

LEGISLATIVE COUNCIL

MINUTES

No. 8

Minutes of the meeting held on Wednesday 17 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 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 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 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 TAM Yiu-chung, GBS, JP
The Hon FUNG Chi-kin
Dr the Hon TANG Siu-tong, JP

Members absent:

Dr the Hon David LI Kwok-po, JP
The Hon LAU Wong-fat, GBS, JP
The Hon LAW Chi-kwong, JP

Public officers attending:

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

Mr Nicholas NG Wing-fui, JP
Secretary for Transport

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

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

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

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Ms Pauline NG Man-wah, Assistant Secretary General (1)

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. Immigration (Amendment) Regulation 1999 (gazetted on 12.11.1999)	273/99
2. Estate Agents (Licensing) (Amendment) Regulation 1999 (gazetted on 12.11.1999)	274/99
3. Designation of Museums (Amendment) (No. 2) Order 1999 (gazetted on 12.11.1999)	275/99
4. Legal Practitioners (Fees) (Amendment) Rules 1999 (gazetted on 12.11.1999)	276/99

Other Papers

- No.29 - Report of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 1999 (published on 17.11.1999)
- No.30 - Report No. 33 of the Director of Audit on the results of value for money audits - October 1999 (published on 17.11.1999)
- No.31 - Sir Edward Youde Memorial Fund
Report of the Board of Trustees for the period 1 April 1998 to 31 March 1999 (published on 11.11.1999)
- No.32 - Secretary for Home Affairs Incorporated
Statement of Accounts for the year ended 31 March 1999 (published on 11.11.1999)
- No.33 - Accounts of the Government for the year ended 31 March 1999 (published on 17.11.1999)

Questions

1. Hon LAU Kong-wah asked Question 1.

The Secretary for Transport replied.

Eight Members asked supplementaries and the Secretary for Transport replied.

2. Hon CHOY So-yuk asked Question 2.

The Secretary for Economic Services replied.

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

3. Hon YEUNG Yiu-chung asked Question 3.

The Secretary for Education and Manpower replied.

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

4. Hon Albert HO asked Question 4.

The Secretary for Transport replied.

Seven Members asked supplementaries and the Secretary for Transport replied.

5. Hon Michael HO asked Question 5.

The Secretary for Health and Welfare replied.

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

6. Hon LEE Wing-tat asked Question 6.

The Secretary for Transport replied.

Five Members asked supplementaries and the Secretary for Transport replied.

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

Bills

First Reading

Dutiable Commodities (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

Dutiable Commodities (Amendment) Bill 1999

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.

Housing Managers Registration Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 7 July 1999 resumed.

The Secretary for Housing spoke on the Bill.

A Member spoke on the Bill and the Secretary for Housing replied.

Another Member spoke on the Bill.

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 **Housing Managers Registration Bill**.

Question that clauses 1 to 31 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Housing reported that

the **Housing Managers Registration 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.

Industrial Training (Construction Industry) (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 October 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 **Industrial Training (Construction Industry) (Amendment) Bill 1999**.

Question that clauses 1 to 6 stand part of the Bill proposed, put and agreed to.

New clause 7 read the first time.

The Secretary for Education and Manpower moved the Second Reading of new clause 7 and addressed the Committee.

Question on the Second Reading of new clause 7 proposed, put and agreed to.

New clause 7 read the second time.

The Secretary for Education and Manpower moved the addition of new clause 7 to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Education and Manpower reported that

the **Industrial Training (Construction Industry)
(Amendment) Bill 1999**

had passed through Committee with an 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

Education on media literacy

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

That this Council urges the authorities to promote education on media literacy across the board so as to foster media self-regulation, and at the same time safeguard freedom of speech and of the press.

Question on Hon Cyd HO's motion proposed.

The President stated that Hon YEUNG Yiu-chung would move an amendment to the motion and that Hon Albert HO would also move an amendment to Hon YEUNG Yiu-chung'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 YEUNG Yiu-chung moved the following amendment to Hon Cyd HO's motion and addressed the Council:

To delete "so as to foster media self-regulation, and at the same time safeguard" and substitute with "and hopes that the media will expeditiously set up an effective self-regulatory mechanism which, at the same time as it safeguards"; and to add ", also protects personal privacy and preserves public morality" after "freedom of speech and of the press".

Question on Hon YEUNG Yiu-chung's amendment to Hon Cyd HO's motion proposed.

Hon Albert HO moved the following amendment to Hon YEUNG Yiu-chung's proposed amendment and addressed the Council:

To add ", opposes the establishment of a government-appointed press council" after "media literacy across the board"; to delete ", at the same time as it" after "effective self-

regulatory mechanism which"; and to delete "also" from "also protects personal privacy".

Question on Hon Albert HO's amendment to Hon YEUNG Yiu-chung's amendment proposed.

A Member spoke on the motion and the amendments.

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

Another 12 Members spoke on the motion and the amendments.

Hon Cyd HO spoke on the amendments.

At 6:33 pm, the President resumed the chair.

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

Question on Hon Albert HO's amendment to Hon YEUNG Yiu-chung's amendment put and agreed to.

Question on Hon YEUNG Yiu-chung's amendment, as amended by Hon Albert Ho, to Hon Cyd HO's motion put and agreed to.

Hon Cyd HO replied.

Question on Hon Cyd HO's motion as amended by Hon YEUNG Yiu-chung's amendment, which had been amended by Hon Albert Ho, put.

Hon Albert 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, 18 were in favour of the motion and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 21 were in favour of the motion and three abstained. (Voting record in the Appendix.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that Hon Cyd HO's motion as amended by Hon YEUNG Yiu-chung's amendment which had been amended by Hon Albert Ho was carried.

The Government's policy on the engagement of consultants

Hon NG Leung-sing moved the following motion and addressed the Council:

That this Council urges the Government to review the policy on the engagement of consultants in order that it can better meet the social development needs of the Special Administrative Region; the policy should include the following considerations:

- (1) consultants should not be engaged to discharge the duties of Government departments;
- (2) the reward and punishment mechanism should be strengthened so that the performance of the consultants engaged can be realistically and effectively monitored;
- (3) ensuring that the expertise of the consultants engaged matches Hong Kong's actual circumstances so as to achieve the best value for money; and
- (4) without violating relevant international agreements, paying regard to the interests of the local consulting profession and striving to effect technology transfer when engaging foreign consultancy firms.

Question on the motion proposed.

Nine Members spoke on the motion.

Prof Hon NG Ching-fai drew the attention of the President to the absence of a quorum. The President directed the Clerk to summon Members to the meeting. A quorum was then present.

A Member and the Secretary for the Treasury spoke on the motion

Hon NG Leung-sing replied.

Question on the motion put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 24 November 1999 at 2:30 pm.

The Council was adjourned at 8:44 pm.

(Mrs Rita FAN)

President

Council Chamber
Hong Kong