

# LEGISLATIVE COUNCIL

## MINUTES

No. 32

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Minutes of the meeting held on Wednesday 18 June 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

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 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

**Member absent:**

Dr the Hon David LI Kwok-po, GBS, 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

Prof the Hon Arthur LI Kwok-cheung, GBS, JP  
Secretary for Education and Manpower

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

The Hon Joseph WONG Wing-ping, GBS, JP  
Secretary for the Civil Service

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

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

**Clerks in attendance:**

Mr Ricky FUNG Choi-cheung, JP, 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:

1. No.89 - Report of changes to the approved Estimates of Expenditure approved during the fourth quarter of 2002-03 (Public Finance Ordinance : Section 8) (published on 10.6.2003)
2. Report of the Finance Committee on the examination of the Estimates of Expenditure 2003-04 (June 2003) (published on 17.6.2003)
3. Report of the Bills Committee on Stamp Duty (Amendment) Bill 2002 (published on 16.6.2003)

### **Addresses**

Dr Hon Philip WONG, Chairman of the Finance Committee, addressed the Council on the Committee's report on the examination of the Estimates of Expenditure 2003-04 (June 2003).

### **Questions**

1. Hon LEE Cheuk-yan asked Question 1.

The Secretary for the Civil Service replied.

Eight Members asked supplementaries and the Secretary for the Civil Service replied.

2. Hon IP Kwok-him asked Question 2.

The Secretary for Housing, Planning and Lands replied.

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

3. Hon WONG Sing-chi asked Question 3.

The Secretary for Commerce, Industry and Technology replied.

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

4. Hon CHAN Yuen-han asked Question 4.

The Secretary for Health, Welfare and Food replied.

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

5. Hon YEUNG Yiu-chung asked Question 5.

The Secretary for Education and Manpower replied.

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

6. Hon Frederick FUNG asked Question 6.

The Secretary for Housing, Planning and Lands replied.

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

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

## **Bills**

### **First Reading**

#### **Adoption (Amendment) Bill 2003 Supplementary Appropriation (2002-2003) 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**

#### **Adoption (Amendment) Bill 2003**

The Secretary for Health, Welfare and Food 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.

### **Supplementary Appropriation (2002-2003) 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.

### **Stamp Duty (Amendment) Bill 2002**

#### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 11 December 2002 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee on Stamp Duty (Amendment) Bill 2002, addressed the Council on the Report of the Bills Committee on the Bill.

One Member spoke on the Bill.

The Secretary for Financial Services and the Treasury 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 **Stamp Duty (Amendment) Bill 2002**.

Question that clauses 1 to 8, 10 to 21, 23 and 25 stand part of the Bill proposed, put and agreed to.

Question that clauses 9, 22 and 24 stand part of the Bill proposed.

The Secretary for Financial Services and the Treasury moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 9, 22 and 24, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

**Third Reading**

The Secretary for Financial Services and the Treasury reported that

the **Stamp Duty (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 Fixed Penalty (Public Cleanliness Offences) Ordinance**

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

Resolved -

- (a) that Schedule 1 to the Fixed Penalty (Public Cleanliness Offences) Ordinance be amended in items 1, 2, 3, 4, 5, 6, 7 and 8 by repealing "\$600" and substituting "\$1,500"; and
- (b) that this Resolution shall come into operation on 26 June 2003.

Question on the motion proposed.

10 Members spoke on the motion.

The Secretary for Health, Welfare and Food replied.

Question on the motion put.

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

The President announced that 45 Members were present, 32 were in favour of the motion and 12 abstained. (Voting record in the Appendix.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

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

The Secretary for Constitutional Affairs moved the following motion and addressed the Council:

Resolved that the District Councils (Subscribers and Election Deposit for Nomination)(Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 120 of 2003 and laid on the table of the Legislative Council on 21 May 2003, be amended in section 3, by repealing paragraphs (c), (d), (e) and (f) and substituting -

"(c) by adding -

"(3A) A person whose signature as a subscriber to a nomination paper is in surplus having regard to the required number of subscribers for the purposes of subsection (1) shall be regarded as not having subscribed the nomination paper."."

Question on the motion proposed, put and agreed to.

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

The Secretary for Constitutional Affairs moved the following motion and addressed the Council:

Resolved that the Legislative Council (Subscribers and Election Deposit for Nomination)(Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 119 of 2003 and laid on the table of the Legislative Council on 21 May 2003, be amended in section 3 -

(a) by repealing paragraphs (a)(iii) and (b)(iii);

(b) by repealing paragraphs (c) and (d) and substituting -

"(c) by adding -

"(2C) A person whose signature as a subscriber to a nomination paper is in surplus having regard to the required number of subscribers for the purposes of subsection (1)(a) or (2)(a)(ii), as the case may be, shall be regarded as not having subscribed the nomination paper."."

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 Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 125 of 2003 and laid on the table of the Legislative Council on 21 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 9 July 2003.

Question on the motion proposed, put and agreed to.

**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 -

- (a) Registration of Persons (Application for New Identity Cards) Order, published in the Gazette as Legal Notice No. 126 of 2003; and
- (b) Registration of Persons (Application for New Identity Cards) (Repeal) Order 2003, published in the Gazette as Legal Notice No. 127 of 2003,

and laid on the table of the Legislative Council on 21 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 9 July 2003.

Question on the motion proposed, put and agreed to.

**Thanks for the Central Government's support**

Hon NG Leung-sing moved the following motion and addressed the Council:

That this Council thanks the Central People's Government for its support to the Hong Kong Special Administrative Region in the battle against Severe Acute Respiratory Syndrome.

While Hon NG Leung-sing was addressing the Council, the President left the chair at 6:30 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Question on Hon NG Leung-sing's motion proposed.

The President's Deputy stated that Dr Hon LAW Chi-kwong 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 LAW Chi-kwong moved the following amendment to Hon NG Leung-sing's motion and addressed the Council:

To add "; at the same time, this Council urges the Hong Kong Government and appeals to the people of Hong Kong to provide supplies and medical support to the various provinces and cities in the Mainland, and make concerted efforts to prevent the epidemic and minimize the losses caused to the Mainland by Severe Acute Respiratory Syndrome" after "in the battle against Severe Acute Respiratory Syndrome".

Question on Dr Hon LAW Chi-kwong's amendment to Hon NG Leung-sing's motion proposed.

12 Members and Hon TAM Yiu-chung spoke on the motion and the amendment.

At 7:40 pm, while Hon TAM Yiu-chung was speaking, the President resumed the chair.

One more Member spoke on the motion and the amendment.

Hon NG Leung-sing spoke on the amendment.

The Secretary for Health, Welfare and Food spoke on the motion and the amendment.

Question on Dr Hon LAW Chi-kwong's amendment to Hon NG Leung-sing's motion put and agreed to.

Hon NG Leung-sing replied.

Question on Hon NG Leung-sing's motion as amended by Dr Hon LAW Chi-kwong put and agreed to.

### **Revitalizing tourism and encouraging spending**

Hon Howard YOUNG moved the following motion and addressed the Council:

That this Council urges the Government to step up co-operation with various trades and industries to encourage spending through actively supporting community activities such as "We Love Hong Kong" that aim at reviving the economy, and to make its efforts in launching various types of promotional and publicity activities to attract more tourists to Hong Kong, so as to help revive the tourism industry.

Question on Hon Howard YOUNG's motion proposed.

The President stated that Dr Hon LAW Chi-kwong would move an amendment to the motion and that Hon Mrs Selina CHOW would also move an amendment to Dr Hon LAW Chi-kwong's amendment. In accordance with the Rules of Procedure, the motion, the amendment, and the amendment to the amendment would be debated together in a joint debate.

Dr Hon LAW Chi-kwong moved the following amendment to Hon Howard YOUNG's motion and addressed the Council:

To add "; and with increasing passenger flow, the Government should strengthen its quarantine measures at immigration control points on passengers from infected areas to prevent the spread of diseases" after "so as to help revive the tourism industry".

Question on Dr Hon LAW Chi-kwong's amendment to Hon Howard YOUNG's motion proposed.

Hon Mrs Selina CHOW moved the following amendment to Dr Hon LAW Chi-kwong's amendment and addressed the Council:

To add "at various immigration control points" after "and with increasing passenger flow"; to delete "at immigration control points" after "the Government should strengthen its quarantine measures"; and to add ", and at the same time deploy additional staff as appropriate to facilitate passenger movement, so as to maintain a smooth flow at the control points" after "passengers from infected areas to prevent the spread of diseases".

Question on Hon Mrs Selina CHOW's amendment to Dr Hon LAW Chi-kwong's amendment proposed.

Nine Members spoke on the motion and the amendments.

Hon Howard YOUNG spoke on the amendments.

The Secretary for Economic Development and Labour spoke on the motion and the amendments.

Question on Hon Mrs Selina CHOW's amendment to Dr Hon LAW Chi-kwong's amendment put and agreed to.

Question on Dr Hon LAW Chi-kwong's amendment, as amended by Hon Mrs Selina CHOW, to Hon Howard YOUNG's motion put and agreed to.

Hon Howard YOUNG replied.

Question on Hon Howard YOUNG's motion as amended by Dr Hon LAW Chi-kwong's amendment, which had been amended by Hon Mrs Selina CHOW, put and agreed to.

**Next Meeting**

The President declared that the next meeting of the Council would be held on 25 June 2003 at 2:30 pm.

The Council was adjourned at 9:34 pm.

(Mrs Rita FAN HSU Lai-tai)  
President

Council Chamber  
Hong Kong

投票 VOTE: 1  
日期 DATE: 18/06/2003  
時間 TIME: 06:12:33 下午

動議 MOTION: 根據《定額罰款（公眾地方潔淨罪行）條例》動議決議案  
PROPOSED RESOLUTION UNDER THE FIXED PENALTY (PUBLIC CLEANLINESS OFFENCES) ORDINANCE

動議人 MOVED BY: 衛生福利及食物局局長 Secretary for Health, Welfare and Food

出席 Present :45  
投票 Vote :44  
贊成 Yes :32  
反對 No :0  
棄權 Abstain :12  
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	棄權	ABSTAIN
田北俊	James TIEN	贊成	YES	楊耀忠	YEUNG Yiu-chung	贊成	YES
朱幼麟	Dr David CHU	贊成	YES	劉千石	LAU Chin-shek	贊成	YES
何秀蘭	Cyd HO	棄權	ABSTAIN	劉江華	LAU Kong-wah	贊成	YES
何俊仁	Albert HO	棄權	ABSTAIN	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			劉漢銓	Ambrose LAU	贊成	YES
李柱銘	Martin LEE			劉慧卿	Emily LAU	棄權	ABSTAIN
李家祥	Eric LI	贊成	YES	蔡素玉	CHOY So-yuk		
李國寶	Dr David LI			鄭家富	Andrew CHENG		
李華明	Fred LI	棄權	ABSTAIN	司徒華	SZETO Wah	棄權	ABSTAIN
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	棄權	ABSTAIN
吳靄儀	Margaret NG			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	棄權	ABSTAIN	石禮謙	Abraham SHEK	贊成	YES
張文光	CHEUNG Man-kwong	棄權	ABSTAIN	李鳳英	LI Fung-ying	棄權	ABSTAIN
許長青	HUI Cheung-ching			胡經昌	Henry WU	贊成	YES
陳國強	CHAN Kwok-keung	贊成	YES	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		
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			黃成智	WONG Sing-chi	棄權	ABSTAIN
單仲偕	SIN Chung-kai	棄權	ABSTAIN	馮檢基	Frederick FUNG	贊成	YES
黃宏發	Andrew WONG	贊成	YES	葉國謙	IP Kwok-him	贊成	YES
黃宜弘	Dr Philip WONG			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			馬逢國	MA Fung kwok		