

LEGISLATIVE COUNCIL

MINUTES

No. 30

Minutes of the meeting held on Wednesday 31 May 2000 at 2:30 pm and
Thursday 1 June 2000 at 9:30 am

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 Cyd HO Sau-lan

The Hon Edward HO Sing-tin, SBS, JP (absent on 1.6.2000)

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 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 (absent on 1.6.2000)
The Hon Margaret NG (absent on 1.6.2000)
The Hon Mrs Selina CHOW LIANG Shuk-yee, JP
The Hon Ronald ARCULLI, JP (absent on 1.6.2000)
The Hon MA Fung-kwok
The Hon James TO Kun-sun
The Hon CHEUNG Man-kwong
The Hon HUI Cheung-ching (absent on 1.6.2000)
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
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 Kong-wah
The Hon LAU Wong-fat, GBS, JP (absent on 1.6.2000)

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 (absent on 1.6.2000)

Dr the Hon TANG Siu-tong, JP

Members absent:

The Hon HO Sai-chu, SBS, JP

The Hon Eric LI Ka-cheung, JP

Dr the Hon Philip WONG Yu-hong

The Hon LAU Chin-shek, JP

Public officers attending:

On 31.5.2000 and 1.6.2000

Mr Gregory LEUNG Wing-lup, JP
Secretary for Health and Welfare

On 31.5.2000 only

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 Dominic WONG Shing-wah, JP
Secretary for Housing

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

Mr LAM Woon-kwong, JP
Secretary for the Civil Service

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

Mr Kevin HO Chi-ming, JP
Secretary for Transport

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

Clerks in attendance:

On 31.5.2000 and 1.6.2000

Mr LAW Kam-sang, JP, Deputy Secretary General

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

On 31.5.2000

Mr Ricky FUNG Choi-cheung, JP, Secretary General

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. Air Pollution Control (Asbestos) (Administration) (Amendment) Regulation 2000 (gazetted on 26.5.2000)	190/2000
2. Optometrists (Registration and Disciplinary Procedure) (Amendment) Regulation 2000 (gazetted on 26.5.2000)	191/2000
3. Road Traffic (Traffic Control) (Amendment) (No. 2) Regulation 2000 (gazetted on 26.5.2000)	192/2000
4. Firearms and Ammunition (Amendment) Ordinance 2000 (14 of 2000) (Commencement) Notice 2000 (gazetted on 26.5.2000)	193/2000
5. Firearms and Ammunition (Amendment) Regulation 2000 (L.N. 146 of 2000) (Commencement) Notice 2000 (gazetted on 26.5.2000)	194/2000
6. Shipping and Port Control (Amendment) Regulation 2000 (L.N. 107 of 2000) (Commencement) Notice 2000 (gazetted on 26.5.2000)	195/2000
7. Electricity Ordinance (Cap. 406) (Commencement) Notice 2000 (gazetted on 26.5.2000)	196/2000
8. Electrical Products (Safety) Regulation (Cap. 406 sub. leg.) (Commencement) Notice 2000 (gazetted on 26.5.2000)	197/2000
9. Electrical Products (Safety) (Amendment) Regulation 2000 (L.N. 77 of 2000) (Commencement) Notice 2000 (gazetted on 26.5.2000)	198/2000
10. Securities (Stock Lending) Rules (gazetted on 30.5.2000)	199/2000

Other Papers

No.102 - Securities and Futures Commission Approved Estimates of Income and Expenditure for the financial year 2000/01 (published on 26.5.2000)

Report of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 1999 (published on 26.5.2000)

Report of the Bills Committee on Trade Marks Bill (published on 24.5.2000)

Report of the Bills Committee on Road Traffic (Amendment) Bill 2000 (published on 26.5.2000)

Questions

1. Hon LAU Kong-wah asked Question 1.

The Secretary for Housing replied.

Six Members asked supplementaries and the Secretary for Housing replied.

2. Dr Hon LEONG Che-hung asked Question 2.

The Secretary for Health and Welfare replied.

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

3. Hon CHEUNG Man-kwong asked Question 3.

The Secretary for Education and Manpower replied.

Six Members asked supplementaries. The Secretary for Education and Manpower and the Secretary for the Civil Service replied.

4. Hon SIN Chung-kai asked Question 4.

The Secretary for Education and Manpower replied.

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

5. Dr Hon LUI Ming-wah asked Question 5.

The Secretary for Trade and Industry replied.

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

6. Hon Andrew CHENG 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

First Reading

Arbitration (Amendment) Bill 2000

The Bill was 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

Arbitration (Amendment) Bill 2000

The Secretary for Justice 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.

Statute Law (Miscellaneous Provisions) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 23 June 1999 resumed.

Hon Albert HO, Chairman of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 1999, addressed the Council on the Report of the Bills Committee on the Bill.

The Secretary for Justice 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 **Statute Law (Miscellaneous Provisions) Bill 1999**.

Question that clauses 1, 2, 3, 6, 8 to 12, 13 and 15 to 50 stand part of the Bill proposed, put and agreed to.

Question that clauses 4, 5 and 7 and the heading of Part VI and clause 14 stand part of the Bill proposed.

The Secretary for Justice moved amendments to clauses 4, 5 and 7 and the heading of Part VI and the deletion of clause 14 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 14, which dealt with deletion, had been agreed, clause 14 was therefore deleted from the Bill.

Question that clauses 4, 5 and 7 and the heading of Part VI, as amended, stand part of the Bill proposed, put and agreed to.

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

Question that schedules 2 and 3 stand part of the Bill proposed.

The Secretary for Justice moved amendments to schedules 2 and 3 and addressed the Committee.

Question on the amendments put and agreed to.

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

The Council then resumed.

Third Reading

The Secretary for Justice reported that

the **Statute Law (Miscellaneous Provisions) 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.

Trade Marks Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 5 May 1999 resumed.

Hon Margaret NG, Chairman of the Bills Committee on Trade Marks Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Five Members 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 **Trade Marks Bill**.

Question that clauses 5 to 8, 10, 14, 15, 16, 20 to 23, 26 to 36, 38, 39, 41, 42, 45, 46, 47, 53, 54, 56, 57, 61 to 67, 69, 71, 72, 74 to 77, 79, 80, 82, 83, 84, 86 to 90, 92, 93, 94 and 98 stand part of the Bill proposed, put and agreed to.

Question that clauses 1, 3, 9, 11, 12, 17, 18, 24, 25, 37 and 40, the subheading after clause 41, clauses 43, 44, 48, 49 to 52, 55, 58, 68, 70, 73, 78, 81, 85 and 95 stand part of the Bill proposed.

The Secretary for Trade and Industry moved amendments to clauses 1, 3, 9, 11, 12, 17, 18, 24, 25, 37 and 40, the subheading after clause 41, clauses 43, 44, 48, 49 to 52, 55, 58, 68, 70, 78, 81, 85 and 95 and the deletion of clause 73 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendment to clause 73, which dealt with deletion, had been agreed, clause 73 was therefore deleted from the Bill.

Question that clauses 1, 3, 9, 11, 12, 17, 18, 24, 25, 37 and 40, the subheading after clause 41, clauses 43, 44, 48, 49 to 52, 55, 58, 68, 70, 78, 81, 85 and 95, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 19 stand part of the Bill proposed.

Hon Margaret NG moved amendments to clause 19 and addressed the Committee.

Five Members and the Secretary for Trade and Industry spoke on the amendments.

Hon Margaret NG spoke again.

Question on the amendments put.

Hon Mrs Selina CHOW 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, 26 were present, 18 were in favour of the amendments and eight against them; 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 and 21 against them. (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 amendments were negatived.

Question that clause 19 stand part of the Bill put.

Hon James TIEN claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that 48 Members were present, 36 were in favour of the motion and 11 against it. (Voting record in Appendix II.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

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 Trade Marks 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.

Council resumed by order of the Chairman. The President then granted leave for the Secretary for Trade and Industry to move a motion under Rule 91 of the Rules of Procedure to suspend Rule 58(7) of the Rules of Procedure in order that the Committee of the whole Council could consider schedules 1 to 4 and new schedules 1 and 2, ahead of other clauses and new clauses of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

Question that schedules 1 and 4 stand part of the Bill proposed.

The Secretary for Trade and Industry moved amendments to schedules 1 and 4 and addressed the Committee.

Question on the amendments put and agreed to.

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

New schedules 1 and 2 read the first time.

The Secretary for Trade and Industry moved the Second Reading of the aforesaid schedules and addressed the Committee.

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

New schedules 1 and 2 read the second time.

The Secretary for Trade and Industry moved the addition of the aforesaid schedules to the Bill.

Question on the addition proposed, put and agreed to.

Question that clauses 2, 4, 59, 60, 91, 96 and 97 stand part of the Bill proposed.

The Secretary for Trade and Industry moved amendments to clauses 2, 4, 59, 60, 91, 96 and 97 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 2, 4, 59, 60, 91, 96 and 97, as amended, stand part of the Bill proposed, put and agreed to.

Council resumed by order of the Chairman. The President then granted leave for the Secretary for Trade and Industry to move a motion under Rule 91 of the Rules of Procedure to suspend Rule 58(5) of the Rules of Procedure in order that the Committee of the whole Council could consider new clauses 8A and 19A, ahead of clause 13 of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

New clauses 8A and 19A read the first time.

The Secretary for Trade and Industry moved the Second Reading of the aforesaid clauses and addressed the Committee.

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

New clauses 8A and 19A read the second time.

The Secretary for Trade and Industry moved the addition of the aforesaid clauses to the Bill.

Question on the addition proposed, put and agreed to.

Question that clause 13 stand part of the Bill proposed.

The Secretary for Trade and Industry moved an amendment to clause 13 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 13, 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 Trade and Industry 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 Trade and Industry reported that

the Trade Marks 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.

Road Traffic (Amendment) Bill 2000

Resumption of Second Reading debate

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

Hon Mrs Miriam LAU, Chairman of the Bills Committee on Road Traffic (Amendment) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

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 **Road Traffic (Amendment) Bill 2000**.

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

Question that clause 2 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

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

New clauses 4 and 5 read the first time.

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

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

New clauses 4 and 5 read the second time.

The Secretary for Transport moved the addition of the aforesaid clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Transport reported that

the Road Traffic (Amendment) 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.

Adaptation of Laws (No.8) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 31 March 1999 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 **Adaptation of Laws (No.8) Bill 1999**.

Question that clauses 1, 2 and 3 stand part of the Bill proposed, put and agreed to.

Question that schedules 1 to 10 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 Adaptation of Laws (No.8) Bill 1999

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.

Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that the Financial Resources Rules, published as Legal Notice No. 103 of 2000 and laid on the table of the Legislative Council on 3 May 2000, be amended -

- (a) in section 2, in the definition of "introducing broker" -
 - (i) in paragraph (a)(i) by repealing everything after "in the name of such person to exchange participants" and substituting ", or members of a stock market specified in Schedule 5 or a futures or options market specified in Schedule 6; or";
 - (ii) in paragraph (a)(ii) by repealing "introducing another person to exchange participants of the Unified Exchange, or members or exchange participants of" and substituting "introducing another person to exchange participants, or members of";
- (b) in section 7(b) by repealing "during any 5 business days" and substituting "on more than a total of 4 business days";
- (c) in Part I of Schedule 2, by repealing Table 2 and substituting -

"TABLE 2 - "Maturity"

Remaining term to maturity	(I)	(II)
	Fixed coupon bonds/normal floating rate bonds	Any bonds other than those set out in (I)
	Haircut %	Haircut %
(a) less than 6 months	1	1
(b) 6 months to less than 3 years	3	3
(c) 3 years to less than 5 years	4	5
(d) 5 years to less than 10 years	7	10
(e) 10 years or more	10	22".

Question on the motion proposed.

A Member spoke on the motion.

Question on the motion put and agreed to.

As the Secretary for Education and Manpower, who was to move the next motion, was not in the Chamber, the President suspended the meeting at 7:42 pm.

The Council resumed at 7:50 pm.

Proposed resolution under the Interpretation and General Clauses Ordinance

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

Resolved that -

- (1) the Education Ordinance (Cap. 279) be amended -
 - (a) in section 18A(2), by repealing "of \$5,000" and substituting "at level 3";
 - (b) in section 63(3) and (5), by repealing "of \$5,000" and substituting "at level 3";
 - (c) in section 76(4) and (5), by repealing "of \$5,000" and substituting "at level 3";
 - (d) in section 78, by repealing "of \$5,000" and substituting "at level 3";
 - (e) in section 84(3), by repealing "5,000" and substituting "250,000";
 - (f) in section 86A(3), by repealing "of \$10,000" and substituting "at level 4";
 - (g) in section 86B(2), by repealing "of \$10,000" and substituting "at level 4";
 - (h) in section 87 -
 - (i) in subsection (1), by repealing "25,000" and substituting "250,000";
 - (ii) in subsection (2), by repealing "of \$10,000" and substituting "at level 6";
 - (iii) in subsection (3), by repealing "of \$5,000" and substituting "at level 5";
 - (iv) in subsection (3A), by repealing "of \$5,000"

and substituting "at level 3";

- (i) in section 89(6), by repealing "of \$5,000" and substituting "at level 5";
- (2) the Education Regulations (Cap. 279 sub. leg.) be amended -
 - (a) by repealing regulation 102 and substituting -
"102. Penalties
 - (1) Subject to paragraph (2), any person who is guilty of an offence under these regulations shall be liable on conviction to a fine at level 5 and to imprisonment for one year.
 - (2) The supervisor or principal of a school who is guilty of an offence under regulation 101(6) by virtue of a contravention of regulation 87 shall be liable on conviction to a fine of \$250,000 and to imprisonment for one year.";
 - (b) in the Third Schedule -
 - (i) in Form 1, under the part headed "WARNING", in paragraph 1(b), by repealing "25,000" and substituting "250,000";
 - (ii) in each of Forms 6, 8, 10 and 11, under the part headed "WARNING", in paragraph (b), by repealing "25,000" and substituting "250,000".

Question on the motion proposed.

Two Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on the motion put and agreed to.

Proposed resolution under the Fixed Penalty (Criminal Proceedings) Ordinance

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

Resolved -

- (a) that the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance be amended in item 29 by repealing "\$450" and substituting "\$1,000"; and
- (b) that this Resolution shall come into operation on a day to be appointed by the Secretary for the Environment and

Food by notice in the Gazette.

Question on the Secretary for the Environment and Food's motion proposed.

The President stated that Hon Christine LOH and Hon James TIEN 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 Christine LOH spoke on the motion and her amendment.

After speaking on the motion, Hon James TIEN withdrew his notice to move an amendment to the motion.

Eight Members spoke on the motion and the amendment.

The Secretary for the Environment and Food spoke on the amendment.

Hon Christine LOH moved the following amendment to the Secretary for the Environment and Food's motion:

Resolved that the motion to be moved by the Secretary for the Environment and Food under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) at the Legislative Council meeting on 31 May 2000 be amended in paragraph (a) by deleting "\$1,000" and substituting "\$5,000".

Question on Hon Christine LOH's amendment to the Secretary for the Environment and Food's motion proposed and put.

Hon Christine LOH 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 amendment and 17 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, one were in favour of the amendment and 22 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 amendment was negatived.

Question on the Secretary for the Environment and Food's motion put.

Hon Mrs Miriam 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 45 Members were present, 38 were in favour of the motion, two against it and four abstained. (Voting record in Appendix IV.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

The President suspended the meeting at 9:55 pm.

* * * * *

The Council resumed at 9:30 am on 1 June 2000.

Members' Motions

Women's Commission

Hon Cyd HO moved the following motion and addressed the Council:

That this Council expresses regret that the Women's Commission to be established by the Government will only play an advisory role and deal with women's health and welfare issues, and as such cannot effectively protect women's rights and interests, and urges the Government to:

- (a) set up a central mechanism to examine various government policies, public finance and legislative proposals from the angle of safeguarding equality for both sexes;
- (b) entrust the Women's Commission with the responsibility for overseeing the operation of the central mechanism and include women representatives from the grassroots in the Commission's membership; and
- (c) direct the Chief Secretary for Administration's Office to provide administrative support to the Commission and co-ordinate the relevant work of the various government departments.

Question on Hon Cyd HO's motion proposed.

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

14 Members spoke on the motion and the amendments.

Hon Cyd HO spoke on the amendments.

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

Hon Albert HO moved the following amendment to Hon Cyd HO's motion:

To add “, if the Women's Commission to be established this year only plays an advisory role and is set up under the Health and Welfare Bureau, it cannot comprehensively and effectively protect women's rights and interests; in this regard,” after “That”; to delete “expresses regret that the Women's Commission to be established by the Government will only play an advisory role and deal with women's health and welfare issues, and as such cannot effectively protect women's rights and interests, and” after “this Council”; to delete “a central mechanism” after “(a) set up” and substitute with “an Office of the Women's Affairs Commissioner under the Chief Secretary for Administration's Office to implement the Convention on the Elimination of all Forms of Discrimination against Women and”; to add “legislation,” after “to examine various government policies,”; to delete “entrust the Women's Commission with the responsibility for overseeing the operation of the central mechanism and include women representatives from the grassroots in the Commission's membership; and (c)”; to delete “Commission” after “to provide administrative support to the” and substitute with “Office of the Women's Affairs Commissioner”; and to add “; and (c) vest the Women's Commission with sufficient power to oversee the work of the Office of the Women's Affairs Commissioner, to review and examine issues relating to the promotion of equality for both sexes, and to make recommendations to the Government; draw into the Commission a broad range of people who are concerned with women's rights and interests, including representatives from women's organizations, academics and professionals” after “the relevant work of the various government departments”.

Question on Hon Albert HO's amendment to Hon Cyd HO's motion 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 among the Members returned by functional constituencies, 18 were present, six were in favour of the amendment, 10 against it and two abstained; while among the Members returned by geographical constituencies through

direct elections and by the Election Committee, 26 were present, 15 were in favour of the amendment, two against it and eight abstained. (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.

Hon CHOY So-yuk moved the following amendment to Hon Cyd HO's motion:

To delete "expresses regret" and substitute with "considers"; to add "soon" after "Women's Commission"; to delete "will only play an advisory role and deal with women's health and welfare issues, and as such cannot effectively protect women's rights and interests, and urges the Government to" and substitute with "should be a high-level body in the government hierarchy and led by non-officials; it must comprise members who are broadly representative and include women representatives from the grassroots; the Commission must be provided with sufficient administrative resources and co-ordination support and its scope of work should include"; to add "immediately formulating a set of policy on women applicable in Hong Kong and ensuring the full implementation of the relevant policy; (b)" after "(a)"; to delete "set up a central" and substitute with "setting up a"; to delete "(b) entrust the Women's Commission with the responsibility for overseeing the operation of the central mechanism and include women representatives from the grassroots in the Commission's membership"; and to delete "direct the Chief Secretary for Administration's Office to provide administrative support to the Commission and co-ordinate the relevant work of the various government departments" and substitute with "embarking on various initiatives to safeguard women's rights and interests, which should include: (i) stepping up publicity and education on anti-discrimination; (ii) providing women of different age groups with appropriate employment training according to their needs; (iii) improving child care services to assist parents in need of such services to concentrate on their work; (iv) enhancing medical and health services by providing additional woman health centres in various districts throughout Hong Kong; and (v) introducing active measures to strengthen the support for victims of sexual offences".

Question on Hon CHOY So-yuk's amendment to Hon Cyd HO's motion proposed and put.

Hon CHOY So-yuk 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, 14 were in favour of the amendment and four against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 11 were in favour of the amendment and 14 against it. (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 Cyd HO replied.

Question on Hon Cyd HO's motion put.

Hon Cyd 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 among the Members returned by functional constituencies, 18 were present, six were in favour of the motion, four against it and eight abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 15 were in favour of the motion, two against it and eight 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.

Drawing up the blueprint for Hong Kong's social welfare policies over the coming decade

Hon CHAN Yuen-han moved the following motion and addressed the Council:

That, with the rapid social developments and drastic changes in recent years which have worsened the problems faced by individuals, social groups and the community at large, the Government should have expeditiously drawn up a blueprint for social welfare development and implemented reforms in the service systems to meet the public's needs; however, the Government has, without adequate consultation, rashly implemented a series of measures in the social welfare sector, such as the contracting out of services through competitive bidding, which are reforms in name, but in reality give rise to chaos; at the same time, the Government intends to implement the controversial Lump Sum Grant subvention mode; these measures not only arouse concern among social service organizations about their future development and deal a blow to staff morale, but also cause worries among service users that the service quality may deteriorate; the Government's approach has undoubtedly ignored the long-term development of social welfare policies; in this regard, this Council urges the Government to:

- (a) draw up the blueprint for the development of Hong Kong's social welfare policies in the coming decade in order to tie in with the political, economic and social changes in Hong Kong and, by adopting the following measures, formulate social welfare policies which will meet the needs of the public:

- (i) to review, in conjunction with the social welfare sector, the direction, objectives and development strategy of Hong Kong's social welfare policies in the 21st century; and
 - (ii) making reference to the approach adopted in the White Paper on Social Welfare into the 1990s and Beyond published in 1990 and consulting extensively the views of various sectors in the community, to prepare a consultation paper on the overall social welfare development; and
- (b) before the blueprint for the development of social welfare policies is drawn up, temporarily shelve all reform measures in this regard, including the Lump Sum Grant subvention mode and the contracting out of services through competitive bidding, and review these policies when preparing the consultation paper on the overall social welfare development.

At 11:53 am, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon CHAN Yuen-han's motion proposed.

The President's Deputy stated that Hon Mrs Sophie LEUNG 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 Mrs Sophie LEUNG moved the following amendment to Hon CHAN Yuen-han's motion and addressed the Council:

To delete "before the blueprint for the development of social welfare policies is drawn up, temporarily shelve all reform measures in this regard, including the Lump Sum Grant subvention mode and the contracting out of services through competitive bidding, and review these policies when preparing the consultation paper on the overall social welfare development" after "(b)" and substitute with "review the policies on the reform measures to ensure that these are consistent with, and beneficial to, the overall social welfare development".

Question on Hon Mrs Sophie LEUNG's amendment to Hon CHAN Yuen-han's motion proposed.

Eight Members spoke on the motion and the amendment.

At 12:48 pm, the President resumed the chair.

Another six Members spoke on the motion and the amendment.

Hon CHAN Yuen-han spoke on the amendment.

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

Question on Hon Mrs Sophie LEUNG's amendment to Hon CHAN Yuen-han's motion put.

Hon Mrs Sophie LEUNG 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, 10 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, 17 were present, three were in favour of the amendment and 13 against it. (Voting record in Appendix VIII.) 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 Yuen-han replied.

Question on Hon CHAN Yuen-han's motion put.

Hon CHAN Yuen-han 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, eight were in favour of the motion, seven against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 18 were present, 16 were in favour of the motion and one 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 motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 7 June 2000 at 2:30 pm.

The Council was adjourned at 1:57 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong