

LEGISLATIVE COUNCIL

MINUTES

No. 25

Minutes of the meeting held on Wednesday 30 April 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

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 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 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:

Dr the Hon David LI Kwok-po, GBS, JP

The Hon CHAN Yuen-han, JP

The Hon Abraham SHEK Lai-him, 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

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

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

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

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

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)

Presentation of Petitions

Hon Michael MAK presented a petition to the Council and made a summary statement of the petition in accordance with Rule 20 of the Rules of Procedure.

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. Antiquities and Monuments (Declaration of Proposed Monument) Notice 2003 (gazetted on 11.4.2003)	100/2003
2. Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 4) Notice 2003 (gazetted on 11.4.2003)	101/2003
3. Massage Establishments (Amendment) Ordinance 2001 (28 of 2001) (Commencement) Notice 2003 (gazetted on 11.4.2003)	102/2003
4. Massage Establishments (Amendment) Regulation 2003 (L.N. 51 of 2003) (Commencement) Notice 2003 (gazetted on 11.4.2003)	103/2003
5. Fugitive Offenders (Sri Lanka) Order (L.N. 28 of 2003) (Commencement) Notice 2003 (gazetted on 11.4.2003)	104/2003
6. Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003 (gazetted on 16.4.2003)	107/2003
7. Frontier Closed Area (Permission to Enter) (Amendment) Notice 2003 (gazetted on 17.4.2003)	108/2003
8. Juvenile Offenders (Amendment) Ordinance 2003 (6 of 2003) (Commencement) Notice 2003 (gazetted on 25.4.2003)	109/2003

Other Papers

No.77 - Report No. 40 of the Director of Audit on the results of value for money audits - March 2003 (published on 30.4.2003)

- No.78 - Report of changes to the approved Estimates of Expenditure approved during the third quarter of 2002-03 (Public Finance Ordinance : Section 8) (published on 23.4.2003)
- No.79 - Annual Report 2002
Kowloon-Canton Railway Corporation
(published on 30.4.2003)

Questions

1. Hon Michael MAK asked Question 1.

The Secretary for Health, Welfare and Food replied.

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

2. Hon MA Fung-kwok asked Question 2.

The Secretary for Health, Welfare and Food replied.

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

3. Hon CHEUNG Man-kwong asked Question 3.

The Secretary for Constitutional Affairs replied.

12 Members asked supplementaries and the Secretary for Constitutional Affairs replied.

4. Hon NG Leung-sing asked Question 4.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

5. Dr Hon TANG Siu-tong asked Question 5.

The Secretary for Housing, Planning and Lands replied.

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

6. Hon CHOY So-yuk asked Question 6.

The Secretary for the Environment, Transport and Works replied.

Five 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

Buildings (Amendment) Bill 2003

**Hong Kong Examinations and Assessment Authority (Amendment)
Bill 2003**

Deposit Protection Scheme 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

Buildings (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.

**Hong Kong Examinations and Assessment Authority (Amendment)
Bill 2003**

The Secretary for Education and Manpower 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.

Deposit Protection Scheme 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.

Law Amendment and Reform (Miscellaneous Provisions) Bill 2003

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 19 March 2003 resumed.

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 **Law Amendment and Reform (Miscellaneous Provisions) Bill 2003**.

Question that clauses 1 to 24 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 Justice reported that

the **Law Amendment and Reform (Miscellaneous Provisions) Bill 2003**

had passed through the Committee without amendment. She 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.

Members' Bills

Second Reading

Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 9 April 2003 resumed.

With the leave of the President, Hon Andrew WONG, the Member in charge of the Bill, spoke on the Bill.

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 **Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002**.

Question that clauses 1, 2 and 3 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

Hon Andrew WONG reported that

the **Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002**

had passed through the Committee without amendment. 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.

Members' Motions

Proposed resolution under the Interpretation and General Clauses Ordinance

Hon Andrew WONG moved the following motion and addressed the Council:

Resolved that in relation to the -

- (a) Maximum Amount of Election Expenses (Village Representative Election) Regulation, published in the Gazette as Legal Notice No. 81 of 2003; and
- (b) Electoral Procedure (Village Representative Election) Regulation, published in the Gazette as Legal Notice No. 82 of 2003,

and laid on the table of the Legislative Council on 2 April 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 21 May 2003.

Question on the motion proposed, put and agreed to.

The whole community battling against adversity

Hon LAU Kong-wah moved the following motion and addressed the Council:

That this Council expresses gratitude to the medical and health care personnel in Hong Kong and all organizations taking part in the battle against atypical pneumonia for their tireless efforts and whole-hearted contribution, and calls on the whole community to carry on with the concerted and positive spirit in its battle against atypical pneumonia, in order to cope with the current acute situation; this Council also urges the Government to take the lead in offering assistance to industries and trades hard hit by the outbreak of atypical pneumonia and the employees thus affected, and to vigorously promote health and hygiene activities with a view to enhancing the physical and mental health of residents.

Question on Hon LAU Kong-wah's motion proposed.

The President stated that Hon LEUNG Yiu-chung, Dr Hon LAW Chi-kwong and Hon Michael MAK would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

Hon LEUNG Yiu-chung and Dr Hon LAW Chi-kwong spoke respectively on the motion and the amendments.

Hon Michael MAK declared that he was an employee of Hospital Authority and spoke on the motion and the amendments.

Seven Members and Hon Miriam LAU spoke on the motion and the amendments.

While Hon Miriam LAU was speaking, the President left the chair at 6:42 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another 14 Members and Hon James TIEN spoke on the motion and the amendments.

At 8:18 pm, while Hon James TIEN was speaking, the President resumed the chair.

Nine more Members spoke on the motion and the amendments.

Hon LAU Kong-wah spoke on the amendments.

The Secretary for Health, Welfare and Food and the Secretary for Economic Development and Labour spoke on the motion and the amendments.

Hon LEUNG Yiu-chung moved the following amendment to Hon LAU Kong-wah's motion:

To add ", front-line cleansing workers" after "That this Council expresses gratitude to the medical and health care personnel"; to add "as the numbers of infections and deaths remain persistently high, and the infections among medical and health care personnel are particularly worrying, the epidemic has already posed a threat to the very survival of Hong Kong," after "in order to cope with the current acute situation;"; to delete "also" after "this Council" ; to add "Hong Kong Special Administrative Region" after "urges the"; to delete "take the lead in offering assistance to" after "Government to" and substitute with "accord top priority to the task of tackling atypical pneumonia; to take all practicable measures to contain the epidemic; to increase the strength of the measures to rescue the market and alleviate people's hardship so that"; to delete ", " after "and the employees thus affected" and substitute with "will be given concrete and sufficient assistance; to allocate additional resources for purchasing protective gear for medical and health care personnel and cleansing workers to fight the epidemic, and for providing the poor with the basic necessities for epidemic prevention;"; and to add "; at the same time, this Council demands that the Hong Kong Special Administrative Region Government urge the Central People's Government to oblige local governments at various levels to honestly disclose information on the epidemic situation in various places and enhance the exchange of information and cooperation with the Hong Kong Special Administrative Region Government" after "and to vigorously promote health and hygiene activities with a view to enhancing the physical and mental health of residents".

Question on Hon LEUNG Yiu-chung's amendment to Hon LAU Kong-wah's motion proposed, put and agreed to.

The President stated that as Hon LEUNG Yiu-chung's amendment had been agreed, she granted leave for Dr Hon LAW Chi-kwong to revise the terms of his amendment.

Dr Hon LAW Chi-kwong moved the following revised amendment to Hon LAU Kong-wah's motion as amended by Hon LEUNG Yiu-chung and explained the revised wording of his amendment to the Council:

To add "; this Council also urges the Government to take decisive measures and allocate additional resources for the deployment of more medical and health care personnel in the public sector to fight the epidemic; to take comprehensive measures to stop the further spread of the epidemic through passenger movements to and from the territory; to improve the maintenance and management of buildings; to employ more staff to promote health education and public hygiene work; and to provide support and information for educational institutions, education workers and ethnic minorities, etc., with a view to strengthening the immunization efforts" after "enhance the exchange of information and cooperation with the Hong Kong Special Administrative Region Government".

Question on Dr Hon LAW Chi-kwong's amendment to Hon LAU Kong-wah's motion as amended by Hon LEUNG Yiu-chung proposed, put and agreed to.

The President stated that as Hon LEUNG Yiu-chung and Dr Hon LAW Chi-kwong's amendments had been agreed, she granted leave for Hon Michael MAK to revise the terms of his amendment.

Hon Michael MAK moved the following revised amendment to Hon LAU Kong-wah's motion as amended by Hon LEUNG Yiu-chung and Dr Hon LAW Chi-kwong and explained the revised wording of his amendment to the Council:

To add ", as well as to establish a research fund in order to further understand and control the epidemic" after "with a view to strengthening the immunization efforts".

Question on Hon Michael MAK's amendment to Hon LAU Kong-wah's motion as amended by Hon LEUNG Yiu-chung and Dr Hon LAW Chi-kwong proposed, put and agreed to.

Hon LAU Kong-wah replied.

Question on Hon LAU Kong-wah's motion as amended by Hon LEUNG Yiu-chung, Dr Hon LAW Chi-kwong and Hon Michael MAK put and agreed to.

Labour Day

Hon LAU Chin-shek moved the following motion and addressed the Council:

That, on the eve of Labour Day on 1 May, this Council urges the Government to ensure that all workers in Hong Kong enjoy the right to decent work.

Question on Hon LAU Chin-shek's motion proposed.

The President stated that Hon LEUNG Fu-wah would move an amendment to the motion and that Hon Andrew CHENG would also move an amendment to Hon LEUNG Fu-wah'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.

Hon LEUNG Fu-wah moved the following amendment to Hon LAU Chin-shek's motion and addressed the Council:

To delete "the right to decent work" after "this Council urges the Government to ensure that all workers in Hong Kong enjoy" and substitute with "reasonable and lawful labour rights; at the same time, this Council calls on the Government and people from all walks of life to make concerted efforts, care for each other and build a more harmonious labour relationship, through enhancing the consciousness of the need to safeguard labour rights".

Question on Hon LEUNG Fu-wah's amendment to Hon LAU Chin-shek's motion proposed.

Hon Andrew CHENG moved the following amendment to Hon LEUNG Fu-wah's amendment and addressed the Council:

To add "and, in line with the recommendations of the International Labour Organization, to adopt the promotion of rights at work, employment, social protection and social dialogue as its strategic objectives" after "this Council urges the Government to ensure that all workers in Hong Kong enjoy reasonable and lawful labour rights".

Question on Hon Andrew CHENG's amendment to Hon LEUNG Fu-wah's amendment proposed.

13 Members spoke on the motion and the amendments.

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

Question on Hon Andrew CHENG's amendment to Hon LEUNG Fu-wah's amendment put and agreed to.

Question on Hon LEUNG Fu-wah's amendment, as amended by Hon Andrew CHENG, to Hon LAU Chin-shek's motion put and agreed to.

Hon LAU Chin-shek replied.

Question on Hon LAU Chin-shek's motion as amended by Hon LEUNG Fu-wah's amendment, which had been amended by Hon Andrew CHENG, put and agreed to.

Next Meeting

The President declared that the next meeting of the Council would be held on 7 May 2003 at 2:30 pm.

The Council was adjourned at 11:58 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong