LC Paper No. CB(3) 186/99-00

LEGISLATIVE COUNCIL

MINUTES

No. 6

Minutes of the meeting held on Wednesday 3 November 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 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 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-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

Dr the Hon TANG Siu-tong, JP

Members absent:

The Hon Albert HO Chun-yan

The Hon Ronald ARCULLI, JP

The Hon James TO Kun-sun

The Hon FUNG Chi-kin

Public officers attending:

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 Gordon SIU Kwing-chue, JP Secretary for Planning, Environment and Lands 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 Stephen IP Shu-kwan, JP Secretary for Economic Services

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

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:

Subsidiary Legislation

L.N. No.

- 1. Solicitors (Professional Indemnity) (Amendment) 266/99 (No.2) Rules 1999 (gazetted on 29.10.1999)
- 2. Tax Reserve Certificates (Rate of Interest) 267/99 (No.7) Notice 1999 (gazetted on 29.10.1999)

Other Papers

- No.27 Land Development Corporation
 Annual Report 1998-99 (published on 26.10.1999)
- No.28 The Government Minute in response to the Eleventh Annual Report of the Ombudsman issued in July 1999 (published on 2.11.1999)

Report of the Bills Committee on Electricity (Amendment) Bill 1999 (published on 28.10.1999)

Report of the Bills Committee on Shipping and Port Control (Amendment) Bill 1999 (published on 29.10.1999)

Address

The Chief Secretary for Administration addressed the Council on the Government Minutes in response to the Eleventh Annual Report of the Ombudsman issued in July 1999.

Questions

1. Hon CHAN Wing-chan asked Question 1.

The Secretary for Trade and Industry replied.

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

2. Hon CHENG Kai-nam asked Question 2.

The Chief Secretary for Administration replied.

Five Members asked supplementaries and the Chief Secretary for Administration replied.

3. Hon TAM Yiu-chung asked Question 3.

The Secretary for Security replied.

Eight Members asked supplementaries. The Secretary for Security and the Secretary for Housing replied.

4. Dr Hon TANG Siu-tong asked Question 4.

The Secretary for Housing replied.

Six Members asked supplementaries and the Secretary for Housing replied.

5. Hon YEUNG Yiu-chung asked Question 5.

The Secretary for Education and Manpower replied.

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

6. Hon Howard YOUNG asked Question 6.

The Secretary for Planning, Environment and Lands replied.

Five Members asked supplementaries and the Secretary for Planning, Environment and Lands replied.

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

Bills

First Reading

Protection of the Harbour (Amendment) Bill 1999

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

Protection of the Harbour (Amendment) Bill 1999

The Secretary for Planning, Environment and Lands 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.

Adaptation of Laws (No.25) 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.25) Bill 1999.

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

Question that schedules 1 to 12 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for the Treasury reported that

the Adaptation of Laws (No.25) Bill 1999

had passed through 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.

Electricity (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 27 January 1999 resumed.

Hon Fred LI, Chairman of the Bills Committee on Electricity (Amendment) Bill 1999, addressed the Council on the Report of the Bills Committee on the Bill.

Five Members spoke on the Bill.

The Secretary for Economic 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 **Electricity** (Amendment) Bill 1999.

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 Economic Services moved amendments to clause 2(b) and clause 3(b) 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.

Question that clause 4 stand part of the Bill proposed.

The Secretary for Economic Services moved amendments to paragraphs (a) and (c) of clause 4 and addressed the Committee.

Question on the amendments put and agreed to.

Ir Dr Hon HO Chung-tai moved a further amendment to paragraph (c) of clause 4 and addressed the Committee.

Two Members and the Secretary for Economic Services spoke on the amendment.

Question on the amendment put.

Ir Dr Hon HO Chung-tai 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, 24 were present, four were in favour of the amendment, 19 against it and one abstained; while among the Members returned bу geographical constituencies through direct elections and by the Election Committee, 23 were present, 18 were against the amendment and four abstained. (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.

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

Heading before new clause 5, new clause 5, heading before new clause 6 and new clause 6 read the first time.

The Secretary for Economic Services moved the Second Reading of the above headings and clauses and addressed the Committee.

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

Headings before new clauses 5 and 6 and new clauses 5 and 6 read the second time.

The Secretary for Economic Services moved the addition of the above headings and clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the Electricity (Amendment) Bill 1999

had passed through 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.

Shipping and Port Control (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 31 March 1999 resumed.

Hon HUI Cheung-ching, Chairman of the Bills Committee on Shipping and Port Control (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 Economic 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 **Shipping** and Port Control (Amendment) Bill 1999.

Question that clauses 5, 6, 8 to 14 and 16 stand part of the Bill proposed, put and agreed to.

Question that clauses 1 to 4, 7 and 15 stand part of the Bill proposed.

The Secretary for Economic Services moved amendments to clauses 1 to 4, 7 and 15 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 1 to 4, 7 and 15, as amended, stand part of the Bill proposed, put and agreed to.

Heading before new clause 17 and new clauses 17 to 27 read the first time.

The Secretary for Economic Services moved the Second Reading of the above heading and clauses and addressed the Committee.

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

Heading before new clause 17 and new clauses 17 to 27 read the second time.

The Secretary for Economic Services moved the addition of the above heading and clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the Shipping and Port Control (Amendment) Bill 1999

had passed through 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

The user-pays principle

Hon James TIEN moved the following motion and addressed the Council:

That, to ensure that the fees to be paid by the public and industrial and commercial establishments under the "user-pays" principle are reasonable, fair and affordable, this Council urges the Government to adopt effective measures to strengthen control in the government and quasi-government organizations concerned to cut so as down unnecessary expenditure on bureaucratic administration.

Question on Hon James TIEN's motion proposed.

The President stated that Hon CHENG Kai-nam 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 CHENG Kai-nam moved the following amendment to Hon James TIEN's motion and addressed the Council:

To add "various" after "That, to ensure that the"; to delete "to be paid by the public and industrial and commercial establishments under the "user-pays" principle" and substitute with "charged by government and quasi-government organizations"; to add "to members of the public" after "fair

and affordable"; and to delete "government and quasi-government" after "to strengthen cost control in the".

Question on Hon CHENG Kai-nam's amendment to Hon James TIEN's motion proposed.

A Member spoke on the motion and the amendment.

At 5:45 pm, the President's Deputy took the chair during the temporary absence of the President.

Another 10 Members spoke on the motion and the amendment.

Hon James TIEN spoke on the amendment.

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

The Secretary for the Treasury spoke on the motion and the amendment.

Question on Hon CHENG Kai-nam's amendment to Hon James TIEN's motion put and agreed to.

Hon James TIEN replied.

Question on Hon James TIEN's motion as amended by Hon CHENG Kai-nam put and agreed to.

The composition of the Hong Kong Housing Authority

Hon LEUNG Yiu-chung moved the following motion and addressed the Council:

That, as many housing policies formulated by the Hong Kong Housing Authority (HA) have long been the subject of public criticism and with the recent surfacing of successive problems in the poor quality of public housing flats and substandard piling in housing construction works, this Council considers that the performance of HA, in both formulating policy or supervising construction works, has been very disappointing; this Council also considers that the root of all problems lies in the fact that HA's members are all appointed authorities and lack representativeness accountability to the public; in this regard, this Council calls on the HA members to resign collectively; at the same time, this Council urges the Government to over-haul composition of HA by introducing a democratic election element in HA, including grass-roots representatives and enhancing the transparency of its operations, so that HA can be genuinely geared to the needs of and be accountable to the public.

Question on the motion proposed.

Five Members and the Secretary for Housing spoke on the motion.

Hon LEUNG Yiu-chung replied.

Question on the motion put.

Hon LEUNG Yiu-chung 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, five were in favour of the motion and 15 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, nine were in favour of the motion and 12 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.

Next Meeting

The President declared that the next meeting of the Council would be held on 10 November 1999 at 2:30 pm.

The Council was adjourned at 8:16 pm.

(Mrs Rita FAN)
President

Council Chamber Hong Kong