

# LEGISLATIVE COUNCIL

## MINUTES

No. 32

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Minutes of the meeting held on Wednesday 14 June 2000 at 2:30 pm

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### 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 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 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

**Members absent:**

The Hon Ronald ARCULLI, JP  
The Hon WONG Yung-kan

**Public officers attending:**

Mr Michael SUEN Ming-yeung, GBS, 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 Gordon SIU Kwing-chue, JP  
Secretary for Planning and Lands  
  
Mr Joseph WONG Wing-ping, GBS, JP  
Secretary for Education and Manpower  
  
Mr Stephen IP Shu-kwan, JP

Secretary for Financial Services

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

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 Kevin HO Chi-ming, JP  
Secretary for Transport

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

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

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

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:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Road Traffic (Traffic Control) (Designation of Prohibited and Restricted Zones) (Amendment) Notice 2000 (gazetted on 9.6.2000)	207/2000
2. Security and Guarding Services (Amendment) Ordinance 2000 (25 of 2000) (Commencement) Notice 2000 (gazetted on 9.6.2000)	208/2000
3. Security and Guarding Services (Fees) (Amendment) Regulation 2000 (L.N. 134 of 2000) (Commencement) Notice 2000 (gazetted on 9.6.2000)	209/2000
4. Security and Guarding Services (Licensing) (Amendment) Regulation 2000 (L.N. 135 of 2000) (Commencement) Notice 2000 (gazetted on 9.6.2000)	210/2000

### Other Papers

1. Report of the Panel on Constitutional Affairs - Development of the political system of the Hong Kong Special Administrative Region (published on 8.6.2000)
2. Report of the Panel on Manpower 1999/2000 (published on 13.6.2000)
3. Report of the Panel on Public Service 1999/2000 (published on 12.6.2000)
4. Report of the Panel on Administration of Justice and Legal Services 1999/2000 (published on 13.6.2000)
5. Report of the Panel on Education 1999/2000 (published on 9.6.2000)
6. Report of the Panel on Trade and Industry 1999/2000 (published on 13.6.2000)
7. Report of the Panel on Economic Services 1999/2000 (published on 12.6.2000)
8. Report of the Bills Committee on Buildings (Amendment) Bill 2000 (published on 12.6.2000)

9. Report of the Bills Committee on Family Status Discrimination (Amendment) Bill 2000 (published on 7.6.2000)
10. Report of the Bills Committee on Entertainment Special Effects Bill (published on 12.6.2000)

### **Addresses**

Hon LAU Chin-shek, Chairman of the Panel on Manpower, addressed the Council on the Panel's report 1999/2000.

Hon TAM Yiu-chung, Chairman of the Panel on Public Service, addressed the Council on the Panel's report 1999/2000.

Hon Margaret NG, Chairman of the Panel on Administration of Justice and Legal Services, addressed the Council on the Panel's report 1999/2000.

Hon YEUNG Yiu-chung, Chairman of the Panel on Education, addressed the Council on the Panel's report 1999/2000.

Hon CHAN Kam-lam, Chairman of the Panel on Trade and Industry, addressed the Council on the Panel's report 1999/2000.

Hon James TIEN, Chairman of the Panel on Economic Services, addressed the Council on the Panel's report 1999/2000.

### **Questions**

1. Hon FUNG Chi-kin asked Question 1.

The Secretary for Financial Services replied.

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

2. Hon David CHU asked Question 2.

The Secretary for Transport replied.

Seven Members asked supplementaries and the Secretary for Transport replied.

3. Hon LAW Chi-kwong asked Question 3.

The Secretary for Economic Services replied.

Six Members asked supplementaries. The Secretary for Security, the Secretary for Transport and the Secretary for Economic Services replied.

4. Hon CHEUNG Man-kwong asked Question 4.

The Secretary for Constitutional Affairs replied.

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

5. Hon Howard YOUNG asked Question 5.

The Secretary for Health and Welfare replied.

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

6. Dr Hon LUI Ming-wah asked Question 6.

The Secretary for the Environment and Food replied.

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

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

## **Bills**

### **Second Reading**

#### **Arbitration (Amendment) Bill 2000**

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

The debate on the Second Reading which had been moved on 31 May 2000 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 **Arbitration (Amendment) Bill 2000**.

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

The Council then resumed.

### **Third Reading**

The Secretary for Justice reported that

the **Arbitration (Amendment) Bill 2000**

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.

### **Buildings (Amendment) Bill 2000**

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

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

Hon Edward HO, a Member of the Bills Committee on Buildings (Amendment) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill presented by him.

Two Members spoke on the Bill.

The Secretary for Planning and Lands 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 **Buildings (Amendment) Bill 2000**.

Question that clauses 2, 3, 4, 6 and 7 stand part of the Bill proposed, put and agreed to.

Question that clauses 1 and 5 stand part of the Bill proposed.



The Secretary for Planning and Lands moved amendments to clauses 1 and 5 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1 and 5, as amended, stand part of the Bill proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed.

The Secretary for Planning and Lands moved amendments to the schedule and addressed the Committee.

A Member spoke on the amendment.

Question on the amendments put and agreed to.

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

The Council then resumed.

### **Third Reading**

The Secretary for Planning and Lands reported that

#### **the Buildings (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.

### **Family Status Discrimination (Amendment) Bill 2000**

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

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

Dr Hon YEUNG Sum, Chairman of the Bills Committee on Family Status Discrimination (Amendment) Bill 2000, addressed the Council on the Report of the Bills Committee on the Bill.

A Member spoke on the Bill.

The Secretary for Home Affairs 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 **Family Status Discrimination (Amendment) Bill 2000**.

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

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

The Secretary for Home Affairs moved amendments to clauses 2 and 3 and addressed the Committee.

Question on the amendments put and agreed to.

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

New clauses 2A, 2B, 4 and 5 read the first time.

The Secretary for Home Affairs 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 2A, 2B, 4 and 5 read the second time.

The Secretary for Home Affairs 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 Home Affairs reported that

the **Family Status Discrimination (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.

### **Entertainment Special Effects Bill**

**Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 23 February 2000 resumed.

Hon Howard YOUNG, Chairman of the Bills Committee on Entertainment Special Effects Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Three Members spoke on the Bill.

The Secretary for Information Technology and Broadcasting 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 **Entertainment Special Effects Bill**.

Question that 1 to 7, 9 to 12, 14, 16, 17, 18, 21, 22, 23, 25 to 46 and 48 to 66 stand part of the Bill proposed, put and agreed to.

Question that clauses 8, 13, 15, 19, 20, 24 and 47 stand part of the Bill proposed.

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

Question on the amendments put and agreed to.

Question that clauses 8, 13, 15, 19, 20, 24 and 47, as amended, stand part of the Bill 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 **Entertainment Special Effects Bill**

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 Kowloon-Canton Railway Corporation Ordinance**

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

Resolved that the North-west Railway (Amendment) Bylaw 2000, made by the Kowloon-Canton Railway Corporation on 12 May 2000, be approved.

Question on the motion proposed, put and agreed to.

#### **Proposed resolution under the Kowloon-Canton Railway Corporation Ordinance**

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

Resolved that the Kowloon-Canton Railway Corporation (Amendment) Bylaw 2000, made by the Kowloon-Canton Railway Corporation on 12 May 2000, be approved.

Question on the motion proposed.

A Member spoke on the motion.

Question on the motion put and agreed to.

### **Members' Bills**

### **First Reading**

#### **Smoking (Public Health) (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.

The President stated that since the Smoking (Public Health) (Amendment) Bill 2000 was presented by a Member and involved Government policies, in accordance with Rule 54(1) of the Rules of Procedure, the signification of the written consent of the Chief Executive by the Secretary for Health and Welfare was required before the Council entered upon consideration of the second reading of the Bill.

The Secretary for Health and Welfare confirmed that the Chief Executive had given his written consent for the Smoking (Public Health) (Amendment) Bill 2000 to be introduced into this Council.

### **Second Reading**

#### **Smoking (Public Health) (Amendment) Bill 2000**

Dr Hon LEONG Che-hung 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.

### **Members' Motions**

#### **Proposed resolution under the Pneumoconiosis (Compensation) Ordinance**

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

Resolved that, with effect from 16 June 2000, the First Schedule of the Pneumoconiosis (Compensation) Ordinance be amended, in Part V, by repealing "\$100,000" and substituting "\$150,000".

Question on the motion proposed.

Five 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, 23 were present, nine were in favour of the motion and 14 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, 20 were in favour of the motion, two against it and one abstained. (Voting record in the Appendix.) 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.

### Development of the HKSAR's political system

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

That this Council urges the Government to consider the views expressed by Members of this Council on the "Report on the Development of the Political System of the Hong Kong Special Administrative Region" tabled by the Panel on Constitutional Affairs and related matters.

Question on the motion proposed.

One Member spoke on the motion.

At 7:23 pm, the President's Deputy took the chair during the temporary absence of the President.

Another eight Members spoke on the motion.

At 8:15 pm, the President resumed the chair.

Five further Members and the Secretary for Constitutional Affairs spoke on the motion.

Dr Hon LEONG Che-hung replied.

Question on the motion put and agreed to.

### Health care reform consultation paper

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

That this Council expresses disappointment at the Administration's procrastination in coming up with concrete health care reform proposals for public consultation in spite of its repeated assurances, and urges the Administration to ensure that the proposed reform will provide the public with

quality health care which is affordable, accessible and equitable, will be sustainable into the 21<sup>st</sup> century, and will facilitate professional development to meet the challenges of medical advances and societal needs.

Question on Dr Hon LEONG Che-hung's motion proposed.

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

To add “; in order to achieve these objectives, this Council urges the Administration to include the following proposals in the health care reform consultation paper: (a) to collect information for examining the feasibility of implementing a central medical insurance system, but not recommending the implementation of any health care financing proposal that requires mandatory contribution of any kind at this stage; and (b) to set up a seed fund for implementing the health care reform, such as strengthening primary health care services, so as to improve the cost-effectiveness of the health care system” after “to meet the challenges of medical advances and societal needs”.

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

11 Members spoke on the motion and the amendment.

Dr Hon LEONG Che-hung spoke on the amendment.

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

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

Dr Hon LEONG Che-hung replied.

Question on Dr Hon LEONG Che-hung's motion put and agreed to.

### **Next Meeting**

The President declared that the next meeting of the Council would be held on 21 June 2000 at 9:30 am.

The Council was adjourned at 10:35 pm.

Council Chamber  
Hong Kong

(Mrs Rita FAN)  
President