

# LEGISLATIVE COUNCIL

## MINUTES

No. 26

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Minutes of the meeting held on Wednesday 7 May 2003 at 2:30 pm

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### Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, GBS, JP

Dr the Hon David CHU Yu-lin, JP

The Hon Cyd HO Sau-lan

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

Dr the Hon David LI Kwok-po, GBS, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing, JP

The Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching, JP  
The Hon CHAN Kwok-keung  
The Hon CHAN Kam-lam, JP  
The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
The Hon LEUNG Yiu-chung  
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, GBS, JP  
The Hon Howard YOUNG, JP  
Dr the Hon YEUNG Sum  
The Hon YEUNG Yiu-chung, BBS  
The Hon LAU Chin-shek, JP  
The Hon LAU Kong-wah  
The Hon LAU Wong-fat, GBS, JP  
The Hon Miriam LAU Kin-yee, JP  
The Hon Ambrose LAU Hon-chuen, GBS, 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  
Dr the Hon LAW Chi-kwong, JP  
The Hon TAM Yiu-chung, GBS, JP  
Dr the Hon TANG Siu-tong, JP  
The Hon Abraham SHEK Lai-him, JP

The Hon LI Fung-ying, JP

The Hon Henry WU King-cheong, BBS, JP

The Hon Tommy CHEUNG Yu-yan, JP

The Hon Michael MAK Kwok-fung

The Hon Albert CHAN Wai-yip

The Hon LEUNG Fu-wah, MH, JP

Dr the Hon LO Wing-lok

The Hon WONG Sing-chi

The Hon Frederick FUNG Kin-kee

The Hon IP Kwok-him, JP

The Hon LAU Ping-cheung

The Hon Audrey EU Yuet-mee, SC, JP

The Hon MA Fung-kwok, JP

**Members absent:**

The Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP

The Hon CHAN Yuen-han, JP

The Hon Bernard CHAN, JP

**Public officers attending:**

The Hon Donald TSANG Yam-kuen, GBM, JP  
The Chief Secretary for Administration

The Hon Antony LEUNG Kam-chung, GBS, JP  
The Financial Secretary

The Hon Elsie LEUNG Oi-sie, GBM, JP  
The Secretary for Justice

The Hon Henry TANG Ying-yen, GBS, JP  
Secretary for Commerce, Industry and Technology

The Hon Michael SUEN Ming-yeung, GBS, JP  
Secretary for Housing, Planning and Lands

The Hon Mrs Regina IP LAU Suk-yea, GBS, JP  
Secretary for Security

The Hon Stephen IP Shu-kwan, GBS, JP  
Secretary for Economic Development and Labour

Dr the Hon Sarah LIAO Sau-tung, JP  
Secretary for the Environment, Transport and Works

The Hon Frederick MA Si-hang, JP  
Secretary for Financial Services and the Treasury

The Hon Stephen LAM Sui-lung, JP  
Secretary for Constitutional Affairs

**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)

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 / Instruments</u>	<u>L.N. No.</u>
1. Births and Deaths Registration Ordinance (Amendment of First Schedule) Order 2003 (gazetted on 2.5.2003)	110/2003
2. Foreign Lawyers Practice (Amendment) Rules 2003 (gazetted on 2.5.2003)	111/2003

### Other Papers

No.80 - Annual Report 2001-2002  
Hong Kong Broadcasting Authority  
(published on 2.5.2003)

Report of the Bills Committee on Occupational Deafness (Compensation) (Amendment) Bill 2002 (published on 5.5.2003)

### Questions

1. Dr Hon David CHU asked Question 1.

The Secretary for the Environment, Transport and Works replied.

Five Members asked supplementaries and the Secretary for the Environment, Transport and Works replied.

2. Hon MA Fung-kwok asked Question 2.

The Secretary for Commerce, Industry and Technology replied.

Four Members asked supplementaries. The Secretary for Commerce, Industry and Technology and the Secretary for Security replied.

3. Hon HUI Cheung-ching asked Question 3.

The Secretary for Commerce, Industry and Technology replied.

Four Members asked supplementaries and the Secretary for Commerce, Industry and Technology replied.

4. Hon Frederick FUNG asked Question 4.

The Secretary for Housing, Planning and Lands replied.

Four Members asked supplementaries and the Secretary for Housing, Planning and Lands replied.

5. Hon WONG Sing-chi asked Question 5.

The Secretary for Housing, Planning and Lands replied.

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

6. Hon LAU Ping-cheung asked Question 6.

The Secretary for Housing, Planning and Lands replied.

Hon LAU Ping-cheung declared his interest as a member of the Hong Kong Institute of Surveyors and asked a supplementary. Two other Members asked supplementaries. The Secretary for Housing, Planning and Lands replied.

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

## **Bills**

### **First Reading**

#### **Merchant Shipping (Liability and Compensation for Oil Pollution) (Amendment) Bill 2003**

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**

#### **Merchant Shipping (Liability and Compensation for Oil Pollution) (Amendment) Bill 2003**

The Secretary for Economic Development and Labour 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.

**Occupational Deafness (Compensation) (Amendment) Bill 2002**

**Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 17 April 2002 resumed.

Dr Hon LO Wing-lok, Chairman of the Bills Committee on Occupational Deafness (Compensation) (Amendment) Bill 2002, addressed the Council on the Report of the Bills Committee on the Bill. After the address, he spoke on the Bill in his personal capacity as a Member.

Another five Members spoke on the Bill.

The Secretary for Economic Development and Labour 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 **Occupational Deafness (Compensation) (Amendment) Bill 2002**.

Question that clauses 1, 2, 4, 5, 6, 8 to 14, 17, 18 and 20 stand part of the Bill proposed, put and agreed to.

Question that clauses 3, 7, 15 and 19 stand part of the Bill proposed.

The Secretary for Economic Development and Labour moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 3, 7, 15 and 19, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 16 stand part of the Bill proposed.

The Chairman stated that the Secretary for Economic Development and Labour and Dr Hon LO Wing-lok had separately given notice to move amendments to clause 16. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Economic Development and Labour to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Economic Development and Labour moved an amendment to clause 16 and addressed the Committee.

Dr Hon LO Wing-lok spoke on the Secretary for Economic Development and Labour's amendment as well as his own proposed amendment.

Three Members spoke on the amendment and the proposed amendment.

The Secretary for Economic Development and Labour spoke again.

Question on the amendment moved by the Secretary for Economic Development and Labour put.

Hon Andrew CHENG claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that 50 Members were present, 27 were in favour of the amendment, 15 against it and seven abstained. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the amendment was agreed.

The Chairman stated that as the Secretary for Economic Development and Labour's amendment had been passed, Dr Hon LO Wing-lok might not move his amendment to clause 16 which was inconsistent with the decision already taken.

Question that clause 16, as amended, stand part of the Bill proposed, put and agreed to.

New clauses 4A, 5A, 5B, 14A, 15A and 15B read the first time.

The Secretary for Economic Development and Labour moved the Second Reading of the aforesaid clauses and addressed the Committee.

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

New clauses 4A, 5A, 5B, 14A, 15A and 15B read the second time.

The Secretary for Economic Development and Labour moved the addition of the aforesaid clauses to the Bill.

Question on the addition proposed, put and agreed to.

The Council then resumed.



### Third Reading

The Secretary for Economic Development and Labour reported that

#### the Occupational Deafness (Compensation) (Amendment) Bill 2002

had passed through the 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.

### Motions

#### Proposed resolution under the Interpretation and General Clauses Ordinance

The Secretary for Commerce, Industry and Technology moved the following motion and addressed the Council:

Resolved that the Import and Export (General)(Amendment)(No. 2) Regulation 2003, published in the Gazette as Legal Notice No. 93 of 2003 and laid on the table of the Legislative Council on 9 April 2003, be amended -

- (a) in section 3, by repealing "取得" and substituting "領取";
- (b) in the Chinese text, in section 4, in the new regulations 6A(2), 6BA(2), 6BC(2) and 6BE(2), by repealing "在根據第(1)(a)款自登記紡織商收到" and substituting "自登記紡織商收到第(1)(a)款所指的";
- (c) in section 7, in the new Eighth Schedule -
  - (i) in the Chinese text, in regulations 6A(2), 6BA(2), 6BC(2) and 6BE(2), by repealing "在根據第(1)(a)(i)款自登記紡織商收到" and substituting "自登記紡織商收到第(1)(a)(i)款所指的";
  - (ii) in regulations 6B(3)(a)(i) and (3)(b)(ii)(A) and 6BD(3)(a)(i) and (3)(b)(ii)(A), by repealing "certified copy or certified extract of the manifest of the importing vessel, aircraft or vehicle" and substituting "copy or extract of the

manifest of the importing vessel, aircraft or vehicle, duly certified by the import carrier";

- (iii) in regulations 6BB(3)(a)(i) and (3)(b)(ii)(A) and 6BF(3)(a)(i) and (3)(b)(ii)(A), by repealing "certified copy or certified extract of the manifest of the exporting vessel, aircraft or vehicle" and substituting "copy or extract of the manifest of the exporting vessel, aircraft or vehicle, duly certified by the export carrier".

Question on the motion proposed, put and agreed to.

#### **Proposed resolution under the Public Finance Ordinance**

The Secretary for Financial Services and the Treasury moved the following motion and addressed the Council:

Resolved with respect to the Land Fund established by resolution made and passed by the Provisional Legislative Council on 23 July 1997 and published in the Gazette as Legal Notice No. 398 of 1997, that a sum of \$120,000,000,000 be transferred from the Land Fund to the general revenue.

Question on the motion proposed.

Hon SIN Chung-kai spoke on the motion, first as Chairman of the Subcommittee on the motion to amend the Resolution of the Land Fund under section 29 of the Public Finance Ordinance (Cap.2) and then in his personal capacity.

Question on the motion put and agreed to.

#### **Members' Motions**

##### **Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**

Hon TSANG Yok-sing moved the following motion and addressed the Council:

Resolved that Rule 54 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended, by adding -

"(5A) In subrule (5), "the chairman of the House Committee" shall mean "the deputy chairman of the House Committee" if the former is not available for consultation because of his absence from Hong Kong or of other reasons when the Member or public officer in charge of the bill seeks to consult him.".

Question on the motion proposed, put and agreed to.

**Vote of no confidence in the Financial Secretary**

Hon Margaret NG moved the following motion and addressed the Council:

That this Council has no confidence in the Financial Secretary, Mr Antony LEUNG.

Question on the motion proposed.

Five Members and Dr Hon Philip WONG spoke on the motion.

While Dr Hon Philip WONG was speaking, the President left the chair at 7:00 pm temporarily and the President's Deputy, Hon Fred LI, took the chair.

Another 13 Members and Hon LEUNG Yiu-chung spoke on the motion.

At 8:20 pm, while Hon LEUNG Yiu-chung was speaking, the President resumed the chair.

Six more Members, the Financial Secretary and the Chief Secretary for Administration spoke on the motion.

Hon Margaret NG replied.

Question on the motion put.

Hon Margaret NG 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, five were in favour of the motion, 20 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 17 were in favour of the motion and 11 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.

**Atypical pneumonia dealing a blow to Hong Kong's economy**

Dr Hon David CHU moved the following motion and addressed the Council:

That, as the atypical pneumonia epidemic has dealt a severe blow to Hong Kong's business environment and international image and caused a worsening of the unemployment rate, this Council urges the Government, under the premise of ensuring that the prime task of battling against the epidemic is carried through, to conduct an in-depth assessment of the

impact of the epidemic on the local economy and the Government's finances, and to actively work out strategies with various industries and trades with a view to promptly launching a series of effective measures that can turn crises into opportunities, assist the community in tiding over the difficult times, and expeditiously restore the confidence of the public, tourists, investors and the international community in Hong Kong.

Question on the motion proposed.

20 Members and the Financial Secretary spoke on the motion.

Dr Hon David CHU 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 14 May 2003 at 2:30 pm.

The Council was adjourned at 11:58 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

投票 VOTE: 1  
 日期 DATE: 07/05/2003  
 時間 TIME: 06:02:19 下午

動議 MOTION: 《2002年職業性失聰（補償）（修訂）條例草案》- 全體委員會審議階段 - 修正第16條  
 OCCUPATIONAL DEAFNESS (COMPENSATION) (AMENDMENT) BILL 2002 - COMMITTEE  
 STAGE - AMENDMENT TO CLAUSE 16

動議人 MOVED BY: 經濟發展及勞工局局長 Secretary for Economic Development and Labour

出席 Present :50  
 投票 Vote :49  
     贊成 Yes :27  
     反對 No :15  
     棄權 Abstain :7  
 結果 Result :通過 Passed

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
范徐麗泰	Mrs Rita FAN	出席	PRESENT	楊孝華	Howard YOUNG	贊成	YES
丁午壽	Kenneth TING	贊成	YES	楊森	Dr YEUNG Sum	反對	NO
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	棄權	ABSTAIN
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek		
何秀蘭	Cyd HO	反對	NO	劉江華	LAU Kong-wah	棄權	ABSTAIN
何俊仁	Albert HO	反對	NO	劉皇發	LAU Wong-fat	贊成	YES
何鍾泰	Dr Raymond HO	贊成	YES	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan	反對	NO	劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE	反對	NO	劉慧卿	Emily LAU	反對	NO
李家祥	Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	棄權	ABSTAIN
李國寶	Dr David LI			鄭家富	Andrew CHENG	反對	NO
李華明	Fred LI	反對	NO	司徒華	SZETO Wah	反對	NO
呂明華	Dr LUI Ming-wah	贊成	YES	霍震霆	Timothy FOK	贊成	YES
吳亮星	NG Leung-sing	贊成	YES	羅致光	Dr LAW Chi-kwong	反對	NO
吳靄儀	Margaret NG	贊成	YES	譚耀宗	TAM Yiu-chung	棄權	ABSTAIN
周梁淑怡	Mrs Selina CHOW			鄧兆棠	Dr TANG Siu-tong	贊成	YES
涂謹申	James TO			石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	反對	NO	李鳳英	LI Fung-ying		
許長青	HUI Cheung-ching	贊成	YES	胡經昌	Henry WU	贊成	YES
陳國強	CHAN Kwok-keung	棄權	ABSTAIN	張宇人	Tommy CHEUNG	贊成	YES
陳婉嫻	CHAN Yuen-han			麥國風	Michael MAK		
陳智思	Bernard CHAN			陳偉業	Albert CHAN	反對	NO
陳鑑林	CHAN Kam-lam	棄權	ABSTAIN	梁富華	LEUNG Fu-wah		
梁劉柔芬	Mrs Sophie LEUNG	贊成	YES	勞永樂	Dr LO Wing-lok	贊成	YES
梁耀忠	LEUNG Yiu-chung			黃成智	WONG Sing-chi	反對	NO
單仲偕	SIN Chung-kai	反對	NO	馮檢基	Frederick FUNG	反對	NO
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	棄權	ABSTAIN
黃宜弘	Dr Philip WONG	贊成	YES	劉炳章	LAU Ping-cheung	贊成	YES
黃容根	WONG Yung-kan	贊成	YES	余若薇	Audrey EU	贊成	YES
曾鈺成	TSANG Yok-sing	贊成	YES	馬逢國	MA Fung kwok	贊成	YES

投票 VOTE: 2  
日期 DATE: 07/05/2003  
時間 TIME: 09:22:45 下午

動議 MOTION: 「對財政司司長投不信任票」議案  
MOTION "VOTE OF NO CONFIDENCE IN THE FINANCIAL SECRETARY"

動議人 MOVED BY: 吳靄儀 Margaret NG

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	27	29	
投票 Vote	27	28	
贊成 Yes	5	17	
反對 No	20	11	
棄權 Abstain	2	0	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
<b>功能團體 Functional Constituencies</b>		<b>地方選區 Geographical Constituencies</b>	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Eric LI	棄權 ABSTAIN	李柱銘 Martin LEE	贊成 YES
李國寶 Dr David LI	反對 NO	李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah	反對 NO	涂謹申 James TO	贊成 YES
吳靄儀 Margaret NG	贊成 YES	陳婉嫻 CHAN Yuen-han	
周梁淑怡 Mrs Selina CHOW		陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung		曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN		楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG	反對 NO	劉慧卿 Emily LAU	贊成 YES
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK	反對 NO	鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 Dr LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU	反對 NO	余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	<b>選舉委員會 Election Committee</b>	
梁富華 LEUNG Fu-wah	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	棄權 ABSTAIN	朱幼麟 Dr David CHU	反對 NO
葉國謙 IP Kwok-him	反對 NO	吳亮星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	反對 NO
		劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	反對 NO