

# OFFICIAL RECORD OF PROCEEDINGS

Friday, 19 February 1993

The Council met at half-past Two o'clock

## PRESENT

THE CHIEF SECRETARY (*MEMBER PRESIDING*)

THE HONOURABLE SIR DAVID ROBERT FORD, K.B.E., L.V.O., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, C.B.E., J.P.

THE ATTORNEY GENERAL

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, C.B.E., J.P.

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, C.B.E., J.P.

THE HONOURABLE HUI YIN-FAT, O.B.E., J.P.

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE PANG CHUN-HOI, M.B.E.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE ANDREW WONG WANG-FAT, O.B.E., J.P.

THE HONOURABLE LAU WONG-FAT, O.B.E., J.P.

THE HONOURABLE EDWARD HO SING-TIN, O.B.E., J.P.

THE HONOURABLE MRS PEGGY LAM, O.B.E., J.P.

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, O.B.E., J.P.

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

DR THE HONOURABLE LEONG CHE-HUNG, O.B.E.

THE HONOURABLE JAMES DAVID McGREGOR, O.B.E., I.S.O., J.P.

THE HONOURABLE MRS ELSIE TU, C.B.E.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, J.P.

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE TIMOTHY HA WING-HO, M.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON, J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE GILBERT LEUNG KAM-HO

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., Q.C., J.P.

THE HONOURABLE HENRY TANG YING-YEN, J.P.

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE SAMUEL WONG PING-WAI, M.B.E., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

THE HONOURABLE ANNA WU HUNG-YUK

**ABSENT**

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, O.B.E., J.P.

THE HONOURABLE DAVID LI KWOK-PO, O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

THE HONOURABLE MARTIN GILBERT BARROW, O.B.E., J.P.

THE HONOURABLE PETER WONG HONG-YUEN, O.B.E., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE STEVEN POON KWOK-LIM

DR THE HONOURABLE TANG SIU-TONG, J.P.

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR CLETUS LAU KWOK-HONG

**Papers**

The following papers were laid on the table pursuant to Standing Order 14(2):

*Subject*

Subsidiary Legislation	<i>L.N. No.</i>
Boilers and Pressure Vessels (Exemption) (Consolidation) (Amendment) Order 1993.....	33/93
Public Health and Municipal Services (Public Markets) (Designation and Amendment of Tenth Schedule) Order 1993.....	34/93
Lands Tribunal (Amendment) Rules 1993 .....	35/93
Hawker (Urban Council) (Amendment) Bylaw 1993.....	36/93
Pleasure Grounds (Urban Council) (Amendment) Bylaw 1993 .....	37/93
Declaration of Markets in the Urban Council Area (Amendment) Declaration 1993 .....	38/93

**Election of the President's Deputy**

MEMBER PRESIDING: Members, good afternoon. I now invite nominations for the position of the President's deputy of this Council.

MR ANDREW WONG: Sir, I nominate Mrs Elsie TU for the position of the President's deputy.

MEMBER PRESIDING: Thank you, Mr WONG. Mrs TU, do you accept the nomination?

MRS ELSIE TU: Yes, I do.

MEMBER PRESIDING: Does any Member wish to second the nomination of Mrs TU?

MEMBER PRESIDING: Thank you, Mr Stephen CHEONG and Mr TAM Yiu-chung. Mrs Elsie TU's nomination is seconded by Mr Stephen CHEONG and Mr TAM Yiu-chung.

*Question on Mrs Elsie TU's election to the position of the President's deputy proposed and put.*

MR STEPHEN CHEONG: Point of order, Sir. Would you not think it appropriate to ask whether there are other nominations before you put it to the vote?

MEMBER PRESIDING: I am sorry. *(Laughter)* Are there any other nominations for the position of the President's deputy of this Council?

*Question on Mrs Elsie TU's election to the position of the President's deputy proposed, put and agreed to.*

MEMBER PRESIDING: I hereby declare that Mrs Elsie TU has been elected the President's deputy. Congratulations, Mrs TU. *(Clapping)* Following the election of the President's deputy, I believe this is the last occasion on which I will preside over this Council. May I therefore take this opportunity to thank Members for their patience and good humour during the sittings over which I have presided. Mrs TU, will you please take the Chair? *(Clapping)*

### **Election of the President**

PRESIDENT'S DEPUTY: Thank you very much, colleagues. The Clerk has received only one nomination for the President of this Council. The nominee is Mr John SWAINE. Mr SWAINE's nomination is duly proposed by one Member and seconded by three other Members. Are there any other nominations?

MR MARTIN LEE: I propose that nomination be now closed. *(Laughter)*

PRESIDENT'S DEPUTY: Yes. Any other nominations?

*Question on Mr John SWAINE's election to the position of the President of the Council proposed, put and agreed to.*

PRESIDENT'S DEPUTY: I hereby declare that Mr John SWAINE has been elected the President of this Council. (*Clapping*) Congratulations, Mr President. Will you please take the Chair?

PRESIDENT: Honourable Members, this is an historic day for the Legislative Council and for Hong Kong. It is a milestone in the progress of the Legislature towards independence from the Executive. For the first time, the person who presides in the Legislative Council is the Council's own choice. I am deeply honoured to be that person.

### **Motion**

#### **HONG KONG ROYAL INSTRUCTIONS 1917 TO 1992**

THE FINANCIAL SECRETARY moved the following motion:

"That with effect from 19 February 1993 the Standing Orders of the Legislative Council of Hong Kong be amended -

- (1) in the enactment paragraph, by repealing "1917 TO 1991" and substituting "1917 TO 1992";
- (2) in Standing Order No. 3 -
  - (a) by repealing paragraphs (1), (2) and (3) and substituting -

"(1) There shall be a President of the Council who, when present at a sitting of the Council or a committee of the whole Council, shall preside or be Chairman.

(2) In the absence of the President from a sitting of the Council or a committee of the whole Council, there shall preside at that sitting -

(a) the President's deputy; or

(b) in the absence of the President's deputy from that sitting, the senior ex officio Member present.";

- (b) in paragraph (4) and (5), by repealing "Deputy President" whenever it appears and substituting "President's deputy";

(3) by adding -

**"3A. Election of President and  
President's deputy**

(1) The President shall be elected from amongst their number by Members of the Council excluding the ex officio Members.

(2) The President shall hold office until the dissolution of the Council.

(3) The President's deputy shall be elected on motion (which may be moved without notice) from amongst their number by Members of the Council excluding the ex officio Members.

(4) Unless he sooner vacates office, the President's deputy shall hold office until the first sitting of the Council in the session next following that in which he was elected.

(5) A Member who has vacated office as the President's deputy shall be eligible for re-election to that office at any time.

(6) The election of the President shall be conducted by secret ballot at a sitting of the Council.

(7) A nomination for President shall be made by a Member, other than an ex officio Member, and seconded by at least three other Members, other than ex officio Members, and shall reach the Clerk at least four clear days before the day of the election.";

(4) by adding after Standing Order No. 4A -

**"4AA. Attendance of the Governor**

The Governor may at his discretion attend sittings of the Council, or any committee or sub-committee thereof, for the following purposes -

(a) addressing the Council at any time as he shall think fit, including during a special sitting;

- (b) enabling Members of the Council to put questions to him on any public matter for which the Government is responsible and receive answers thereto; and
  - (c) proposing any policy, measure, bill, resolution, motion or question for debate by and in the Council or any such committee or sub-committee.";
- (5) in Standing Order No. 11(1), by adding ", a sitting under Standing Order No. 4AA or a sitting to elect the President" after "first sitting of a session";
- (6) in Standing Order No. 12, by adding -

"(4) This Standing Order does not apply to the first sitting of a session, a sitting under Standing Order No. 4AA or a sitting to elect a President.";

- (7) by adding -

**"19A. Sitting under Standing Order No. 4AA**

This Part (other than Standing Order No. 18) does not apply to questions put to the Governor under Standing Order No. 4AA.";

- (8) by repealing Standing Order No. 23 and substituting -

**"23. Restriction on motions and amendments**

A motion or amendment, the object or effect of which may, in the opinion of the President or Chairman, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong shall be proposed only by

-

- (a) the Governor;
- (b) a public officer designated by the Governor under Standing Order No. 4B; or
- (c) a Member of the Council expressly authorized or permitted by the Governor to make such a proposal.";



(9) by repealing Standing Order No. 45(6) and substituting -

"(6) An amendment, the object or effect of which may, in the opinion of the Chairman, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong shall be proposed only by -

- (a) the Governor;
- (b) a public officer designated by the Governor under Standing Order No. 4B; or
- (c) a Member of the Council expressly authorized or permitted by the Governor to make such a proposal.";

(10) in Standing Order No. 60C(1) and (6), by repealing "Deputy President" and substituting "President";

(11) in Standing Order No. 67B(4), by repealing "Deputy President appointed by the President for the purposes of this paragraph" and substituting "Member presiding"."

He said: Mr President, I move the resolution standing in my name on the Order Paper.

The resolution proposes a series of amendments to the Standing Orders of the Legislative Council. These amendments are intended to bring the Standing Orders in line with the amendments to the Royal Instructions, which have just been brought into force, to provide the framework for the Governor to hand over the presidency of this Council to an elected President. Within this framework the election of the first elected President has just been held in this Council.

The Administration is taking steps to amend the Royal Instructions further to accommodate the stand-in arrangements for the President as contemplated by Members. The Administration will consult Members on the consequential amendments to the Standing Orders in due course.

The resolution in draft was considered by the House Committee at its meeting on 29 January 1993. The present version has incorporated the changes suggested by Members at that meeting.

Mr President, I beg to move.

*Question on the motion proposed, put and agreed to.*

**Adjournment and next sitting**

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 24 February 1993.

*Adjourned accordingly at Fifteen minutes to Three o'clock.*

*Note:* The short titles of the motion listed in the Hansard have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.