

LEGISLATIVE COUNCIL

MINUTES

No. 5

Minutes of the meeting held on Wednesday 27 October 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 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 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 Margaret NG
The Hon SIN Chung-kai
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 Michael SUEN Ming-yeung, GBS, JP
Secretary for Constitutional Affairs

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

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

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

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

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

Mr LEE Shing-see, JP
Secretary for Works

Mr Leo KWAN Wing-wah, JP
Secretary for Home Affairs

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

Dr Edgar CHENG Wai-kin, JP
Head, Central Policy Unit

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, 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. Food Adulteration (Artificial Sweeteners) (Amendment) Regulation 1999 (gazetted on 22.10.1999) | 259/99 |
| 2. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 7) Order 1999 (gazetted on 22.10.1999) | 260/99 |
| 3. Public Swimming Pools (Designation) (No. 2) Order 1999 (gazetted on 22.10.1999) | 261/99 |
| 4. Lingnan University Ordinance (54 of 1999) (Commencement) (No. 2) Notice 1999 (gazetted on 22.10.1999) | 262/99 |
| 5. Post Office (Amendment) Regulation 1999 (L.N. 178 of 1999) (Commencement) Notice 1999 (gazetted on 22.10.1999) | 263/99 |
| 6. Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 1999 (L.N. 182 of 1999) (Commencement) Notice 1999 (gazetted on 22.10.1999) | 264/99 |
| 7. Import and Export (Strategic Commodities) Regulations (Amendment of Schedules 1 and 2) Order 1999 (L.N. 183 of 1999) (Commencement) Notice 1999 (gazetted on 22.10.1999) | 265/99 |

Other Papers

- No.21 - The audited Statements of Accounts of the Provisional Regional Council for the financial year ended 31 March 1999 and the Director of Audit's Report (published on 21.10.1999)
- No.22 - Provisional Regional Council Annual Report 1998-99 (published on 21.10.1999)
- No.23 - Provisional Regional Council Revised Estimates of Expenditure 1999/2000 (published on 21.10.1999)

- No.24 - The audited Statement of Assets and Liabilities, Statements of Receipts and Payments and Statement of Revenue and Expenditure by Select Committees of the Provisional Urban Council for the year ended 31 March 1999 and the Director of Audit's Report (published on 21.10.1999)
- No.25 - Provisional Urban Council Annual Report 1998/99 (published on 21.10.1999)
- No.26 - Office of the Telecommunications Authority Trading Fund Report for the period from 1 April 1998 to 31 March 1999 (published on 25.10.1999)
- Report of the Bills Committee on Adaptation of Laws (No.5) Bill 1999 (published on 21.10.1999)

Questions

Written replies to Questions 1 to 16 were tabled for Members' information.

Bills

Second Reading

Adaptation of Laws (No.5) Bill 1999

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 10 March 1999 resumed.

Hon Andrew WONG, Chairman of the Bills Committee on Adaptation of Laws (No.5) Bill 1999, addressed the Council on the Report of the Bills Committee 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 **Adaptation of Laws (No.5) Bill 1999**.

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

Question that schedules 1, 3 to 10 stand part of the Bill proposed, put and agreed to.

Question that schedule 2 stand part of the Bill proposed.

The Secretary for Planning, Environment and Lands moved amendments to schedule 2 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedule 2, as amended, 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 **Adaptation of Laws (No.5) 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.

Adaptation of Laws (No.21) 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.21) Bill 1999**.

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

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

The Council then resumed.

Third Reading

The Secretary for Transport reported that

the **Adaptation of Laws (No.21) 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.26) 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.26) Bill 1999**.

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

Question that schedules 1 to 11 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for the Civil Service reported that

the **Adaptation of Laws (No.26) 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.31) 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.31) Bill 1999**.

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

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

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the **Adaptation of Laws (No.31) 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.28) 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.28) 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 Economic Services reported that

the **Adaptation of Laws (No.28) 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.23) 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.23) 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 Home Affairs reported that

the **Adaptation of Laws (No.23) 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.24) 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.24) 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 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Home Affairs reported that

the **Adaptation of Laws (No.24) 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.

Members' Motion

Resumption of debate on the "Motion of Thanks"

The debate on the Motion of Thanks moved by Dr Hon LEONG Che-hung and the amendment to the motion moved by Hon Martin LEE on 20 October 1999 resumed.

Dr Hon LEONG Che-hung spoke on Hon Martin LEE's amendment.

The Financial Secretary, the Secretary for Trade and Industry, the Secretary for Economic Services, the Secretary for Planning, Environment and Lands, the Secretary for Housing, the Secretary for Transport, the Secretary for Information Technology and Broadcasting, the Secretary for Education and Manpower, the Secretary for Home Affairs, the Secretary for Health and Welfare, the Secretary for Constitutional Affairs, and the Chief Secretary for Administration spoke on the motion and the amendment.

Question on Hon Martin LEE's amendment put.

Hon Martin LEE 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, 27 were present, three were in favour of the amendment and 24 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 13 were in favour of the amendment and 16 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.

Dr Hon LEONG Che-hung replied.

Hon Martin LEE requested the President to suspend the meeting for 5 minutes to enable the Members of the Democratic Party to discuss how they would vote on the motion.

The President approved the request and suspended the meeting at 5:40 pm.

At 5:45 pm, the Council resumed.

Question on Dr Hon LEONG Che-hung's motion put.

Dr Hon LEONG Che-hung 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, 27 were present, 24 were in favour of the motion and three against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 16 were in favour of the motion and 13 against it. (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 the motion was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 3 November 1999 at 2:30 pm.

The Council was adjourned at 5:52 pm.

(Mrs Rita FAN)
President

Council Chamber
Hong Kong