Council.

Question on the motion proposed.

A Member spoke on the motion.

Question on the motion put and agreed to.

Members' Motions

The 4 June incident

Hon SZETO Wah moved the following motion and addressed the Council:

That this Council urges that: the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated.

At 5:50 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

12 Members spoke on the motion.

Hon SZETO Wah replied.

At 7:00 pm, the President resumed the chair.

Question on the motion put.

Hon SZETO 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, 21 were present, five were in favour of the motion, seven against it and nine abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 14 were in favour of the motion and 12 against it. (Voting record in Appendix II.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

Minimum wage

Hon LEE Cheuk-yan moved the following motion and addressed the Council:

That this Council urges the Government to legislate for the implementation of a minimum wage system, and to set up a "Low Income Commission" comprising academics and representatives of employees and employers to examine and establish the appropriate minimum wage level and details of implementation, so as to resolve the increasingly serious problem of "working poverty".

Question on the motion proposed.

12 Members and the Secretary for Education and Manpower spoke on the motion.

Hon LEE Cheuk-yan replied.

Question on the motion put.

Hon LEE Cheuk-yan 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, 20 were present, three were in favour of the motion, 16 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, six were in favour of the motion, 12 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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 24 May 2000 at 2:30 pm.

The Council was adjourned at 8:54 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong