

LEGISLATIVE COUNCIL

MINUTES

No. 31

Minutes of the meeting held on Wednesday 7 June 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 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 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

Public officers attending:

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

Miss Denise YUE Chung-yee, 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

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

Mr David LAN Hong-tsung, JP
Secretary for Home Affairs

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

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

Miss Yvonne CHOI Ying-pik, JP
Secretary for Trade and Industry

Ms Eva CHENG, JP
Secretary for Information Technology and Broadcasting

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, 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. Securities and Futures Commission (Levy) (Securities) (Amendment) (No. 2) Order 2000 (gazetted on 2.6.2000)	200/2000
2. Immigration (Vietnamese Refugee Centres) (Designation) Order 2000 (gazetted on 2.6.2000)	201/2000
3. Immigration (Vietnamese Refugee Centres) (Open Centre) (Amendment) Rules 2000 (gazetted on 2.6.2000)	202/2000
4. Tax Reserve Certificates (Rate of Interest) (No. 5) Notice 2000 (gazetted on 2.6.2000)	203/2000

Other Papers

No.103 - Report of changes to the approved Estimates of Expenditure approved during the final quarter of 1999-2000 (Public Finance Ordinance : Section 8) (published on 30.5.2000)

No.104 - Securities and Futures Commission Annual Report 1999-2000 (published on 31.5.2000)

Report of the Finance Committee on the examination of the Draft Estimates of Expenditure 2000-2001 (June 2000) (published on 5.6.2000)

Report of the Bills Committee on Telecommunication (Amendment) Bill 1999 (published on 2.6.2000)

Address

Hon Ronald ARCULLI, Chairman of the Finance Committee, addressed the Council on the Report of the Finance Committee on the examination of the Draft Estimates of Expenditure 2000-2001 (June 2000).

Questions

1. Hon LEE Wing-tat asked Question 1.

The Secretary for Home Affairs replied.

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

2. Hon LEUNG Yiu-chung asked Question 2.

The Secretary for Housing replied.

Two Members asked supplementaries and the Secretary for Housing replied.

3. Hon Fred LI asked Question 3.

The Secretary for the Environment and Food replied.

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

4. Hon Emily LAU asked Question 4.

The Secretary for the Environment and Food replied.

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

5. Hon CHOY So-yuk asked Question 5.

The Secretary for Home Affairs replied.

Three Members asked supplementaries. The Secretary for Home Affairs, the Secretary for Information Technology and Broadcasting and the Secretary for Education and Manpower replied.

6. Hon Kenneth TING asked Question 6.

The Secretary for Trade and Industry replied.

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

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

Bills

First Reading

Supplementary Appropriation (1999-2000) 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

Supplementary Appropriation (1999-2000) Bill 2000

The Secretary for the Treasury 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.

Telecommunication (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 12 May 1999 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee on Telecommunication (Amendment) Bill 1999, addressed the Council on the Report of the Bills Committee on the Bill.

Two Members spoke on the Bill.

At 4:35 pm, while the Secretary for Information Technology and Broadcasting was replying, the President suspended the meeting because there was a burning smell in the Chamber.

The Council resumed at 4:45 pm.

The President informed the Council that a stand-by electricity supply unit for the Electronic Voting System, which had exuded the burning smell, had been removed from the Chamber.

The Secretary for Information Technology and Broadcasting continued to reply.

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 **Telecommunication (Amendment) Bill 1999**.

Question that clauses 6, 9 to 12, 14, 15, 21, 24 and 27 stand part of the Bill proposed, put and agreed to.

Question that clauses 1 to 5, 7, 8, 13, 16 to 20, 22, 23, 25 and 26 stand part of the Bill proposed.

The Secretary for Information Technology and Broadcasting moved amendments to the aforesaid clauses and addressed the Committee.

A Member spoke on the amendments.

The Secretary for Information Technology and Broadcasting spoke again.

Question on the amendments put and agreed to.

Question that clauses 1 to 5, 7, 8, 13, 16 to 20, 22, 23, 25 and 26, as amended, stand part of the Bill proposed, put and agreed to.

New clause 5A read the first time.

The Secretary for Information Technology and Broadcasting moved the Second Reading of new clause 5A and addressed the Committee.

Question on the Second Reading of new clause 5A proposed, put and agreed to.

New clause 5A read the second time.

The Secretary for Information Technology and Broadcasting moved the addition of new clause 5A to the Bill.

Question on the addition proposed, put and agreed to.

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

The Secretary for Information Technology and Broadcasting 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 Secretary for Information Technology and Broadcasting reported that

the **Telecommunication (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.

Adaptation of Laws (No.17) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 30 June 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.17) Bill 1999**.

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.

Council resumed by order of the Chairman. The President then granted leave for the Secretary for Health and Welfare 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 schedule 3 together with clause 2 of the Bill.

Question on the motion proposed, put and agreed to.

The Council went into Committee again.

Question that schedule 3 stand part of the Bill proposed.

The Secretary for Health and Welfare moved amendments to clause 2 and schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

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

Question that schedules 1, 2 and 4 to 10 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 **Adaptation of Laws (No.17) Bill 1999**

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.

Members' Motions

Investigatory body on medical incidents

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

That this Council urges the Government to establish an independent statutory body with adequate public participation to deal with medical incidents and related complaints; this body should be vested with investigatory powers to ensure that the cases concerned will be dealt with fairly.

Question on Hon Michael HO's motion proposed.

The President stated that Dr Hon LEONG Che-hung 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.

Dr Hon LEONG Che-hung moved the following amendment to Hon Michael HO's motion and addressed the Council:

To delete "establish an independent statutory body with adequate public participation to deal with medical incidents and related complaints; this body should be vested with investigatory powers to ensure that the cases concerned" and substitute with "ensure that the Hospital Authority and the statutory disciplinary bodies of different health care professions act to enhance the public participation, transparency, efficiency and user-friendliness of their complaint-handling mechanisms; this Council also urges the Government to strengthen the role of the Department of Health in monitoring health care institutions outside the public sector, so as to ensure that medical incidents and related complaints".

Question on Dr Hon LEONG Che-hung's amendment to Hon Michael HO's motion proposed.

Nine Members spoke on the motion and the amendment.

Hon Michael HO spoke on the amendment.

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

Question on Dr Hon LEONG Che-hung's amendment to Hon Michael HO's motion 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, 13 were in favour of the amendment and eight against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, seven were in favour of the amendment and 17 against it. (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 Michael HO replied.

Question on Hon Michael HO's motion put.

Hon Michael 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, 21 were present, 10 were in favour of the motion and 11 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 17 were in favour of the motion and seven 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.

Working hours

Hon LAU Chin-shek moved the following motion and addressed the Council:

That, as there is a tendency for workers in Hong Kong to work increasingly long hours and some are even required to work on rest days, which not only causes harm to their health but also affects their family life, and deprives them of the time for

pursuing continuing education, this Council urges the Administration to expeditiously legislate for regulating workers' working hours.

Question on the motion proposed.

Four Members spoke on the motion.

At 7:20 pm, the President's Deputy took the chair during the temporary absence of the President.

Another eight Members and the Secretary for Education and Manpower spoke on the motion.

Hon LAU Chin-shek replied.

At 8:25 pm, the President resumed the chair.

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, 20 were present, seven were in favour of the motion, 11 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 21 were in favour of the motion, four against it and two 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 14 June 2000 at 2:30 pm.

The Council was adjourned at 8:32 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong