

LEGISLATIVE COUNCIL

MINUTES

No. 30

Minutes of the meeting held on Wednesday 28 May 2003 at 2:30 pm

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 Mrs Selina CHOW LIANG Shuk-yee, GBS, JP

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 Yuen-han, JP

The Hon Bernard CHAN, JP

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 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

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 LAU Chin-shek, JP
The Hon Timothy FOK Tsun-ting, SBS, 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
Dr the Hon YEOH Eng-kiong, JP
Secretary for Health, Welfare and Food
The Hon Stephen IP Shu-kwan, GBS, JP
Secretary for Economic Development and Labour
The Hon Frederick MA Si-hang, JP
Secretary for Financial Services and the Treasury

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy 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 / Instruments</u>	<u>L.N. No.</u>
1. Waterworks (Reduction of Water Charge) Regulation 2003 (gazetted on 23.5.2003)	130/2003
2. Sewage Services (Reduction of Sewage Charge and Trade Effluent Surcharge) Regulation 2003 (gazetted on 23.5.2003)	131/2003
3. Rating (Exemption) Order 2003 (gazetted on 23.5.2003)	132/2003
4. Tax Exemption (2001 Tax Year) Order (gazetted on 23.5.2003)	133/2003
5. Telecommunications (Carrier Licences) (Amendment) Regulation 2003 (gazetted on 23.5.2003)	134/2003

Other Papers

No.86 - Traffic Accident Victims Assistance Fund Annual Report for the year from 1 April 2001 to 31 March 2002 (published on 21.5.2003)

No.87 - The Government Minute in response to the Report No. 39 of the Public Accounts Committee dated February 2003 (published on 28.5.2003)

Report of the Bills Committee on Tung Chung Cable Car Bill (published on 26.5.2003)

Address

The Chief Secretary for Administration addressed the Council on the Government Minute in response to the Report No. 39 of the Public Accounts Committee dated February 2003.

Questions

1. Hon YEUNG Yiu-chung asked Question 1.

The Secretary for Health, Welfare and Food replied.

Eight Members asked supplementaries and the Secretary for Health, Welfare and Food replied.

2. Hon CHAN Yuen-han asked Question 2.

The Secretary for Health, Welfare and Food replied.

Eight Members asked supplementaries and the Secretary for Health, Welfare and Food replied.

3. Hon LAU Kong-wah asked Question 3.

The Secretary for Economic Development and Labour replied.

Seven Members asked supplementaries and the Secretary for Economic Development and Labour replied.

4. Hon NG Leung-sing asked Question 4.

The Secretary for Financial Services and the Treasury replied.

Five Members asked supplementaries and the Secretary for Financial Services and the Treasury replied.

5. Hon James TIEN asked Question 5.

The Secretary for Economic Development and Labour replied.

Six Members asked supplementaries and the Secretary for Economic Development and Labour replied.

6. Hon WONG Yung-kan asked Question 6.

The Secretary for Economic Development and Labour replied.

Six Members asked supplementaries and the Secretary for Economic Development and Labour replied.

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

Statements

The Chief Secretary for Administration made a statement on the Interim Report on Measures to Improve Environmental Hygiene in Hong Kong.

11 Members asked questions to seek elucidation on the statement and the Chief Secretary for Administration replied.

Bills

Second Reading

Tung Chung Cable Car Bill

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 12 February 2003 resumed.

Hon James TIEN, Chairman of the Bills Committee on Tung Chung Cable Car Bill, addressed the Council on the Report of the Bills Committee on the Bill.

Four Members spoke on the Bill.

The Secretary for Economic Development and Labour replied.

Question on the Second Reading put.

Hon Albert CHAN claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 48 Members were present, 43 were in favour of the motion, three against it and one abstained. (Voting record in Appendix I.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Tung Chung Cable Car Bill**.

Question that clauses 1, 3, 4, 6 to 9, 11, 12, 15, 17, 18, 21, 26, 30, 32 and 34 to 39 stand part of the Bill proposed, put and agreed to.

Question that clauses 2, 5, 10, 13, 14, 16, 19, 20, 22 to 25, 27, 28, 29, 31 and 33 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 2, 5, 10, 13, 14, 16, 19, 20, 22 to 25, 27, 28, 29, 31 and 33, as amended, stand part of the Bill proposed, put and agreed to.

Question that the schedule stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Development and Labour reported that

the Tung Chung Cable Car Bill

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 Health, Welfare and Food moved the following motion and addressed the Council:

Resolved that the Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 107 of 2003 and laid on the table of the Legislative Council on 30 April 2003, be amended in section 3 in the new regulation 27C(1) by repealing "Any" and substituting "As a measure for preventing the introduction into, the spread in and the transmission from Hong Kong of Severe Acute Respiratory Syndrome, any".

Question on the motion proposed.

Hon Michael MAK, Chairman of the Subcommittee on Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003, spoke on the motion.

One Member spoke on the motion.

Question on the motion put and agreed to.

Members' Motions

The 4 June incident

Hon SZETO Wah moved the following motion and addressed the Council:

That this Council urges that: the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated.

Question on the motion proposed.

Hon Albert Ho spoke on the motion. While he was speaking, the President left the chair at 6:17 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Hon SIN Chung-kai spoke on the motion. While he was speaking, Hon Martin LEE drew the attention of the President's Deputy to the absence of a quorum. The President's Deputy directed the Clerk to summon Members to the meeting. A quorum was then present and Hon SIN Chung-kai continued to speak on the motion.

Another four Members and Dr Hon YEUNG Sum spoke on the motion.

While Dr Hon YEUNG Sum was speaking, Hon Martin LEE drew the attention of the President's Deputy to the absence of a quorum. The President's Deputy directed the Clerk to summon Members to the meeting. A quorum was then present.

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

Dr Hon YEUNG Sum continued to speak on the motion.

Another three Members and Hon Cyd HO spoke on the motion.

While Hon Cyd HO was speaking, Hon Martin LEE 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 and Hon Cyd HO continued to speak on the motion.

Hon Martin LEE 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.

Hon Martin LEE spoke on the motion. While he was speaking, Dr Hon Philip WONG 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 and Hon Martin LEE continued to speak on the motion.

Hon LEE Cheuk-yan spoke on the motion. While he was speaking, Hon James TO 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 and Hon LEE Cheuk-yan continued to speak on the motion.

Hon SZETO Wah replied. While he was speaking, Hon James TO 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 and Hon SZETO Wah continued to speak.

Question on the motion put.

Hon SZETO 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, 22 were present, five were in favour of the motion, eight against it and nine abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 15 were in favour of the motion and 10 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.

Clean Hong Kong

Hon YEUNG Yiu-chung moved the following motion and addressed the Council:

That this Council urges the Government to expeditiously draw up a set of cross-sector and sustainable framework and strategies to reorganize and enhance the environmental hygiene improvement measures of the relevant government bureaux and departments, and to pool the efforts of various sectors of the community, including the business and education sectors,

professional bodies, District Councils and non-government organizations, to mobilize the participation of all citizens to ensure that Hong Kong becomes a clean and hygienic metropolis.

Question on Hon YEUNG Yiu-chung's motion proposed.

The President stated that Hon Fred 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 Fred LI moved the following amendment to Hon YEUNG Yiu-chung's motion and addressed the Council:

To add "which should include: (a) amending the relevant legislation to raise the penalty level for spitting in public places and to include the performance of community services as one of the penalties; (b) resolving the problem of domestic waste disposal in the public housing estates in the territory; and (c) reviewing the effectiveness of the existing Anti-rodent and Anti-mosquito Campaigns, and implementing anti-cockroach campaigns in various districts;" after "to reorganize and enhance the environmental hygiene improvement measures of the relevant government bureaux and departments,".

Question on Hon Fred LI's amendment to Hon YEUNG Yiu-chung's motion proposed.

20 Members spoke on the motion and the amendment.

Hon YEUNG Yiu-chung spoke on the amendment.

The Chief Secretary for Administration spoke on the motion and the amendment.

Question on Hon Fred LI's amendment to Hon YEUNG Yiu-chung's motion put and agreed to.

Hon YEUNG Yiu-chung replied.

Question on Hon YEUNG Yiu-chung's motion as amended by Hon Fred LI put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 11 June 2003 at 2:30 pm.

The Council was adjourned at 10:58 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

Appendix I

投票 VOTE: 1
日期 DATE: 28/05/2003
時間 TIME: 05:51:58 下午

動議 MOTION: 《東涌吊車條例草案》 - 二讀
TUNG CHUNG CABLE CAR BILL - SECOND READING

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

出席 Present :48
投票 Vote :47
贊成 Yes :43
反對 No :3
棄權 Abstain :1
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	贊成	YES
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	贊成	YES
朱幼麟	Dr David CHU	反對	NO	劉千石	LAU Chin-shek		
何秀蘭	Cyd HO	贊成	YES	劉江華	LAU Kong-wah	贊成	YES
何俊仁	Albert HO	贊成	YES	劉皇發	LAU Wong-fat		
何鍾泰	Dr Raymond HO	贊成	YES	劉健儀	Miriam LAU	贊成	YES
李卓人	LEE Cheuk-yan			劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE	贊成	YES	劉慧卿	Emily LAU	贊成	YES
李家祥	Eric LI	贊成	YES	蔡素玉	CHOY So-yuk	贊成	YES
李國寶	Dr David LI			鄭家富	Andrew CHENG	贊成	YES
李華明	Fred LI	贊成	YES	司徒華	SZETO Wah	贊成	YES
呂明華	Dr LUI Ming-wah			霍震霆	Timothy FOK		
吳亮星	NG Leung-sing	贊成	YES	羅致光	Dr LAW Chi-kwong	贊成	YES
吳靄儀	Margaret NG	贊成	YES	譚耀宗	TAM Yiu-chung	贊成	YES
周梁淑怡	Mrs Selina CHOW	贊成	YES	鄧兆棠	Dr TANG Siu-tong	贊成	YES
涂謹申	James TO	贊成	YES	石禮謙	Abraham SHEK		
張文光	CHEUNG Man-kwong	贊成	YES	李鳳英	LI Fung-ying	贊成	YES
許長青	HUI Cheung-ching	贊成	YES	胡經昌	Henry WU	贊成	YES
陳國強	CHAN Kwok-keung	贊成	YES	張宇人	Tommy CHEUNG		
陳婉嫻	CHAN Yuen-han			麥國風	Michael MAK	棄權	ABSTAIN
陳智思	Bernard CHAN			陳偉業	Albert CHAN	反對	NO
陳鑑林	CHAN Kam-lam	贊成	YES	梁富華	LEUNG Fu-wah	贊成	YES
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	反對	NO	黃成智	WONG Sing-chi	贊成	YES
單仲偕	SIN Chung-kai	贊成	YES	馮檢基	Frederick FUNG	贊成	YES
黃宏發	Andrew WONG	!		葉國謙	IP Kwok-him	贊成	YES
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		

秘書 CLERK

Appendix II

投票 VOTE: 2
 日期 DATE: 28/05/2003
 時間 TIME: 08:17:44 下午

動議 MOTION: 「六四事件」議案
 MOTION "THE 4 JUNE INCIDENT"

動議人 MOVED BY: 司徒華SZETO Wah

	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	22	26	
投票 Vote	22	25	
贊成 Yes	5	15	
反對 No	8	10	
棄權 Abstain	9	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
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	棄權 ABSTAIN	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	棄權 ABSTAIN	何俊仁 Albert HO	贊成 YES
何鑑泰 Dr Raymond HO		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		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah		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	
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN	棄權 ABSTAIN	楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	棄權 ABSTAIN	劉千石 LAU Chin-shek	
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	棄權 ABSTAIN	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat	棄權 ABSTAIN	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	棄權 ABSTAIN	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK		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		黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying		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	棄權 ABSTAIN	選舉委員會 Election Committee	
麥國風 Michael MAK	贊成 YES	范徐麗泰 Mrs Rita FAN	出席 PRESENT
梁富華 LEUNG Fu-wah	反對 NO	朱幼麟 Dr David CHU	反對 NO
勞永樂 Dr LO Wing-lok		吳亮星 NG Leung-sing	反對 NO
葉國謙 IP Kwok-him	反對 NO	楊耀忠 YEUNG Yiu-chung	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	劉漢銓 Ambrose LAU	反對 NO
		馬達國 MA Fung kwok	

秘書 CLERK