

LEGISLATIVE COUNCIL

MINUTES

No. 9

Minutes of the meeting held on Wednesday 24 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

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 LAW Chi-kwong, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon FUNG Chi-kin

Dr the Hon TANG Siu-tong, JP

Member absent:

The Hon Timothy FOK Tsun-ting, SBS, JP

Public officers attending:

Mr Michael SUEN Ming-yeung, GBS, 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 CHAU Tak-hay, JP
Secretary for Trade and Industry

Mr Gordon SIU Kwing-chue, JP
Secretary for Planning, Environment and Lands

Mr Nicholas NG Wing-fui, JP
Secretary for Transport

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

Miss Denise YUE Chung-yee, JP
Secretary for the Treasury

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

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

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

Mr LEE Shing-see, JP
Secretary for Works

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

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)

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 (Cargo Working Areas) (Amendment) (No. 2) Regulation 1999 (gazetted on 19.11.1999)	279/99
2. Administrative Appeals Board Ordinance (Amendment of Schedule) Order 1999 (gazetted on 19.11.1999)	280/99
3. Midwives Registration (Fees) Regulation (gazetted on 19.11.1999)	281/99
4. Legislative Council (Registration of Electors) (Appeals) (Amendment) Regulation 1999 (gazetted on 19.11.1999)	282/99
5. Declaration of Geographical Constituencies (Legislative Council) Order 1999 (gazetted on 19.11.1999)	283/99
6. Electoral Affairs Commission (Registration of Electors)(Geographical Constituencies)(Legislative Council) (Amendment) Regulation 1999 (gazetted on 19.11.1999)	284/99
7. Hospital Authority Ordinance (Amendment of Schedules 1 and 2) Order 1999 (gazetted on 19.11.1999)	285/99
8. Places for Autopsies (Amendment) Order 1999 (gazetted on 19.11.1999)	286/99
9. Hawker (Permitted Place) (No. 2) Declaration 1999 (gazetted on 19.11.1999)	287/99
10. Banking (Amendment) Ordinance 1999 (42 of 1999) (Commencement) Notice 1999 (gazetted on 19.11.1999)	288/99
11. Disciplined Services Welfare Funds Legislation (Amendment) Ordinance 1999 (58 of 1999) (Commencement) Notice 1999 (gazetted on 19.11.1999)	289/99
12. Gas Safety (Installation and Use and Miscellaneous) (Amendment) Regulation 1999 (L.N. 222 of 1999) (Commencement) Notice 1999 (gazetted on 19.11.1999)	290/99

Other Papers

- No.34 - The Hong Kong Industrial Estates Corporation Annual Report 1998-1999 (published on 16.11.1999)
- No.35 - Hong Kong Industrial Technology Centre Corporation Annual Report 98-99 (published on 16.11.1999)
- No.36 - Hong Kong Productivity Council Annual Report 1998/99 (published on 16.11.1999)
- No.37 - The Prince Philip Dental Hospital Hong Kong Report by the Board of Governors for the period 1 April 1998 to 31 March 1999 (published on 19.11.1999)
- No.38 - Report of the Electoral Affairs Commission on the Delineation of Geographical Constituencies in respect of the Second General Election of the Legislative Council to be held in September 2000 (published on 22.11.1999)

Questions

1. Hon Andrew CHENG asked Question 1.

The Secretary for Education and Manpower replied.

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

2. Dr Hon YEUNG Sum asked Question 2.

The Secretary for Home Affairs replied.

Six Members asked supplementaries. The Secretary for Home Affairs, the Secretary for Justice and the Secretary for Constitutional Affairs replied.

3. Hon Cyd HO asked Question 3.

The Secretary for Transport replied.

Six Members asked supplementaries. The Secretary for Transport, the Secretary for Health and Welfare, the Secretary for Planning, Environment and Lands and the Secretary for Home Affairs replied.

4. Hon Bernard CHAN asked Question 4.

The Financial Secretary replied.

Eight Members asked supplementaries and the Financial Secretary replied.

5. Hon Fred LI asked Question 5.

The Secretary for Works replied.

Six Members asked supplementaries and the Secretary for Works replied.

6. Hon Howard YOUNG asked Question 6.

The Secretary for Planning, Environment and Lands replied.

Two 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

Industrial Training (Clothing Industry) (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

Industrial Training (Clothing Industry) (Amendment) Bill 1999

The Secretary for Trade and Industry 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.

Customs and Excise Service Children's Education Trust Fund Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 23 June 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 **Customs and Excise Service Children's Education Trust Fund Bill**.

Question that clauses 1, 2 and 7 to 12 stand part of the Bill proposed, put and agreed to.

Question that clauses 3 to 6 stand part of the Bill proposed.

The Secretary for Trade and Industry moved amendments to clauses 3 to 6 and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 3 to 6, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Trade and Industry reported that

**the Customs and Excise Service Children's Education
Trust Fund Bill**

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.

Protection of the Harbour (Amendment) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 3 November 1999 resumed.

Five Members spoke on the Bill.

The Secretary for Planning, Environment 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 **Protection of the Harbour (Amendment) Bill 1999**.

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

The Council then resumed.

Third Reading

The Secretary for Planning, Environment and Lands reported that

the **Protection of the Harbour (Amendment) 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.

Adaptation of Laws (No.29) 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.29) Bill 1999**.

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

Question that schedules 1 to 9 stand part of the Bill proposed, put and agreed to.

Question that schedules 10 and 11 stand part of the Bill proposed.

The Secretary for Security moved amendments to schedules 10 and 11 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedules 10 and 11, 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.29) 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 Factories and Industrial Undertakings Ordinance

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

Resolved that the Factories and Industrial Undertakings (Safety Management) Regulation, made by the Commissioner for Labour on 8 November 1999, be approved.

Question on the motion proposed.

Three Members spoke on the motion.

The Secretary for Education and Manpower replied.

Question on the motion put and agreed to.

Members' Motions

Freezing and reducing fees and charges

Hon LEE Wing-tat moved the following motion and addressed the Council:

That, in view of the uncertain economic prospects and the persistently high unemployment rate in Hong Kong, this Council asks the Government to continue to freeze the various government fees and charges relating to people's livelihood in the year 2000 and urges the various public utility corporations to reduce their charges in the coming year, in order not to increase the burden on the public and slow down Hong Kong's economic recovery.

Question on Hon LEE Wing-tat's motion proposed.

The President stated that Hon HO Sai-chu 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 HO Sai-chu moved the following amendment to Hon LEE Wing-tat's motion and addressed the Council:

To delete "in view of the uncertain economic prospects" and substitute with "as the local economy has not fully recovered"; to delete "persistently high"; to delete "in Hong Kong" and substitute with "remains persistently high"; to add "trades and industries as well as" after "the various government fees and charges relating to"; to delete "reduce" from "urges the various public utility corporations to reduce their charges" and substitute with "freeze"; and to add "the commercial and industrial sectors as well as" after "in order not to increase the burden on".

Question on Hon HO Sai-chu's amendment to Hon LEE Wing-tat's motion proposed.

A Member spoke on the motion and the amendment.

At 5:42 pm, the President's Deputy took the chair during the temporary absence of the President.

Another 11 Members spoke on the motion and the amendment.

Hon LEE Wing-tat spoke on the amendment.

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

At 6:52 pm, the President resumed the chair.

Question on Hon HO Sai-chu's amendment to Hon LEE Wing-tat's motion put.

Hon LEE Wing-tat and Hon HO Sai-chu 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, 13 were in favour of the amendment, eight against it and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, five were in favour of the amendment, six against it and 10 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.

Hon LEE Wing-tat replied.

Question on Hon LEE Wing-tat's motion put.

Hon LEE Wing-tat 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, eight were in favour of the motion and 17 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, 13 were in favour of the motion and eight 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.

Allocation of secondary school places to boys and girls

Hon Christine LOH moved the following motion and addressed the Council:

That this Council urges the Administration to fulfill its responsibility under the law and remove the discriminatory elements in the Secondary School Places Allocation System, and to ensure that, from the year 2000, boys and girls are placed

into secondary schools in a manner that does not unlawfully discriminate against either sex.

Question on the motion proposed.

Eight Members and the Secretary for Education and Manpower spoke on the motion.

Hon Christine LOH 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 1 December 1999 at 2:30 pm.

The Council was adjourned at 8:24 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong