

LEGISLATIVE COUNCIL

MINUTES

No. 31

Minutes of the meeting held on Wednesday 11 June 2003 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBS, 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
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
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 Kenneth TING Woo-shou, JP

The Hon Andrew WONG Wang-fat, JP

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

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

Dr the Hon Patrick HO Chi-ping, JP
Secretary for Home Affairs

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

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

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. Dutiable Commodities (Amendment) Regulation 2003 (gazetted on 30.5.2003)	136/2003
2. Karaoke Establishments (Fee Concessions) Regulation 2003 (gazetted on 30.5.2003)	137/2003
3. Road Traffic (Waiver of Motor Vehicle Licence Fees) Regulation 2003 (gazetted on 30.5.2003)	138/2003
4. Travel Agents (Waiver of Fees) Regulation 2003 (gazetted on 30.5.2003)	139/2003
5. Dutiable Commodities (Waiver of Liquor Licence Fees) Regulation 2003 (gazetted on 30.5.2003)	140/2003
6. Places of Public Entertainment (Waiver of Fees) Regulation 2003 (gazetted on 30.5.2003)	141/2003
7. Road Traffic (Waiver of Passenger Service Licence Fees) Regulation 2003 (gazetted on 30.5.2003)	142/2003
8. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2003 (gazetted on 30.5.2003)	143/2003
9. Tax Reserve Certificates (Rate of Interest) (No. 2) Notice 2003 (gazetted on 30.5.2003)	144/2003
10. Road Traffic (Temporary Reduction of New Territories Taxi Fares) Regulation 2003 (gazetted on 6.6.2003)	146/2003
11. Road Traffic (Temporary Reduction of New Territories Taxi Fares) (No. 2) Regulation 2003 (gazetted on 6.6.2003)	147/2003
12. Apprenticeship (Designation of Trades) Order 2003 (gazetted on 6.6.2003)	148/2003
13. Apprenticeship (Periods of Apprenticeship) Notice 2003 (gazetted on 6.6.2003)	149/2003
14. Designation of Libraries Order 2003 (gazetted on 6.6.2003)	150/2003

15. Village Representative (Election Petition) Rules 151/2003
(gazetted on 6.6.2003)

Other Papers

- No.88 - Occupational Safety and Health Council
Annual Report 2001-2002 (published on 2.6.2003)

Address

Hon LEUNG Fu-wah addressed the Council on the Road Traffic (Temporary Reduction of New Territories Taxi Fares) Regulation 2003 and Road Traffic (Temporary Reduction of New Territories Taxi Fares) (No. 2) Regulation 2003, which were subsidiary legislation laid on the table of the Council on that day.

Questions

1. Hon WONG Yung-kan asked Question 1.

The Secretary for Health, Welfare and Food replied.

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

2. Hon Cyd HO asked Question 2.

The Secretary for Housing, Planning and Lands replied.

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

3. Hon Bernard CHAN asked Question 3.

The Secretary for Health, Welfare and Food replied.

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

4. Hon Audrey EU asked Question 4.

The Secretary for Security replied.

Seven Members asked supplementaries and the Secretary for Security replied.

5. Hon TSANG Yok-sing asked Question 5.

The Secretary for the Environment, Transport and Works replied.

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

6. Hon Albert CHAN asked Question 6.

The Secretary for the Environment, Transport and Works replied.

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

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

Bills

First Reading

Landlord and Tenant (Consolidation) (Amendment) Bill 2003 Boundary Facilities Improvement Tax Bill

The Bills were 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

Landlord and Tenant (Consolidation) (Amendment) Bill 2003

The Secretary for Housing, Planning and Lands 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.

Boundary Facilities Improvement Tax Bill

The Secretary for Financial Services and 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.

Motions

Proposed resolution under section 6(3) of the Betting Duty Ordinance

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

Resolved that with effect from 1 August 2003 section 6(1)(b) of the Betting Duty Ordinance be amended by repealing "19%" and substituting "20%".

Question on the motion proposed, put and agreed to.

Proposed resolution under section 3(4) of the Betting Duty Ordinance

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

Resolved that with effect from 1 August 2003 section 3(3)(b) of the Betting Duty Ordinance be amended by repealing "76%" and substituting "75%".

Question on the motion proposed, put and agreed to.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon IP Kwok-him moved the following motion and addressed the Council:

Resolved that in relation to the Fire Services (Fire Hazard Abatement) Regulation, published in the Gazette as Legal Notice No. 113 of 2003 and laid on the table of the Legislative Council on 14 May 2003, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 2 July 2003.

Question on the motion proposed, put and agreed to.

Resumption of private streets

Hon CHAN Kam-lam 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 IP Kwok-him moved the following motion and addressed the Council:

That, as the fragmented ownership of many of the private streets in the territory has given rise to poor management of such streets, resulting in their facilities falling into disrepair and sewers bursting, thereby creating breeding grounds for viruses and posing hazards to public health, this Council urges the Government to re-formulate the policy direction for private street resumption, so as to provide the relevant policy bureaux with sufficient powers and resources to effect the resumption of the remaining 104 private streets under the Private Street Resumption Programme, with a view to fully resolving the various problems arising from private streets, thereby improving the environment of the community and enhancing people's quality of life.

Question on Hon IP Kwok-him's motion proposed.

The President stated that Hon Mrs Sophie LEUNG and Hon James TO would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the two amendments would be debated together in a joint debate.

Hon Mrs Sophie LEUNG and Hon James TO respectively spoke on the motion and their amendments.

While Hon James TO was speaking, the President left the chair at 5:15 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Nine Members spoke on the motion and the amendments.

Hon IP Kwok-him spoke on the amendments.

At 6:05 pm, while Hon IP Kwok-him was speaking, the President resumed the chair.

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

Hon Mrs Sophie LEUNG moved the following amendment to Hon IP Kwok-him's motion:

To add "and amend the relevant legislation" after "this Council urges the Government to re-formulate the policy direction for private street resumption"; to delete "effect the resumption of the remaining 104" after "so as to provide the relevant policy bureaux with sufficient powers and resources to" and substitute with "adopt decisive measures to effect the expeditious resumption of all the"; to add "original" after "private streets under the"; and to add "which are still beset with problems of environmental hygiene and poor management" after "Private Street Resumption Programme".

Question on Hon Mrs Sophie LEUNG's amendment to Hon IP Kwok-him's motion proposed, put and agreed to.

The President stated that as Hon Mrs Sophie LEUNG's amendment had been agreed, she granted leave for Hon James TO to revise the terms of his amendment and explain them to the Council.

Hon James TO moved the following revised amendment to Hon IP Kwok-him's motion as amended by Hon Mrs Sophie LEUNG and explained the revised wording of his amendment to the Council:

To add "while respecting the wishes of the majority of the owners, and to consider according priority to the redevelopment of such streets" after "which are still beset with problems of environmental hygiene and poor management".

Question on Hon James TO's further amendment to Hon IP Kwok-him's motion as amended by Hon Mrs Sophie LEUNG proposed and put.

Hon IP Kwok-him 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, 20 were present, seven were in favour of the amendment, five against it and eight abstained; 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 amendment, seven against it and one abstained. (Voting record

in the Appendix.) 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 IP Kwok-him replied.

Question on Hon IP Kwok-him's motion as amended by Hon Mrs Sophie LEUNG put and agreed to.

Asia's World City

Hon Abraham SHEK moved the following motion and addressed the Council:

That, as the Government has proposed to position Hong Kong as "Asia's World City", this Council urges the Government to fully evaluate and assess Hong Kong's current economic and social conditions, comprehensively review the policies and strategies relevant to Hong Kong's position as an international city, promote the building of a more open, tolerant, receptive and innovative city image, and reinforce and enhance Hong Kong's international status, so as to make Hong Kong truly "Asia's World City".

Question on Hon Abraham SHEK's motion proposed.

The President stated that Dr Hon YEUNG Sum 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.

Dr Hon YEUNG Sum moved the following amendment to Hon Abraham SHEK's motion and addressed the Council:

To add "democratic, human rights-respecting, equitable," after "promote the building of a more".

Question on Dr Hon YEUNG Sum's amendment to Hon Abraham SHEK's motion proposed.

11 Members spoke on the motion and the amendment.

Hon Abraham SHEK spoke on the amendment.

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

Question on Dr Hon YEUNG Sum's amendment to Hon Abraham SHEK's motion put and agreed to.

Hon Abraham SHEK replied.

Question on Hon Abraham SHEK's motion as amended by Dr Hon YEUNG Sum put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 18 June 2003 at 2:30 pm.

The Council was adjourned at 8:19 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

投票 VOTE: 1
 日期 DATE: 11/06/2003
 時間 TIME: 06:28:56 下午

動議 MOTION: 涂謹申議員對葉國謙議員就「收回私家街道」所提，經梁劉柔芬議員修正的議案，作出的修正案
 AMENDMENT BY HON JAMES TO TO HON IP KWOK-HIM'S MOTION ON "RESUMPTION OF PRIVATE STREETS" AS AMENDED BY HON MRS SOPHIE LEUNG

動議人 MOVED BY: 涂謹申 James TO

	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	20	22	
投票 Vote	20	21	
贊成 Yes	7	13	
反對 No	5	7	
棄權 Abstain	8	1	
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		何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN		何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	贊成 YES	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Eric LI	贊成 YES	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		陳婉嫻 CHAN Yuen-han	
周梁淑怡 Mrs Selina CHOW	棄權 ABSTAIN	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong		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		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		劉慧卿 Emily LAU	
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		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	棄權 ABSTAIN	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	贊成 YES	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU	棄權 ABSTAIN	余若薇 Audrey EU	
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	
勞永樂 Dr LO Wing-lok		吳亮星 NG Leung-sing	棄權 ABSTAIN
葉國謙 IP Kwok-him	反對 NO	楊耀忠 YEUNG Yiu-chung	
劉炳章 LAU Ping-cheung	棄權 ABSTAIN	劉漢銓 Ambrose LAU	反對 NO
		馬達國 MA Fung kwok	

秘書 CLERK

