

LEGISLATIVE COUNCIL

MINUTES

No. 7

Minutes of the meeting held on Wednesday 10 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 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

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 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 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 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 Edward HO Sing-tin, SBS, JP

Dr the Hon David LI Kwok-po, JP

The Hon Christine LOH

The Hon Timothy FOK Tsun-ting, SBS, 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 Gordon SIU Kwing-chue, JP
Secretary for Planning, Environment and Lands

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

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 Regina IP LAU Suk-yee, JP
Secretary for Security

Miss CHEUNG Siu-hing
Secretary for Trade and Industry

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, 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</u>	<u>L.N. No.</u>
1. Port Control (Public Cargo Working Area) (No.2) Order 1999 (gazetted on 5.11.1999)	268/99
2. Employees Retraining Ordinance (Replacement of Schedule 2) Notice 1999 (gazetted on 5.11.1999)	269/99
3. Shipping and Port Control Regulations (Amendment of Seventh Schedule) Notice 1999 (gazetted on 5.11.1999)	270/99
4. Factories and Industrial Undertakings (Confined Spaces) Regulation (L.N. 18 of 1999) (Commencement) Notice 1999 (gazetted on 5.11.1999)	271/99
5. Mutual Legal Assistance in Criminal Matters (Australia) Order (Cap. 525 Sub. Leg.) (Commencement) Notice 1999 (gazetted on 5.11.1999)	272/99

Questions

1. Hon Emily LAU asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Hon James TO asked Question 2.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

3. Hon Fred LI asked Question 3.

The Secretary for Education and Manpower replied.

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

4. Hon MA Fung-kwok asked Question 4.

The Secretary for Trade and Industry replied.

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

5. Hon Ambrose CHEUNG asked Question 5.

The Secretary for Home Affairs replied.

Three Members asked supplementaries. The Secretary for Planning, Environment and Lands and the Secretary for Home Affairs replied.

6. Hon Mrs Selina CHOW 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

Exchanges and Clearing Houses (Merger) Bill Rehabilitation Centres Bill

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

Exchanges and Clearing Houses (Merger) Bill

The Secretary for Financial Services 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.

Rehabilitation Centres Bill

The Secretary for Security 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.22) 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.22) Bill 1999**.

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

Question that schedules 1 to 4, 6 to 14 and 16 to 22 stand part of the Bill proposed, put and agreed to.

Question that schedules 5 and 15 stand part of the Bill proposed.

The Secretary for Security moved amendments to schedules 5 and 15 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedules 5 and 15, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Security reported that

the Adaptation of Laws (No.22) Bill 1999

had passed through 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 Mutual Legal Assistance in Criminal Matters Ordinance

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

Resolved that the Mutual Legal Assistance in Criminal Matters (United States of America) Order, made by the Chief Executive in Council on 13 October 1998, be approved.

Question on the motion proposed.

Two Members spoke on the motion.

Question on the motion put and agreed to.

Members' Bills

First Reading

Order of Friars Minor in Hong Kong Incorporation Bill

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

Order of Friars Minor in Hong Kong Incorporation Bill

Hon Ambrose LAU 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

Land departure tax

Hon LAU Kong-wah moved the following motion and addressed the Council:

That this Council opposes the levying of land departure tax by the Government.

Question on Hon LAU Kong-wah's motion proposed.

The President stated that Hon Eric LI 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 Eric LI moved the following amendment to Hon LAU Kong-wah's motion and addressed the Council:

To delete "opposes the levying of" and substitute with "urges the Government to take into account all factors in drawing up a"; and to delete "by the Government" after "land departure tax" and substitute with "proposal and consult this Council before making a decision".

Question on Hon Eric LI's amendment to Hon LAU Kong-wah's motion proposed.

A Member spoke on the motion and the amendment.

At 5:11 pm, the President's Deputy took the chair during the temporary absence of the President.

Another 16 Members spoke on the motion and the amendment.

Hon LAU Kong-wah spoke on the amendment.

At 6:40 pm, the President resumed the chair.

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

Question on Hon Eric LI's amendment to Hon LAU Kong-wah's motion put.

Hon Eric LI 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, 26 were present, 17 were in favour of the amendment and nine against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, seven were in favour of the amendment and 18 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 LAU Kong-wah replied.

Question on Hon LAU Kong-wah's motion put.

Hon LAU Kong-wah 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, 25 were present, 12 were in favour of the motion, six against it and seven abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 22 were in favour of the motion, one against it and two abstained. (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.

Establishing a dedicated investment promotion agency

Hon MA Fung-kwok moved the following motion and addressed the Council:

That, in the face of the highly competitive economic environment, this Council urges the Government to establish a dedicated high-level investment promotion agency with specific responsibility for implementing concrete measures to canvass and attract overseas investors to invest in Hong Kong, co-ordinating the government departments concerned to provide 'one-stop' investment services, and studying, selecting and conducting detailed planning for strategic investment projects to be undertaken by the Government in partnership with private enterprises, so as to promote Hong Kong's overall economic development.

Question on Hon MA Fung-kwok's motion proposed.

The President stated that Hon SIN Chung-kai 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 SIN Chung-kai moved the following amendment to Hon MA Fung-kwok's motion and addressed the Council:

To delete "in the face of the highly competitive economic environment" and substitute with "to strengthen the work on attracting investment from overseas"; to delete "establish a dedicated high-level" after "this Council urges the Government to" and substitute with "set up an"; to delete "agency" after "investment promotion" and substitute with "group in the relevant existing support structure, such as the Hong Kong Trade Development Council or the Business and Services Promotion Unit of the Financial Secretary's Office,"; to delete "concrete" from "with specific responsibility for implementing concrete measures"; to delete "," after "attract overseas investors to invest in Hong Kong" and substitute with "and"; and to delete ", and studying, selecting and conducting detailed planning for strategic investment projects to be undertaken by the Government in partnership with private enterprises" and substitute with "; the Government should also create a fair business environment expeditiously by way of legislation".

Question on Hon SIN Chung-kai's amendment to Hon MA Fung-kwok's motion proposed.

11 Members spoke on the motion and the amendment.

Hon MA Fung-kwok spoke on the amendment.

The Secretary for Trade and Industry spoke on the motion and the amendment.

Another two Members spoke on the motion.

Question on Hon SIN Chung-kai's amendment to Hon MA Fung-kwok's motion put.

Hon SIN Chung-kai 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, 19 were present, six were in favour of the amendment and 13 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 10 were in favour of the amendment and 12 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.

Hon MA Fung-kwok replied.

Question on Hon MA Fung-kwok's motion put.

Hon MA Fung-kwok 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, 19 were present, seven were in favour of the motion, nine against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, nine were in favour of the motion, 11 against it and two abstained. (Voting record in Appendix IV.) 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 17 November 1999 at 2:30 pm.

The Council was adjourned at 9:31 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong