

LEGISLATIVE COUNCIL

MINUTES

No. 15

Minutes of the meeting held on Wednesday 15 January 2003,
Thursday 16 January 2003 and Friday 17 January 2003
at 2:30 pm respectively

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 (absent on 17.1.2003)

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 (absent on 17.1.2003)

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 (absent on 15.1.2003)

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching, JP (absent on 17.1.2003)

The Hon CHAN Kwok-keung

The Hon CHAN Yuen-han, JP (absent on 16.1.2003)

The Hon Bernard CHAN, JP

The Hon CHAN Kam-lam, JP

The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP (absent on 17.1.2003)

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 (absent on 16.1.2003)

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 (absent on 15.1.2003)

The Hon Audrey EU Yuet-mee, SC, JP

The Hon MA Fung-kwok, JP

Public officers attending:

On 15.1.2003, 16.1.2003 and 17.1.2003

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

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

On 15.1.2003 and 17.1.2003

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

On 16.1.2003 and 17.1.2003

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 Patrick HO Chi-ping, JP
Secretary for Home Affairs

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

On 16.1.2003

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

On 17.1.2003

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

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

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

Prof LAU Siu-kai, JP
Head, Central Policy Unit

Clerks in attendance:

On 15.1.2003, 16.1.2003 and 17.1.2003

Mr Ricky FUNG Choi-cheung, JP, Secretary General

On 15.1.2003 and 17.1.2003

Mr LAW Kam-sang, JP, Deputy Secretary General

On 15.1.2003 and 16.1.2003

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

On 16.1.2003

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation / Instruments

L.N. No.

Ocean Park Bylaw (gazetted on 10.1.2003)

1/2003

Other Papers

No.52 - Consumer Council
Annual Report 2001-2002 (published on 7.1.2003)

No.53 - Legal Aid Services Council
Annual Report 2001-2002 (published on 10.1.2003)

Questions

Written replies to Questions 1 to 20 were tabled for Members' information.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Mrs Selina CHOW moved the motion in Appendix I and addressed the Council.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

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

Resolved that Rule 13(1) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region, to the extent that it provides for a Motion of Thanks to be moved at a meeting not less than 14 days after the Chief Executive has presented a Policy Address to the Council, be suspended to enable a Motion of Thanks to be moved at the Legislative Council meeting of 15 January 2003.

Question on the motion proposed, put and agreed to.

Motion of Thanks

Hon Mrs Selina CHOW moved the following motion and addressed the Council:

That this Council thanks the Chief Executive for his address.

Question on the motion proposed. The President stated that Dr Hon YEUNG Sum would move an amendment to the motion and she would invite him to move his amendment at the conclusion of the five debate sessions. In accordance with the Rules of Procedure, the motion and the proposed amendment would be debated together in a joint debate.

The President announced the commencement of the first debate session, which covered the following policy areas: commerce and industry, economic services, financial affairs, information technology and broadcasting and labour.

17 Members and Hon Kenneth TING spoke.

While Hon Kenneth TING was speaking, the President left the chair at 6:00 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another six Members and Hon LAU Wong-fat spoke.

At 7:05 pm, while Hon LAU Wong-fat was speaking, the President resumed the chair.

20 further Members spoke.

The President suspended the meeting at 10:50 pm.

* * * * *

The Council resumed at 2:30 pm on 16 January 2003 and continued to debate the Motion of Thanks moved by Hon Mrs Selina CHOW and the amendment to the motion to be moved by Dr Hon YEUNG Sum.

The Financial Secretary, the Secretary for Financial Services and the Treasury, the Secretary for Commerce, Industry and Technology and the Secretary for Economic Development and Labour spoke.

The President announced the commencement of the second debate session, which covered the following policy areas: food safety and environmental hygiene, health services and welfare services.

16 Members spoke.

The President suspended the meeting at 5:15 pm.

The Council resumed at 5:30 pm.

The Secretary for Health, Welfare and Food spoke.

The President announced the commencement of the third debate session, which covered the following policy areas: education, home affairs and manpower planning.

Hon Timothy FOK spoke.

While Hon Timothy FOK was speaking, the President left the chair at 6:05 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another 11 Members and Hon Andrew CHENG spoke.

At 7:05 pm, while Hon Andrew CHENG was speaking, the President resumed the chair.

Four further Members spoke.

The President suspended the meeting at 7:35 pm.

The Council resumed at 7:45 pm.

The Secretary for Education and Manpower and the Secretary for Home Affairs spoke.

The President announced the commencement of the fourth debate session, which covered the following policy areas: environmental affairs, housing, planning, lands, works and transport.

15 Members spoke.

The President suspended the meeting at 9:30 pm.

The Council resumed at 9:40 pm.

The Secretary for the Environment, Transport and Works and the Secretary for Housing, Planning and Lands spoke.

The President suspended the meeting at 10:25 pm.

* * * * *

The Council resumed at 2:30 pm on 17 January 2003 and continued to debate the Motion of Thanks moved by Hon Mrs Selina CHOW and the amendment to the motion to be moved by Dr Hon YEUNG Sum.

The President announced the commencement of the fifth debate session, which covered the following policy areas: administration of justice, legal services, constitutional affairs, public service and security.

32 Members spoke.

The President suspended the meeting at 6:37 pm.

The Council resumed at 6:47 pm.

The Secretary for Justice, the Secretary for Constitutional Affairs, the Secretary for the Civil Service, the Secretary for Security and the Chief Secretary for Administration spoke.

Hon Mrs Selina CHOW spoke on the amendment.

Dr Hon YEUNG Sum moved the following amendment to Hon Mrs Selina CHOW's motion:

To add ", but deeply regrets that the Government has not proposed in the Policy Address the introduction of a white bill on the enactment of legislation to implement Article 23 of the Basic Law" after "That this Council thanks the Chief Executive for his address".

Question on Dr Hon YEUNG Sum's amendment to Hon Mrs Selina CHOW's motion proposed and put.

Dr Hon YEUNG Sum 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, 25 were present, four were in favour of the amendment, 20 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 16 were in favour of the amendment, 12 against it and one abstained. (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 amendment was negatived.

Hon Mrs Selina CHOW replied.

Question on Hon Mrs Selina CHOW's motion put.

Hon Emily LAU 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, 25 were present, 20 were in favour of the motion and five against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 13 were in favour of the motion and 16 against it. (Voting record in Appendix III.) 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.

Next Meeting

The President declared that the next meeting of the Council would be held on 22 January 2003 at 2:30 pm.

The Council was adjourned at 8:00 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(4) of the Interpretation and
General Clauses Ordinance (Cap. 1))

RESOLVED that in relation to the —

- (a) Securities and Futures (Financial Resources) Rules, published in the Gazette as Legal Notice No. 209 of 2002;
- (b) Securities and Futures (Keeping of Records) Rules, published in the Gazette as Legal Notice No. 210 of 2002;
- (c) Securities and Futures (Accounts and Audit) Rules, published in the Gazette as Legal Notice No. 211 of 2002;
- (d) Securities and Futures (Contract Notes, Statements of Account and Receipts) Rules, published in the Gazette as Legal Notice No. 212 of 2002;
- (e) Securities and Futures (Short Selling and Securities Borrowing and Lending (Miscellaneous)) Rules, published in the Gazette as Legal Notice No. 213 of 2002;
- (f) Securities and Futures (Licensing and Registration) (Information) Rules, published in the Gazette as Legal Notice No. 214 of 2002;
- (g) Securities and Futures (Investor Compensation - Claims) Rules, published in the Gazette as Legal Notice No. 215 of 2002;
- (h) Securities and Futures (Miscellaneous) Rules, published in the Gazette as Legal Notice No. 216 of 2002;
- (i) Securities and Futures (Stock Market Listing) Rules, published in the Gazette as Legal Notice No. 217 of 2002;

- (j) Securities and Futures (Price Stabilizing) Rules, published in the Gazette as Legal Notice No. 218 of 2002;
- (k) Securities and Futures (Disclosure of Interests - Securities Borrowing and Lending) Rules, published in the Gazette as Legal Notice No. 219 of 2002;
- (l) Securities and Futures (Contracts Limits and Reportable Positions) Rules, published in the Gazette as Legal Notice No. 220 of 2002;
- (m) Securities and Futures (Levy) Order, published in the Gazette as Legal Notice No. 221 of 2002;
- (n) Securities and Futures (Levy) Rules, published in the Gazette as Legal Notice No. 222 of 2002;
- (o) Securities and Futures (Investor Compensation - Levy) Rules, published in the Gazette as Legal Notice No. 223 of 2002;
- (p) Securities and Futures (Investor Compensation - Compensation Limits) Rules, published in the Gazette as Legal Notice No. 224 of 2002;
- (q) Securities and Futures (Transfer of Functions - Investor Compensation Company) Order, published in the Gazette as Legal Notice No. 225 of 2002;
- (r) Securities and Futures Ordinance (Amendment of Schedule 10) Order 2002, published in the Gazette as Legal Notice No. 226 of 2002;
- (s) Securities and Futures (Transfer of Functions - Stock Exchange Company) Order, published in the Gazette as Legal Notice No. 227 of 2002;
- (t) Securities and Futures (Fees) Rules, published in the Gazette as Legal Notice No. 228 of 2002;
- (u) Securities and Futures (Disclosure of Interests - Exclusions) Regulation, published in the Gazette as Legal Notice No. 229 of 2002;
- (v) Securities and Futures (Offences and Penalties) Regulation, published in the Gazette as Legal Notice No. 230 of 2002; and

- (w) Securities and Futures Ordinance (Amendment of Schedule 8) Order 2002, published in the Gazette as Legal Notice No. 231 of 2002,

and laid on the table of the Legislative Council on 18 December 2002, 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 12 February 2003.

Appendix II

投票 VOTE: 1
日期 DATE: 17/01/2003
時間 TIME: 07:49:59 下午

動議 MOTION: 楊森議員對周梁淑怡議員所提的「致謝議案」作出的修正案
AMENDMENT BY DR HON YEUNG SUM TO HON MRS SELINA CHOW'S "MOTION OF THANKS"

動議人 MOVED BY: 楊森Dr YEUNG Sum

	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	25	30	
投票 Vote	25	29	
贊成 Yes	4	16	
反對 No	20	12	
棄權 Abstain	1	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	反對	NO	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	反對	NO	李卓人	LBE Cheuk-yan	贊成	YES
李家祥	Eric LI	反對	NO	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	反對	NO	涂謹申	James TO	贊成	YES
吳靄儀	Margaret NG	棄權	ABSTAIN	陳婉嫻	CHAN Yuen-han	反對	NO
周梁淑怡	Mrs Selina CHOW	反對	NO	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			黃宏發	Andrew WONG	贊成	YES
陳國強	CHAN Kwok-keung	反對	NO	曾鈺成	TSANG Yok-sing	反對	NO
陳智思	Bernard CHAN	反對	NO	楊森	Dr YEUNG Sum	贊成	YES
梁劉柔芬	Mrs Sophie LEUNG			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			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	棄權	ABSTAIN
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	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	反對	NO	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
				馬逢國	MA Fung kwok	反對	NO

秘書 CLERK

Appendix III

投票 VOTE: 2
日期 DATE: 17/01/2003
時間 TIME: 07:58:38 下午

動議 MOTION: 「致謝議案」
"MOTION OF THANKS"

動議人 MOVED BY: 周梁淑怡 Mrs Selina CHOW

	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	25	30	
投票 Vote	25	29	
贊成 Yes	20	13	
反對 No	5	16	
棄權 Abstain	0	0	
結果 Result	通過 Passed	否決 Negated	否決 Negated

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

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