

LEGISLATIVE COUNCIL

MINUTES

No. 11

Minutes of the meeting held on Wednesday 8 December 1999 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 Ambrose CHEUNG Wing-sum, JP

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-ye, 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

The Honourable Donald TSANG Yam-kuen, JP
The Financial Secretary

The Honourable Elsie LEUNG Oi-sie, JP
The Secretary for Justice

Mr Michael SUEN Ming-yeung, GBS, JP
Secretary for Constitutional Affairs

Mr Nicholas NG Wing-fui, JP
Secretary for Transport

Mr Rafael HUI Si-yan, GBS, JP
Secretary for Financial Services

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

Mr KWONG Ki-chi, GBS, JP
Secretary for Information Technology and Broadcasting

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

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

Dr YEOH Eng-kiong, JP
Secretary for Health and Welfare

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

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

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</u> | <u>L.N. No.</u> |
|---|------------------------|
| 1. Ancillary Dental Workers (Dental Hygienists) (Amendment) Regulation 1999 (gazetted on 3.12.1999) | 299/99 |
| 2. Midwives (Registration and Disciplinary Procedure) Regulation (gazetted on 3.12.1999) | 300/99 |
| 3. Midwives Registration (Miscellaneous Provisions) Regulation (gazetted on 3.12.1999) | 301/99 |
| 4. Child Abduction and Custody (Parties to Convention) (Amendment) (No. 2) Order 1999 (gazetted on 3.12.1999) | 302/99 |
| 5. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 8) Order 1999 (gazetted on 3.12.1999) | 303/99 |
| 6. Trainee Solicitors (Amendment) (No. 2) Rules 1999 (gazetted on 3.12.1999) | 304/99 |
| 7. Tax Reserve Certificates (Rate of Interest) (No.8) Notice 1999 (gazetted on 3.12.1999) | 305/99 |

Other Papers

- No.40 - Report by the Commissioner of Police on the Police Children's Education Trust and the Police Education and Welfare Trust for the period 1 April 1998 to 31 March 1999 (published on 2.12.1999)
- No.41 - Ocean Park Corporation Annual Report 1998-1999 (published on 8.12.1999)
- No.42 - Report of the Public Accounts Committee on Report No. 33A of the Director of Audit on the Results of Value for Money Audits and Supplemental Report on Report No. 32 of the Director of Audit on the Results of Value for Money Audits (December 1999 - P.A.C. Report No. 33A) (published on 7.12.1999)

Addresses

Hon Ronald ARCULLI addressed the Council on the Ocean Park Corporation Annual Report 1998-1999.

Hon Eric LI, Chairman of the Public Accounts Committee, addressed the Council on the Committee's Report on Report No. 33A of the Director of Audit on the Results of Value for Money Audits and Supplemental Report on Report No. 32 of the Director of Audit on the Results of Value for Money Audits.

Questions

1. Dr Hon LEONG Che-hung asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon HUI Cheung-ching asked Question 2.

The Secretary for Trade and Industry replied.

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

3. Hon LEE Cheuk-yan asked Question 3.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

4. Hon FUNG Chi-kin asked Question 4.

The Secretary for Financial Services replied.

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

5. Hon Emily LAU asked Question 5.

The Secretary for Justice replied.

Seven Members asked supplementaries and the Secretary for Justice replied.

6. Hon Michael HO asked Question 6.

The Secretary for the Civil Service replied.

Eight Members asked supplementaries. The Secretary for the Civil Service and the Secretary for Information Technology and Broadcasting replied.

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

Bills

First Reading

Consular Relations Bill Road Traffic Legislation (Amendment) Bill 1999

The Bills were 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

Consular Relations Bill

The Chief Secretary for Administration 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.

Road Traffic Legislation (Amendment) Bill 1999

The Secretary for Transport 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.

Second Reading

Adaptation of Laws (No.20) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 14 July 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.20) Bill 1999**.

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

Question that schedules 1 to 8 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Financial Services reported that

the **Adaptation of Laws (No.20) Bill 1999**

had passed through Committee without amendment. 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 Industrial Training (Construction Industry) Ordinance

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

Resolved that the Resolution made and passed by the Legislative Council on 17 December 1975 and published as Legal Notice No. 271 of 1975 be amended by repealing "0.25 per cent" in paragraph (a) and substituting "0.4%".

Question on the motion proposed.

A Member spoke on the motion.

The Secretary for Education and Manpower replied.

Question on the motion put and agreed to.

Members' Bills

Second Reading

Order of Friars Minor in Hong Kong Incorporation Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 10 November 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 **Order of Friars Minor in Hong Kong Incorporation Bill**.

Question that clauses 1 to 8 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

Hon Ambrose LAU reported that

the **Order of Friars Minor in Hong Kong Incorporation Bill**

had passed through Committee without amendment. 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

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Margaret NG moved the following motion and addressed the Council:

Resolved that in relation to the Immigration (Amendment) Regulation 1999, published as Legal Notice No. 273 of 1999 and laid on the table of the Legislative Council on 17 November 1999, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap.1) for amending subsidiary legislation be extended under section 34(4) of that Ordinance to the meeting of 5 January 2000.

Question on the motion proposed, put and agreed to.

Urban Renewal Authority White Bill

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

That this Council notes the Urban Renewal Authority White Bill.

Question on the motion proposed.

19 Members and the Secretary for Planning, Environment and Lands spoke on the motion.

Dr Hon LEONG Che-hung replied.

Question on the motion put and agreed to.

Establishing an organization for recovering alimony

Hon CHOY So-yuk moved the following motion and addressed the Council:

That, as the existing mechanism in Hong Kong for the recovery of alimony is ineffective, this Council urges the Government to draw on overseas experience and immediately set up an intermediary organization, which matches the actual local circumstances and is cost-effective, to take charge of the

collection, recovery and payment of alimony as well as other relevant work.

At 7:38 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on Hon CHOY So-yuk's motion proposed.

The President's Deputy stated that Hon Mrs Miriam LAU would move an amendment to the motion and that Hon LAW Chi-kwong would also move an amendment to Hon Mrs Miriam LAU's proposed amendment. In accordance with the Rules of Procedure, the motion, the amendment, and the amendment to the amendment would be debated together in a joint debate.

Hon Mrs Miriam LAU moved the following amendment to Hon CHOY So-yuk's motion and addressed the Council:

To delete "draw on overseas experience and immediately set up an intermediary organization, which matches the actual local circumstances and is cost-effective, to take charge of the collection, recovery and payment of alimony as well as other relevant work" and substitute with "improve the procedure for recovering alimony so as to enhance its efficiency, and to draw up measures to enable those people who have financial difficulties due to defaulted alimony and are eligible for Comprehensive Social Security Assistance to receive assistance payment immediately, so as to meet their urgent needs".

Question on Hon Mrs Miriam LAU's amendment to Hon CHOY So-yuk's motion proposed.

Hon LAW Chi-kwong moved the following amendment to Hon Mrs Miriam LAU's proposed amendment and addressed the Council:

To delete "draw up measures to enable those people who have" and substitute with "set up an alimony council to assist in the collection and payment of alimony to single-parent families, in order to prevent them from suffering"; and to add "enable those people who" after "due to defaulted alimony and".

Question on Hon LAW Chi-kwong's amendment to Hon Mrs Miriam LAU's amendment proposed.

Five Members spoke on the motion and the amendments.

At 8:30 pm, the President resumed the chair.

Another four Members spoke on the motion and the amendments.

Hon CHOY So-yuk spoke on the amendments.

The Secretary for Home Affairs spoke on the motion and the amendments.

Question on Hon LAW Chi-kwong's amendment to Hon Mrs Miriam LAU's amendment 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 among the Members returned by functional constituencies, 24 were present, 16 was in favour of the amendment, one against it and seven abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present and 22 were in favour of the amendment. (Voting record in Appendix I.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that Hon LAW Chi-kwong's amendment to Hon Mrs Miriam LAU's amendment was agreed.

Question on Hon Mrs Miriam LAU's amendment, as amended by Hon LAW Chi-kwong, to Hon CHOY So-yuk's motion put and agreed to.

Hon CHOY So-yuk replied.

Question on Hon CHOY So-yuk's motion as amended by Hon Mrs Miriam LAU's amendment, which had been amended by Hon LAW Chi-kwong, 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 among the Members returned by functional constituencies, 24 were present, 16 were in favour of the motion, one against it and seven abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present and 22 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 Hon CHOY So-yuk's motion as amended by Hon Mrs Miriam LAU's amendment which had been amended by Hon LAW Chi-kwong was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 15 December 1999 at 2:30 pm.

The Council was adjourned at 9:28 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong