

# LEGISLATIVE COUNCIL

## MINUTES

No. 29

---

Minutes of the meeting held on Wednesday 24 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 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 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 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 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:**

The Hon Edward HO Sing-tin, SBS, JP

The Hon LEE Cheuk-yan

The Hon Margaret NG

The Hon Timothy FOK Tsun-ting, SBS, JP

**Public officers attending:**

Mr Gordon SIU Kwing-chue, 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 Dominic WONG Shing-wah, JP  
Secretary for Housing

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

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

Mr Clement MAK Ching-hung, JP  
Secretary for Constitutional Affairs

Mr Patrick LAU Lai-chiu, JP  
Secretary for Planning and Lands

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

Mrs Rebecca LAI KO Wing-yee, JP  
Secretary for Financial 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:

<b><u>Subsidiary Legislation / Instruments</u></b>	<b><u>L.N. No.</u></b>
1. Shipping and Port Control (Amendment) (No. 2) Regulation 2000 (gazetted on 19.5.2000)	140/2000
2. Shipping and Port Control (Amendment) (No.3) Regulation 2000 (gazetted on 19.5.2000)	141/2000
3. Import and Export (General) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	142/2000
4. Reserved Commodities (Control of Imports, Exports and Reserve Stocks) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	143/2000
5. Air Navigation (Flight Prohibition) Order (gazetted on 19.5.2000)	144/2000
6. Specification of Arrangements (The Mainland of China Concerning Air Services) (Double Taxation) Order (gazetted on 19.5.2000)	145/2000
7. Firearms and Ammunition (Amendment) Regulation 2000 (gazetted on 19.5.2000)	146/2000
8. Legal Aid (Amendment) Regulation 2000 (gazetted on 19.5.2000)	147/2000
9. Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	148/2000
10. Animals and Plants (Protection of Endangered Species) Ordinance (Replacement of Schedule 5) Order 2000 (gazetted on 19.5.2000)	149/2000
11. Census and Statistics (2001 Population Census) Order (gazetted on 19.5.2000)	150/2000
12. Civil Aviation (Insurance) Order (gazetted on 19.5.2000)	151/2000
13. The Ombudsman Ordinance (Amendment of Schedule 1) Order 2000 (gazetted on 19.5.2000)	152/2000
14. Chinese Medicine Practitioners (Fees) Regulation (gazetted on 19.5.2000)	153/2000
15. Chinese Medicine Practitioners (Registration) Regulation (gazetted on 19.5.2000)	154/2000

16. Chinese Medicine Practitioners (Discipline) Regulation (gazetted on 19.5.2000)	155/2000
17. Air Pollution Control (Motor Vehicle Fuel) (Amendment) (No. 2) Regulation 2000 (gazetted on 19.5.2000)	156/2000
18. Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	157/2000
19. Building (Administration) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	158/2000
20. Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	159/2000
21. Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No.2) Regulation 2000 (gazetted on 19.5.2000)	160/2000
22. Road Traffic (Driving Licences) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	161/2000
23. Road Traffic (Safety Equipment) (Amendment) Regulation 2000 (gazetted on 19.5.2000)	162/2000
24. Animals and Plants (Protection of Endangered Species) (Exemption) (Amendment) Order 2000 (gazetted on 19.5.2000)	163/2000
25. Animals and Plants (Protection of Endangered Species) Ordinance (Amendment of Schedule 3) Notice 2000 (gazetted on 19.5.2000)	164/2000
26. Control of Chemicals Ordinance (Amendment of Schedule 2) Order 2000 (gazetted on 19.5.2000)	165/2000
27. Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2000 (gazetted on 19.5.2000)	166/2000
28. Electronic Transactions (Exclusion) (Amendment) Order 2000 (gazetted on 19.5.2000)	167/2000
29. Kowloon-Canton Railway Corporation (Permitted Activities) (Consolidation) (Amendment) Order 2000 (gazetted on 19.5.2000)	168/2000
30. Mental Health (New Territories East Psychiatric Observation Unit) (Mental Hospital) Order (gazetted on 19.5.2000)	169/2000
31. Hospital Authority Ordinance (Amendment of Schedule 2) Order 2000 (gazetted on 19.5.2000)	170/2000

32. Military Installations Closed Areas 171/2000  
(Amendment) Order 2000 (gazetted on  
19.5.2000)
33. Protected Places (Declaration) Order 2000 172/2000  
(gazetted on 19.5.2000)
34. Declaration of Change of Titles (Trade and 173/2000  
Industry Bureau, Secretary for Trade and  
Industry, Trade Department, Director-General  
of Trade, Deputy Director-General of Trade  
and Assistant Director-General of Trade)  
Notice 2000 (gazetted on 19.5.2000)
35. Federation of Hong Kong Industries (Addition 174/2000  
of a Scheduled Group) Notice 2000 (gazetted  
on 19.5.2000)
36. Inland Revenue (Amendment) Ordinance 1998 175/2000  
(31 of 1998) (Application) Notice 2000  
(gazetted on 19.5.2000)
37. Stamp Duty (Amendment) Ordinance 2000 (5 of 176/2000  
2000) (Commencement) Notice 2000 (gazetted  
on 19.5.2000)
38. Grant Schools Provident Fund (Amendment) 177/2000  
Rules 2000 (L.N. 78 of 2000) (Commencement)  
Notice 2000 (gazetted on 19.5.2000)
39. Subsidized Schools Provident Fund (Amendment) 178/2000  
Rules 2000 (L.N. 79 of 2000) (Commencement)  
Notice 2000 (gazetted on 19.5.2000)
40. Mandatory Provident Fund Schemes 179/2000  
(Contributions for Casual Employees) Order  
(gazetted on 19.5.2000)
41. Mandatory Provident Fund Schemes 180/2000  
(Specification of Permitted Periods) Notice  
(gazetted on 19.5.2000)
42. The Rules of the District Court (gazetted on 186/2000  
22.5.2000)
43. District Court Civil Procedure (Fees) 187/2000  
(Amendment) Rules 2000 (gazetted on  
22.5.2000)
44. Reserved Commodities (Control of Imports, 188/2000  
Exports and Reserve Stocks) (Amendment)  
Regulation 2000 (L.N. 143 of 2000)  
(Commencement) Notice 2000 (gazetted on  
22.5.2000)

45. Dangerous Dogs Regulation (L.N. 185 of 2000) 189/2000  
(Commencement) Notice 2000 (gazetted on  
22.5.2000)

**Other Papers**

Report of the Bills Committee on Securities (Amendment)  
Bill 1999 (published on 19.5.2000)

**Questions**

1. Hon CHAN Kwok-keung asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon NG Leung-sing asked Question 2.

The Secretary for Planning and Lands replied.

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

3. Hon TAM Yiu-chung asked Question 3.

The Secretary for Housing replied.

Five Members asked supplementaries and the Secretary for  
Housing replied.

4. Dr Hon YEUNG Sum asked Question 4.

The Secretary for Economic Services replied.

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

5. Hon Michael HO asked Question 5.

The Secretary for Health and Welfare replied.

Seven Members asked supplementaries and the Secretary for  
Health and Welfare replied.

6. Hon Howard YOUNG asked Question 6.

The Secretary for Security replied.

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

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

## **Bills**

### **Second Reading**

#### **Securities (Amendment) Bill 1999**

#### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 5 January 2000 resumed.

Hon Ronald ARCULLI, Chairman of the Bills Committee on Securities (Amendment) Bill 1999, addressed the Council on the Report of the Bills Committee on the Bill.

A Member 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 **Securities (Amendment) Bill 1999**.

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

Question that clause 4 stand part of the Bill proposed.

The Secretary for Financial Services moved amendments to proposed sections 80A and 80B in clause 4 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Financial Services moved amendments to proposed section 80C(1) and (2) in clause 4 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Financial Services moved an amendment to proposed section 80C(3) in and the addition of proposed section 80C(4) to clause 4 and addressed the Committee.

A Member spoke on the amendments.

The Secretary for Financial Services spoke again.

Question on the amendments put.

Hon FUNG Chi-kin claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that 46 Members were present, 36 were in favour of the amendments, seven against them and two abstained. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the amendments were agreed.

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.

The Secretary for Financial Services moved amendments to clause 5 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clause 5, as amended, 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(5) of the Rules of Procedure be suspended in order that the Committee of the whole Council could consider the heading before new clause 6 and new clause 6 ahead of clause 1 of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

Heading before new clause 6 and new clause 6 read the first time.

The Secretary for Financial Services 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, put and agreed to.

Heading before new clause 6 and new clause 6 read the second time.

The Secretary for Financial Services moved the addition of the aforesaid heading and clause to the Bill and addressed the Committee.

Question on the addition proposed, put and agreed to.

Question that clause 1 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clause 1, 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 Securities (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.

#### **Insurance Companies (Amendment) Bill 2000**

### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 26 January 2000 resumed.

Two Members declared their interests.

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 **Insurance Companies (Amendment) Bill 2000**.

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

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

The Secretary for Financial Services moved amendments to clauses 2, 3 and 4 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2, 3 and 4, 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 **Insurance Companies (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.

### Members' Motions

#### Environmental protection and tourism

Hon HO Sai-chu moved the following motion and addressed the Council:

That this Council urges the Government to adopt positive measures to enhance the environmental quality of Hong Kong and open up more green tourist attractions with a view to further promoting tourism; such measures should include:

1. expediting the designation of more pedestrian precincts in busy areas;
2. providing incentives to encourage the use of more environmentally friendly vehicles by the transport

operators serving the tourist industry;

3. examining the feasibility of sprinkling water regularly on streets with heavy traffic so as to reduce air pollution;
4. strengthening and effectively enforcing punitive measures to control excessive vehicle emission and to crack down on the trading of illicit diesel, as well as legislating expeditiously to prohibit vehicle engines from being left idling;
5. refraining from undertaking any unnecessary reclamation projects in the harbour as well as improving sewage treatment, so as to maintain the landscape and cleanliness of the Victoria Harbour;
6. building a green city by constructing more garden parks, and greening streets and man-made slopes;
7. establishing more marine ecological reserves for the development of green marine tourism;
8. opening and developing green hill hiking trails on a full scale; and
9. conducting a comprehensive comparative study of the environmental quality of Hong Kong and that of the neighbouring cities which are popular with tourists.

At 4:55 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

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

At 6:45 pm, the President resumed the chair.

The Secretary for Economic Services spoke on the motion.

Hon HO Sai-chu replied.

Question on the motion put.

Hon James TIEN 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 and 21 were in favour of the motion; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present and 24 were in favour of the motion. (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 motion was carried.

**Remarks of official of the Central People's Government's Liaison Office**

Hon Martin LEE moved the following motion and addressed the Council:

That this Council considers the recent remarks of Mr WANG Fengchao, Deputy Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, regarding Cable Television's interview of and reports on Ms Annette LU Hsiu-lien to have contravened the Basic Law, seriously undermined Hong Kong's press freedom and damaged "one country, two systems".

Question on the motion proposed.

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

Hon Martin LEE replied.

Question on the motion put.

Hon Martin LEE 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, 19 against it and one 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 motion and 15 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.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 31 May 2000 at 2:30 pm.

The Council was adjourned at 9:09 pm.

(Mrs Rita FAN)  
President

Council Chamber  
Hong Kong