

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 6 December 2000

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

THE HONOURABLE KENNETH TING WOO-SHOU, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE DAVID CHU YU-LIN

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, J.P.

THE HONOURABLE LEE CHEUK-YAN

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

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

DR THE HONOURABLE DAVID LI KWOK-PO, J.P.

THE HONOURABLE FRED LI WAH-MING, J.P.

DR THE HONOURABLE LUI MING-WAH, J.P.

THE HONOURABLE NG LEUNG-SING

PROF THE HONOURABLE NG CHING-FAI

THE HONOURABLE MARGARET NG

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE BERNARD CHAN

THE HONOURABLE CHAN KAM-LAM

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE WONG YUNG-KAN

THE HONOURABLE JASPER TSANG YOK-SING, J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE YEUNG YIU-CHUNG

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH

THE HONOURABLE LAU WONG-FAT, G.B.S., J.P.

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

THE HONOURABLE AMBROSE LAU HON-CHUEN, J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

THE HONOURABLE LAW CHI-KWONG, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

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

THE HONOURABLE ABRAHAM SHEK LAI-HIM, J.P.

THE HONOURABLE LI FUNG-YING, J.P.

THE HONOURABLE HENRY WU KING-CHEONG, B.B.S.

THE HONOURABLE TOMMY CHEUNG YU-YAN, J.P.

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE LEUNG FU-WAH, M.H., J.P.

DR THE HONOURABLE LO WING-LOK

THE HONOURABLE WONG SING-CHI

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

MEMBERS ABSENT:

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE TIMOTHY FOK TSUN-TING, S.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE MRS ANSON CHAN, G.B.M., J.P.
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE DONALD TSANG YAM-KUEN, J.P.
THE FINANCIAL SECRETARY

MR I G M WINGFIELD, J.P.
THE SECRETARY FOR JUSTICE

MR NICHOLAS NG WING-FUI, J.P.
SECRETARY FOR TRANSPORT

MR DOMINIC WONG SHING-WAH, G.B.S., J.P.
SECRETARY FOR HOUSING

MR JOSEPH WONG WING-PING, G.B.S., J.P.
SECRETARY FOR THE CIVIL SERVICE

DR YEOH ENG-KIONG, J.P.
SECRETARY FOR HEALTH AND WELFARE

MRS REGINA IP LAU SUK-YEE, J.P.
SECRETARY FOR SECURITY

MS SANDRA LEE SUK-YEE, J.P.
SECRETARY FOR ECONOMIC SERVICES

CLERKS IN ATTENDANCE:

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

MR LAW KAM-SANG, J.P., DEPUTY SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Money Lenders (Amendment) Regulation 2000.....	345/2000
Securities (Miscellaneous) (Amendment) (No. 2) Rules 2000	346/2000
Tax Reserve Certificates (Rate of Interest) (No. 11) Notice 2000	347/2000
Mass Transit Railway Ordinance (Cap. 556) (Commencement) (No. 2) Notice 2000	348/2000

Other Papers

- No. 35 — Annual Report of the Protection of Wages on Insolvency Fund Board 1999-2000
- No. 36 — Office of the Privacy Commissioner for Personal Data, Hong Kong
Annual Report 1999-2000
- No. 37 — Ocean Park Corporation
Annual Report 1999-2000

ADDRESS

PRESIDENT (in Cantonese): Address. Mr Henry WU will address the Council on the Ocean Park Corporation Annual Report 1999-2000.

Ocean Park Corporation Annual Report 1999-2000

MR HENRY WU (in Cantonese): Madam President, tabled before the Council today is the Ocean Park Corporation Annual Report 1999-2000

In the financial year ended June 2000, Ocean Park received 3.3 million visitors, an increase of 6% over the previous year. Tourists from mainland China, who now account for the single largest percentage of total tourist arrivals in Hong Kong, represented 70% of the Park's total tourist attendance. As one of the must-see attractions on the mainland visitors' itineraries, Ocean Park has come to play a truly essential role in the local tourism industry.

During the year, Hong Kong's unsettled economy continued to pose challenges to the Park, but we managed to reduce the annual deficit substantially, from HK\$85 million and HK\$33 million respectively of the two prior years to HK\$23 million. In the past year, we continued to add, enhance and introduce new facilities, educational programmes and extended significant support to wildlife conservation. It demonstrated once again that we would not compromise our responsibility of providing quality and value-for-money services for our visitors even in times of economic adversity.

Indeed, this was another important and noteworthy year that underlined Ocean Park's continuing commitment to wildlife conservation. In June 2000, our Ocean Park Dolphin Breeding Programme in conjunction with the Hong Kong Polytechnic University scored a world's breeding first with the successful pregnancy of two bottlenose dolphins by artificial insemination. The programme attracted scientific and media attention from all over the world and has been acknowledged as being at the forefront of marine mammal care and breeding science in supporting their many wildlife conservation programs. We also donated HK\$4.8 million to the Ocean Park Conservation Foundation and the Hong Kong Society for Panda Conservation in support of their many wildlife conservation projects.

Ocean Park continues to play an important educational role in society. During the year, the Park conducted educational tours for more than 28 000 enthusiastic students in Hong Kong bringing its eight years total student participation to over 200 000. Our goal is to teach our younger generation about the beauty and value of nature and integrate every child's visit to Ocean Park into a part of their lifelong learning process.

We believe that, as the international business community is becoming increasingly concerned with the quality of life and environmentally enlightened, what the Park has done so well and will continue to do in the future about wildlife conservation and protecting the environment will contribute to the competitiveness of Hong Kong as a world-class city and business centre.

For the new financial year, new, exciting facilities are scheduled to open as part of the Park's continuous capital improvement plan. They include a themed "Mine Train Roller Coaster", the "Pacific Pier" featuring California sea lions and harbour seals, and a breath-taking thrill ride called the "Abyss Turbo Drop". These attractions will certainly consolidate the Park's status as the preferred entertainment venue for local people and as a world-class tourist destination for international visitors.

Indeed, the Park is now widely recognized as one of the most familiar icons of Hong Kong and a pillar of the local tourism industry. Its success has become intertwined with the welfare and prosperity of Hong Kong. We look forward to working closely with the Government and will continue to contribute to the greater good of the people of Hong Kong in the new millennium.

Madam President, I so submit.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. I would like to inform Members that question time normally does not exceed one and a half hours, with each question being allocated some 12 to 15 minutes. Supplementaries should be as concise as possible and Members should not make statements when asking supplementaries.

First question.

Fire Safety of Tunnel Tube Boards

1. **MR IP KWOK-HIM** (in Cantonese): *Madam President, it has been reported that the tube boards of the Lion Rock Tunnel and the Aberdeen Tunnel are made of a plastic material, which will release poisonous gas on combustion. In this connection, will the Government inform this Council whether:*

- (a) *it has assessed if the tube boards of the two tunnels comply with fire safety standards; if so, of the results of the assessment;*
- (b) *it has plans to replace the tube boards of the two tunnels; if so, of the commencement and completion dates of the works; and the measures it will take to enhance the fire safety of the two tunnels before the completion of such works; and*
- (c) *it has taken out insurance against casualties caused by such tube boards?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, all tunnels are equipped with fire protection and fire fighting installations which comply fully with the requirements of the Fire Services Department (FSD) and are maintained by registered fire service installation contractors. Besides, tunnel operators are also required to establish procedures for handling fire incidents. Such procedures are reviewed regularly on the basis of the latest development in tunnel emergency management. In addition to regular internal fire fighting training, tunnel operators also hold fire drills with the FSD at least once a year to enhance the fire fighting capabilities of their staff.

Only one tunnel, the Lion Rock Tunnel, which was opened some 30 years ago, has tube boards made of a plastic material called Polyvinyl Chloride (PVC). This material is not harmful and is combustible with release of poisonous gas only when it is burnt continuously up to a temperature of 750 degrees Celsius. However, the fire risk of such an occurrence is extremely remote as the existing fire fighting installations in the tunnel are designed to meet the latest fire safety standards.

Apart from regular maintenance, the Highways Department (HyD) also reviews periodically the condition of the tube boards and plans for their upgrading when better alternative material becomes available. Indeed, the HyD will commence upgrading the tube boards of the Lion Rock Tunnel next year. The replacement programme will take two years. During the works period, the HyD and the Transport Department will ensure that safe and uninterrupted operation is maintained for the Tunnel.

The Government requires tunnel operators to take out adequate insurance coverage for injury to persons or damage to property arising out of the operation and maintenance of the tunnels. Such public liability insurance covers any accidents, including claims arising out of tunnel tube boards.

MR IP KWOK-HIM (in Cantonese): *Madam President, just now the Secretary said that the plastic material in question was combustible with release of poisonous gas only when it was burnt continuously up to a high temperature, and that the fire risk of such an occurrence was extremely remote. In addition, the Secretary also said that the fire fighting installations in the Lion Rock Tunnel were designed to meet the latest fire safety standards. Nevertheless, despite the extremely remote possibility that fire risk of this kind will happen, an occurrence did take place in a foreign place, Austria, recently. The Government is also aware that in the fire incident in Austria that caused close to 100 casualties, the tube boards of the tunnel concerned are also made of PVC. In this connection, may I ask the Secretary whether we can consider it not an issue just because the risk of such fire happening is extremely remote? Could the Secretary inform this Council whether the Government has in place any measure to safeguard the safety of the public in using the tunnels?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, a temperature of 750 degrees Celsius is high enough to burn down an entire tunnel. In a recent fire incident that took place in the Cross-Harbour Tunnel, a vehicle was on fire for some 20 minutes and the highest temperature reached then was merely around 40 to 50 degrees. If the tube boards should be burnt up to a temperature of 750 degrees Celsius, the entire Lion Rock Tunnel would be burnt to ashes. On the other hand, the Tunnel is equipped with sufficient fire fighting installations to deal with fire risk. In case Honourable Members should wish to have a clearer picture, I have at hand some information on the fire fighting installations of the Lion Rock Tunnel. At present, the Lion Rock Tunnel is equipped with 32 fire alarm breakglass units, 56 emergency alert telephones, 32 fire hydrants and 56 fire extinguishers. In the event of a fire breaking out inside the Tunnel, these basic installations should be sufficient to cater for emergency needs. As I said in my main reply just now, tunnel operators and relevant government departments will check and keep in view the condition of these fire fighting installations from time to time to ensure their proper functioning.

MR ANDREW CHENG (in Cantonese): *Madam President, both the main reply and the oral reply made by the Secretary just now give us the impression that the chance of the Lion Rock Tunnel having a fire that would burn up to a temperature of 750 degrees Celsius is pretty remote, and that the fire fighting installations of the Tunnel are of acceptable standards. However, in the third paragraph of his main reply the Secretary also mentioned that the tube boards of the Lion Rock Tunnel would soon be replaced. In this connection, may I ask the Secretary whether the Government was unaware of the issue in question before it has decided to replace the tube boards? Could the Secretary also inform this Council whether the Government would now admit that there are problems with the design of the tube boards concerned, and whether it could guarantee that it would not commit the same mistake again after replacing the tube boards?*

SECRETARY FOR TRANSPORT (in Cantonese): *Madam President, I have made it clear that the plastic material PVC used in the Lion Rock Tunnel is not harmful. This material is combustible with release of poisonous gas only when it is burnt up to an extremely high temperature. As regards the question what material will be used to make tunnel tube boards, it would depend on the availability of new alternatives. In fact, at present, the tube boards of other tunnels are made of other types of material. Where necessary, we will replace the tunnel tube boards in the light of their level of depletion. Given that the existing tube boards of the Lion Rock Tunnel are not made of harmful material, and that the fire fighting installations in the Tunnel are capable of tackling fire risk, we will replace the tube boards only when such need arises. Actually, we have already planned to replace the tube boards of the Lion Rock Tunnel before any problem had ever arisen. In this connection, even though the tube boards of the Aberdeen Tunnel are made of another kind of material, we have also planned to replace them on the ground that they have been depleted to a level that calls for replacement. So, replacing the tunnel tube boards is in fact a process in routine repair and maintenance works.*

MR LAU KONG-WAH (in Cantonese): *Madam President, although the chance of fire risk occurring is pretty remote, many accidents are the accumulated results of many coincidences while others are brought about by some unexpected circumstances. Considering that the tube boards of the Lion Rock Tunnel have been scheduled for replacement next year, and that the tube boards of other tunnels are made of other types of material, I just cannot understand why the*

Secretary for Transport does not consider advising the HyD to try using a new kind of material when replacing the tube boards next year. May I ask the Secretary whether he would advise the HyD to do so or to use tube boards made of safer material like those of other tunnels, thereby preventing the occurrence of similar accidents?

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, perhaps I did not explain clear enough just now. When replacing the tube boards of the Lion Rock Tunnel next year, we will certainly use the latest material available. This is the fundamental direction of our replacement programme.

DR RAYMOND HO (in Cantonese): *Madam President, just now the Secretary said that the tube boards of the Lion Rock Tunnel would be combustible with release of poisonous gas only when they were burnt up to an extremely high temperature, and that decisions had been made for these tube boards to be replaced. The Lion Rock Tunnel is not very long in length, just slightly more than one kilometre. May I ask the Secretary whether the two-year works period could be shortened despite the fact that safe and uninterrupted operation must be maintained for the Tunnel?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the Lion Rock Tunnel has two tubes. Since we will definitely ensure that normal operation of the tubes are maintained for the Tunnel when replacing the tube boards, the replacement works will basically be conducted at nights when one of the two tubes has been closed. On the one hand, we must at least ensure that the continuous operation of the two tubes can be maintained during peak hours; on the other hand, we also need time to complete the replacement works. So, the replacement works could only be conducted at night, and naturally the replacement programme would take a longer time to complete. Having said that, we will strive to speed up the progress of the programme as far as practicable.

MISS CHOY SO-YUK (in Cantonese): *Madam President, in answering a supplementary question just now the Secretary mentioned that there were tunnel tube boards made of different kinds of material. In this connection, could the*

Secretary inform this Council whether the Government would carry out on its own initiative comprehensive and scientific tests in respect of the materials concerned, or it would rely solely on the information provided by suppliers?

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, we will certainly listen to the recommendations made by material suppliers, but we will not adopt their recommendations indiscriminately. We will collect information on our own efforts before deciding on the new material to be used. As a matter of fact, the industry concerned has already offered us plenty of information for our reference.

PRESIDENT (in Cantonese): Miss CHOY So-yuk, which part of your supplementary question has not been answered?

MISS CHOY SO-YUK (in Cantonese): *Madam President, my supplementary question was on whether or not the Government would conduct tests on its own initiative.*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the Government certainly will.

MR IP KWOK-HIM (in Cantonese): *Madam President, in view of the serious fire incident that took place in Austria recently, may I ask the Secretary whether the Government has compared the materials used to construct the relevant Austrian tunnel and that used for the tunnels in Hong Kong? Could the Secretary also inform this Council whether the fire had burnt up the tunnel concerned to a temperature exceeding 750 degrees Celsius? It seemed that the case of that tragic incident was slightly different, as the casualties were caused by the poisonous gas released. Could the Secretary inform this Council whether the Government has looked into the serious accidents causing great casualties that took place in tunnels overseas recently; and whether the Government has mastered the relevant information that could ensure safety for the people of Hong Kong in using tunnels?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I do not have at hand the detailed information on the causes leading to the Austrian fire incident concerned and the final investigation results. I believe investigations are still in progress. Leaving aside the situations of countries overseas, on our part we must always stay alert and ensure that the installations and facilities of tunnels are on par with the established safety standards. In particular, we must make sure that the emergency and safety installations are capable of meeting the actual needs during fire incidents.

DR RAYMOND HO (in Cantonese): *Madam President, with technology developing continuously, there will always be new products made of new materials. Sometimes, it is only after some incidents have taken place that we come to realize that certain materials which used to be considered as acceptable are in fact harmful. Could the Secretary inform this Council when was the last time that the Government conducted any tunnel tube reviews, including the review of the fire safety standards of the tube boards used in vehicle tunnels and train tunnels; and when would the coming review be conducted?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I am sorry that I do not have at hand detailed information in this respect. I will provide the answer in a written reply. (Annex I)

MISS CHOY SO-YUK (in Cantonese): *Madam President, could the Secretary inform this Council whether any guidelines on when to conduct reviews or material replacement have been drawn up; and if not, whether the Government would consider formulating such guidelines?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, we have already had in place such guidelines. We have already given instructions on when tunnel installations, including tube boards, should be conducted under the specifications for routine repair and maintenance works. In addition, we have also formulated standard requirements specifying that tunnel tube boards must be replaced when the problem of depletion has reached a certain level. We have laid down detailed requirements for the procedure and specifications of routine repair and maintenance works.

MR LAU KONG-WAH (in Cantonese): *Madam President, just now the Secretary clarified that the old tunnel tube boards that might be harmful would be replaced within the coming two years. In this connection, may I ask the Secretary which type of tube boards would be used in place of the old ones? Could the Secretary also inform this Council whether the material concerned has been used in other tunnels, and whether it would have any other harmful effect?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the tube boards of the tunnels completed in recent years are largely made of two types of material, namely, vitreous enamel panel (VEP) and fibre cement sheet. As for the three cross-harbour tunnels in Hong Kong, actually they have no tube boards but only cement walls. As regards the more recently constructed tunnels, fibre cement sheets are used in the Tai Lam Tunnel while VEP are used in the Junk Bay Tunnel, the Tate's Cairn Tunnel and the Shing Mun Tunnel. Actually, the Lion Rock Tunnel is the only tunnel installed with PVC tube boards. The Tunnel has been opened more than 30 years ago, and PVC should be the most common material according to the then technology standards. The recently built tunnels have already used other comparatively newer materials.

PRESIDENT (in Cantonese): Mr LAU Kong-wah, which part of your supplementary question has not been answered?

MR LAU KONG-WAH (in Cantonese): *Madam President, the Secretary has not answered the part of my supplementary question asking about the type of new material to be used in the Lion Rock Tunnel. Just now he brought up two types of material, but we still do not know which type would be used in the Lion Rock Tunnel.*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the final decision has yet to be made. The HyD will choose in the light of the actual conditions the most economical, latest and safest type of material for the Tunnel.

PRESIDENT (in Cantonese): Second question.

Dental Services Provided by Department of Health

2. **MR JASPER TSANG** (in Cantonese): *Madam President, as people grow of age, apart from having illness in the eyes, they would also be concerned about their teeth. (Laughter) With regard to the services provided by dental clinics under the Department of Health (DH), will the Government inform this Council:*

- (a) *of the total number of attendances for services at such clinics in the past three years by civil servants, pensioners and their dependants, with a breakdown by service items, the percentage of each service item in the total number of attendances, as well as the total public expenditure involved; how these figures compare to the corresponding figures of the dental services provided to the public;*
- (b) *of the respective average utilization rates in the past three years in respect of the dental consultation sessions reserved for the two categories of persons mentioned above; and*
- (c) *whether it plans to provide comprehensive dental services to the public, especially the provision of dental care service to the elderly; if so, of the details; if not, the reasons for that?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President,

- (a) and (b)

Statistics on the total number of attendance, expenditure and utilization rates of dental clinics under the DH are set out at Annex. Information on breakdown of service items is not collected routinely and will require considerable manpower resources to compile.

I would like to point out that the dental services provided to civil servants are part of the package provided by the Government, as an employer, to its employees.

- (c) The Government's main objectives are to raise oral health awareness in the community and to provide preventive and promotive oral health care services to the public. We consider that, in the present circumstances, this is the best approach in directing public resources to achieve the most desirable health outcome for the population.

The School Dental Care Service (SDCS) promotes oral hygiene and provides basic and preventive dental care to primary school children. In the 1999-2000 school year, about 428 900 primary school children participated in the SDCS, accounting for 87% of the total primary school children population in Hong Kong.

In collaboration with professional bodies, non-governmental organizations and oral health care industries, the DH promotes oral health in the community through educational and promotional activities, dissemination of oral health information, organizing exhibitions and campaigns and providing a 24-hour Oral Health Education Hotline service. Moreover, fluoridation of water supply, which is a safe and effective means to prevent tooth decay, has been introduced in Hong Kong since 1961.

In addition, the Government provides emergency and pain relief dental care services to the general public through 11 dental clinics. The hospital oral-maxillo-facial surgery and dental units provides specialist and emergency services to patients of public hospitals, as well as dental care to those with special oral health needs. Dental grants are payable to recipients of the Comprehensive Social Security Assistance (CSSA) Scheme who are older persons aged 60 or above, disabled or medically certified to be in ill-health. Moreover, the Prince Philip Dental Hospital provides treatment to members of the public as part of its teaching programme.

The private sector and dental clinics run by non-governmental organizations presently play an important role in providing dental care services to the public, complemented by selected services provided by the Government. We consider that, given the existing health care financing arrangements, the present mix of service providers is appropriate.

Statistics on dental services

A Total number of attendance

	<i>Civil Servants</i>	<i>Students*</i>	<i>Public General</i>
1997	568 000	529 200	83 900
1998	610 000	567 700	91 000
1999	656 000	577 200	98 200

* refer to attendance for the respective academic year

B Expenditure (\$ million)

	<i>Civil Servants</i>	<i>Students</i>	<i>Public General</i>
1997-1998	315.4	138.5	35.8
1998-1999	349.3	154.5	39.3
1999-2000	366.6	163.5	46.2

C Breakdown by service items

Each person who visits the clinics may utilize one or more services. Information on service items is not collected routinely and will require considerable manpower resources to compile.

D Average utilization rates

	<i>Civil Servants</i>	<i>General Public</i>
1997	100%	83.5%
1998	100%	87.9%
1999	100%	86.7%

Notes

The civil servants category includes services provided to civil servants, pensioners and eligible dependents.

The general public category includes services provided to general public at general dental clinics and hospital dental units.

The student category includes services provided to participants of the School Dental Care Service.

MR JASPER TSANG (in Cantonese): *Madam President, the Secretary has stated in the last paragraph of his main reply that the Government considers that the present mix of service providers for dental care services, that is, the private sector and dental clinics run by non-governmental organizations, is appropriate. On what basis does the Government make such judgement? We can know from the total number of attendance by civil servants and their dependants that though many oral health measures have been taken, the public still has high demands for curative dental services. As far as I know, a lot of old people fail to have their oral health safeguarded because they cannot obtain public oral health services while private services are very expensive. Has the Government found out more about the general oral health conditions of the elderly before making the judgement that such services are adequate?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I have just said that given the existing health care financing arrangements, the present mix of service providers is appropriate. All the curative services we provide must match with the local medical system, for example, there are private sector (private doctors and private dentists) services and also services provided by non-profitmaking and non-governmental organizations. Generally speaking, the services provided by non-profitmaking and non-governmental organizations would charge less, and the Government would also provide similar services. Public hospitals and clinics cannot provide all Hong Kong people with all the services they need.

DR LO WING-LOK (in Cantonese): *Madam President, when the Secretary responded to part (c) of the main question, he has said that dental grants are payable to some recipients of the CSSA Scheme and other protection schemes. But as far as I know, the grants can only be used on some non-governmental or designated dental clinics and the charges of such clinics may not be the lowest and their services may not necessarily be the best. Will the Secretary consider extending the scope of application of the grants to include all registered dentists in Hong Kong so that under market competition, those people can receive better services?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): *Madam President, the fees chargeable by the 28 non-governmental organizations currently providing services to CSSA recipients have actually been assessed, and CSSA recipients can make use of the grants for attendance at those 28 non-governmental organizations and they can also choose to attend private dental clinics. The grants they receive will be equal to the amount generated from a fee assessment of the 28 non-governmental organizations.*

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, talking about the dental services of the DH, apart from the SDCS that provides dental examination, in the year 1999, the utilization of dental services by civil servants was seven times that by the public. On average, every civil servant and his dependants attended a dental clinic for more than three times a year, and the expenses so incurred were eight times that incurred by the public while the total annual expenses reached \$0.36 billion. Why do civil servants suffer from toothaches so often and require annual attendance at dental clinics? Is it because the service is free and therefore has to be fully utilized? Would there be any incidence of abuse?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): *Madam President, as far as I know, there is 100% utilization of dental clinics by civil servants and they have to wait for a long time before they could obtain the services. At present, we may not be able to provide every civil servant with all the services needed.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I would like to add something. In fact, the dental services enjoyed by civil servants are the fringe benefits as promised in the government contracts and I do not believe civil servants will abuse these services. As resources are limited, every civil servant attends a dental clinic once a year on average. As for the example of three attendance just cited by Mr CHEUNG Man-kwong, individual civil servants may have toothache and dental problems and they may have to undergo treatment procedures that last a few days. As the opportunity is hard to come by, civil servants will all treasure it and the average utilization rate is therefore 100%.

DR TANG SIU-TONG (in Cantonese): *Madam President, it is stated in part (c) of the main reply that 87% of the total primary school children population in Hong Kong has participated in the SDCS while 13% of them has not participated in the scheme. What is the reason for their failure to participate in the SDCS? Does the Government intend to allow the remaining school children to participate in the scheme?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, of course, we encourage school children to participate in the SDCS, but whether they will participate ultimately depends on their own choice and that of their parents. The DH will try its best to make arrangements to facilitate participation by school children such as making arrangements for special coaches to carry school children to the clinics for a check-up. The DH has actively launched publicity activities in the hope that all school children will participate in the dental health services.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, it is a strain for poor old people who are not CSSA recipients if they need to crown a slit because it will cost them thousands of dollars. Will the Government consider helping these old people so that they can enjoy a variety of gourmet food?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, if low-income CSSA recipient households are in difficulty, they can be granted curative dental service allowance. I am not quite sure how many

more old people are in financial difficulty, but such services are provided by a number of non-profiteering and non-governmental organizations and those who are financially worse-off could make reference to them and see whether these organizations can provide services at lower charges.

MR LAW CHI-KWONG (in Cantonese): *Madam President, has the Government considered providing ancillary oral health check-up also at the existing Elderly Health Centres for the elderly who have participated in the scheme?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, at present, these centres are not suitable for the provision of oral health services because they lack the necessary equipment.

MR LAW CHI-KWONG (in Cantonese): *Madam President, I know that the centres do not have the necessary equipment, but will the Government consider providing these additional services?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, in the light of the existing financing arrangements, the Government will not consider doing so.

MR YEUNG YIU-CHUNG (in Cantonese): *Madam President, the Secretary has just said that the existing financing arrangements are appropriate. But as the public has an earnest need for dental care, will the Government consider reviewing the existing arrangements for the public to receive dental services?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I have not said that the existing financing arrangements are appropriate but I have said that given the existing health care financing arrangements, the present mix of service providers is appropriate. We are now considering the future medical financing system and will submit the matter to the Legislative Council for discussion in the future in order to see how the

Government can maintain high quality services in the long run and which financial modes are affordable by the public.

MR CHAN KAM-LAM (in Cantonese): *Madam President, the figures set out in part A of the Annex show that around 600 000 civil servants receive dental services every year which is a very large number. Will the Secretary consider stepping up dental care publicity within the Civil Service? The relevant figures seem to show that most civil servants have oral health problems.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, it has been stated in the Notes of the Annex that the civil servants category includes services provided to civil servants, pensioners and eligible dependents. There are now 180 000 civil servants and the number is doubled if their spouses are included, and the number will be increased by two to three times if we include the children of retired civil servants and civil servants. As people have longer lives nowadays, 600 000 or more is not a very large number. When I answered Mr CHEUNG Man-kwong's question just now, I said that on average, there will only be a regular check-up once every 12 months.

PRESIDENT (in Cantonese): Last supplementary.

MR HENRY WU (in Cantonese): *Madam President, incidentally I want to ask a question from this aspect. As the attendees include pensioners and dependents of civil servants, does the Secretary have figures on every type of attendees such as spouses, pensioners and dependents so that we could make a comparison?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I do not have such information at hand and I will see whether we have information on these types of attendees when I return to my office. If so, I will give a written reply later. (Annex II)

PRESIDENT (in Cantonese): Third question.

Safeguarding Interests of Short-term Contract Staff of Non-governmental Social Welfare Agencies

3. **MR WONG SING-CHI** (in Cantonese): *Madam President, at present, employers are not required to make Mandatory Provident Fund Scheme (MPFS) contributions in respect of staff who are employed for less than 60 days (hereinafter "short-term") but who are not "casual employees". Given that some publicly-funded non-governmental social welfare agencies (social welfare agencies) employ short-term contract staff, will the Government inform this Council:*

- (a) *whether it knows which social welfare agencies have signed short-term employment contracts with employees in the half-year before and the half-year from 1 April this year, and the respective numbers of posts involved;*
- (b) *of the measures in place to safeguard the interests of the short-term contract staff employed by the social welfare agencies, including their interests under the Mandatory Provident Fund (MPF) Schemes Ordinance; and*
- (c) *whether it has studied if social welfare agencies can evade their obligation to make MPFS contributions by using non-successive short-term contracts; if the study concludes that they can, of the countermeasures in place?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): *Madam President,*

- (a) In 2000-01, altogether there are about 28 000 posts in 181 non-government organizations (NGOs) which are subvented by the Social Welfare Department (SWD). Under the existing subvention system, individual NGOs may at their discretion, employ staff on long, short term or temporary basis, having regard to the needs of the service units, funds available, the number and ranking of the recognized posts. NGOs are given the autonomy to decide on the kind of contracts to be used for employing their staff as such matters are part of their human resource management. They are not

required to report to the SWD the details of the contracts on which their staff are employed. As such, the SWD does not have the records of the NGOs' employment contracts with their employees.

- (b) The SWD has already issued a circular to all those NGOs which have opted to join Lump Sum Grant reminding them of their obligations as an employer after the implementation of the MPF Schemes Ordinance. Under the existing subvention system, expenses related to employer's provident fund contribution are regarded as recognized items and will be subvented. As regards the situation under the Lump Sum Grant system, for those existing staff who occupied recognized posts as at 1 April 2000, their provident fund contribution will be subvented on an actual basis. For staff who are employed after the above date, the SWD will subvent the employer's contribution at 6.8% of the mid-point salary of the post. In addition, subvention earmarked for provident fund can only be used to meet provident fund expenses. NGOs are required to keep unspent provident fund allocation, if any, in their provident fund account which cannot be deployed to meet other expenses. We believe that with the foregoing measures, subvented NGOs staff's interests including those under the MPF Schemes Ordinance can be safeguarded. Furthermore, as part of the welfare subvention reforms, we aim to facilitate NGOs to strengthen their governance and management functions. They will be required to ensure good management practices including compliance with requirements under relevant legislation such as the MPF Schemes Ordinance, the Employment Ordinance and so on, in providing their subvented services.
- (c) Item 7 of Part I of Schedule 1 to the MPF Schemes Ordinance exempts relevant employees (other than casual employees) who have been employed for a period of less than 60 days. An amendment to the exemption provision was made with the approval of the Legislative Council in June 2000 to put it beyond doubt that the exemption does not apply to relevant employees who have been employed for more than 60 days and under a continuous contract. "Continuous contract" has the same meaning as in section 3(1) of the Employment Ordinance. Whether a contract of employment is

a continuous contract must be considered by reference to the First Schedule to the Employment Ordinance. If employers break up the employment contract and employ staff on the basis of several short-term contracts, they may not be able to circumvent the MPF contribution requirement, because in accordance with the First Schedule to the Employment Ordinance, non-successive contracts with the same employer do not necessarily break the continuity of employment. By virtue of section 3(2) of the Employment Ordinance, in case of dispute as to whether a contract of employment is a continuous contract, the onus of proving that it is not a continuous contract shall be on the employer. The final decision rests with the court.

Besides, it should also be noted that under both the existing subvention system and the Lump Sum Grant system, the SWD will provide funding provisions to meet expenses for provident fund contribution so as to ensure that the interests of NGOs staff under different type of employment contracts are protected. We therefore do not see any reason for NGOs to evade their obligations to make MPFS contributions.

MR WONG SING-CHI (in Cantonese): *Madam President, the Secretary mentioned that subvented organizations were not required to report to the SWD the kind of contracts to be used for employing their staff for such matters belong to part of their human resource management. In the meetings held by the Legislative Council Panel on Welfare Services, we were told by some social workers that a number of organizations had employed social workers on short-term contracts of two months. This practice should be considered not only as part of human resource management, but also a direct blow to employees' morale, which might even affect the quality of service. The SWD or the Government is obliged to monitor the service quality of these voluntary organizations. For these reasons, the social workers thought that in principle the SWD should take some actions. Under such circumstances, will the Government inform this Council whether it will, in order to dig out the truth, take the initiative to conduct investigation or surveys in relation to subvented organizations in order to uplift the employees' morale and upgrade the quality of service?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, we can consider this issue from two aspects. Firstly, concerning the skills of manpower management, in providing Lump Sum Grant in future, the new legislation will also provide for the enhancement of the skills of management and governance. Secondly, we will ask the relevant organizations to provide service in accordance with the relevant legislation. As the MPF Schemes Ordinance involves matters pertaining to the supervision of the MPF, I believe the relevant authorities will definitely launch investigation upon receiving complaints.

MR WONG SING-CHI (in Cantonese): *Madam President, will the Government conduct a survey instead of merely conducting investigation into cases which have been brought to light. My question is: in the first-half year before and the half-year after 1 April this year, has the Government conducted any survey to see how many organizations have recruited contract staff by this means?*

PRESIDENT (in Cantonese): Mr WONG, are you trying to follow up part of the supplementary question you raised earlier?

MR WONG SING-CHI (in Cantonese): *Madam President, right, this is part of the supplementary question raised by me earlier.*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, it will depend on the purpose of carrying out the relevant investigation. For instance, is the investigation aimed at asking subvented organizations not to employ casual employees? If so, I believe they will not agree to do so because they have the autonomy to decide on the types of staff they should employ to meet their own need. In addition, these organizations have in place their own governing committees to monitor the services they should provide. The SWD is only responsible for these organizations with subvention for providing service to the public.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, the evasion of making provident fund contributions by employers has become a heated topic in town. In the main reply, the Secretary indicated that "the SWD will provide funding provisions to meet expenses for provident fund contribution, we therefore do not see any reason for NGOs to evade their obligations to make MPFS contributions". I believe the Secretary has not attended the last meeting held by the Legislative Council Panel on Welfare Services. At the meeting, a group cited an organization which has employed an employee on the basis of a 50-day contract for the purpose of breaking the continuity of the contract and then employ that employee with another 50-day contract and continue with this practice. I wonder if the Secretary is aware that incidents like this are happening in the world nowadays. Can the Secretary inform this Council whether the Government has data proving that some organizations have actually been employing staff with short-term contracts for the purpose of evading their obligations to make MPFS contributions? Are such practices caused by the Lump Sum Grant system?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): *Madam President, I believe there is nothing we can do to prevent differences in the management of various NGOs irrespective of what procedures have been formulated or what preventive measures have been taken. However, according to our arrangement, we do not see any reason for these organizations to do something like that. This is because a special account for meeting provident fund expenses specifically will be set up for the future implementation of the Lump Sum Grant system. It is impossible for unspent allocation, if any, to be deployed to meet other expenses. Therefore, basically NGOs will not be benefited from not making provident fund contributions for their employees. As some NGOs might still not understand this point, I do not rule out the possibility that a number of them might act like what Mr LEE described earlier. The SWD has contacted NGOs and explain to them in detail. We will continue explaining to them to let them know there is no need to do so.*

PRESIDENT (in Cantonese): *Mr LEE, which part of your supplementary question has not been answered?*

MR LEE CHEUK-YAN (in Cantonese): *Madam President, does the Government know whether some NGOs have actually been doing something like this? The Secretary said he did not rule out this possibility. Is the Government aware of such cases according to the information it has at hand?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare, do you have anything to add?

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, actually I have no such information at hand. After hearing about the complaint referred to by Mr LEE, we will follow up the matter and ask the SWD to further clarify to the relevant organizations that there is no need for them to do so.

MR BERNARD CHAN (in Cantonese): *Madam President, in part (c) of the main reply, the Secretary mentioned that the First Schedule of the Employment Ordinance has clearly stated that "if employers break up the employment contract and employ staff on the basis of several short-term contracts, they may not be able to circumvent the MPF contribution requirement". Will the Secretary inform this Council how the Mandatory Provident Fund Schemes Authority is going to find out whether there is continuous employment of staff on the basis of such kind of short-term contracts if the staff concerned fail to report the behaviour of their employers?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I cannot answer this supplementary question on behalf of the Authority. As far as I understand it, the Authority is carrying out a lot of educational campaigns in this area. In the meantime, they have also apparently conducted investigations into the complaints.

DR YEUNG SUM (in Cantonese): *Madam President, as social welfare organizations are subvented by the Government, the evasion of relevant employers to make provident fund contributions for their employees should not be tolerated. The Legislative Council Panel on Welfare Services did receive such views. Can the Government investigate this matter and issue guidelines to the organizations to remind them that such an act is a breach of the law?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, we will definitely deal with this issue. Just as I said earlier, we will ask the SWD to follow up the complaint referred by the Honourable Member and remind the relevant organizations that they are required to abide by the MPF Schemes Ordinance.

MR ANDREW CHENG (in Cantonese): *Madam President, the policy address this year proposed to create new posts. Will the Secretary inform this Council of the number of temporary posts out of the 1 950 new posts created for the social welfare sector and the number of temporary posts provided by social welfare organizations? Will the SWD help these organizations to make provident fund contributions for their temporary employees?*

PRESIDENT (in Cantonese): Mr Andrew CHENG, the supplementary question you raised is beyond the scope of the main question. You may consider raising another supplementary question.

MR LAW CHI-KWONG (in Cantonese): *Madam President, in answering the question raised by Mr Bernard CHAN, the Secretary has generally touched on the issue I want to raise. Nevertheless, I still wish the Secretary could elaborate on the issue clearly. The Secretary has made some ambiguous remarks in part (c) of the main reply, including the remark that employers may not be able to circumvent their responsibilities and the handling of such matters by the Court. As it is not our wish to see these matters be dealt with through a legal channel, will the Government undertake that when the public lodge such complaints with the SWD, it will deal with them?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, the Government will definitely deal with the matter if complaints are made by the public to the SWD. I said in the main reply that we would have to seek the Court's ruling as it is quite complicated to define continuity. There are grey areas in some parts of the Ordinance, so the final ruling will have to rest with the Court. Of course, we can deal with the matter in case of any obvious contravention of the law.

PRESIDENT (in Cantonese): Fourth question.

Disturbances Caused by Aircraft Noise in Early Hours

4. **MR ALBERT CHAN** (in Cantonese): *Madam President, I wonder if I should declare interest, since I am constantly disturbed by aircraft noise.*

Madam President, regarding the disturbances caused by aircraft noise to residents in the early hours, will the Government inform this Council of:

- (a) *the respective average numbers of aircraft which took off and landed daily during the period between midnight and 7 am in each month since the opening of the Hong Kong International Airport at Chek Lap Kok;*
- (b) *the new initiatives to alleviate the disturbances caused by aircraft noise to the residential areas under the flight paths, and how it will tackle the problem of aircraft noise in planning the new residential areas under the flight paths, including those at Ma Wan, in Area 40 of Tsuen Wan, and on the reclamation areas under the Tsuen Wan and Sham Tseng development plans, Tai Ho Wan and Yam O; and*
- (c) *the highest aircraft noise levels recorded at various stationary noise monitoring terminals between midnight and 7 am during the past month, and whether there are measures in place to lower the aircraft noise to a level below 70 decibels?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, my reply to the three parts of the Mr Albert's CHAN's question is as follows:

- (a) Since the opening of the Hong Kong International Airport, the daily average numbers of aircraft which took off or landed between midnight and 7 am for each month are set out in the Annex tabled before Members.

- (b) Noise impact caused by aircraft take-off and landings is assessed on the basis of the internationally accepted "Noise Exposure Forecast (NEF) Contour". The determination of the contour takes into account factors including the decibel levels of aircraft noise, the tonal characteristics as well as the duration and frequency of overflying flights at different times of the day. The standard currently adopted in Hong Kong is the NEF 25 contour, which is more stringent than the standards adopted by airports in some other places. According to data collected by the Civil Aviation Department (CAD), apart from a few residential units in Sha Lo Wan in Northern Lantau, other residential areas in Hong Kong are outside the NEF 25 contour, that is, aircraft noise levels do not exceed the above-mentioned standard. As for the affected residents of Sha Lo Wan, they have been provided with an ex gratia allowance for noise insulation installations.

While other residential areas are outside the NEF 25 contour, the Government is mindful of the concern of some residents. The CAD has implemented a series of measures to reduce aircraft noise. These measures include:

- (i) Subject to acceptable wind direction and speed as well as the condition that flight safety and air traffic operation will not be affected, the following two landing/take-off measures have been implemented since October 1998:
- (1) aircraft arriving between midnight and 7 am are arranged to land from the southwest as far as possible, in order to reduce the number of aircraft overflying areas such as Sha Tin, Kwai Chung, Tsing Yi, Tsuen Wan, and Sham Tseng at night; and
 - (2) aircraft taking off towards the northeast between 11 pm and 7 am are arranged to use the southbound route via the West Lamma Channel as far as possible, in order to avoid overflying densely populated areas in Kowloon and on Hong Kong Island.

Since the implementation of the two measures, over 90% of the aircraft which took-off or landed during the periods mentioned above have adopted the above measures. This has effectively reduced the number of aircraft overflying residential areas at late night.

- (ii) Since August 1999, all aircraft taking off towards the northeast are required to follow the noise abatement take-off procedures prescribed by the International Civil Aviation Organization, in order to reach a higher altitude within a shorter distance, thus minimizing aircraft noise impact on areas near the airport.
- (iii) With effect from October 1999, airlines are not allowed to schedule the take-off or landing of the more noisy types of commercial jets between 11.00 pm and 7.00 am.
- (iv) With effect from August this year, aircraft approaching the airport from the northeast have to use the continuous descend approach procedures as far as possible, in order to reduce aircraft noise in areas such as Sai Kung, Tseung Kwan O and Ma On Shan.
- (v) Three more aircraft noise monitors were installed earlier this year, in order to record noise levels in different areas more effectively.

The Government will continue to monitor urban and airport development and consider the need to adopt measures to tackle the aircraft noise issue.

- (c) The Environmental Protection Department and the CAD have been closely monitoring aircraft noise levels in various areas under the flight paths. According to the aircraft noise levels recorded at the 15 fixed noise monitors in Hong Kong between midnight and 7.00 am in October this year, the highest noise level recorded at Sha Lo Wan, which is located within the NEF 25 contour, was 80.3 decibels. As for areas outside the NEF contour:

- (i) at eight of the monitors (namely Shau Kei Wan, North Point, Jardine Lookout, the Peak, Tai Wai, Kwai Chung, Tsuen Wan and Tsing Yi), the highest level recorded was lower than 65 decibels or no over-flying was recorded;
- (ii) at the monitors at Tai Nam and Ting Kau, the highest level recorded was below 75 decibels;
- (iii) the monitor that has recorded a level between 70 and 75 decibels was at Tsing Lung Tau. The highest level recorded was 74 decibels. The number of take-off and landings in the whole month with a noise level between 70 and 74 decibels was 23, that is, less than one flight per day; and
- (iv) the monitors that have recorded a level of over 75 decibels were at Ma Wan, Yam O and Tung Chung. The highest level recorded was between 78.7 and 79.5 decibels. The number of take-off and landings in the whole month with a noise level between 75 decibels and the above-mentioned highest level recorded was 10 to 25, that is, less than one flight per day.

As regards aircraft noise mitigation measures, as mentioned in my reply to part (b) of the question, the CAD has implemented a series of measures to reduce noise impacts caused by aircraft during the small hours.

Annex

Hong Kong International Airport
Numbers of Take-off and Landings
between Midnight and 7 am

		<i>Average No. Per day (Flights)</i>
1998	July (start from 6th)	20.7
	August	21.7
	September	21.2
	October	22.0
	November	23.0
	December	22.8

		<i>Average No. Per day (Flights)</i>
1999	January	21.6
	February	22.8
	March	21.5
	April	24.4
	May	20.5
	June	21.6
	July	24.6
	August	30.3
	September	27.2
	October	27.4
	November	31.6
	December	29.1
2000	January	23.3
	February	29.3
	March	30.8
	April	33.6
	May	32.8
	June	33.5
	July	34.5
	August	36.9
	September	36.6
	October	36.8

MR ALBERT CHAN (in Cantonese): *Madam President, before asking my supplementary question, may I seek elucidation from the Secretary first? There is a slight discrepancy between the Secretary's reply just now and the written reply, and the figure is very important. In the Secretary's oral reply, she said that the highest level recorded at the monitors at Tai Nam and Ting Kau was below 75 decibels, while the figure given in the written reply is 70 decibels. Can the Secretary clarify which figure is correct?*

PRESIDENT (in Cantonese): Mr CHAN, please sit down first.

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, the highest level recorded at the monitors at Tai Nam and Ting Kau was below 70 decibels.

MR ALBERT CHAN (in Cantonese): *Madam President, since the opening of the Chek Lap Kok airport in 1998, the number of flights has been increased to a terrifying extent, by about 80%. The noise level is as high as 80 decibels in some areas, and exceeds 70 decibels in other areas. The noise will wake residents up from their sleep in the night. The Government is well aware that when the noise reaches a certain level, it will affect residents in the night. Why does it not consider banning aircraft with noise levels exceeding 70 decibels from using the Chek Lap Kok airport between 11 pm and 7 am? Why can this not be done? If this ban is implemented, how great will be the impact?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, I would like to explain the difference between the decibel levels of aircraft noise and the "Noise Exposure Forecast (NEF) Contour" that I referred to in the main reply. Decibel represents the aircraft noise level recorded during a short space of time, while the NEF Contour takes into account factors including the decibel levels of aircraft noise, the tonal characteristics as well as the duration and frequency of overflying flights at different times of the day. I do not know of any country in the world where the record of a single decibel level is used to assess the noise impact. Legislation on noise also uses standards like noise levels per hour or the overall noise level with a duration exceeding 10 or 30 minutes, or a certain percentage for noise control. The decibel level referred to by Mr CHAN just now is only the noise level of a certain flight recorded at a certain time. This should not be used as an appropriate standard for control.

MR NG LEUNG-SING (in Cantonese): *Madam President, the Annex to the main reply indicates that the average number of take-off and landings between midnight and 7 am in January this year was 23.3 flights per day, while the number was 36.8 flights per day in October and as high as 36.9 flights per day in certain months. There is a difference of almost 60%. Will the Government consider setting a ceiling for the average number of flights handled by the airport every night between midnight and 7 am?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, we have not made any decision on setting a ceiling for the number of nighttime flights. However, as I said in the main reply, we have implemented a series of measures during night-time. Very often, aircraft that adopt procedures to take off or land from a different direction will be overflying the ocean. Since the implementation of this series of measures, 90% to 92% of flights have followed the nighttime take-off and landing procedures to avoid overflying residential areas.

MR JAMES TO (in Cantonese): *Madam President, I wish to follow up Mr Albert CHAN's supplementary question. The NEF contour referred to by the Government takes into account the intensity of noise, the tonal characteristics as well as the duration and frequency of overflying flights. Is the Government implying that even a noise level of 80 decibels will not wake people up from their sleep or that they can sleep again after being woken up, and so it is not a problem? Even if Hong Kong and governments all over the world adopt this standard for assessment, does it mean that it is the most reasonable standard for the people? Will the Government tell us whether this decibel level will have such an effect and whether this effect is acceptable?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, everyone has a different sleeping pattern. I cannot say for sure that when the noise level is at a certain decibel, it will wake people up from their sleep. As for the NEF contour adopted by overseas airports, the standard adopted is 30 in the United States, 31 in Britain and 30 in Canada. They may use similar methods to assess the noise impact, though the terms they use may be different.

DR YEUNG SUM (in Cantonese): *Madam President, when the Kai Tak Airport was still in operation, we had dealt with the noise problem in Heng Fa Chuen. At that time, after measures were implemented by the Government, the number of take-off and landings at late night was drastically reduced. This was greatly applauded by the local residents. Today, the main reply has shown that the noise level has very often exceeded the decibel level laid down by the Government. Will the Government commission another independent review of the flight paths to find out whether there are ways to improve the situation?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, the design of a flight path is very complicated. Apart from safety considerations, the wind direction and other conditions have to be taken into account. At the moment, we have no plans to commission consultants to change the flight paths. I would also like to take this opportunity to further acquaint Members with the situation and that is, the NEF contour for Tsing Lung Tau is 19, that for Ma Wan is 21, that for Yam O is 20 and that for Tung Chung is 19.

MR ANDREW CHENG (in Cantonese): *Madam president, I hope I can ask a supplementary question this time. In the main reply, the Secretary has time and again made comparisons between Hong Kong and other countries. However, as far as I know, the NEF contour overseas has different daytime and night-time standards. The night-time standard is more stringent, since it is important to have a quiet nighttime. However, Hong Kong implements a control policy based on an average standard for the whole day. Since we have heard so many people saying that the noise pollution problem is very serious, will the Government consider adopting a control policy based on different daytime and nighttime standards, so that people can have a quiet night?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, I also hope that everyone can have a quiet night. Let me offer some explanations here. We use a multiple of the decibel level of noise or the tonal characteristics at night as the base for calculating the NEF contour, and the multiple is 16 for night-time versus 1 for daytime. Thus, we have already attached great importance to the noise impact on residents at night.

MR ANDREW CHENG (in Cantonese): *Madam President, we understand that the Government has always followed this policy. But since so many people find the noise problem at night quite serious, will the Government adopt a control policy based on different daytime and nighttime standards, rather than an average level for the whole day? Will the Government take this into consideration?*

PRESIDENT (in Cantonese): Secretary for Economic Services, do you have anything to add?

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, I have nothing further to add. As a matter of fact, we monitor the noise levels recorded every month and compare them with the NEF contours.

PRESIDENT (in Cantonese): We have spent more than 16 minutes on this question. We will proceed to the fifth question.

Determination of Number and Prices of HOS Units Sold in Coming Year

5. **MR ERIC LI** (in Cantonese): *Madam President, will the Government inform this Council whether it knows the criteria and considerations the Hong Kong Housing Authority (HA) will adopt in determining the number and prices of Home Ownership Scheme (HOS) units to be sold in the coming year, and, at the same time as it promotes the sale of a large number of HOS flats, how it will avoid causing an adverse impact on private residential property prices and creating more land owners of "negative-value assets"?*

SECRETARY FOR HOUSING (in Cantonese): Madam President, in determining the number of HOS flats to be sold in the coming year, the HA will take into account the progress of projects under construction, demand from low income families and the general market situation.

Affordability, as measured by the mortgage repayment ability of potential buyers which is taken to be 40% of household income, is the major consideration in determining sale prices of HOS flats. Other considerations are location, design and standard of finish of individual projects. In the past few years, the prices of HOS flats represent about 50% to 55% of market value.

Madam President, the purpose of the HOS is to help low income families to buy their own homes. The HA has prudently tried to minimize any negative impact on the private residential property market by spreading out its sale programme, and by transferring some housing projects originally designated for

sale to rental as necessary. The HA has also indicated that actual HOS sales will not exceed 20 000 new units in any one year up to 2003-04.

MR ERIC LI (in Cantonese): *Madam President, in the second paragraph of his main reply, the Secretary mentions the factors taken into account when determining the sale prices of HOS flats, and he also points out that the prices of HOS flats represent about 50% to 55% of market value. I notice that the factors considered by the Secretary do not cover any major costs, such as construction costs and the huge administrative expenses of the HA. Actually, as we all know, the prices of private housing units have dropped drastically by as much as 40% to 60% over the past few years. So, if the Government now says that it wants to maintain the sale prices of HOS flats at about 50% to 55% of market value, will it mislead people, inducing them to think that this is the policy of the Government? Does the Government think that it is too passive for it to set the sale prices of HOS flats according to changing market prices? This question is especially appropriate at a time when the HA may have to ask for huge government subsidies to cope with its financial difficulties. Besides, the Secretary has also failed to explain clearly whether the relevant subsidies will really be used to help those most needy low-income families who are least capable of buying private residential properties? Will the saying that "the prices of HOS flats represent 50% to 55% of market value" easily lead to misunderstanding?*

SECRETARY FOR HOUSING (in Cantonese): Madam President, naturally, when determining the sale prices of HOS flats, the HA will consider the prices of the private properties in the area near the HOS estates concerned. But when determining prices, we must give even greater consideration to the affordability of potential buyers (that is, low-income families). As explained in my main reply, affordability of potential buyers is measured by their mortgage repayment ability, which is taken to be 40% or less of their household income. This is the most important consideration and it can help low-income families to buy their own homes. As for the construction costs and other expenses incurred by the HA, they are not affected by the prices in the open property market.

PRESIDENT (in Cantonese): Mr LI, which part of your supplementary question has not been answered?

MR ERIC LI (in Cantonese): *Madam President, my supplementary question seeks mainly to clarify whether the saying that "the prices of HOS flats represent about 50% to 55% of market value" is in fact part of the price determination policy. I think the Secretary has not given a clear explanation on this.*

SECRETARY FOR HOUSING (in Cantonese): Madam President, the saying that "the prices of HOS flats represent about 50% to 55% of market value" is not any established policy as such. I was simply quoting this as an example to illustrate that the sale prices of HOS flats have been staying at a stable level over the past few years. Actually, when the sale prices of HOS flats were determined in the past, comparisons with the prices in the open market were also made before different standards were set. When property prices were high, the discount rate would be higher correspondingly. And, when property prices were low, the discount rate would be lower. Therefore, there were indeed rather big fluctuations in value.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, besides the point raised by Mr Eric LI in his main question, that is, the point about the possibility of creating more land owners of "negative-value assets", I also hope that the Government can consider several other factors. First, there is now a very great supply of private residential property, and the problem of "negative-value assets".....*

PRESIDENT (in Cantonese): Mr LAU, do you mean to ask whether the Government will consider these factors?

MR LAU PING-CHEUNG (in Cantonese): *Madam President, my intention is simply to raise these factors in my supplementary question. First, I wish to*

PRESIDENT (in Cantonese): Mr LAU, please be concise.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, yes, I will. First, will the Government consider the possibility of converting some existing*

units, so as expediting the allocation of housing units to the applicants on the waiting list? Second, will it also consider the idea of reserving some of these units for the purpose of rehousing those affected by urban renewal? Third, about the fact that the sale prices of HOS flats are about 50% of market value and the prices of private residential property have dropped very drastically. This means that the sale prices of HOS flats may also need to be substantially lowered. But then in future will the Director of Audit criticize the Government for dumping public housing units? I hope that the Government can respond to the above points.

SECRETARY FOR HOUSING (in Cantonese): Madam President, as far as the supply of HOS flats is concerned, the HA will follow closely the general development of the property market, which is why it has recently announced that some HOS flats will be used for rental purposes instead. There are 16 000 such flats, and they will of course be rented to low-income families. Besides, the HA has also promised that to tie in with the future urban renewal programme, it will allocate a specified number of HOS flats (about 1 000 units) for rental purposes every year. Therefore, it can be seen that the HA has already put in place some mechanisms to help families in need, and it will also consider the idea of converting HOS flats into rental flats whenever necessary.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, the Secretary has not replied to my point that in future the Director of Audit may criticize the authorities for dumping public housing units*

PRESIDENT (in Cantonese): Mr LAU, I allowed you ask this supplementary question just now because I wanted to save time. However, Members are not supposed to ask government officials any questions on things that may happen in the future.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, but I hope that the Secretary can respond to this point.*

PRESIDENT (in Cantonese): Mr LAU, please sit down first.

MR ABRAHAM SHEK: *Madam President, in the main reply, the Secretary advised us that the purpose of the Home Ownership Scheme (HOS) is to help low income families to buy their own homes, and the major factor in determining the sale prices of HOS flats is affordability, which is confined to 40% of household income. Will the Secretary please advise this Council whether he would consider reducing the upper limit of household income of eligible applicants from the present \$31,000 to, say, \$20,000 by taking into consideration the fact that prices of private sector flats have dropped 40% to 60% since October 1997? Therefore, those applicants with higher salary income could then purchase flats in the private sector and need not be subsidized, while the lower income group can benefit from the HOS.*

SECRETARY FOR HOUSING: Madam President, it is a fact that the Housing Authority does actually review the household income limit for HOS. This limit, in fact, has been adjusted several times in the past. Recently, about three years ago, the income limit was adjusted downward to the present level at \$31,000. And of course, a few years before that, there were two other adjustments. Thus, the income limit is certainly not a fixed one, but is reviewed every year in order to reflect the circumstances of the day.

DR PHILIP WONG (in Cantonese): *Madam President, the Secretary says in the second paragraph of his main reply that "affordability, as measured by the repayment ability of potential buyers which is taken to be 40% of household income, is the major consideration in determining sale prices of HOS flats." How has the rate of 40% been computed? Will this rate be adjusted every year taking into account the prevailing economic conditions and property prices? Why is the rate set at 40%, and not 25% or 50%?*

SECRETARY FOR HOUSING (in Cantonese): Madam President, the sale prices of HOS flats are determined on the basis of the long years of experience of the Government and also on the affordability of potential buyers in general in the open property market. Generally speaking, if a household wishes to buy a private residential unit, it will have to spend about 50% or even 60% of its income on mortgage repayment. Taking this into account, we have decided to lower the prices of public housing units, and we think that the rate of 40% is appropriate. Past experience tells us that monthly mortgage repayments at the

rate of 40% of household income are deemed by households in general as affordable and acceptable. If there is a genuine need, we will review the rate again, but at this moment, I do not think that there is any need to lower the rate.

MR FREDERICK FUNG (in Cantonese): *Madam President, I have a question for the Secretary. I understand that the income ceiling for white form applicants is \$33,000. In other words, if members of a household having such a level of income choose to buy a private residential unit on mortgage, they will be able to buy one valued at about \$1.8 million in Sham Shui Po, for example. I notice that there have been many recent improvements to HOS flats both in terms of quality and locations. In the past, we had harmony blocks, but now there are concord blocks. They are even talking about constructing HOS flats in the West Kowloon Reclamation area, and it has also been reported in the press that HOS flats may even be constructed at Repulse Bay. That being the case, is the Government in fact trying to compete with the commercial sector for profits? If people can have a choice between private residential units and HOS flats with the same amount of money, will they choose to buy HOS flats instead of private residential units?*

SECRETARY FOR HOUSING (in Cantonese): Madam President, in general, it is true that the prices of HOS flats are not very high. Given the prices of private residential units, an average low-income household should be capable of buying a private residential unit in some parts of the New Territories. But it will have considerable difficulties in buying one in other parts of the New Territories and the urban areas. We notice that these households are in genuine need of government assistance before they can buy their own homes. That is why we have the HOS, and this is actually a means through which the HA and the Government try to help these families, and people should not thus say that we are trying to compete with the commercial sector or property developers for profits.

MR JAMES TIEN (in Cantonese): *Madam President, the Secretary mentions in the third paragraph of the main reply that the purpose of the HOS is to help low-income families buy their own homes, and the HA has tried to minimize any negative impact on the private residential property market; at the end of this paragraph, he also says that the actual HOS sales will not exceed 20 000 new*

units in any one year up to 2003-04. In view of all these, may I ask the Government whether it will consider the possibility of not selling even one single HOS flat in 2001, so as to stabilize the property market and before it will consider how many HOS flats to sell in 2002-03?

SECRETARY FOR HOUSING (in Cantonese): Madam President, if the HA is to stop selling HOS flats entirely, I am sure that it will run into very great financial problems, and not only this, it will also be very unfair to those low-income families intending to buy their own homes. Under the current situation, both the Government and the HA understand that they should follow the development of the overall property market and refrain from casting any drastic impacts on private residential flats or the private property market. After a study on the output of residential units, we have come to the conclusion that the number of HOS flats sold by the HA over the next few years should not exceed 20 000 a year. Under certain circumstances, however, the number may actually be smaller than 20 000.

PRESIDENT (in Cantonese): The last supplementary question.

MR ALBERT HO (in Cantonese): *Madam President, the question asked by Mr Eric LI is based on a number of assumptions concerning the number and prices of HOS flats sold by the HA. But we see that these assumptions may not necessarily be the case in reality. The reason is that the Financial Secretary announced last month a reduction of 6 000 HOS flats to be sold, and this is already a departure from the decision made by the HA in February, that is, the decision to sell 26 000 HOS flats a year. This shows that the question actually involves which department is responsible for deciding on the number and prices of HOS flats to be sold in the future. And, this in turn involves how the Financial Secretary looks at the set-up of the HA. Although the Housing Bureau's report on the policies and set-up of the HA has yet to be announced, it has been reported that the Secretary for Housing may wish to take back some powers from the HA*

PRESIDENT (in Cantonese): Mr HO, please state your supplementary question directly.

MR ALBERT HO (in Cantonese): *Madam President, here is my supplementary question: May I know which department is responsible for determining the number and prices of HOS flats to be sold in the future, would the decision be made by the Secretary for Housing, the Financial Secretary, or the HA?*

MR ERIC LI (in Cantonese): *Madam President, I wish to make a point of clarification concerning Mr HO's remarks about my question. May I say a few words before the Secretary gives his reply?*

PRESIDENT (in Cantonese): *Mr LI, since Mr HO has mentioned you, well, you may do so. (Laughter)*

MR ERIC LI (in Cantonese): *Madam President, perhaps, Mr HO is not very clear about the whole thing. When I first submitted my question, I had wanted to make an inquiry to the Government, but subsequent to discussions held by the Legislative Council Secretariat and the relevant Policy Bureau, they have come to the view that it would be more appropriate to conduct my inquiry in the form of a question. The submission of my question was actually preceded by extensive consultations, so I urge Mr HO not to assume that my question is based on relevant assumptions.*

SECRETARY FOR HOUSING (in Cantonese): *Madam President, under the existing mechanism, the Secretary for Housing is responsible for the formulation of overall policies, in particular policies of a strategic nature. With respect to the implementation of overall housing policies, the HA is empowered by the relevant ordinances to do the work of actual implementation. In the course of implementation of public housing policies, the HA has the power to determine the number and prices of flats to be sold every year, and this applies especially to HOS flats. Naturally, if the decisions of the HA are going to cast very great influences or impacts on the overall housing policies and strategies, the Government will definitely hold discussions with it. Currently, the final say still rests with the HA.*

PRESIDENT (in Cantonese): Mr HO, which part of your supplementary question has not been answered?

MR ALBERT HO (in Cantonese): *Madam President, I wish to clarify whether the Secretary is saying that the HA has the final decision-making power. In other words, is he saying that the figure of 26 000 is correct and that of 20 000 does not have any legal-binding?*

SECRETARY FOR HOUSING (in Cantonese): Madam President, the decision-making power rests with the HA. But I can explain why 26 000 has been changed to 20 000. In fact, the Director of Housing has already made a public clarification that the figure of 26 000 given by the HA was one which applied to the situation six months ago. In other words, this is a figure for the past, one which was based on the HA's assessment of the output and supply of HOS flats at that time. But now, several months later, the HA has reviewed this figure again, and it has reached a new finding that the number of HOS flats to be sold a year should be 20 000 or less. The relevant information has been submitted to the Government. Therefore, when the Financial Secretary announced last month that the number of HOS flats to be sold a year would not exceed 20 000, he was simply quoting the HA's internal information on housing supply and sales. The only thing is that the figure was made public by the Financial Secretary.

PRESIDENT (in Cantonese): The last oral question. Miss Emily LAU will ask this question on behalf of Miss Cyd HO.

Handling Complaints about Child Sex Abuse

6. **MISS EMILY LAU** (in Cantonese): *Madam President, regarding the handling of complaints about kindergarten and primary school pupils suspected of being sexually abused, will the Government inform this Council:*

- (a) *of the role played by the police in participating in multi-disciplinary case conferences convened by the Social Welfare Department (SWD) for handling such complaints, and whether the Administration has*

assessed if the police's participation in such case conferences has any bearing on their investigations and prosecution decisions in respect of the cases concerned;

- (b) where complaints are found unsubstantiated by such case conferences, whether the SWD will continue to provide psychological counselling to the children concerned; if so, of the details; if not, the reasons for that; and*
- (c) whether it will make public the procedural guidelines issued by the authorities to schools on handling complaints about child sex abuse; how the authorities monitor schools for compliance with the guidelines; and how the authorities handle and follow up with the schools which breach the guidelines?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President,

- (a) Under the governing principle in handling child abuse cases, the paramount concern is the welfare of the child. The multi-disciplinary case conference, which is chaired by a social worker and comprises professionals with relevant knowledge about the case (including other caseworkers, medical officers and the police and so on), is a forum by which they share their knowledge, information and concern on the child, with a view to formulating a welfare plan for the child. Based on information of the case and their professional judgement, members of the case conference will assess whether the child has been abused, the severity of the abuse and the level of risk in order to formulate a welfare plan to protect the child. Members will also consider the degree of risk in relation to other children in the family and the needs of other members of the family. The objective of a case conference is to protect children from any harm or abuse, and not to judge who the abuser is.

At a case conference, the police will brief members to keep them posted of the investigation progress of the case, with a view to facilitating future co-operation and follow-up action regarding the welfare plan for the child.

The focus of a case conference is on the protection of the child but not on whether or not to prosecute the abuser. The decision to prosecute rests on the evidence gathered by the police and the advice given by the Department of Justice. It will not be affected by the deliberations of the case conference.

- (b) During the intervention process, social workers of the SWD will provide immediate counselling to the child if he/she has been abused or is emotionally affected by the incident. If the child is in need of psychological counselling, clinical psychological service will be provided to the child through referral by the social worker. In handling the psychological trauma of the child, clinical psychologists of the SWD will arrange the child to receive individual psychological counselling, play therapy, or group therapy to solve the problem, based on individual psychological assessment. Counselling and services are provided by the SWD according to the needs and condition of the child. Whether the complaint is substantiated will not affect the Department in providing follow-up services to the child and the family.
- (c) The "Procedures for Handling Child Abuse Cases — Revised 1998" (the Procedures) published by the SWD in November 1998 set out in detail the procedures to be followed by various professionals/organizations, such as kindergartens, schools, school social workers, in handling suspected child abuse cases, including sexual abuse cases. They are widely distributed to the various professionals/organizations involved in handling such cases and are available to members of the public upon request. The Education Department (ED) will remind all kindergartens and schools to comply with the procedures in handling complaints on child sexual abuse cases. Upon receipt of complaints, the ED will require the concerned kindergartens and schools to submit reports for scrutiny, investigation and follow-up actions. For kindergartens and schools failing to comply with the Procedures, the ED will give them advice or warnings, depending on the seriousness of the non-compliance.

MISS EMILY LAU (in Cantonese): *Madam President, in paragraph (c) of the main reply, the Secretary said that the Procedures were published by the SWD in November 1988. Will the Secretary inform this Council the number of complaints received and the details thereof after the procedures were published?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, according to figures received by the SWD in 1999, there were 575 cases of child abuse. Among them, 286 involved physical abuse and 210, that is, 37%, child sex abuse.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, from the figures quoted by the Secretary we learned that 200-odd cases involved child sex abuse, showing that the situation was alarming. Will the Secretary inform this Council what follow-up action has been taken? For instance, in the Procedures, it was said advice or warnings would be given, and has the Administration actually imposed any penalty or taken any follow-up action?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I do not have the relevant details. For every case, however, social workers and other professionals will hold discussions and provide the necessary services and arrangements for the child in the case. As regards whether or not the abuser would be prosecuted, it is a matter for the Department of Justice.

PRESIDENT (in Cantonese): Secretary, pleased be seated first. Mr LEE, which part of your supplementary question has not been answered?

MR LEE CHEUK-YAN (in Cantonese): *Madam President, will the Secretary provide the information to this Council in writing afterwards?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, we will do our best to collect the information for Mr LEE. (Annex III)

MR LAW CHI-KWONG (in Cantonese): *Madam President, in paragraph (c) of the main reply, it was said that the Procedures were distributed by the SWD in kindergartens and schools, and the ED would remind all kindergartens and schools to comply with the procedures in handling complaints. But very often the problem is not so simple. I think it is also very important to discover child sexual abuse or sexual assault at an early stage and follow-up actions. Will the Secretary inform this Council whether the ED has provided training in this regard for teachers in kindergartens and schools so that they know how to deal with such matters?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): *Madam President, I understand the ED has done some work in this regard. I will provide a detailed reply in writing to Mr LAW's supplementary question. (Annex IV)*

MISS EMILY LAU (in Cantonese): *Madam President, I also want to follow up on the 500-odd cases mentioned by the Secretary. That is a very startling figure. At first, the Secretary said there were 575 such cases, and among them 286 involved physical abuse while 210, sexual abuse on children. The numbers however do not add up to 500. So, will the Secretary inform this Council what the rest of the cases were about? Furthermore, the Secretary has quoted the figures in 1999. Do the figures represent a steep rise in the number of cases when compared with those in the previous year?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): *Madam President, I may give a written reply to Miss LAU's supplementary question. (Annex V) According to the information I have at hand, there were 409 such cases in 1998. Among these cases, other than cases involving child physical abuse or child sex abuse, the rest were related to psychological abuse, child neglect and other forms of abusive behaviour.*

MR ALBERT HO (in Cantonese): *Madam President, in the main reply, the Secretary referred to follow-up actions via a multi-disciplinary case conference on abused children. However, if a family member is involved, will the Administration provide adequate counselling to him/her or to a certain extent*

prevent him/her from posing as a continual psychological threat to the abused child or sexually assaulted child, especially before the case conference is convened, so that the abused child is free from the effect of any such threat?

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, the multi-discipline case conference aims at assessing the abused child and estimating the relevant risk that may be encountered by the child in future. The conference will also assess the possibilities that the child's brothers and sisters in the family would be confronted with similar risks in that family. Moreover, we will provide service to cater for other needs of the family members. If the abuser is a family member, we will provide a welfare plan and conduct counselling for other members in the family.

MISS EMILY LAU (in Cantonese): *Madam President, in the multi-disciplinary conference, everyone would want to provide protection to the child victim, but will the Secretary inform this Council who will actually represent the child? I know it is unlike a court in which the victim may retain the services of a legal representative to speak on his/her behalf. So, who will communicate with the child victim and speak for the child at the conference, or will there be no one representing the child at all?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, usually a social worker will take up the responsibility in this respect. He or she will be responsible for co-ordinating the needs of the abused child. Of course, we will take the seriousness of the case into account. Sometimes, we need to do more in the medical aspect. As for follow-up work, a social worker will be responsible.

MISS CHOY SO-YUK (in Cantonese): *Madam President, in paragraph (c) of the main reply, it was said that the Procedures are widely distributed to schools, social workers and organizations. Will the Secretary inform this Council whether the Government will provide more systematic procedures to parents regarding the prevention of child abuse and child sexual assault?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, we will provide the Procedures to members of the public who need them. The ED organizes promotional activities and usually invites parents to participate. At present there are some programmes telling the public how to prevent child abuse.

PRESIDENT (in Cantonese): Time is up for oral questions.

WRITTEN ANSWERS TO QUESTIONS

Government Departments and Public Organizations Not Accepting Verbal Complaints

7. **MR LAU WONG-FAT** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the government departments and public organizations (including the Equal Opportunities Commission (EOC) and the Office of the Privacy Commissioner for Personal Data (PCO)) which currently do not accept verbal complaints lodged through telephone, interviews, and so on;*
- (b) *of the reasons for those departments and organizations not accepting verbal complaints;*
- (c) *whether it has assessed if such practice discriminates against those who lodge verbal complaints; and*
- (d) *whether it will require those departments and organizations to accept verbal complaints?*

SECRETARY FOR HOME AFFAIRS (in Chinese): Madam President, all government departments and public organizations under their purview accept verbal complaints. As the question mentions the PCO and EOC specifically, I wish to clarify the practices of the two organizations.

Under the Personal Data (Privacy) Ordinance (PDPO), the Privacy Commissioner for Personal Data (PC) is required to investigate complaints. In doing so, he has to make sure that the information he collects from complainants is accurate. He also has to ascertain the identities of such complainants, as section 39(1)(c) of the PDPO provides that the PC may refuse to carry out an investigation initiated by a complaint if the complainant cannot be identified or traced. Therefore, in the case of a verbal complaint lodged through telephone, it is the usual practice of the PCO to follow up the matter by requesting the complainant to attend an interview. During the interview, the information provided by the complainant will be recorded in a standing form and presented to him/her for verification and signature.

For the EOC, if the complainant chooses not to provide the information in written form, information provided verbally will be recorded in writing. As a general practice, the EOC will invite the complainant to attend an interview to verify the information so that follow-up actions can be taken. If the complainant has difficulties in attending the interview, the EOC will prepare a written record of the complaint and send it to the complainant for verification.

It is the standard complaint handling practice of PCO and EOC to offer assistance to complainants who have difficulties in lodging a complaint in writing.

Statistics on CSSA Recipients Not Receiving CSSA Payments after Obtaining Employment

8. **MISS CHAN YUEN-HAN** (in Chinese): *Madam President, it is learnt that between June last year and August this year, there were 916 cases in which the Comprehensive Social Security Assistance (CSSA) recipients who had participated in the Active Employment Assistance (AEA) programme ceased to receive CSSA payments after obtaining employment. In this connection, will the Government inform this Council:*

(a) *of a breakdown of these cases by:*

(i) *age band and gender of the recipients, as well as household size;*

- (ii) *the number of children aged 12 or below in the recipient families;*
- (iii) *post, trade and duration of employment in respect of the jobs found by the recipients;*
- (b) *of the average monthly salary for the jobs found by the recipients;*
- (c) *of the number of cases in which the recipients became unemployed again after finding jobs; and*
- (d) *whether the Social Welfare Department had arranged for the recipients concerned to attend courses organized by the Employees Retraining Board (ERB) which were related to the jobs subsequently found by the recipients; if not, of the reasons for these recipients still being able to find these jobs?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President, on the basis of information collected on successful job searchers, the required information on the participants of the AEA Programme who have ceased receiving CSSA payment after securing gainful employment is given below:

- (a) (i) Breakdown of profile of those participants

<i>Age</i>	<i>%</i>
15-24	13
25-34	13
35-44	37
45-54	30
55-59 ¹	7

¹ The CSSA recipients of 60 or above are not required to join the AEA programme.

<i>Gender</i>	<i>%</i>
Male	83
Female	17

<i>Number of eligible members in household</i>	<i>%</i>
1	45
2	10
3	15
4	19
5	8
6 or above	3

(ii) The information on the number of children aged 12 or below in the recipient families is not readily available, as we have not collected this information.

(iii) Breakdown of types of jobs secured by those participants

<i>Types of jobs found</i>	<i>%</i>
Construction worker	17
Labourer	16
Watchman/Security Guard	9
Clerk	8
Waiter/Waitress	8
Salesperson	7
Delivery worker	6
Cook/Kitchen staff	5
Driver	5
Decoration worker	5
Others	14

The information on the duration of employment is not available.

- (b) The average monthly salary for the above jobs is estimated at around \$7,260².
- (c) A survey has just been completed to follow up on the employment situation of CSSA recipients who reported having secured a job during the first year of implementation of the Support for Self-reliance Scheme. We should be able to provide the requested information in the near future.
- (d) The Social Welfare Department will as appropriate refer the AEA programme participants to ERB training courses. Starting from October 2000, arrangements have been made to collect information on training courses attended by the AEA participants with breakdowns by whether the participants have been successful in job search. We do not have data from previous periods and at present the period of data collection is too short to allow meaningful analysis of the figures.

Other than referrals to attend ERB courses, the AEA programme participants are given other assistance as appropriate, such as counselling, and training in interview skills, and so on to find jobs. In fact, many AEA programme participants have been motivated to find jobs on their own and have been successful in their efforts.

Hoisting of Tropical Cyclone Warning Signals

9. **DR DAVID LI:** *Madam President, regarding the factors considered by the Hong Kong Observatory (HKO) in determining the tropical cyclone warning signals to be hoisted, will the Government inform this Council:*

- (a) *when the HKO last made a comprehensive study on the factors which it should consider; whether it plans to conduct another study in the near future; if not, of the reasons for that;*
- (b) *whether the speed of gale or storm force winds expected to blow or*

² For those paid daily and hourly, it is assumed that they work eight hours a day and 20 days a month to arrive at their respective monthly salary.

is blowing in Victoria Harbour is still the predominant factor for determining the number of the signal to be hoisted; if so, whether it has assessed if such a practice is still meeting present-day needs, given that Hong Kong's population is now spread all over the territory;

- (c) *other than the speed of gale or storm force winds, of the social, economic or meteorological factors that the HKO also takes into account in determining whether the No. 8 or a higher signal should be hoisted; and*
- (d) *of the guidelines the HKO has in place to ensure consistency among its duty officers in determining whether to hoist the No. 8 or a higher signal?*

SECRETARY FOR ECONOMIC SERVICES: Madam President,

- (a) The HKO last conducted a comprehensive review of the Tropical Cyclone Warning Signal System (the System) between June and November in 1999. The HKO has taken into account views expressed by the public in the media or the Internet and by public transport operators and other sectors. There was no consensus as to how the criteria for hoisting tropical cyclone signals should be changed. As the public has become familiar with the present system over the years and knows how to react to it, the review concluded that the criteria for hoisting signals should be retained. But improvements should be made to the System.

To better meet the needs of the community and public transport operators, more wind information at various locations has since been provided through various channels, including the Internet.

Given the recent review, there is currently no plan to conduct another comprehensive review of the System at this stage. However, it is the practice of the HKO to review the operation of the System after the passage of each tropical cyclone that significantly affects Hong Kong.

- (b) Under the System, current and forecast wind condition in the Victoria Harbour is still the predominant factor for the HKO to determine the signal to be hoisted. As there is no single location in Hong Kong at which the wind is representative of the condition over the whole territory, Victoria Harbour has been designated as the reference location for the System in the past 20 years. In addition to the hoisting of a tropical cyclone signal, the HKO also keeps track of wind-conditions over different parts of the territory and informs the public of such wind conditions through various channels, including radios and the Internet. It also maintains close liaison with public transport operators and provides ferry operators with wind conditions over ferry routes during the threat of a tropical cyclone.
- (c) Public safety is the only consideration of the HKO in determining whether the No. 8 or a higher signal should be hoisted.
- (d) The Director of the Hong Kong Observatory (the Director) takes direct control of the operation of the System. Specific operational procedures and objective criteria are also laid down for forecasters to assist the Director to operate the System. These arrangements ensure consistency in application.

Vacant PRH Units

10. **MISS CHOY SO-YUK** (in Chinese): *Madam President, will the Government inform this Council of:*

- (a) *the present number of vacant public rental housing (PRH) units on Hong Kong Island which are available for allocation;*
- (b) *the number of those which have been left vacant for one year or longer, with a breakdown by the reason for their being left vacant; and*
- (c) *the measures in place to shorten the vacant period for PRH units?*

SECRETARY FOR HOUSING (in Chinese): Madam President, at present, about 1 800 PRH flats on Hong Kong Island are vacant and available for allocation. Of these, 170 flats have been vacant for a year or longer; 140 flats are large-size flats for households of six persons or more, where difficulties have been encountered in letting owing to the general reduction of household size in Hong Kong. The remaining 30 units are largely in old estates, on lower floors or with a less favourable environment.

To shorten the vacant period of PRH flats, the Housing Authority (HA) has, since 1996, operated an Advance Allocation Scheme to allocate flats before they are completely finished or refurbished to the HA tenants affected by redevelopment, households affected by clearances and applicants on the Waiting List. The HA also publicizes information on vacant flats through various channels. In some cases, the standard of allocation may be relaxed so that surplus large-size flats can be let.

Concessionary Schemes for Senior Citizens Implemented by Utility Companies

11. **MR TAM YIU-CHUNG** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *whether it knows if the Hong Kong China Gas Company Limited (Towngas) and the two electricity companies have set up concessionary schemes for senior citizens; if they have, of the respective application procedures and eligibility, details of the concessions, and the number of beneficiaries; if not, whether it will encourage these companies to set up such schemes;*
- (b) *of the measures the Government will take to support the schemes implemented by these companies; and*
- (c) *whether it plans to encourage these companies to provide more concessions under their existing schemes; if so, of the details; if not, the reasons for that?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President,

- (a) The Towngas, China Light and Power Company Limited (CLP) and Hongkong Electric Company Limited (HKEC) have all set up concessionary schemes for senior citizens of limited means. The eligibility criteria and the concessions offered under their respective schemes are tabulated below:

(1) ELIGIBILITY CRITERIA

<i>Concessionary scheme</i>	<i>Age</i>	<i>Financial means and living arrangements</i>	<i>No. of beneficiaries</i>
<i>Towngas Elderly Concession Scheme</i>	60 or over	(a) qualified for Comprehensive Social Security Assistance (CSSA) and living alone or with other qualified elder(s);	as at October 2000, there were 14 000 beneficiaries.
		or	
		(b) living alone or with other qualified elder(s) in a Housing for Senior Citizen unit in a public housing estate.	
<i>CLP Concession Tariff Scheme for the Elderly</i>	60 or over	qualified for CSSA and living alone or with other qualified elder(s).	as at November 2000, there were 22 500 beneficiaries.
<i>HKE Concession Tariff Scheme for the Elderly</i>	60 or over	- ditto -	as at October 2000, there were 2 350 beneficiaries.

(2) CONCESSIONS

<i>Concessionary scheme</i>	<i>Concession in consumption</i>	<i>Deposit and Monthly Minimum Charge</i>	<i>Others</i>
<i>Towngas Elderly Concession Scheme</i>	<ul style="list-style-type: none"> • 50% discount on the first 10 units of monthly gas consumption 	<ul style="list-style-type: none"> • waived 	<ul style="list-style-type: none"> • monthly maintenance charge waived • free maintenance service for gas appliances (including spare parts replacement) • priority maintenance service • free annual safety inspection of gas appliances and installations
<i>CLP Concession Tariff Scheme for the Elderly</i>	<ul style="list-style-type: none"> • 50% discount on a maximum of 400 units of electricity consumed in a two-month period 	<ul style="list-style-type: none"> • waived 	not applicable
<i>HKE Concession Tariff Scheme for the Elderly</i>	<ul style="list-style-type: none"> • 50% discount on a maximum of 200 units of electricity consumed in a month 	<ul style="list-style-type: none"> • waived 	not applicable

An elder wishing to join the above concession schemes may obtain the application form from any subvented social centres and multi-service centres for the elderly, and customer service centres and payment offices of the three utility companies. Application forms for Towngas' scheme are also available from the Senior Citizen Card (SCC) Office of the Social Welfare Department (SWD). Completed forms can be returned to designated social centres and multi-service centres, and in the case of the Towngas concession scheme, also the SCC Office, for verification and approval.

In December 1999, the Towngas has introduced a 10% discount on course fees for any SCC holders enrolled in its cooking classes. This concession is provided irrespective of the elders' financial situation.

(b) and (c)

Since its introduction in 1994, the objective of the SCC Scheme has always been to inculcate in the community respect and concern for our elders. Through various SCC promotional activities, the SWD has been encouraging and facilitating corporations, including public utilities, to offer different types of concessions to their elderly customers. As described above, subvented social and multi-service centres for the elderly help to distribute and receive application forms for the concessionary schemes. Many of them (as designated by the three public utility companies) also help to verify and approve applications and the SCC Office of the SWD offer similar assistance in relation to the Towngas concession scheme. In July this year, the SWD relaunched the SCC to encourage more companies to join the Scheme or to improve on the concessions offered to their elderly customers. For instance, most of the concessions available under the Towngas Elderly Concession Scheme described above were introduced in October this year. The Department will continue with its SCC promotional activities in the coming year to elicit support from corporations and public utilities for elderly concession schemes.

Radio Broadcast on Franchised Buses

12. **MR LEUNG FU-WAH** (in Chinese): *Madam President, will the Government inform this Council whether currently there is legislation governing the broadcasting of radio programmes on buses by franchised bus companies; if so, of its details; if not, the measures it has to protect passengers' right to choose freely whether or not to listen to radio programmes on buses?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, at present, among the franchised bus companies, only the Kowloon Motor Bus Company (1933) Limited (KMB) is providing radio broadcasting service for its passengers on about 2 000 buses. The service is provided on upper deck only so as to allow a choice for passengers. The KMB has been monitoring passenger feedback to its radio broadcasting service since introduction in 1999 and has adjusted the service in response to public comments. The Company has also instructed its bus captains to adjust the volume of the broadcast if so requested by passengers.

Franchised bus companies are required under the Public Bus Services Ordinance (Cap. 230) to maintain a proper and efficient bus service to the public. They are also obliged under the relevant franchise agreements to ensure the provision and proper maintenance of their bus vehicles and facilities and to establish a communication channel with passengers with a view to improving their bus services. If there are any complaints from passengers about the services of the bus companies, the Transport Department will look into them. In case of non-compliance with the above requirements, the Transport Department will ask the bus companies to rectify the problems.

CSSA Cases Classified as "Lost Contact"

13. **MR CHAN KWOK-KEUNG** (in Chinese): *Madam President, it is noted that between June last year and August this year, there were 2 258 cases in which the Social Welfare Department (SWD) ceased to make out Comprehensive Social Security Assistance (CSSA) payments to recipients who had participated in the Active Employment Assistance (AEA) programme but could not subsequently be contacted. In this connection, will the Government inform this Council:*

- (a) *of a breakdown of these cases by age band and gender of the recipients, as well as household size;*
- (b) *whether the addresses, telephone numbers and means of contact reported by the CSSA applicants are verified by the SWD; if so, of the details; if not, the reasons for that;*
- (c) *of the usual frequency and means for the SWD to contact the CSSA recipients; and*
- (d) *of the average length of time taken for a case to be classified as "lost contact" from the first time the SWD fails to contact a CSSA recipient?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President, the information relating to participants of the AEA programme who have ceased receiving CSSA payment after they have lost contact with the SWD is set out as follows:

- (a) As we would have to conduct a file research on all 2 258 cases, it will take considerable time and manpower to obtain the necessary data. We are therefore afraid that breakdown of the requested information is not readily available.
- (b) Since June 1999, the SWD has extended their home visits to applicants of all new cases. By conducting these visits, the contact information reported by the recipients is verified.
- (c) All AEA participants are required to meet with their Employment Assistance Coordinators once every two weeks to discuss their job-searching plans and progress.
- (d) Similar to other CSSA recipients, AEA programme participants will be classified as "loss of contact" one month after the SWD's first failed attempt to contact him or her.

Promoting Flexitime Within and Outside Government

14. **MR BERNARD CHAN:** *Madam President, the Chief Executive stated in his policy address this year that "the Government will consider further promoting flexitime to enable working parents to spend more time with their children and to participate more actively in school affairs and activities organized by parent-teacher associations". In this connection, will the Government inform this Council:*

- (a) of the bureaux and departments which allow their staff to work flexitime; and the ranks and grades of the eligible staff;*
- (b) whether it has reviewed the impact of staff working flexitime on the services provided by the bureaux and departments concerned; if so, of the findings of these reviews; and*
- (c) of the actions it will take to promote flexitime within and outside the Government?*

SECRETARY FOR THE CIVIL SERVICE: Madam President, the Civil Service has been using flexitime arrangements for over 20 years. The civil service flexitime is based around "core operating hours" within which all officers must be present at work. Outside these core hours, departments may adopt a number of flexible working arrangements. These vary in flexibility from officers being allowed to choose the starting time of work each day which then determines the finishing time to a "staggered working hours" system under which officers may choose from a prescribed number of alternative starting/finishing times. The intention of having these flexitime arrangements is to balance the operational needs of departments with officers' personal/family needs. Our response to the three points raised in the question is as follows:

- (a) Departments may adopt the arrangements which are most appropriate to their operations. At present, 65 bureaux and departments (details at Annex) adopt one or more of the above flexitime arrangements. Over 160 grades (450 ranks) are involved.

- (b) The Government monitors the use of flexitime in the Civil Service and has reviewed the arrangements from time to time. The fundamental principle is that whichever system is used, there must be no adverse impact on the quality of service and convenience to the public or departmental efficiency. In addition, bureaux and departments are required to set the core operating time most appropriate to their operational need; and the overall conditioned working hours of officers must not be reduced. We are satisfied that the bureaux and departments concerned adhere to these principles.
- (c) The Government will continue to explore opportunities for greater use of flexitime arrangements within the Civil Service. Bureaux and departments will be encouraged to take a positive approach to their flexitime arrangements.

The Labour Department will help promote flexitime outside the Government through the Department's promotional and training functions which include seminars, training courses on good people management practices and personnel management clubs meetings which are specially targeted at human resources management personnel. The Department will also promote the benefits of flexitime arrangement at the industry level through the tripartite committees which are represented by employers organizations, trade unions and the Government. All these promotional efforts should help cultivate a more positive reception of flexitime work arrangement and encourage more organizations to adopt flexitime work practices.

In addition, the Education and Manpower Bureau will work with the Business Coalition on Education to encourage employers to grant time-off for working parents to participate in school activities, and to promote flexitime, where necessary, to facilitate child care.

Bureaux and departments adopting some form of flexitime

Bureaux

Civil Service Bureau
Commerce and Industry Bureau
Constitutional Affairs Bureau
Education and Manpower Bureau
Health and Welfare Bureau
Housing Bureau
Information Technology and Broadcasting Bureau
Planning and Lands Bureau
Security Bureau
Transport Bureau
Works Bureau
(11)

Departments

Agriculture, Fisheries and Conservation Department
Architectural Services Department
Auxiliary Medical Service
Buildings Department
Census and Statistics Department
Civil Aviation Department
Civil Engineering Department
Civil Service Training and Development Institute
Correctional Services Department
Customs and Excise Department
Department of Health
Drainage Services Department
Education Department
Electrical and Mechanical Services Department
Environmental Protection Department
Food and Environmental Hygiene Department
Government Flying Service
Government Land Transport Agency

Government Property Agency
Government Supplies Department
Highways Department
Home Affairs Department
Hong Kong Monetary Authority
Hong Kong Police Force
Housing Department
Immigration Department
Independent Commission Against Corruption
Independent Police Complaints Council
Information Technology Services Department
Innovation and Technology Department
Intellectual Property Department
Judiciary
Labour Department
Lands Department
Leisure and Cultural Services Department
Marine Department
Office of the Telecommunications Authority
Official Languages Agency
Official Receiver's Office
Planning Department
Printing Department
Radio Television Hong Kong
Rating and Valuation Department
Social Welfare Department
Standing Committee on Civil Service Salaries and Conditions of Service
Standing Committee on Disciplined Services Salaries and Conditions of Service
Student Financial Assistance Agency
Territory Development Department
Office of The Ombudsman
Trade and Industry Department
Transport Department
Treasury
University Grants Committee
Water Supplies Department
(54)

Total : 65

Acceptance of Donations from Lunch Suppliers by Schools

15. **MR YEUNG YIU-CHUNG** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *whether it has issued guidelines to government and public sector schools on the acceptance of donations by the school authorities and their staff from suppliers of students' lunches, uniforms, stationery and appliances; and of the measures it has put in place to ensure that the schools follow the guidelines; and*
- (b) *of the number and details of cases reported to the Education Department (ED) on the acceptance of donations from lunch suppliers by schools in the past five years?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President,

- (a) All staff of publicly funded schools^(Note) are subject to section 9 of the Prevention of Bribery Ordinance (POBO). Under this section, it is an offence for school staff to accept, without their employers' permission, an advantage as an inducement to or reward for doing or not doing an act in relation to the schools. As for government school staff, they are subject to section 3 of the POBO which makes it an offence for them to solicit or accept any advantage without the general or special permission of the Chief Executive.

In addition, the Codes of Aid broadly set out the principles which aided schools should follow in accepting advantages and donations. The Codes also provide that school management committees of aided schools must ensure that all donations, if accepted, are expended for school or educational purposes only.

^(Note) Publicly funded schools refer to aided schools, Direct Subsidy Scheme schools, Caput schools, Bought Place Scheme schools and English Schools Foundation schools.

Furthermore, the ED, in consultation with the Independent Commission Against Corruption (ICAC), have issued two set of guidelines to publicly funded schools. The first set of guidelines, "the General Guidelines on the Acceptance of Advantages and Related Matters", set out factors schools should consider when deciding whether advantages and donations should be accepted and remind schools that advantages must not be solicited. The second set of guidelines, "the Guidelines on Textbook Selection Procedures and the Acceptance of Publishers' Donations by Schools", draw attention to possibilities for corruption that may arise in connection with the selection of textbooks, and advise schools on measures to prevent corruption.

To ensure that the guidelines are complied with, all aided schools are required to report quarterly to the ED details of advantages and donations received. If the ED considers that the advantages and donations received are not appropriate, it will ask the schools concerned to return the donations to the donors.

The guidelines for publicly funded schools mentioned above are broadly applicable to government schools. To ensure that the guidelines are adhered to, government schools are required to report donations to the ED on a regular basis.

Moreover, the Administration issues guidelines on acceptance of advantages and donations to government departments and civil servants from time to time. Government schools and their staff, being part of the Government and the Civil Service respectively, are required to follow the relevant guidelines. During its periodic audits on government schools' internal records, the ED inspects records on acceptance of advantages and donations to ensure that the guidelines are followed. Any government school staff who do not comply with the guidelines applicable to civil servants are also subject to disciplinary action.

An ED Corruption Prevention Group, with membership including representatives of the ICAC, meets regularly to identify possible areas which call for review from a corruption prevention point of

view and to advise generally on corruption prevention matters. The ED and the ICAC have jointly organized seminars for schools on proper procedures for procuring goods and services. In addition, reference materials relating to acceptance of advantages are available on the ED's homepage for schools' reference.

- (b) As mentioned in part (a) above, government schools and aided schools are required to report to the ED details of advantages and donations received. These records are kept by the Department for two years.

According to the ED's records, a total of 132 cases (73 from secondary schools and 59 from primary schools) on accepting advantages and donations from lunch suppliers were reported to the ED in the past two years. Donations from lunch suppliers were mainly for sponsoring school events and activities of parent-teacher associations, and for purchasing school furniture and equipment.

Layoff by Companies Operating Internet Websites

16. **DR RAYMOND HO** (in Chinese): *Madam President, will the Government inform this Council whether:*

- (a) *it has compiled statistics on the total number of employees made redundant since 1 January this year by companies operating Internet websites; if it has, of a breakdown by the posts they held and the types of jobs in which they were employed;*
- (b) *it has carried out a survey on the average time taken by such employees to obtain new employment; if it has, of a breakdown of the findings by the type of jobs in which they were formerly employed; and*
- (c) *it knows the types of business operated by the companies which are now employing the information technology personnel made redundant in the past two years?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President,

- (a) According to the information available to the Labour Department (LD), there were about 18 cases of insolvency, cessation of business and retrenchment involving companies providing Internet services during the period from 1 January 2000 to 31 October 2000. About 970 employees were affected. The LD does not have a breakdown of these employees by the posts they held or by the types of jobs in which they were employed.
- (b) We have not kept track of individual employees laid off by companies providing Internet services. Though some of these retrenched workers might have sought employment assistance from the LD, the department in providing such assistance would not ask the job-seekers whether or not they have been laid off by their former employers. As such, detailed information about employees laid off by companies providing Internet services rejoining the labour market is not available.
- (c) We have not kept track of individual retrenched information technology personnel. Therefore, we do not have detailed information on the types of jobs they are now taking up. From January to October 2000, however, 3 000 vacancies related to information technology were registered with the LD, including vacancies for computer technicians, network administrators, programmers and web page designers. We believe that some of the employees laid off by companies providing Internet services might have applied for these posts.

Provision of Child-minding Services

17. **MRS SOPHIE LEUNG** (in Chinese): *Madam President, will the Government inform this Council whether it has plans to provide assistance to women who need to take care of their young children but are at the same time interested in participating in volunteer service; if it has, of the relevant details and whether it will provide funding to non-governmental social welfare agencies for the provision of more child-minding services; if not, the reasons for that?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President, the Government has ongoing plans to provide child care services to facilitate parents who want to take up volunteer work or employment. In 2000-01, the number of government and aided day nursery places for children aged between two and six will increase to 28 814 places and day creche places for children aged below two will be 1 225 places. This is in addition to the 20 565 places provided by the private sector (as at the end of October 2000). As regards occasional child care service which provides short-term day care for children aged below six for brief periods, four additional units with 12 places will be provided in 2000-01, making a total of 242 units with 726 places. A means-tested Fee Assistance Scheme for Child Care Centres is available to low-income families to meet part or all of the fees for their children in child care centres. In 2000-01, the Government will spend \$491 million on the provision of child care services, with \$358 million on the Fee Assistance Scheme, \$127 million on subventions for non-governmental organizations and \$6 million on government services.

Moreover, additional resources have been secured in 2000-01 to subvent an additional 1 400 extended hours service places in 100 aided child care centres for children aged below six. By March 2001, 1 610 places will be available to the public. It will also subvent 6 000 places in 142 units under the After School Care Programme for children aged between six and 12. These will help parents who require longer care hours for their children after centres or schools have closed for the day. The annual recurrent costs, which are paid to non-governmental organizations, will be \$17 million for the extended hours service and \$21 million for the After School Care Programme.

The Government also facilitates non-profit-making organizations to set up mutual help child care centres so that flexible child care assistance can be arranged among parents on a mutual help basis. These centres are mainly manned by women volunteers. The Government provides assistance in identifying suitable premises, reimburses rent and rates and provides financial assistance in meeting the initial start-up costs of these centres. Eight additional mutual help child care centres will be set up in 2000-01, making 31 in total. \$5.5 million has been earmarked to meet the initial fitting-out costs and purchase of furniture and equipment of the eight new centres, if assistance is required. The non-governmental organizations which run these centres can also apply for additional funds to cover the cost of the rent and rates.

Financial Arrangements for Cyberport Project

18. **MISS EMILY LAU** (in Chinese): *Madam President, regarding matters relating to the financial arrangements for the Cyberport project undertaken by the Pacific Century Group (PCG), will the executive authorities inform this Council:*

- (a) *whether they know if the financing activities in respect of the Cyberport project have been affected by the recent considerable drop in the share prices of the Pacific Century CyberWorks (PCCW), which is an affiliated company of PCG; if such activities have been affected, of the details and the impact on the progress of the project;*
- (b) *when they last examined the cash flow forecast and audited financial statements submitted by PCG; whether any areas of concern were identified when they examined such forecast and statements; if so, of the details; and*
- (c) *of the measures to ensure that the project will not be delayed due to financial problems?*

SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING (in Chinese): Madam President,

- (a) The PCCW has set up a wholly owned subsidiary, which is named "Cyber-Port Limited", to undertake the Cyberport project in accordance with the terms of the Project Agreement that they entered with us in May this year. Cyber-Port Limited have submitted to us payment records and other supporting information to show that all project expenses due for payment have been paid by them out of their own resources. The Cyberport project is progressing on schedule.
- (b) The Project Agreement requires Cyber-Port Limited to review their project forecast net cashflow schedule at the end of each quarter, and then submit the updated forecast to us. The last review was done by Cyber-Port Limited at the end of the September 2000 quarter. We have not identified any areas of concern from their submission.

The Project Agreement also requires Cyber-Port Limited to prepare audited financial statements at the end of each financial year and submit them to us afterwards. The first audited financial statements will be prepared at the end of this December.

- (c) Cyber-Port Limited is responsible for the provision and procurement of funds to meet the project expenses. Pursuant to the Project Agreement, the PCCW have provided us a full parent company, performance and completion guarantee. The Project Agreement further requires Cyber-Port Limited, starting from the commencement of the project, to procure from an "A" rated bank a cashflow guarantee to cover the forecast net cashflow requirements for every next six months. We are the beneficiary, and the first such cashflow guarantee, covering the period up to 31 December 2000, was received by us in June this year. A replacement six-monthly cashflow guarantee will need to be delivered to us prior to the expiry of each of the preceding cashflow guarantees.

Recovery of Outstanding Government Rates

19. **MR LAU KONG-WAH** (in Chinese): *Madam President, regarding the recovery of outstanding government rates, will the Government inform this Council:*

- (a) *of the number of cases involving default in payment of government rates adjudicated by the Small Claims Tribunal in the past three years; the total amount not yet recovered in such cases and the reasons for the Government's failure to recover such arrears;*
- (b) *whether the number of cases involving outstanding government rates has been on an upward trend over the past three years; if so, the reasons for that and the measures it will take to curb such a trend;*
- (c) *whether it has assessed the adequacy of the manpower currently deployed for recovering government rates; and*
- (d) *of the total amount of public money spent on recovery of government rates in the past three years, and the average amount spent per case?*

SECRETARY FOR THE TREASURY (in Chinese): President,

(a) and (b)

The number of cases involving non-payment of rates, with breakdown by the number of properties and amount of outstanding rates involved in the past three years are as follows:

<i>Financial year</i>	<i>Number of properties</i>	<i>Total amount of outstanding rates</i>
1997-1998	61 000	\$119 million
1998-1999	46 000	\$102 million
1999-2000	55 000	\$129 million

The number of cases have not been on an increasing trend.

There are four major reasons underlying the late payment of rates: new owners have not received rates demands in the immediate period following the change of ownership of premises; owners fail to make prompt arrangements with tenants for rates payment after the properties have been let; payers claiming that they have not received rates demands or payers have forgotten to pay rates before the due date; or payers have been unable to settle the payment due to financial difficulties.

Of the total number of rates arrears cases in the past three years, 34 800 were adjudicated by the Small Claims Tribunal and the total rates payment involved was around \$133 million. The Rating and Valuation Department (RVD) took these cases to the Small Claims Tribunal mainly because those liable had failed to pay rates for several quarters even after the RVD had issued a number of reminders and warning letters to them. Upon adjudication by the Tribunal, if the ratepayers are in financial difficulties, the RVD will normally negotiate with them and accept payment by installments. Regarding those cases in which the ratepayers still refuse to settle the payment, the RVD will, depending upon the amount outstanding, take further legal action to recover the arrears.

- (c) If the number of rate arrears cases remains at the present level, the RVD's current manpower resources will be adequate for handling the necessary recovery work. The RVD will regularly review the manpower requirements and make flexible arrangements to deploy existing staff to recover outstanding rates as and when necessary. The RVD will also regularly review the current procedures and measures for recovering outstanding payment, with a view to ensuring their cost-effectiveness.
- (d) During the past three years, the RVD spent an average of \$29 million each year on the recovery of rates. The average number of new cases handled each year is 85 000 (including both new cases and cases brought forward from previous years) and the average cost spent on each case is about \$340.

Labelling of Prepackaged Foods

20. **MR IP KWOK-HIM** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the number of inspections made in the past three years by officers from the Department of Health (DH) at retail shops to check if any prepackaged foods are still on sale after the "use by" dates marked on their labelling have expired, and the respective numbers of shop owners warned and prosecuted for selling expired foods;*
- (b) *whether the DH conducts laboratory tests on samples of expired foods found during inspections to see if they have perished; if so, of the number of cases in the past three years in which expired foods were found to have perished; if not, of the reasons for that; and*
- (c) *as many consumers may not understand the difference between the "best before" date and "use by" date, whether the Administration will consider standardizing the labelling of prepackaged foods in this respect?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Chinese):
Madam President,

- (a) The Food and Environmental Hygiene Department (FEHD) has taken over from the DH the responsibility for food safety from 1 January 2000. Over the past three years, that is, November 1997 to October 2000, officers of the two departments conducted approximately 12 500 visits to retail outlets selling pre-packaged food for compliance checks on prepackaged food labelling requirements, including date marking requirements. During the period, a total of 866 warnings were issued and 64 prosecutions made in connection with suspected non-compliance with the date marking requirements.
- (b) Prosecution action will be taken against anyone selling pre-packaged food with an expired "use by" date and the food item will be destroyed. We will take samples of pre-packaged food with an expired "best before" date on the spot for laboratory testing. If the result of the tests indicates that the food item has perished or is unfit for human consumption, we will also take prosecution action. However, no such results were obtained from the tests conducted by the two departments over the past three years.
- (c) The "use by" and "best before" date markings provide different information to the consumers and should therefore be retained. "Use by" date is used in food items that are easily perishable and have a relatively short shelf life. Consumption of these food items after the expiry date poses considerable risk to human health. Therefore, they should not be sold after the expiry date. "Best before" date is used for other kinds of food. It indicates that the quality of the food item, for instance colour, taste, and appearance, will remain in the best condition before this date. It does not mean that the food item will necessarily perish after this date and pose a risk to human health.

Having two different date markings helps consumers make informed choices when purchasing and consuming food. Similar practices are widely adopted internationally. Countries that have implemented similar date marking systems include Australia, New Zealand, the European Union and Singapore.

At the same time, we are strengthening our publicity effort to explain the differences between of the two date markings to the public through various channels, including pamphlets, notices in the newspapers, the webpage of the FEHD and inquiry hotlines.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debates. Also, I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Smart identity card.

SMART IDENTITY CARD

MISS EMILY LAU (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

On 17 October this year, the Executive Council decided that the identity (ID) cards held by Hong Kong residents should be renewed, and that the new card should be a multi-function smart ID card. The Executive Council also decided that the renewal scheme should commence in 2003 and complete in four years' time. Madam President, the cost for this scheme will amount to some \$3.06 billion. With regard to this decision that we consider importance, I was surprised that even though the decision was made by the Executive Council on 17 October, the Chief Executive had not given us any hint on this when he presented his policy address to this Council on 11 October. What is more, the majority of the people of Hong Kong are unaware of this. In fact, the Government had briefly mentioned this scheme to the Panel on Security in March and June this year, but no large-scale or public consultation exercises have ever been conducted. Moreover, because of the election campaigns held this summer, I believe members of the public could hardly find any spare energy to give attention to this matter. But then, "bang", the Government told us that a decision had been made on 17 October.

Therefore, Madam President, it is not surprising that the people of Hong Kong, including Members of the Council, are unaware that the Government has already made this decision. Indeed, when the Establishment Subcommittee under the Finance Committee met on 22 November to discuss the Government's proposal to extend the supernumerary post of Deputy Director of Immigration for a period of six months, upon hearing the many questions raised by us in respect of the matter some Members opined that it was unnecessary to inquire of the situation so urgently because they thought that the matter was still at its consultation stage and a final decision had yet to be made. Under the circumstances, we could only tell them that actually a final decision had already been made. From this we can see that many members of the public were still unaware of what had happened then. But now, Madam President, the public do not even have the chance to discuss whether or not they really need to have a multi-function smart ID card. During the said meeting, I asked the government officials concerned whether they would need to apply to this Council for that funding of \$3.06 billion, but so far an answer has yet to be received. I hope the Government will give us a clear reply today. The Director of Immigration, Mr A. LEE, told us then that he hoped to come before us with the funding application in April next year. However, if by then there are still many outstanding issues for the Government to resolve, I hope it will not apply for the total amount of funding. I understand that a number of Honourable colleagues have mentioned the need for some amendments. For my part, I believe we would not raise any objection if circumstances should call for a feasibility study. The most important point is that the total amount of the funding must not be approved in one go. The Honourable Andrew WONG, for example, pointed out on 22 November that many pieces of legislation must indeed be amended. Moreover, in a paper it submitted to the Panel on Security on 11 November, the Government also listed a number of laws that needed to be amended, including the Registration of Persons Ordinance and the Registration of Persons Regulations. At that time, Madam President, some Members actually asked whether it would be better to wait until all parties concerned had agreed on the policy to implement the scheme, but it was rejected by the Government on the ground that so doing would take a long period of time. I do agree that it would take a long time to amend the relevant legislation. But then I believe people will consider the Executive Council putting the cart before the horse in making the decision to implement the scheme when a number of relevant laws have yet to be amended and many issues remain unresolved.

Madam President, it is in fact a little odd for me to move this motion today. This is because the Secretary for Security should be the person who moves the motion, for she could then find out whether or not this Council supports the scheme. Yet she will only move a motion on the Public Order Ordinance on the 20th of the month. As a matter of fact, the scrutiny of bills or amendment bills is a very time-consuming process. But since the matter in question is very important, the Secretary should really move a motion on it to see if this Council would give support to it, and then bring the message back to the Executive Council if this Council supports the motion. As the Secretary has not done so, I have to move this motion because I consider it to be the right move to take.

Madam President, many a time the Government will make reference to the experience overseas before implementing any new measures. So, we have inquired the Government of that during the said meeting. At present, several countries have in place policies of this kind. Finland, for example, has implemented a similar programme since December last year. The programme is of a voluntary nature, which means that the people can choose whether to join it or not. Another example is Malaysia, which introduced the programme only in September this year, and it is still at the trial stage. So far about 50 000 cards have been issued. Madam President, another country is Brunei. But the Government did not have all this information then. It only learnt about that when someone raised the point. However, so far we have yet to receive the relevant information from the Government. Nevertheless, since Brunei has a population of only several hundred thousand, the matter could be handled very easily by its government. The last example is Taiwan. A private organization in Taiwan intended to implement a similar programme in 1998. Naturally, the private organization would wish to include in the card a shopping function so that it could make a profit out of it. But due to strong objection from the people, in particular the intellectuals, the programme eventually fell through. As regards other countries like the United Kingdom, Australia, the United States, New Zealand, and even France, the country which invented smart cards, the people there do not have any ID cards. According to the Privacy International, an international concern group for privacy rights, the governments of these countries do not issue any ID card because their people consider ID cards an instrument for the government to put them under surveillance. For this reason, so far the people of these countries do not have to carry any ID cards with them.

Hence, if our society should really reach a consensus on the implementation of the scheme — Madam President, I use the word "if" because the public has never been consulted on the scheme before and not many people are aware of this scheme — we would need to see very carefully whether this Council could reach a consensus today. Madam President, we do not wish to see a repeat of the case of the Strategic Sewage Disposal Scheme. Some people have even considered the Scheme a flash in the pan because the Government had intended to implement the Scheme but eventually abandoned it, thus wasting a considerable amount of public money. We all consider this case most regrettable. With regard to the scheme in question, should we not first find out whether the technology we have is advanced enough to support the scheme? Is Hong Kong ready to implement the programme at this stage when other countries are not yet fully prepared to implement a similar scheme? Madam President, I believe these are the issues we must handle with great care.

In order to promote the scheme, the Government has often put strong emphasis on its merits, such as the convenience it can give the people. However, the Government has very seldom made mention of such issues as security, the people's privacy right, or their rights to know and to choose. Even if the Government has referred to such issues, it has failed to provide the people with an answer. On the front of security, for example, the Government only stresses that encryption technology or biometrics identification technology would be used to prevent the personal data of the cardholder from being given away or to prevent other people from impersonating them. However, Madam President, how much do we know about these new technologies? All we know is that the law is powerful, but the out-laws are 10 times more powerful. We have also heard about "hackers" successfully intruding into other people's computer systems. I have heard about many such cases in countries overseas. Naturally, there will be public concern that our computer system may be hacked and the encrypted data decoded by hackers. We are also concerned that some people may even make their own reader to decode the stolen data. All these are matters of grave concern to us. We understand that with information technology developing by leaps and bounds these days, the data storage capacity of smart cards could increase in geometric progression. Yet it is exactly this rapid pace of development that causes us to worry that the arrangements made today may become outdated in just a few years' time. Madam President, I think the most important point is security, and members of the public expect the

Government to tell them that it has already had in place an adversity management plan. I believe this is a very reasonable request. I hope that later on the Secretary can give us an undertaking in this respect and tell the public that it has already made such arrangements, so as to set our mind at ease.

As regards the people's rights to know and to choose, I believe Members are also aware that the Commissioner for Personal Privacy has already pointed out that if many data are stored on the smart ID cards, problems would arise if the use of these data has to be changed. In other words, problems will arise if the original purpose of the Government in collecting data could not be achieved, or when the Government's undertaking to the public cannot be fulfilled. This is because by then the Government might have collected a large amount of information and stored it in a central databank. However, if the Government cannot give us the undertaking that there will not be any changes to the uses concerned, does it follow that government departments can exchange among themselves personal data of the public? The Government may say that the encryption technology makes it impossible for other people to access the data stored on the smart ID card. However, the public will still question how they can find out whether or not their personal data has been used by other people. In this connection, the Commissioner for Personal Privacy has recommended the Government to conduct a privacy impact assessment or issue an administrative code of practice. On the other hand, some members of the public have suggested that in order to let them have peace of mind, the Government should provide for the public a computer system whereby they can find out whether any people have tried to check or successfully gained access to their personal data. So, we are now talking about not only the smart ID card but also the subjects' access to the databank storing their personal data. By using the suggested computer system, the people may get a summary report, printed out like a monthly bank statement, on the date, time, and identity of the various parties gaining access to their personal databank, including government departments, individuals and other private organizations. In my view, if the Government wishes to implement the programme it has now proposed, it should at least provide the public with this channel to find out who has gained access to their personal data. Naturally, the people will know what to do after finding out what has happened.

Further still, Madam President, there is also the issue relating to the public's right to choose. In fact, in the paper initially submitted to the Panel, it was suggested that only the data already contained in the existing ID cards would be stored on the smart cards, and the people would have the right to choose whether other data should be stored on their smart ID cards. However, while the words are still ringing in our ears, the Government has changed its mind. The present proposal is that three types of data will be stored on the smart ID cards compulsorily. The first one is the driving licence. The Government said that since the issue had already been discussed, it would not be necessary to give the public a choice in this respect. However, the relevant legislation would need to be amended and the amendment bill must be submitted to this Council for approval. The second one is fingerprint data of both the right and the left hands. Currently, the Government only takes the fingerprint data of the people's left hands, but it has now proposed to store the fingerprint data of people's both hands on their smart ID cards. The Government has already said that the public would not have a choice in this regard. The third one is the information on the limit and condition of stay of temporary residents. The Government has made it clear that there will not be any choice regarding the inclusion or otherwise of the personal data of non-permanent residents on their smart ID cards.

The approach of the Government has served to give us the impression that it has gone back on its words. At first, it told us that it would only take a certain kind of data for record purposes, but before we could have any in-depth discussion, it has now made it clear that the public will not have a choice in respect of three types of data. It is my hope — and I hope it is also the hope of the majority of Honourable Members — that the people could have the right to choose in this matter. I agree that the data already contained in the existing ID cards should be stored on the smart card, and I also agree that the fingerprints of the right hand be stored on the card as well, as that could help to speed up clearance at the immigration control points. Nevertheless, I hope the public can still have the right to choose whether or not to store on their cards other data. Certainly, we need to make legislation on that. Yet instead of providing against their right to choose, we should legislate to provide for the public's right to choose. Madam President, I consider this the most basic requirement, and I hope the Government can agree to it.

Lastly, I understand that the information technology sector must be delighted to see this development, in particular the smart cards might even perform the function of an e-purse or even other functions. On the other hand,

I have also heard some people saying that such functions should be promoted by the business sector, since it would not be appropriate to spend public money developing functions that serve business purposes. What is more, if too many functions and data should be stored on one single card, in the event of the smart card being stolen, very grave consequences would be resulted. Besides, the chances of the data on a stolen ID card being abused will be much higher than before. Madam President, in moving this motion today I hope to urge this Council — even at a later date in the future — to give the Government the message that it should first resolve all the relevant issues before implementing the scheme; otherwise, it cannot give us any peace of mind.

With these remarks, I beg to move.

Miss Emily LAU moved the following motion: (Translation)

"That this Council expresses grave concern over the issues arising from the smart identity card scheme, relating to security, privacy as well as the public's rights to choose and to know, and urges the Government to implement the scheme only after such issues have been satisfactorily resolved; at the same time, if data not already contained in existing identity cards (other than fingerprints) are to be stored on the smart identity cards, this Council considers that the Government must submit the relevant proposals to this Council for endorsement, and offer the public the right to choose the data to be stored on their smart identity cards."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Miss Emily LAU be passed.

PRESIDENT (in Cantonese): Mr IP Kwok-him and Mr James TO will move amendments to this motion. Their amendments have been printed on the Agenda. The Council will now debate the motion and the two amendments together in a joint debate.

I will call upon Mr IP Kwok-him to speak first, to be followed by Mr James TO; but no amendments are to be moved at this stage.

MR IP KWOK-HIM (in Cantonese): Madam President, when people first heard of this new-fangled gadget, "computer", from the United States about 24 years ago, it was the toy of only a handful of professionals. But then computer technology has developed by leaps and bounds and become universally accessible over the past 20 years, so much so that everyone is rushing to get on-line these days. I believe Honourable Members could hardly have anticipated that things would turn out this way.

We always become particularly careful whenever we come across something new. This is only normal and understandable. However, if we should adopt an excessively careful attitude towards novel things and spend seven whole weeks sitting around a computer pondering what unpredictable problems might arise before touching it, we would end up sitting around, harbouring fears and watching other people surfing happily. In the face of new technologies, we must strive to strike an appropriate balance between "acceptance" and "prudence", with a view to enjoying all the conveniences made possible by new technologies on the one hand, and minimizing as far as possible any potential problems on the other, thereby enhancing and improving the quality of our life. Hence, in implementing the smart ID card scheme, we must fully consider the issues of concern to the people and address them properly as soon as possible.

Madam President, during the period when the Panel on Security was consulting the public on the smart ID card scheme, many professional bodies and professors stated almost with one voice that the development of smart cards had matured, and that it was the time we implemented the smart ID card scheme, providing the relevant data were handled carefully. According to the Government, since the existing ID Card Information System has been in use for more than 20 years, it is now time to replace the old system. Last month, the Executive Council decided to introduce smart ID cards, with a view to making use of the people's ID cards to give a boost to the future development of information technology in Hong Kong. With the media rushing to report on the additional functions to be included in the new ID cards, some critics have expressed concern over a number of issues like personal privacy, confidentiality of data, the public's right to know, and so on. The Government must address squarely the concerns of the public, for it is only human to feel concerned about anything new. As regards the concern that the many personal data stored on the smart ID cards might be used by the Government as an instrument for privacy abuse to facilitate its control over every move of the people, I am afraid this view

smacks of "conspiracy theory". How could one preoccupied with unnecessary suspicions of the Government's intention and a feeling of distrust discuss this motion on smart ID cards in a rational manner?

One of the key areas of discussion on the motion today is the need or otherwise for the Government to submit to this Council for endorsement proposals for storing on smart ID cards any additional data that are not contained in the existing ID cards. According to the existing legislation, the Government must submit the relevant proposals to this Council for discussion and approval before including any additional data in ID cards. Even for a proposal seeking to include fingerprint data as a basic means to check ID card forgery, the proper procedure is for the Government to obtain the approval of this Council before adding the relevant data. If anybody should seek to bypass the statutory procedure and secretly input into the microchip of ID cards personal data that have not been approved of by the Council, so that the personal data of an ID cardholder and even that of his parents and grandparents could be easily accessed by scanning the microchip on his ID card, Members of this Council will by no means sit watching with folded arms.

Madam President, according to Regulation 12 of the existing Registration of Persons Regulations, any person who makes any mark upon or defaces an ID card without proper approval shall be guilty of an offence. To everyone of us sitting in this Chamber, the title "Honourable Member" is a very important piece of personal data. If we should add the title "Honourable" on our ID cards before our names, so that our names would read as "Honourable IP Kwok-him", "Honourable Emily LAU" and so on, would we be considered having defaced our ID cards? Or we would only be regarded as members of the public exercising our right to choose the data to be stored on our ID cards, just like what the original motion has proposed. In the absence of any legislation to provide for the limitation, the right to choose proposed in the original motion would very easily give rise to misunderstanding and cause the public to break the law inadvertently. For this reason, my proposed amendment seeks to amend the right to choose, as mentioned but not at all defined in the original motion, by adding to it the requirement that it should be a matter for this Council to decide, in consultation with the public, the specified data the public may choose to store on their ID cards, including the library card data mentioned by some Members just now, blood group type, e-purse, and so on. Basing on their own preferences, members of the public may choose all, just a few or even none of the specified data, just like the way we choose our favourite set breakfast from the choices offered in the restaurant's menu.

"Enhancing the competitiveness of Hong Kong" and "Innovation and Technology" are more than just a part of the blueprint for our future development; they are the factors we rely on for the survival of Hong Kong. With the scope for future development it opens up for us, the smart ID card scheme is an important proposal to make use of high technology to improve the quality of life of the public. This is not any unreal bubble, but a genuine prospect and opportunity for development laid in front of us. For the future of the people and the community of Hong Kong as a whole, I hope Members can have the foresight to support my amendment and urge the Government to have full regard for the concerns of the people and exercise great care in implementing the smart ID card scheme.

With these remarks, Madam President, I put forward my proposed amendment.

THE PRESIDENT'S DEPUTY, MRS SELINA CHOW, took the Chair.

MR JAMES TO (in Cantonese): Madam Deputy, am I allowed to speak for 10 minutes with respect to the amendment? Am I right? Yes, I am right. I only want to confirm this point.

Concerning the identity card issue, Madam Deputy, with your indulgence I would like to say a few words on its historical background. We are indeed somewhat disappointed with and even extremely worried about the way in which the Government has dealt with the issue. Even for trivial matters in the past several years, the Government would often the Legislative Council Panel on Security for discussion as well as taking the initiative to discuss the matters with some Members. Insofar as this issue is concerned, however, the Government has so far taken no initiative (I do not want to use the expression "conceal") to hold discussions with this Council. Actually, the matter was not tabled to this Council for discussion until the Government saw the need to increase funding to finance the proposal for several months. As a result, the whole incident was eventually brought to light. It was discovered that the Government had ambitiously examined this issue. Looking back at this part of history, one just cannot help feeling that the Government had intended to do something in secret, hoping to rush things through quickly. This is readily reflected by the fact that the Executive Council has given the proposal the green light so quickly.

Why did I say so? Actually, this matter involves a very important issue. Members should be aware that as far as the smart ID cards are concerned, there is nothing we can base on to propose its abolition or raise objection. However, it is necessary for us to examine what data should be included in the ID cards in future and whether the cards should have a multitude of functions. We should refer to history to see what experiences we can borrow to determine if it is considered possible to include any data on the ID cards. Nevertheless, such experiences are really far and few between. Miss Emily LAU cited some examples earlier. Even if we go through all information provided by the Government, we can see that only Finland and Malaysia have such experiences. The information on Brunei is not yet available. The Government started to collect the information on Brunei only after someone had reminded it to do so. It has not told us that many countries and regions, including Britain, the United States, Canada, Australia, New Zealand, Greece, Korea, and so on, have conducted detailed research on the matter and decided upon the conclusion of the research against implementing such a scheme. Even if the smart ID card scheme may bring us huge benefit, and even if we have such advanced technology to cope with the new system, is it necessary for us to become the first one to put the system into implementation? Some issues, such as those concerning security and privacy as mentioned by Miss Emily LAU, are actually very complicated and have profound and far-reaching implications, which make it necessary for us to consider carefully. This is because the scheme will involve certain social implications, changes induced by future smart identity cards in patterns of human behaviour and society and institutional interaction. Yet there is no experience that we can borrow.

Having said that, does it mean that we should not implement this kind of schemes at all? In my opinion, we cannot avoid the trend. This is because we will definitely need to face technological advancement squarely. This is particular so as Hong Kong is at the forefront of the time in many aspects. As various problems have yet to be sorted out, I think the best way to handle the matter is to meet two basic requirements: First, the Government should lengthen the brewing period for the scheme. Are a few months enough? We need more time to have more in-depth discussions on the matter. Moreover, we need to borrow experiences from more communities and regions. For these reasons, can the Government give us more time? I only hope the scheme will not be implemented so quickly and rashly. Second, the Government should uphold the principle that even if the public have still not come to terms with their cultural cognition of the smart ID cards, it should at least give a firm indication that the

public will be given the right to choose whether certain data should be included in the future smart ID cards to make them a multi-function identification document.

Now let us look at Mr IP Kwok-him's amendment. Miss Emily LAU has proposed to give the public the right to choose the data to be stored on their smart ID cards. Of course, the provision of such right does not involve the so-called enabling legislation. Otherwise, just as what Mr IP Kwok-him said, the act of smearing the smart ID cards can be deemed as an act of damaging the document and is liable to a criminal offence. Therefore, we need to take note of this point. I would like to ask Members to look at Mr IP Kwok-him's amendment again. What he means is more than that for he has proposed to add: "..... that it should be a matter for this Council to decide if the public should be allowed to choose whether or not to have such data". The problem is the scope involved will become extremely wide as a result of the amendment. Of course, we can make enabling legislation to allow the public to choose whether or not to include certain data. Yet the amendment might also allow this Council to decide on behalf of the public that the smart ID cards must include these additional data and carry other functions in addition to being just an ID card. For instance, they will be used as driving licences for driving licences will not be issued any more in future. They can also be used as library cards, blood donation cards, medical cards and used for such purposes as acquiring banking services, and paying charges at government shroff. Is it necessary for this Council to decide on behalf of the public and make it compulsory for such data to be stored on their ID cards? Let me repeat Mr IP Kwok-him's amendment: "..... that it should be a matter for this Council to decide if the public should be allowed to choose whether or not to have such data". In other words, his amendment really carries this implication and produces this effect.

I hope the Government (as well as members of the public and Members in this Council) can object to Mr IP Kwok-him's amendment today. Of course, if the Government approves of Mr IP's amendment or urges Members to support the amendment, it may argue that this Council, being an elected assembly, should be able to make such a decision on behalf of the public. It may even challenge Members for lacking the courage and resolve to decide on behalf of the public or to force them to agree to have certain data stored on their smart ID cards, bearing in mind that our daily work is to enact legislation. I hope the Government can reconsider this point carefully. Of course, I am not speculating that this is what the Government has in mind at the moment.

However, if the Government supports Mr IP today, it will imply that the Government has not ruled out the possibility of, through proposals on legislation, urging Members to pass legislation to force the public agreeing to have an unknown amount of data to be stored on their smart ID cards and to make such cards serve a multitude of purposes. If the Government supports Mr IP's amendment, it will mean it does not dismiss such a possibility. I must reiterate that I am not saying that the Government has any motive or ulterior motive at the moment or is intent on becoming a corrupt, terrible or totalitarian government that might even want to control the whole community. I do not mean this. What I mean is if the Government really does so, there is no dismissing of the possibility that the Government could become an evil state through this means. In other words, there is a possibility that the Government might do so in future. It is actually trying to leave itself some leeway by not ruling out this possibility. Certainly, whether or not the Government can do so eventually depends on whether this Council approves of it or not. Apart from this, members of the public should judge whether this Council is reliable and whether they should let this Council make it compulsory for a variety of data to be stored on their smart ID cards and for the new identity cards to serve multiple purposes. The public should make their own judgement as to whether they should trust this Council and hand the right to choose to this Council, regardless of what will happen at the end.

Perhaps I should say a few words on funding approval by this Council. Members have raised the point that the smart ID card scheme will give rise to numerous problems relating to security and privacy. The Government has also indicated that it will, at different stages, commission expert consultants to examine such problems as the privacy issue. In my opinion, the most important task of this Council is to provide texts of legislation to give people ready reference to the contents of the relevant legislation. Actually, in 1998 the Provisional Legislative Council endorsed (or did not raise objection to) the proposal of making it compulsory for the inclusion of two items of data under the Registration of Persons Ordinance as mentioned by Mr IP Kwok-him earlier. Specifically, the first item of data relates to the requirement for relevant persons to declare their whereabouts in the past six months, while the second item relates to the requirement for relevant persons to declare any travel document held. Insofar as interpretation is concerned, "any" has the meaning of "all". In other words, a Chinese national can definitely not claim other nationality. If that person is holding other passports, he will need to declare them. Under the negative vetting procedure of the Provisional Legislative Council, a law was

passed to make it compulsory for the public to disclose such information in renewing their identity cards in future. Therefore, if there is a need to make amendment to the law, members of the public should be informed in advance of the importance of the data. This can be said to be the spirit of any acts to amend the law. The Government should lay all legislation needed to be amended on the table. It will be proper and wise of the Government to consider funding and the procedures for implementation of the relevant scheme only after the relevant amendments have been passed. Furthermore, the Government should take reasonable steps to examine, as what has been stated previously, any problems pertaining to security and privacy as well as ways to solve them if provisional funding is to be made.

Therefore, we share the view of Miss Emily LAU, that it is inappropriate for the Government to, immediately after presenting the scheme to this Council, ask for a one-off allocation of more than \$3 billion to finish the task for the public will then have no means to protect themselves. On the other hand, it is still uncertain as to whether the public can, through the 2004 Legislative Council elections, change the composition of the majority of seats of the present Legislative Council. I hope the public can carefully consider whether they should let this Council decide or enforce the right to choose or the right to make it compulsory for certain data to be stored on the smart ID cards.

MR SIN CHUNG-KAI (in Cantonese): Madam Deputy, on the issue of smart ID card, the information technology (IT) sector generally welcomes the Government's introduction of a multi-function smart ID card. Here I would not repeat what the IT sector presented to the Legislative Council on 11 November. Summing up their opinions, they supported the replacement of the existing ID card, which did not have any information storage function, with a multi-function smart ID card by the Government for the following reasons:

- (1) the promotion of the smart ID card can strengthen Hong Kong's IT infrastructure and tie in with Hong Kong's IT development;
- (2) it can promote the application of IT by government departments and the community;

- (3) it can enhance the Government's efficiency; and
- (4) it is for the public's convenience, for instance, shortening the time required for immigration clearance.

I hope the Government can be prudent and careful in dealing with matters relating to the introduction of the smart ID card. Many colleagues have mentioned that we should refer to some overseas examples. Successful examples overseas are of course valuable reference. But the Government should also give careful consideration to the reasons behind the failures in places such as Taiwan, the United States, Australia and the United Kingdom and include these examples in our studies so that they can serve as our reference when implementing the scheme.

Nonetheless, I still have to ask whether the smart ID card scheme should come under the ambit of IT or security. Why? If the Government regards the smart ID card as an infrastructure for promoting IT projects, then the scheme should be steered by the Information Technology and Broadcasting Bureau instead of the Security Bureau. If the implementation of the scheme is meant for security purposes, it should of course be implemented by the Security Bureau. One reason why the IT sector generally welcomes the scheme, as I have just mentioned, is because they regard it as an IT infrastructure development for Hong Kong. However, we have to pay special attention to problems other than security. I hope the Government, when reviewing the scheme, can consider whether the work related to the scheme should be steered by other Policy Bureaux.

I hope the Government can enhance transparency as much as practicable when implementing the scheme, and explain to the public at various levels and phases on the use of the smart ID card, and the impact it has on privacy with regard to the information stored on the card. The Government should avoid implementing the scheme under a tight schedule because we still have to consider, study and discuss various issues in detail. These involve, for instance, legislative amendment, the functions of the smart ID card, and the protection of personal privacy and security. Although the IT sector as a whole supports the smart ID card, I have to raise some misgivings. On security and risk management, since the smart ID card will contain a lot of information that is already stored on our existing ID card, the security problem is our concern. Since technology develops by leaps and bounds, even the most sophisticated

encryption technology can be cracked. Before introducing the smart ID card, the Government must conduct a comprehensive risk assessment and formulate sound risk management measures to ensure the security of information. The Government should also draw up administrative measures, and provide specific and clear guidelines to different departments in order to prevent the leaking of personal information stored in ID cards and the database. In other words, even though most of the information is stored in the database of different departments, it is still possible that information may leak through network contact. So it is necessary to set up security precautions in the computer systems of various government departments.

The public are owners of information. They have the absolute right to choose what information other than those for security reasons to be included in the smart ID card, although the card belongs to the Government. I would like to stress that we should look at the issue from two different angles. We are required to carry our ID cards for security purpose, to facilitate border control. However, the public should have the right to decide what information other than those for security purposes be included in the ID card. Of course, we will accept the inclusion of information already stored on our existing ID card in the smart ID card. The public will also accept the inclusion of fingerprint data in the smart ID card because they are for security purposes. However, as regards information for purposes other than security, the public should have the right of choice. At a meeting of the Panel on Security, we discussed what information should be included in the new ID card and we held the view that subsidiary legislation should first be enacted to stipulate what information can be included in the smart ID card. Then, the public is allowed to decide what other information, apart from those for security purposes, can be included.

I very much hope that the Government should begin to introduce this scheme while drafting the law. The best way out is to provide an option which can solve the aforesaid problems and simultaneously make early amendment to the relevant ordinance. It could greatly increase public confidence in the smart ID card, not to mention that the introduction of the smart ID card could bring about many business opportunities. No matter how visionary the government plans may be, I still hope the Government can bear in mind that under no circumstances should it compete with the people for profit.

As far as privacy is concerned, we should look at the issue with an impartial attitude. If the Government wants to infringe on privacy, it can in fact

do so presently because most of the personal data are in the hands of government departments. It is only that the information is not stored in a smart card. The Government has undertaken that it will not store all information in the smart ID card. At present, if the Government wants to check a person's file, it has to request the information from over 20 departments. Besides, the Government is also required to comply with the Personal Data (Privacy) Ordinance.

Madam Deputy, I support the Government's introduction of the smart ID card. I also hope that the Government can be discreet and open in its attitude and brief this Council regularly in phases. I also wish the Government could set up some expert teams to explore the views of the IT sector.

MR LAU KONG-WAH (in Cantonese): Madam Deputy, in an information-based community, we should continuously develop and introduce such measures as e-purse and Octopus card to make the daily lives of the people more convenient. In keeping with the development of high technology, the Hong Kong Government is now taking the opportunity of renewing the ID card to introduce the smart ID card. It is really necessary for the Government to do so. Like other new products of technology that contain personal data and sensitive information, however, stringent standards and effective measures must be adopted when we plan and implement the smart ID card scheme. The Government should do its best to protect personal privacy, prevent misuse and raise the people's standard of living.

There are enormous potentials in the development of the smart ID card and its scope of application can be very wide. Different people have different expectations for the new ID card. Thus, when formulating and implementing the scheme, the Government should fully consider the people's needs and worries in relation to security, privacy, the choice of information to be contained on the ID card and their right to know. It should also adopt effective measures to tackle the problems and address the opinions arising from the above matters. Full consideration means more than issuing questionnaires or attending one or two hearings by high-ranking officials to collect opinions because they are nothing but superficial consultations. Simply asking the Government to satisfactorily resolve the problems during the implementation of the scheme is a mere slogan. It cannot truly reflect the worries of the people. We are afraid that the so-called satisfactory resolution by the Government is only relative to it, in the administrative perspective. The people's basic needs and worries may have never been resolved.

The Democratic Alliance for Betterment of Hong Kong (DAB) urges the Government to pragmatically consider the areas and problems relevant to the new ID card. The Government should not only listen to, but also think about, the needs and concerns of the 6 million-odd people. It should also think about those policies that may contradict with one another, be they on crime fighting, prevention of illegal immigration, facilitating the people's living, enhancing administrative efficiency, cutting administrative expenses, protecting privacy or increasing the people's right to know more about the content in the ID card. The Government must strike a balance among all these considerations. Only by so doing can the Government focus correctly on the concerns of the general public and formulate effective measures to tackle various kinds of problems brought about by the smart ID card.

The ID card is necessary and indispensable in our daily life. People should have the right to decide on the model of the new ID card. The current consultation on the design of the new ID card is precisely giving the people the choice. Similarly, letting the people select the kind of information to be stored on the ID card is also a kind of respect to their right of making decision. However, vaguely implying that the people should be given the right to choose what information to be included in the ID card is, in fact, irresponsible. We should know that there are numerous ways to leave the choice with the people. The Legislative Council could come up with a systematic, rational and representative decision only through discussion and passing resolutions. Otherwise, it would be impracticable to consolidate the diversified views of the 6 million-odd people. Two scenarios may eventually arise.

The first scenario may arise from the enormous divergence of views among the people. The result is that they are free to decide whatever kinds of information to be included in the ID card and no department will be responsible for the screening work. If it really happens, it will be a shambles. Let us think about this: Hong Kong people are fashionable and fond of new ideas and the development of technology nowadays is rapid. The new ID card could be very different and beyond our imagination. In terms of security, some data are also interrelated and cannot be stored individually. In this way, such protective measures provided by the Government as allowing the storing of identity information in sections and prohibiting the sharing of information among departments will be abandoned by the public. How should the legislation be amended to prevent unruly elements from faking ID cards? Furthermore, the ID card, a formal document of identification, could just look like an ordinary fun

sticker available anywhere. The solemnity is lost. This is exactly the situation that Mr James TO's amendment is going to lead us to. His amendment proposes that the people should be given freedom to choose from any information not contained in the current ID card. You can imagine the confusion. Thus, the DAB does not support his amendment.

The DAB' amendment will lead to the second scenario. The Legislative Council passes a resolution to decide if the public should be allowed to choose which data to be stored on their ID card. In other words, the Legislative Council will first discuss and study the issue thoroughly. After assessing the advantages and disadvantages and striking a balance between the personal right to choose and the interests of the community as a whole, it will conclude what data can be stored on the ID card. Then, the public is free to choose whether or not to have such data stored on their ID card. Through such a process, not only will the people's right to choose be fully respected, the Legislative Council can also fully discharge its popular mandate of making rational and reasonable decisions.

Mr IP Kwok-him's amendment not only urges the Government to fully consider the people's concerns and propose effective measures to address them, but also proposes that it should be a matter for this Council to decide the content of the ID card and the people should be given the right to accept the decision. Thus, I support Mr IP Kwok-him's amendment. Thank you.

MISS MARGARET NG: Madam Deputy, the "smart" identity (ID) card issue is not just about privacy, it is about personal liberty. The law requires everyone in Hong Kong to register for an ID card, to carry it with him, and to produce it on demand by a police officer. Failure to do so is a criminal offence.

This is an infringement on personal liberty. Everyone has a right to remain silent. Everyone is entitled to freedom of movement without having to report to, or leave a record with, any government authority.

Such rights are not absolute. But where personal liberty is interfered with, only the strongest justification, such as necessity, will do. Convenience is not a consideration. The promotion of e-commerce is not a consideration.

The current law requiring all Hong Kong residents to carry an ID card came about in 1981. The justification was that it was necessary in order to enable the police to track down illegal immigrants who have reached the urban areas, and to repatriate them. I accept this, and have no wish to argue that the law be changed.

But we must go no further. Only the minimum requirement which meets the need can be justified. In other words, what is enough for identifying the holder as a resident or permanent resident, and no more. The Government cannot use the occasion for renewing our ID card system as an excuse to impose further restrictions on the public.

Madam Deputy, I am prepared to accept the Administration's assertion that the old back up system for our ID cards has become derelict and needs to be replaced. I am open to any proposal to improve the security and integrity of the ID card to make fraud and forgery more difficult. I do not know if the "smart card" is the only or the best way to safeguard security and integrity. But I am sympathetic to the industry and experts' eagerness to take advantage of this opportunity to give smart card development a push. As far as I am concerned, even if, for the sole purpose of identification, the smart card is an unnecessary luxury, I am prepared to support giving it a go. Provided, of course, that we are satisfied with the technology, and I believe that there are some queries on durability, cost and other aspects.

But I have seen no justification for enlarging the function of the ID card, to compel people to disclose more information about themselves, or allow their movements to be tracked down and monitored.

The Administration says, in its paper to us on 9 November, that only minimum data will be held on the new ID card, while more sensitive data will be stored in the back-end computer systems.

Madam Deputy, in my view, even in the back-end computer systems, only minimum data required for identifying the holder of the ID card should be allowed to be stored. I am afraid that we have been remiss. We should have first looked into what kind of data that the Administration has already stored in respect of each ID card holder. If the data is unnecessary for identification, separate justification must be given or the data scrapped.

We are told that many people consulted are most enthusiastic about a multifunctional smart ID card. This is no reason for compelling everyone to accept it, and subject himself to the risk and requirement of such a system. Any other use or purpose must be entirely a matter of free choice without penalty.

To propose amalgamating the driving licence with the smart ID card is to remove a free choice, since the Transport Department will not issue a separate driving licence once the smart ID card is adopted.

The Administration takes for granted that the smart ID card will be used for immigration purposes. I believe that this is quite wrong. A Hong Kong permanent resident enjoys the right of abode in Hong Kong. He is free to come and go without anyone making a record of it. An Immigration Officer is entitled to check and see that the ID card is genuine and that he is the rightful holder. He can check to see if there is any stop order against the holder. But he has no right to do more.

It may be that, at present, the Director of Immigration and his staff are freely keeping a record of our comings and goings. This does not mean that they have a right to do so, much less, that we should install a system using the smart ID card to help them to do so. I suggest that this Council should look into the immigration practice regarding permanent residents, to ensure that the power is not abused.

Madam Deputy, much is said of privacy, and the Privacy Commissioner for Personal Data has assured us that he is working with the Administration to come up with measures to tackle risks to privacy. With the greatest respect, this is largely a red herring. Privacy risks are assessed on the basis of the data, the processes and the system that the Administration are now proposing, not what this Council has approved. If, as I have made clear, the compulsory ID card, however smart, must be confined to the sole purpose of identification, then the risks will be different.

On the other hand, if we do amass data, then experts have told us, no encryption is guaranteed to be foolproof. And no matter how safe our data may be from outsiders, the key is always in the hands of the Government. We can make laws and draw up codes of practice, and we may be sure that most of the time, no one will violate the law or the code. But we are far from sure that on the occasion that a violation occurs, we will know about it.

The question that this Council has to decide is: Is it necessary to place the information in the Government's hands? And is it lawful to require every person in Hong Kong to do so even if the majority is prepared to agree?

Madam Deputy, I cannot find it in me to agree with any but a minimalist ID card, smart or otherwise. Thank you.

MR ALBERT HO (in Cantonese): Madam Deputy, first of all, I would like to talk on a philosophical question. Hong Kong is a society that advocates freedom and treasures human rights. Those people who advocate freedom and treasure human rights, because of their thoughts and beliefs, will feel that the current community should enjoy a more liberal space with a higher degree of autonomy, that it should be free from visible or invisible government penetration, influence and intervention as far as possible. Secondly, as the powers that may be enjoyed and exercised by the Government may restrict and affect our freedom and rights to a certain extent, we therefore usually adopt a kind of skeptical, cautious, or even somewhat resistive attitude when formulating relevant regulations to limit such powers. Thirdly, in a liberal and democratic country, the people value personal privacy in particular, as they consider it a basic human right and an indivisible part of freedom. Therefore, they consider that no government should get hold of, collect or even make use of the information without good causes. We should consider these questions in this mode. We attach importance to human rights, and we treasure human rights. As a result, we may find such mode of thinking fairly different from what Mr IP Kwok-him has just said a moment ago. He says that he often feels that we should trust the Government more, and he also questions the reason for our skepticism about the Government. Pardon me to say this because we have a completely different starting point, thus our ways of thinking and traditional philosophical ideas are so different.

Furthermore, let us take a look at the background of Hong Kong today. Although we are under the protection of the Hong Kong Bill of Rights Ordinance and the International Covenant on Human Rights, we still have numerous things to worry. Firstly, our legislature is not returned by democratic elections entirely. Our heads of government, especially the Chief Executive, are not elected democratically, too. Secondly, our ID cards involve scores of information that are very sensitive to a lot of people. Just as I have said earlier, given that the data will be stored in an intelligent system powered by advanced

technologies, they appear to be exceptionally sensitive. What actually will happen when these information are combined with this intelligent system powered by advanced technologies? In fact, all of these issues are causing the people to feel concerned and worried. Thirdly, just as Miss Emily LAU said a moment ago, the system recommended by the Government is by far the most sophisticated system in the world, which is far beyond the standard of many countries which are currently more advanced than Hong Kong in terms of technological development.

At this point, how much effort have we exerted in issues like risk assessment and privacy protection? For example, have we fully considered the views of the Privacy Commissioner for Personal Data or opinions put forward by other parties who are concerned about privacy issues? We worry about all of these issues. Certainly, as some colleagues have just said a moment ago, it is needless to say that during the entire period of staging the proposal, public consultations were very insufficient and the transparency was very low; even this feasibility study report was passed to me only yesterday. All these have made us feel concerned. Mr LAU Kong-wah said that the consultation was just a matter of formality. However, as the Government has failed to exert efforts even in formality matters, it makes us all the more concerned about what kind of specific contents have been proposed.

I proposed five principles earlier in the meetings of the Panel on Security, and the Government promised to consider them meticulously. Now I am going to put forward these principles once again, albeit I doubt if the Government can observe them. Firstly, if the Government is to collect data, it must demonstrate that there is a justified need in public interest. Secondly, the system for data storage and collection must be governed by law. Thirdly, government departments must be subject to limitations by strict regulations in using the collected information, and the application of such information must be centralized with inhibition against free exchange between different departments. Fourthly, the public should enjoy the right to know what kind of their own data are stored in the system of the Government, in addition, they should have the right to propose alterations. Fifthly, the procedures of data collection and system operation should be subject to full scrutiny by the Legislative Council.

I should like to stress particularly the first point. We should have a justified need before we can collect such data. I would like to add one point here, that is, if the Government is to collect such data on a compulsory basis, I

consider it should start from a justified need. We should therefore consider very seriously whether the Legislative Council should hastily draw up the legislation to make the provision of such data to the Government compulsory, where such data will be stored in the hi-tech intelligent computer system of the Government. A moment ago, some colleagues pointed out that according to the Government, the scheme was meant to enhance the Government's management efficiency, to facilitate its work. This is not a justification, absolutely not. Every one of us should have the right to reserve one's privacy, be it DNA, blood grouping or medical history. Everyone should have the right to reserve them, and nobody should be empowered to force us to give way such data. On this question, I think the Legislative Council should not consider itself in a position to decide everything for the people which is absolutely wrong.

Mr LAU Kong-wah once said that if the decision was left to the people, opinions would be very diverged and a chaotic situation would emerge, and people might even toy with their identity cards as if they were "trade cards". I believe this argument has possibly stemmed from a lack of basic knowledge of the system. Please pardon me for making such remarks. In fact, there are numerous restrictions inside the system. Do you really mean to say that whatever the people fancied can be achieved? In fact, the size of the data to be input into the system is exactly the same as the way everyone decides the size of data to be categorized and the number of cards to be used to hold the data separately. All of these are the choices of the people. In the future, the decision people have to make should be whether they will say yes to the data to be input into the system, that is, it is a matter of "yes" or "no", not a matter of chaos or all sorts of confusions which are unlikely to arise. Moreover, I do not see why the Government should strive for unanimity in this issue; as it will only show the indifference of the Government towards our human rights and freedom.

Thank you, Madam Deputy.

MISS CHOY SO-YUK (in Cantonese): Madam Deputy, with social development and advances in technology, it is time to renew and replace the ID cards which we have been using for over a decade. The Democratic Alliance for Betterment of Hong Kong (DAB) supports the Government's proposal of introducing the new smart ID card. Although the smart ID card is a product of new technology, people should not feel unfamiliar with other smart cards. All of the credit cards, automatic teller machine (ATM) cards, Octopus cards, e-

Park cards, SIM cards for mobile phones, or even key cards of some companies, housing estates and universities are smart cards. Of course, as ID card is a very personal thing, the range of the data it stores and its security will easily cause the concern of the people. If a person finds his ID card is lost, he may worry whether the data on it will be stolen or it may lead to some serious consequences as his privacy is being exposed to the other. In fact, one will find that such worries are not necessary if one knows the facts about the so-called smart card. To some recent criticisms about the smart ID card, such as the Government will store massive personal data in it for supervision and control purposes, are basically unfounded.

First of all, according to the information provided by the Government and my personal knowledge, the latest advanced security measures can be actually incorporated in the design of the smart ID card. Furthermore, the data stored in the chips are also protected by encryption. This is in fact some kind of double protection. In fact, the security features of the smart card are completely different from the Internet. Internet "hackers" may crack the passwords of programmes by making wild guesses, and then break into the system to retrieve the data. However, the smart card is just like the ATM card, after several incorrect password inputs, the card will be invalidated; it is simply impossible to crack the code by making wild guesses. Of course, if one has to crack the encryption, theoretically, there are still some other possibilities, but it requires a state-of-the-art super computer which is prohibitively expensive. After all, the personal data stored in the smart card are nothing more than date of birth and data such as whether or not the owner is in possession of a driving licence or a library card. Are these data so valuable that someone has to spend so much manpower and resources on it for its retrieval? For a long time, the Government has been performing well in terms of data security and risk management, we therefore should have confidence in it.

Secondly, concerning the use of personal data, regulation is currently effective in the Personal Data (Privacy) Ordinance mechanism. Although the smart ID card can hold a number of data for different applications, such as immigration verification, driving licence and library card, these data are stored separately. Only the authorized persons may access the portion of data that they are authorized to use. If government officials or other people make use of the data stored inside the chips of the card for purposes other than the original purposes of collecting the data, they have already breached the Ordinance. Furthermore, the Government does not have a common database for the time

being, as all sorts of data are still stored separately in the back-end systems of different government departments. Moreover, we do not have any reason to believe that the Government will subsequently build a centralized database. In fact, if the Government is to establish a centralized database, it can build it up now, why should it bother to make use of the database of the smart ID card as the groundwork? Actually, such kind of distrust is really unnecessary. Moreover, the Government has reiterated that except for immigration and driving licence applications, the public shall have the right to choose the kind of other applications to be included in the card. The Government has undertaken that the public may access the data stored in their ID cards via some self-serving IT stations.

Finally, I hope the Government will make use of the smart ID card to improve the existing electoral arrangements. Right from the outset, the public can only cast their votes at designated polling stations. Undoubtedly, the practice is effective in terms of administrative efficiency, error prevention or even prevention of malpractices in relation to election. However, it is extremely inconvenient to the public. On the election day, the public may not be able to cast votes in the designated polling stations for certain convenience or time reasons. If the public are allowed to cast votes in any polling station, it is believed that their desire for voting will be enhanced and the voting rate will be increased. In the past, due to immaturity of the information technology, it was hard to put such measure into practice. However, computer networking is now a very common application technology. All the public have to do is to bring along their smart ID cards to any polling station. Through the online system, the polling staff will first recognize the voter's identity and the voter's original constituency, then the voter can cast the votes. Furthermore, as the smart ID card will store the owner's photo and fingerprint data, therefore verification of the voter's identity can be carried out with greater precision.

Madam Deputy, the world is progressing and technology is moving forward in giant strides, the people of Hong Kong have already accepted the most sensitive concept of ID card in full for decades. Now we just want to modernize our ID cards in order to make our lives easier and more convenient. If we cast a good deal of doubts, speculations or even unfounded allegations on our Government in respect of this issue, I feel that this kind of attitude is in fact dreadfully unconstructive and unnecessary.

With these remarks, Madam Deputy, I support the amendment proposed by Mr IP Kwok-him.

MR LO WING-LOK (in Cantonese): Madam Deputy, the smart ID card to be launched by 2003, as proposed by the Security Bureau, is not limited to storing only the most essential data such as name, date of birth, gender and the like, but also electronic authentication, digital certificate and to such an extent as to the enhancement of financial infrastructure. In the future, it may perhaps even incorporate more value-added services.

In my opinion, the more functions to be included in the smart card the higher the chances that problems may crop up. The problems will be varied. Once there are problems in the mastery of the technology or in the supporting system, or the system is subject to sabotage, the result can be catastrophic. More functions and higher capacity does not necessary mean added value.

If the smart ID card is used in medical applications, perhaps it is helpful to medical staff in gaining a fuller understanding of the patient's medical history, but a number of relevant problems are yet to be faced and solved. Insofar as I understand it, the Hospital Authority (HA) once conducted a "Smart Card" project several years ago. The purpose of the project was to store the complete medical history of a patient in the microchip of the Smart Card. It was thought that, with the Smart Card, the physical condition of the patient will be clear at a glance. However, as there were too much data in the Smart Card, expensive high capacity decoders had to be used in order to read all the data. Furthermore, the regular updating of the data in the card also entailed a higher cost in terms of human resources. Due to the exorbitant cost, it failed to achieve extensive application of the Smart Card in all hospitals and clinics, not to mention giving free rein to the idea of enabling medical staff to grasp the medical history of the patients in a very convenient way. As a result, the Smart Card trial was found to be a wild goose chase. In fact, even the smart card is used for medical application, it still has to face a number of security and privacy issues. As the smart ID card scheme proposed by the Security Bureau is a much more ambitious proposition than the Smart Card trial of the HA in terms of scale, and there is no precedent to go by, thus it is necessary for us to handle the matter with great prudence.

I suggest that information technology should be used in a practical and rational way, so that the public may enjoy the convenience smart ID cards can offer at the minimum risks and maximum cost effectiveness.

Madam Deputy, I so submit.

DR DAVID LI: Madam Deputy, I believe that a smart identity (ID) card, designed specifically for the Immigration Department, would be welcomed by our community.

A smart ID card would ease the burden on the Immigration Department staff at our border control points, and speed up entry and exit procedures. In view of the heavy congestion at the Lo Wu Control Point, especially at weekends and during holidays, we should not delay the roll-out of the new ID card scheme.

I am, therefore, disturbed by government attempts to turn the ID card into something very different from what it is today.

I fear that government planners have been sweet-talked by the futuristic vision of a few smart card vendors and information technology consultants. I believe that the Government should focus, first and foremost, on the basic functions that the ID card must perform. It should then ask how the card can deliver those functions in a secure and efficient manner at the least cost to taxpayers.

As long as we limit the applications on the card to the basic requirements of the Immigration Department, we can set strict guidelines on the collection of data associated with the use of the card. However, once we open up the card to other uses — a library card, a driving licence, a digital certificate, a cash card, and on and on — it becomes more and more difficult to control the data generated by the use of the card.

We do need to be concerned about the ability that this technology has to record each and every swipe of the card in the back-end computer systems. It is essential that, for all applications loaded onto the card, we understand fully what data will be generated, whether such data will be stored in back-end systems, and what use will be made of the data.

The ID card of the Hong Kong Special Administrative Region is different from other cards. Its basic function is to uniquely identify an individual. That is why I feel that it is important that we set out rigorous procedures for how it is used.

There is no better safeguard than to subject the proposals to full public scrutiny. This can be achieved by requiring that this Council endorses all proposals to host an application on the card. It should then be up to the individual to decide whether or not to allow such application to be loaded onto his/her card.

Madam Deputy, I am pleased to support the Honourable Miss Emily LAU's motion and the Honourable James TO's amendment to it.

MR LEE CHEUK-YAN (in Cantonese): Madam Deputy, before I speak on the motion of "Smart identity card", I would like to make a request: I hope that in the future, information such as date of birth and age should not be printed on ID cards. As it is very difficult to find jobs nowadays, job seekers will lose the opportunity of an opening once they stated their age, so I hope the Secretary for Security will consider my request.

Of course, we are here mainly to discuss the issue of smart ID card. I do not know whether the Secretary has been very interested in reading the works of George ORWELL like *Animal Farm* lately, but I think today we should be talking about *1984* instead of *Animal Farm*. If Honourable Members have watched a film called "1984", they will know what it is like to be closely monitored by the so-called "Big Brother". If that happens, I think members of the public will find it more and more difficult to keep their personal data confidential, and have less and less privacy and human rights in the future world. The public will have to live in constant fear that their privacy will be violated and that they will be kept under surveillance. This world will become a very terrible place. Please do not misunderstand me. I am certainly not saying that the Secretary or the Government are involved in such a conspiracy. This is definitely not what I mean. What I am trying to say is that there is the danger that human beings will have less and less privacy as technology advances. We do not wish to see society develop into something like this in the future.

Mr IP Kwok-him asked earlier whether we do not trust the Government? I think the answer will depend on our positions and stances. If we were "royalists", then we would certainly trust the Government. However, if our function is to monitor the Government (I have to point out that we certainly do not think the Government has any ulterior motives), then to a certain extent, we have to distrust the Government. By "distrust the Government", I am not necessarily saying that it must have an ulterior motive. I only mean that we should question the Government whether it has considered the problems which will be created by the advances in technology, and whether it has conducted a comprehensive study on the sequels of the smart ID card? From that perspective, I think we should "err on the prudent side". We should really consider the whole concept of smart ID card and its impact on the public carefully.

Moreover, we are not only worried about the Government. We are not merely concerned whether the Government can get hold of our personal data, but if all kinds of data are stored on the computer chip of smart ID cards in the future, there is no guarantee that the data of the people will not be stolen for misuse without their knowledge as technology advances. As regards such questions in relation to technology, I believe however much we stress that the security features of smart ID cards are sufficient at present, we can hardly guarantee that its security will not be threatened in the long run. If the computer chips of smart ID cards were stolen, the public may lose a lot of their personal data, suffer financial losses, and may even lose all their assets. We are worried that other people may have access to the data stored on the chips as a result of advances in technology. We should be extremely carefully about this.

When Mr LAU Kong-wah spoke earlier in support of Mr IP Kwok-him's amendment, he pointed out that it should be a matter for the Legislative Council to decide to what extent should the public be a choice in the sort of information to be stored on smart ID cards. He also said that this is the best way to achieve a balance. I think this will involve the question of the limit on the Legislative Council's powers. What rights does this Council have in depriving the public of their right to choose? Do Members think that they have the power to make all decisions, including decisions on the sort of data that should be stored on smart ID cards, on behalf of the public because of the implementation of the representative government system? If so, is this not a very serious question? If this Council is allowed to make decisions on such matters, then "the powers of this Council will be unlimitedly expanded at the expense of human rights". In

that case, this Council will be involved in determining the choices of the public. I would find it totally unacceptable if the data to be stored in smart ID cards have to be decided by this Council and members of the public cannot make their own choices. I also think that the function of the Legislative Council should not include the power of making decisions on what kind of personal data should be included on the ID cards and what kind of data should be kept confidential on behalf of the public. This is totally unacceptable. So, I think the most this Council should do is to decide on the category of information to be included on smart ID cards, and let the public make their own choices. The most this Council should do is to decide on the category of information to be included, and it should definitely not make the final decision on behalf of the public. The public should not be forced to include all the information that the Legislative Council thinks should be stored in the computer chips of smart ID cards. I certainly cannot support this amendment.

Finally, I hope Members can support Miss Emily LAU's original motion, or Mr James TO's amendment. Thank you, Madam Deputy.

MR AMBROSE LAU (in Cantonese): Madam Deputy, as the expected service life of the support system of the existing ID cards will expire by the end of 2002 to the beginning of 2003, that is to say the existing supplier will be unable to offer the materials and maintenance required by the support system, therefore it is imperative that the system be replaced by the beginning of 2003 and that is an urgent matter. In such circumstances, the Hong Kong Progressive Alliance (HKPA) considers it impractical to propose that the scheme should only be implemented when the Government has solved all the related problems, or to suggest that application for funding to hire consultants to solve problems in respect of security, privacy and the public's right's to choose and to know should be made before the Legislative Council passes the relevant legislation. As the replacement of the ID card system is inevitable and it is a pressing task to be done within a tight timeframe, it will be sensible and reasonable of the Government to take into full account of the concerns of the public and to adopt all effective measures to address the relevant issues when it formulates and implements the scheme.

Madam Deputy, the HKPA thinks that the Government should pay attention to the following six aspects at least and take the following measures:

First, the Government has not made prompt publicity and promotional efforts among the public on the smart ID card, despite knowing well in advance that the ID card system must be replaced. That has led to much misunderstanding among the public and certain people who do not know the smart ID card well enough are resistant to the scheme. Remedial measures should be made to address the problem. These include promotional programmes on the television. Mr A. CHU, the Principal Assistant Secretary of the Security Bureau, made a five-point clarification on misunderstanding among the public in a forum on the new ID card scheme last Friday. In sum, the misunderstanding on the part of the public is mainly on whether the smart ID card will lead to a changes in the policy on the privacy of individuals and worries about personal rights. The clarifications, explanations and promotions made by the Government when after so much misunderstanding and worry have been caused in the public are too late. So the Government must work hard to explain the scheme to the public and promote it.

Second, with the increasing popularity of the Internet and electronic commerce, computer crimes are also on the rise. If the new smart ID card incorporates those data on personal privacy which are not carried in the existing ID card (except fingerprints), they may be used by criminals. That is why the Government should pay special attention to these issues and to take effective preventive measures. The anti-forgery and security measures for the smart ID card should first be put in place and the Government should never wait until the new ID card has been taken advantage of by the criminals before any improvements are made. In addition, the new ID card should safeguard the privacy of the holders in all aspects, including protection of the stored data against leaks and sharing by different government departments.

Third, in devising and launching the new smart ID card, the Government must continue to be subject to regulation by the Personal Data (Privacy) Ordinance. It should abide by the principles on the collection, storage, use and dissemination of personal data.

Fourth, information provided by the Government shows that eight countries have used or are about to use the smart ID card. The Government should look into the advantages and disadvantages of using such ID cards in these countries, so that the same disadvantages can be avoided and the advantages used to our benefit when we introduce the new ID card.

Fifth, the public should have the right to choose the kind of information to be stored in the new ID card, that is, they should be able to choose other value-added functions apart from those used by the Immigration Department.

Sixth, if the Government wishes to incorporate other types of information not found in the existing ID card (apart from fingerprints), extensive public consultation should be conducted and the relevant proposals should be submitted to this Council for approval.

Madam Deputy, as the security design of the existing ID card has become outdated, and the operational life of the computer system of the existing ID card will expire by the end of 2002, there is a pressing need for the Government to implement the scheme to renew ID cards. The HKPA thinks that the Government should formulate and implement the scheme while taking all effective measures to tackle the problems. Madam Deputy, I so submit.

THE PRESIDENT resumed the Chair.

PROF NG CHING-FAI (in Cantonese): Madam President, Members should be aware that the so-called "smart ID card" is just an application of the Integrated Circuit (IC) Card technology to identification. Actually, we can as well call it an "IC identity card".

The so-called smart cards emerged in Europe as early as the 1970s. Their emergence can be said to be a continuation of the information technology (IT) revolution whereby computer technology is put into our hands and purses.

However, the emergence of a new technology will invariably bring excessive optimism to some people, who may exaggerate its potential usage and effectiveness. At the same time, it will bring worries or even phobia to others. The existence of these two extreme ways of thinking in society is unavoidable and yet understandable. Nevertheless, the issue of how some political parties or political figures monitor and express concern over the Government's application of certain technologies does warrant our exploration. We should not deal with the application of a new technology with an irrational and non-scientific attitude. In particular, we should not polarize or politicize the issue.

Let me cite the motion under debate as an example. We can find "this Council expresses grave concern over the issues arising from the smart identity card scheme" in Miss LAU's original motion and in the two amendments.

Of course, it is absolutely right of this Council to express concern over the four issues arising from the smart ID cards, namely security, privacy and the public's rights to choose and to know. However, I would like to make two comments on the wording of "grave concern".

First, we should not "make a fuss over" our concern and "instantly jump to the conclusion" that the Government's decision to switch to the smart ID card is aimed at "monitoring and controlling" the public and then exaggerate the problem in respect of IT application for the purpose of casting doubts on the Government's intention to deprive the public of their basic rights. Making such a fuss will not help monitor the Government and demonstrate our intention of safeguarding the public interest. It can even be easily taken as an act of misleading the public.

Second, the "concern" should be comprehensive. We should pay attention to the four issues mentioned earlier and the relationship between the Government and electronic services. Is it necessary for the Government to keep pace with the trend in advanced technologies by applying new technology to make things convenient for the people? Actually, we have the basic human right to enjoy the fruits of scientific advancement. Article 15 of the International Covenant on Economic, Social and Cultural Rights has spelt out clearly that everyone "enjoys the benefits of scientific progress and its applications". This Council is obliged to uphold and safeguard this basic right provided for in the international covenant on human rights. As such, the motion will become more comprehensive if the public's right to enjoy the benefits of technological advancement can be included.

Madam President, in Europe, the application of smart cards dates back to more than two decades ago. In the past decade, this technology has seen application in a number of countries in such areas as medicare, mobile telephones, banking, finance, transport and identification. In certain countries in Europe and North America, smart card immigration services are provided at borders free of immigration tides. Immigration control is computerized for digital physiological data of travellers such as fingerprints and palm prints are stored on smart cards. This has given immigration officers and travellers great

convenience for they no longer need to bear with each other. It is now common for most top secret scientific research institutions and buildings to differentiate visitors by use of smart cards. In Hong Kong, the introduction of smart card technology dates back to seven or eight years ago. Nowadays, most people carry at least one smart card produced in strict compliance with the ISO7816-X standard in their wallets. Examples are the Visa Cash cards issued by HSBC and the student cards issued by a number of universities.

Smart card is actually no novel application of information technology. After some 30 years of improvement, its capacity, stability and processing power have been greatly enhanced. The public will be able to enjoy technological benefits as a result of the implementation of the smart ID card scheme by the Government. This is why this Council should take up the role to supervise and promote the implementation of the scheme. I believe it will not be too difficult for the Government to solve the problems arising from applying the smart card technology to identification without causing problems relating to security, privacy, and so on at the same time. This Council should, through enacting legislation on IT, monitor information sharing, control the dissemination of sensitive data and reducing privacy risks. As for other details in terms of technology, we should leave them to technical consultants. Insofar as technology is concerned, some experts and academics recently doubted whether a smart card could last 10 years. Of course, different sources have indicated that this is possible. Apparently, this issue warrants our grave concern. In finalizing its plan, the Government must ensure that the material and design can guarantee the smart ID card a useful life of 10 years. Otherwise, the Government will become a laughing stock for having wasted so much energy and money.

Madam President, in the original motion, Miss LAU urged the Government to implement the scheme only after the four issues relating to security and privacy have been satisfactorily resolved. How can we determine whether the issues have been "satisfactorily resolved"? Living in an information era, we cannot do without data possession and sharing. As these data include our personal data, it is hard to prevent it from being shared by others. For instance, it is very likely for the Government or businessmen to collect data on the spending power and habits of cardholders through the payment method of financial smart cards. Have we forgotten that the Octopus cards we are using at the moment have records on the whereabouts and privacy of the cardholders? As such, if the expression "satisfactorily resolved" means that the IC identity

cards should be leak-proof and bear zero privacy risk, it will be tantamount to asking the Government to call off the smart ID card scheme. Actually, we cannot rely solely on the Government to satisfactorily resolve the privacy crisis caused by IT application. What we need is: First, the public should have a good understanding of the problems involved. This point has actually been mentioned by some Members before. Second, this Council must carry out essential legislative work. Third, effective enforcement must be carried out by relevant government departments. The problems can only be solved by taking these three steps altogether. Therefore, with respect to the motion and the two amendments today, I am more inclined to supporting Mr IP Kwok-him's amendment for it proposes to delete the expression "satisfactorily resolved". More importantly, the amendment can express our worry about the smart ID cards with respect to the privacy issue and, at the same time, encourage the Government to actively formulate and promote a better smart ID card scheme for the purpose of applying more advanced technology to public services in Hong Kong.

I so submit.

MR ERIC LI (in Cantonese): Madam President, now that this motion debate has been underway for quite some time, Honourable Members, regardless of their political affiliations, should have made their intentions clear. I believe we all wish to tell the Government that since the smart ID card system is a new technology that no other countries have ever experimented with before, it should handle the matter very carefully while the implementation of the programme must be monitored by a sound and authoritative legislature. Since different stances are reflected in the respective wordings of the original motion and the two proposed amendments, in making voting decisions Members have to weigh up very carefully the words and phrases used, as if they were selecting answers for multiple-choice questions. This is exactly the thrust of my speech.

The original motion moved by Miss Emily LAU expresses grave concern over the issues arising from this new technology in relation to security, privacy and the public's rights to choose and to know. I agree very much with this view and fully appreciate the reason why Miss Emily LAU has such concern. To a certain extent, I support very much her proposition that the Government should address squarely her concern. Miss LAU may even have more causes for concern, only that she has made no mention of them in her motion. If this smart

card should have any value-added services, for example, enabling the Government to collect more information to help its various departments to collect fees and charges. To the Government, even the cash card function mentioned by Dr David LI just now could be a kind of value-added service. As to the public, I think they will also consider such functions as the added value of the card. On the one hand, these value-added services can open up opportunities for the Government to co-operate with the business sector; on the other hand, they can provide the Government with a sound foundation and instrument for creating additional channels for fee collection purposes. In the future, the Government may even make use of the card to levy a poll tax.

Of course, I am not saying that the Government is harbouring such intention right now. But then once the foundation has been laid, the Government could have much room for development in this respect. Hence, the Government should clearly explain, first and foremost, what its intentions are, rather than giving people the impression that it is going to co-operate with the business sector. If the Government had not given people such an impression, Dr David LI would not have raised the issue in this Chamber today. If the Government should really add to the smart ID card the function of a cash card, I am afraid the cash card services provided by the various banks would have to fold up. That explains why the Government must clarify its intentions very clearly and how important it is to subject the Government to public monitoring.

With regard to the phrase "satisfactorily resolved" in her original motion, I have privately said to Miss Emily LAU that the phrase she chose might be a bit too rigid. Well, what does "satisfactorily resolved" mean? Drawing on my experience of applying technologies to different fields of work like security and auditing, I understand that in this age of new technology any advance made today may become rubbish tomorrow, or even absolutely useless in two to three years' time. Even if consultants and technologists should be commissioned to be on the ready, it would still be impossible for us to have all the details properly arranged before implementing the scheme. This is because by the time we put a certain kind of technology into actual application, that technology might have become outdated already. At the same time, people engaged in any branch of technology understand very well that they cannot give a 100% guarantee on the efficiency of the technology concerned. As the saying goes, the law is strong, but the outlaws are 10 times stronger. So, not a single government can give us a 100% guarantee in respect of the application of technologies. In that case, why do I still consider it necessary to implement technology development

programmes? Is it the right attitude to avoid using technologies just because we are afraid that they may not work? I should like to point out that if people were so afraid of new technology when motor vehicles were invented, no one would dare to drive a car. Likewise, if people were so afraid of new technology when the first airplane was invented, no one would dare to travel by air. Today, the world at large and the business sector are using high technology to serve them, we really do not have any good reason to require the Government to be so conservative as to avoid using technology for the fear of any possible problems.

Even if the Government does not involve itself in developing technologies, it should still monitor the development of technologies. After all, the Government is duty-bound and it should never try to duck out of this responsibility at any rate. Moreover, since this development is useful and beneficial to the Government, I think it should gather its courage and take a bold step forward in this direction.

Just now Prof NG Ching-fai has already mentioned some of the measures to take. In this connection, I think it is imperative that the Government actively keeps up with its follow-up efforts to learn from experience. On the legal front, the Government must impose heavy penalties on people who use technology to commit crimes; as such, new laws must be made in the light of the new technologies developed.

Concerning the amendment proposed by Mr James TO, as I said earlier on, actually the various problems may not necessarily be resolved by relying on the research efforts of consultants alone. However, I do appreciate the latter part of his amendment in relation to the people's right to choose. I consider this part of his amendment very well written. Indeed, I have spent quite some time pondering on whether I should support his amendment. On the other hand, although I do agree that there is a need for a monitoring mechanism, I still have some reservations. While I could hardly rest assured even if the monitoring role was to be played by the Government, I also doubt very much if there could be any guarantee that the problems could be satisfactorily resolved if the Council should be required to take into consideration so many complicated issues before making a final decision. If Mr James TO was thinking of relying solely on consultant advice, I should like to tell him that, having served on the Public Accounts Committee for so many years, I have very little confidence in consultants. In my view, it might take centuries for consultants to make any progress in tackling issues that could not be resolved by the Government or the

Legislative Council. That is why I have some reservations about the amendment proposed by Mr TO.

As regards the amendment proposed by Mr IP Kwok-him, actually not much has been said in it. Besides, I am afraid that the last part of his wording, which suggests that it should be a matter for this Council to decide if the public should be allowed to choose, is not at all appropriate or well written. I hope what he tries to say is that whatever the Government does, it should submit the relevant proposals to this Council for public consultation and careful consideration by Members, so that this Council can decide whether or not to play the role of a monitor. If that should be the real meaning of his proposed amendment, my concern would be dispelled. Actually, Miss Emily LAU had shown me the wording of her original motion beforehand, only that my analysis of the motion was not so in-depth then. That is why it has taken me such a long time to expound my views on the original motion and the amendments proposed to it. I am sorry that I have to express this view to Miss Emily LAU so late; I must apologize to her for that.

Having considered and weighed the contents of the original motion and the two proposed amendments, I still hope that Miss Emily LAU can make her points clearer. All in all, I have some reservations about the original motion moved by Miss Emily LAU and the amendment proposed by Mr James TO. As regards the amendment proposed by Mr IP Kwok-him, I also have some reservations about it but the extent is comparatively smaller. This is because there has been precedents in which this Council resolved to require the public to do a certain thing. The compulsory Mandatory Provident Fund Scheme is one good example. Yes, this Council does have the power, but Mr IP Kwok-him has not make it clear in his proposed amendment how this power should be invoked. I hope he can clarify this point more clearly.

Thank you, Madam President.

MR NG LEUNG-SING (in Cantonese): Madam President, technology advances continuously and information technology is driving the development of human beings forward. Undeniably, the implementation of the smart identity (ID) card scheme can reinforce our information technology infrastructure and enable Hong Kong people to use public services by means of advanced technologies. It will be convenient for the public and enhance the efficiency of the Government in

providing various services. The scope of application of smart ID cards can also provide room for further development. For instance, it can be used in medical and commercial services. On the whole, the implementation of the smart ID card scheme has an active effect in promoting the development of information and digital technologies, encouraging innovation and value-addedness and enhancing the status of Hong Kong as an international city.

We can see from the information provided by the Government that the smart ID card scheme is in essence a scheme for the application of information technology and it has not virtually changed the existing ID card scheme. However, just like other information technology applications and promotion, while the new smart ID card brings convenience, it will inevitably give rise to technical and security problems as well as problems in respect of the protection of privacy and personal data. Furthermore, with the development of the smart ID card in the multi-purpose direction, the information it may store will be much more than the existing ID cards. Apart from security and privacy, the abuse or piracy of personal data also arouses people's concern. Therefore, it is normal and understandable for the community to have such worries and we should look squarely at and ultimately solve these problems.

In my view, when implementing the smart ID card scheme, the Government should properly handle information relating to security and privacy. It can do so in two ways. Firstly, at the purely technical level, as the smart ID card uses new digital technologies, it will naturally give rise to new problems in this area. But we should not forget that the existing ID card scheme and the registration of persons system will have technical and security problems but these are old problems with an old technology while such problems are virtually found in all technological application systems. I also believe that the application of new technologies will conversely increase the safety co-efficient of technologies. For instance, it will reduce the chance of forgery and enhance confidentiality in the course of information transmission. Certainly, the application of all new technologies is the product of human design and operation and no system can be guaranteed to be absolutely safe. There was not such a thing in the past and I believe it will not be easily found in future. Nevertheless, this should not constitute an excuse for us to decline applying new technologies. Most importantly, the relevant technologies can relatively improve the existing security standard and effectively tackle risks or new problems that may emerge. Security and privacy problems involve the operation of the Government. While the new smart ID card scheme improves the efficiency of public services, it

cannot change the principles and legal standards that the Government must observe in handling the personal data of the public. It should also be monitored in order to prevent abuse of the relevant information.

Madam President, as stated by the consultancy appointed by the Government, the projected life of the existing registration of persons system will expire by 2002, and the system has to be changed thereafter. Therefore, before implementing the new ID card scheme, the Government has to make prudent considerations in respect of security and privacy, and it also needs to consider the question of timing. Technically, problems such as security and privacy must be properly resolved but we must understand that we cannot ensure that any information system is 100% safe as this is after all an objective fact.

As to the protection of the people's rights to choose and to know, I support this entirely as this is an indispensable part of the whole smart ID card scheme. Thus, if the Government is to implement the scheme, it must allow a person to choose on his own the kind of information that is not included in his existing ID card that he would like to be included in his new ID card. Beyond doubt, the ultimate implementation of the scheme or proposal, including the financial commitment to be made by the Government in order to implement the scheme must have the consent of this Council.

Madam President, I so submit.

MRS SELINA CHOW (in Cantonese): Madam President, as we march into the information technology (IT) era, Hong Kong, as a city with an international vision, should be prepared in terms of infrastructure to enjoy the convenience and grasp the business opportunities brought about by the electronic revolution. The Liberal Party welcomes the Government's forward-looking proposal of introducing the smart identity card system in two years because this will enable the Government to keep pace with the times.

Smart ID cards will bring us many benefits. Most important of all, the cards will provide the required infrastructure for the future implementation of automated immigration procedures to speed up immigration clearance and reduce manpower. Immigration control points linking the Mainland are now flooded with people on holidays. Last year, the Lo Wu Control Point alone handled nearly 80 million people. Come to imagine this. If smart ID cards can be

used for immigration clearance expeditiously, it will not only save travellers' time, but also relieve the burden of the staff working at the boundary. Furthermore, in view of the steady increase in the number of Hong Kong residents travelling between China and Hong Kong, the "sharing of one control point between China and Hong Kong" has become an irresistible trend. The smart ID card system, if implemented expeditiously, will provide the scheme with more favourable conditions.

Another advantage of introducing the smart ID card system is that law enforcement officers will in the future be able to verify the condition of stay of ID card holders with the help of portable readers. This will help streamline the verification procedure and minimize nuisance to the public.

Of course, as the chips in the smart ID cards can store a large quantity of personal data, many people may feel concerned about issues of data privacy and security. The underlying spirit of the motion and the two amendments today is to urge the Government to take steps to ensure that the public need not worry about infringement of privacy as a result of the implementation of the smart ID card system. This point is shared by the Liberal Party. Nevertheless, there is a substantial difference between the motion and the two amendments. The Liberal Party is more inclined to support Mr IP Kwok-him's amendment.

First of all, I would like to say a few words on the principle of implementing the new ID card system. Both Miss Emily LAU's original motion and Mr James TO's amendment urge the Government to implement the scheme only after such issues relating to security and privacy have been satisfactorily resolved. This proposal is tantamount to imposing a prerequisite that is almost impossible to meet.

Madam President, the Government is certainly able to, and should endeavour to, safeguard the public's privacy. However, what standard should we adopt in determining whether the issues have been "satisfactorily resolved"? This standard can be very subjective, and most at all easy to define. Of course, we understand that the smart ID cards involve a large volume of sensitive personal data. Therefore, the Government must take extra caution in putting the new system into implementation. However, getting entangled in this matter will only impose barriers to progress and create problems to convenience.

The original motion moved by Miss Emily LAU and the amendment moved by Mr James TO are almost tantamount to giving us a "stop" signal. This is because it will be very difficult for the Government to guarantee that all issues with respect to whatever proposals proposed by it have been "satisfactorily resolved", particularly when it comes to satisfying the requests made by some of our extremely demanding colleagues. Actually, the Government has conducted a number of studies and experiments in connection with the smart ID card system. The papers tabled to this Council have also proposed numerous privacy protection measures. As Mr SIN Chung-kai said earlier, many experts agreed that the smart ID cards are quite mature in terms of security. From the technical point of view, it can be said that the cards can store almost all data. Some colleagues said earlier that technical confusion might arise, which I think is almost impossible. Actually, the problem we should worry about is definitely not purely a technical one. It would be more practical and feasible for the Government to fully consider the public concern over privacy to enable the relevant work to commence expeditiously.

The Government must take extra care for the smart ID card system, which influences more than 6 million people, is not a trivial matter. As the computer system for the existing identity card will reach saturation point in 2002, the new identity card system should most preferably be implemented in 2003. The Liberal Party considers it not advisable for this Council to impose too many constraints at this stage, not to mention the fact that the three new items of information proposed by the Government for inclusion in the new ID card are perfectly fine to me: the fingerprint data will be very useful to automation of immigration clearance; data contained in driving licences are almost the same as those stored on ID cards; and the addition of condition of stay for non-permanent residents will make it easier for the police to discharge their duty and enhance efficiency.

I would now like to turn to the choice of the public. Both Miss Emily LAU's motion and Mr IP Kwok-him's amendment urge the Government to, if it intends to store on the smart ID cards data not already contained in existing ID cards, submit the relevant proposals to this Council for endorsement. This legislative procedure is just a normal procedure. The difference between the proposals made by the two Members is that Mr IP considers the power of final decision to add the data should rest with this Council rather than with the public. The Liberal Party holds the view that this Council's endorsement actually means that extensive discussion has been made and protection of public interest is

guaranteed. This is because some data might need to be stored on the ID cards in public interest. Therefore, we cannot allow the public to choose and decide freely. Earlier, Mr James TO made the comment (his comment has puzzled and worried me) that this Council is actually not in a position to decide on these matters for they should be decided by the public instead. If we really go by his suggestion, I wonder what we should be doing in this Chamber. We are often required to make decisions and very often not all Members endorse these decisions. Nevertheless, we must do so in public interest. We are not doing this to please anyone. Of course, conclusion will only be drawn after we have fully discussed the matter, listened to the views of the public and considered the matter. After all, this is better than letting the Government make all decisions and this is the only way we can think of to solve the problem. Are we going to decide on each matter by way of referendum?

Thank you, Madam President.

MR JASPER TSANG (in Cantonese): Madam President, I would like to respond to the criticisms made by Mr James TO, Mr Albert HO and Mr LEE Cheuk-yan on the amendment proposed by Mr IP Kwok-him. I would also like to explain the wordings of the amendment in response to the request of Mr Eric LI.

Madam President, when the Democratic Alliance for Betterment of Hong Kong (DAB) discussed the wordings of the amendment proposed by Mr IP Kwok-him, we spent a lot of time indeed discussing it again and again. We agree totally with Miss Emily LAU's concern about security, privacy and the rights to choose and to know of the public as expressed in her original motion for we are also concerned about these matters. We considered then how best we could address these concerns in a most reasonable and effective manner.

As far as we understand it, the original motion of Miss Emily LAU means that the Government must submit a proposal on the inclusion of each and every new type of data to this Council for endorsement. We find this a normal legislative procedure as every item of data on an ID card should have a legal basis and be regulated by law, and the executive authorities cannot arbitrarily add any new data to it. Thus, any proposal on the inclusion of any new data including fingerprints must be submitted to this Council for endorsement as a legal basis is also required for this.

Therefore, the expression "(other than fingerprints)" in the original motion is somewhat problematic. If this motion is passed by this Council, does it mean that the Government has been authorized to include this piece of data in an ID card without passing any legislation on it. No, the statutory procedures must also be completed before such data can be included in future.

We have also considered that it is right for the people to have the right to choose. But that the phrase "(other than fingerprints)" is stated in the original motion of Miss Emily LAU proves that she also thinks that some items should be mandatorily included in the ID card. Why does the public not have the right to choose in respect of such data? Will we entertain any request by a person not to include such data in his ID card? We agree that some items may not be controversial and we therefore initially wondered whether we could add some items currently considered not controversial on top of "(other than fingerprints)"? If we insist on letting people choose whether to include a new piece of data, this will bring about unnecessary administrative trouble. As a colleague has said, there will be no problem to include data on a driving licence in an ID card, so why do we not include such data? Colleagues from the Immigration Department have also informed this Council that some people who are not permanent residents think that if their conditions of stay are included in their ID cards, clearance procedures for them would become much simpler. We think they have made a fair comment. What is the problem if such data is included? If we have to inform a person that he has the right to choose and he can choose not to include such data before including the data in his ID card, will this involve unnecessary administrative procedures?

Thus, we want to add two kinds of data to the amendment, that is, "(other than fingerprints, driving licence and the conditions of stay of those who are not permanent residents)", but we find it very strange for such data to be put together.

Furthermore, why do we need to include such data in the amendment? If this amendment is passed, it means that this Council thinks that such data can be included in the ID card without consulting the public in advance and the people do not have the right to choose, yet, they have a choice in respect of other data. If it is found that this is not the case in future and the inclusion of such data in the ID card is controversial, for instance, some may think that people should be allowed to choose whether to include the data on a driving licence in the ID card, what are we going to do?

After discussion, we think that the most reasonable approach for the Government is to submit the proposal for the inclusion of any new data to this Council for endorsement and to specify in the legislation that such data must be included in the ID card, and that people can choose whether to include such data in the ID card. The remarks made by Mr James TO and Mr LEE Cheuk-yan earlier really make people think that they do not trust the Government nor this Council, and one day, this Council may become part of the "Big Brother" who helps a tyrant to do evil as referred to by Mr LEE Cheuk-yan.

Let us think about this. The process of submitting proposals to this Council for endorsement must be open. If we legislate, it can be specified in law whether people may choose freely to include such data in the ID card or not, or that the inclusion of such data in the ID card is mandatory and the public does not need to be consulted. When a proposal is submitted to this Council for endorsement, the process of scrutiny and public consultation involved will be completely open. At least, all Hong Kong people will know what is going on. There is no question of the Government suddenly including any such data in the ID card it deems suitable without the public's knowledge. This will definitely not be the case. Therefore, the open process mentioned above is transparent and people's right to know and privacy can be protected. If the community strongly opposes this, thinking that certain data cannot be included in the ID card, or that we cannot make it mandatory for everyone to accept this as people should have the right to choose, then, we will surely listen to their opposing views. Unless we do not believe that this Council will listen to such views, thinking that this Council will completely change in future, with all 60 Members becoming "royalists" who will agree to whatever the Government will say.

The process of endorsement itself is an operational mechanism of this Council. Therefore, we think after deliberation that it may not be all that satisfactory for this idea to be expressed in words. However, the process means that if the Government intends to include any new data in the ID card, it must submit a proposal to this Council. After the legislative procedures, this Council will decide whether the data must be included in the ID card or the people be allowed to choose whether the data will be included in their ID cards. Then, the public will naturally discuss the matter and Members of this Council can only make a decision or vote on the basis of the people's views.

Madam President, I would like to state clearly that our objective is not to seize rights or restrict the public's right to know. Thank you, Madam President.

MR MICHAEL MAK (in Cantonese): Madam President, the Government plans to use \$3.06 billion within four years from 2003 to issue to 6.8 million Hong Kong people new high-tech smart ID cards. Compared to the existing ID card, the new ID card will store various personal data and it will at least include personal data for identity verification such as fingerprints and data for different uses such as digital certificates and e-purse. The Administration will leave some room on the chip for people to choose the type of data to be included in their ID card.

People will find that the new ID card is more convenient for they can complete clearance formalities using an automated clearance system which will simplify the relevant procedures and require less manpower. However, I am concerned that if a lot of sensitive personal data is stored in a card, it may lead to a crisis of "identity theft". Although the new ID card can offer administrative convenience and convenient use of services, I cannot rule out the possibility that it may lead to other security and privacy infringement problems. In my view, before the Government introduces this more or less all-purpose smart ID card, it must amend the Personal Data (Privacy) Ordinance in the light of the new situation to avoid abuse of personal privacy. Moreover, government departments cannot arbitrarily retrieve the data on the card, and the public must have the absolute right to know and choose in respect of the input of personal data.

Madam President, considering that people will have queries and worries about this new ID card, I think the Government must make efforts in promotion, education and publicity and clarify and explain everything clearly to the public before coming up with the relevant ideas and implementing various measures. The security authorities need to provide more accurate data to illustrate the safety of the new card and system, including how to make forgery more difficult and how to ensure that the personal data of the public will not be abused or pirated.

In my view, the prime consideration for the introduction of the new card is the protection of personal data. People are most concerned that if all personal data is input into the chip, inestimable losses will be incurred once it is successfully decoded by people with ulterior motives.

Therefore, the Government must carefully ensure that the public has been adequately consulted before data is input to a smart ID and if it considers necessary to include other personal data such as marital status, physical condition and criminal record in future or even data for e-purse or electronic certification, the public should be allowed to choose of their own accord whether such data should be included.

Moreover, I think that the Government must also prudently consider the relevant supporting facilities, including the setting up of a department tasked to instantly processing loss and replacement. The Government should also sufficiently test the reliability of the new system to avoid causing social chaos as a result of system failure, for example, the loss of control at the new airport that brought Hong Kong enormous economic losses and reputation damage. Lastly, I suggest that the Government should set up a crisis management team to cope with unexpected computer failure.

As regards Mr IP Kwok-him's amendment, I think this Council should not exercise the right to "choose" on behalf of the public. It is because the right to choose is a basic personal right in a democratic and free society, and the right should not be subject to control by other people.

Madam President, I so submit.

DR RAYMOND HO (in Cantonese): Madam President, the ID card currently used by Hong Kong people has been in use for many years, but its drawback is that it can be forged quite easily, failing the objective of really verifying one's identity. More than a decade ago, there was a stronger tide of illegal immigration from the Mainland and illegal immigrants could purchase forged ID cards from forgery syndicates. Thus, to facilitate the verification of the identity of Hong Kong people, the Government has changed the design of ID cards several times. However, ID card forgery syndicates could master the techniques for producing new ID cards shortly. Now, the Hong Kong Government plans to implement a smart ID card scheme that uses technology of

a higher order and a card that is more difficult to forge. I believe this will effectively verify the identity of the holder and combat the operation of ID card forgery syndicates. Thus we are killing two birds with one stone, so to say. However, the smart ID card also has drawbacks that warrant examination.

As the term suggests, a smart ID card is an ID card that has integrated all sorts of data. According to the Government's plan, it is an ID card, a driving licence, a library card, a digital certificate and an e-purse. This was originally a very good idea because it could save the holder's trouble of carrying different kinds of documentation and it complies with the principle of environmental protection. However, its feature of containing a diversity of data also gives rise to security and privacy problems.

Madam President, this is an information technology era and the popularization of computers is an indisputable fact. If a smart ID card stores too much personal data, for instance, data not related to identity verification, there will be no privacy to speak of once the codes of the ID card are cracked by "hackers". Although it is said that the encryption device used in a smart ID card is the most advanced and "hackers" will incur exorbitant expenses and costs if they want to crack the codes. However, Madam President, technologies are developing at a tremendous pace and Hong Kong people are very smart, so I am afraid it is not absolutely impossible for the codes to be cracked. After "hackers" have mastered the decoding techniques, the costs will essentially drop. In recent years, computer crimes have become more and more rampant, therefore, the Interdepartmental Working Group on Computer-related Crimes has recently made a series of suggestions, such as increasing the penalty for "hacker" invasion from the original five years' imprisonment to 10 to 14 years' imprisonment. Evidently, we can definitely not neglect the problem of "hacker" invasion and we can understand the public's worries about the privacy problem related to the smart ID card.

As far as security is concerned, as the Government has not adequately publicized the smart ID card, people generally fail to have a good understanding of the security measures for the new ID card. If the Government wishes to solicit people's support for the smart ID card, it must offer people the right to know in respect of this scheme. For instance, I think the Government must explain in detail to the public what information service stations are and what codes do the Government abide by in monitoring the use, collection and keeping of the data on the ID cards of people by various government departments.

Madam President, the idea of a smart ID card is new and I support and approve of it in principle. But in the international arena, the smart ID card has actually not been fully recognized, and given the privacy and security problems, I think that it is not suitable to store too much personal data on a smart ID card at this stage. If data not included in the existing ID card are to be included in the new card, the people's rights to choose and to know must be respected. As the service life of the supporting computer system for the existing ID card will expire by the end of 2002, I hope that the Government will solve the security and privacy problems as soon as possible and work out suitable measures for handling the relevant problems to usher in the first ID card design in the 21st century.

Madam President, I so submit. Thank you.

MR BERNARD CHAN: Madam President, according to the Government, the introduction of smart identity (ID) cards will make immigration clearance for travellers more easily and efficiently. It is encouraging and worthy of support. However, my personal experience tells that it may not necessarily be the case. And I believe that the Government would need to do more feasibility studies and testings to achieve that purpose.

Here, I would like to share my experience in using the automated passenger clearance system in Singapore. I have a similar smart card issued by the Singaporean Government. The card is for frequent travellers and is supposed to help the travellers clear immigration at the airport in a quicker and easier way. Travellers can insert their cards and put their thumbs on a sensor. The sensor will read the fingerprints, check their information, and the travellers can be cleared once their information is confirmed.

Unfortunately, I found that the operation is sometimes far from satisfactory. The processing is quite slow, sometimes even slower than manual checking. There are chances that the fingerprints cannot be read because the reader is over sensitive. In these cases, travellers will need to be cleared manually. So actually, we would still have to deploy some officers to stand by and monitor the clearance process even if a smart ID card is introduced. Having an automatic system does not mean that all manual work will be saved.

If Hong Kong is to introduce a similar system, it should make sure that the sensors are at the optimal threshold to avoid a high rejection rate. It will be of no use if our cards are not smart enough to ensure faster clearance process. And the system must be user-friendly.

In Singapore, the number of people using such smart ID card is still very small. But in Hong Kong, the scale will be much bigger. Tens of thousands of people go through the Lo Wu checkpoint on public holidays. Chaos could be resulted if travellers' information cannot be processed quickly.

The Government should make sure that our system can accommodate a high turnover. I am afraid that lots of researches and trials will be required before we can find a suitable system. And it is important that we keep our eyes open, keep abreast of the time to search for the best model as technology advances.

Besides efficiency, there are concerns over what data would be stored in the ID cards. This problem is much more complicated.

The concerns are reasonable and understandable. Apart from the basic personal data like fingerprints, the new ID cards will be able to store other information and thus to be used as driving licences or library cards. From the technological point of view, I believe that this is a breakthrough and the public will benefit.

However, I think that we should be careful and the public should be fully consulted. The public should have the right to choose the data that they want to be included in their ID cards. There is not much controversy over storing fingerprints on the cards. And driving licences, which now are issued with the same number as our ID cards, should also be considered for the sake of convenience. But for other information, I believe that it is a matter of personal choice. The Government should also be careful in using the data. Privacy and security are matters of grave concern. We always have to strike a balance.

Madam President, I support the introduction of the smart ID card system. But I believe much more work should be done to ensure that the card is efficient, sophisticated and user-friendly, and much work should be done to lay the doubts of the public over the problem of privacy. Thank you.

MR CHEUNG MAN-KWONG (in Cantonese): Madam President, no matter which Member's motion is passed in today's debate, a lot of views have been expressed and we hope the Government will note and consider carefully these views in introducing the smart ID cards. There may not be a total winner or a total loser in today's discussion. Winner or loser, there are reasons peculiar to each. Thus, we must listen carefully.

First, we have to clear up a few misunderstandings. The Democratic Party does not object at all to the introduction of smart ID cards. In the Democratic Party's view, as long as the data required to be stored on the smart ID cards is the same as that stored on the original ID cards, there would be no problem with the smart ID cards. The only problem concerns the data to be added. If the data to be added concern people's privacy, then we should let the people, rather than the Legislative Council decide whether they should be stored on the ID cards.

Second, the question of whether the smart ID card scheme involves some conspiracy by the Government. We have indeed thought about whether there is any conspiracy in this. But, frankly, we have not detected any major conspiracy in the smart ID card scheme so far. Therefore, there is no need for us to get too involved in the conspiracy theory in this issue today. This is the second point.

Third, some wordings have led to misunderstanding in the debate. I can only say how we in the Democratic Party interpret these wordings. The original motion "urges the Government to implement the scheme" only after issues relating to security, privacy as well as the public's rights to choose and to know "have been satisfactorily resolved". How do we interpret the words "have been satisfactorily resolved"? We entirely agree that there are new things and old things and that from a technological point of view, the new things will change the old. Nothing can be forever perfect in the world. But when we implement the smart ID card scheme, the issues arising from the scheme will at least be resolved with the best technology at the time and these solutions are financially feasible. In our view, these are the sound solutions at the time, but they will not always be sound solutions. Apart from this point, there is no need to argue too much. Technology advances at such a tremendous pace that we have no way of knowing what the ultimate technology is.

The crucial question is: What is the main theme of argument today? Actually, all the arguments revolve around one theme only, that is, whether the Legislative Council should have the supreme authority to decide everything in respect of the data to be stored on smart ID cards, including data on the people's privacy, or whether the people should have the right to decide whether their personal data should be stored on the smart ID cards. This is the crucial question that the Democratic Party is most concerned about. Our present stand is that the people should have the supreme authority over the question of the storing of personal data on the smart ID cards. The existing ID cards carry a photo, the date of birth and name. It is an old practice and everyone has got used to it. That is why there is little problem with it. But the first question that concerns us is the rights of the public. The public has exercised its right and elected Members and a legislature. This legislature may have to make a lot of decisions on affairs public. Take the fare increase by bus companies as an example. Whether the public is against or in favour of a fare increase by the bus companies, so long as they take a bus after the fare increase becomes effective, they must pay the full fare, not even \$1 less. Otherwise, they will have to get off the bus. Even in such matters that involve public interest, the public can only leave the decision to the legislature. But even so, it does not mean that the public should hand their sensitive and personal data to Members and let Members decide what to do with them. On the question of privacy, just as the public is not prepared to give the Legislative Council a blank cheque and let it fill in the cheque, they are not prepared to hand over their personal data and let the Legislative Council decide whether these should be stored on the smart ID cards. Since this is about the privacy of the public ultimately, they should be given the right to decide.

The second question is about the intrusiveness of the law. The law can of course deal with many issues in society and can intrude into a lot of public domain. However, it cannot intrude into private space, including data considered sensitive by individuals or what is considered as privacy. The law cannot deprive people of their right to choose by requiring these data to be stored on the smart ID cards. In my view, Mr IP Kwok-him's motion implies an authorization. Once it is passed, the Legislative Council will have full discretion to decide by way of resolution whether certain data should be stored on ID cards. While the public may criticize, express approval or raise objections during the process of consultation, the final decision does not rest with them. If the decision is not left to the Legislative Council, are we suggesting that every matter must be decided by a referendum, as Mr Jasper TSANG said

earlier? Definitely not. We are not suggesting that all matters must be decided by a referendum. Rather, we think everyone should have a right to choose on these matters. This is our view on the people's right in respect of the smart ID card scheme.

The third point is the position of the Legislative Council. As we said earlier, the people's privacy should be their own business and not the Legislative Council's business. Therefore, the Legislative Council has no right to make an ultimate resolution on behalf of the people. In our view, if Mr IP Kwok-him's motion is passed today, we would be giving this discretion to the legislature, including the discretion to disclose personal data. We feel this is improper. At least, while the circumstances are still dubious today, it is a most improper thing to do.

Under these circumstances, we cannot support Mr IP Kwok-him's amendment. We can only support Miss Emily LAU's original motion and Mr James TO's amendment. Thank you, Madam President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member responded)

PRESIDENT (in Cantonese): Miss Emily LAU, you may now speak on the two amendments. You have up to five minutes to speak.

MISS EMILY LAU (in Cantonese): Madam President, I would like to thank the 20 Members who have spoken in this debate, and I believe the message is very clear, that is, all of us are concerned about this. The very clear message is that the whole Council with one voice is very much concerned about the issues of security, privacy and the people's rights to choose and to know.

Mr IP Kwok-him has sought to amend the wordings of my motion by deleting the words "after such issues have been satisfactorily resolved", and a few Members have spoken on this. Madam President, in fact, I quite agree with Mr CHEUNG Man-kwong's remarks on the words "satisfactorily resolved". Some of the work is actually in progress, for example, we may conduct a few

more assessments on the scheme's effect on privacy but I am not sure if these assessments will continue to be conducted. I have said that there should be a crisis management plan for security purposes and Mr Bernard CHAN has also mentioned the case in Singapore while Dr LO Wing-lok has mentioned the experience with the Hospital Authority. Members are of the view that even if the operation of the system fails in future, it would unlikely be a repeat of the serious computer failure of the new airport. However, I believe there will still be great chaos. I do not wish to see such a situation happening because Hong Kong will be disgraced.

Therefore, we have to discuss how we are going to address the technical issues and look for answers. In the meetings in this Council, the only answer we got was that the Administration would do something and invite some experts to conduct a study. In my view, Mr James TO's amendment merits our support because he has said that consultants should be appointed to assist in solving the various problems and finding answers to see if they work. Mr Bernard CHAN has said that the scheme can only be implemented after thorough testing, otherwise, problems will arise in the course of implementation in future. Thus, I also understand that it is difficult for the relevant problems to be "satisfactorily resolved", but I hope that colleagues will understand what I mean. Technologies are changing continuously and in great speed, so I only hope that we can take time to complete the study. I would like to say something about Mr IP's amendment, although he has deleted the words "satisfactorily resolved", he has still stated that we should "adopt all effective measures to address the issues in question" for the issues can be solved if the measures are effective. I do not think my view on this point differs too much from that of Mr IP. The real difference in our views lies in the latter part, that is, the right to choose. I know that the Democratic Alliance for Betterment of Hong Kong has asked why I have proposed "(other than fingerprints)" as they think that the data on fingerprints can be stored on the card. I believe some people will criticize me for this while some others will think that such data should not be stored on the card. This precisely illustrates why I think that people should not be given a choice in respect of certain items. The ID card is used for identification purpose, and fingerprints were included in the ID card in the past. The Government has kept our data but it has not included such data in our ID cards. If we make legislation for this in future, the criterion I will adopt is that I will be willing to compromise to the extent that data on fingerprints can be stored on the card to assist the Administration in checking people's identity. As to whether data other than those already stored on the existing ID card should be included in the

new card, many colleagues have spoken on it and some colleagues definitely have reservations about this, to an extent which is greater than mine. While some are supportive, some others are very worried. In any case, I only wish our debate today could strike home the message that people should have the right to choose.

When Mr IP spoke, he stated on the outset that there were unnecessary doubts and distrust, but I think that it is unnecessary for people to think so. Madam President, a lot of colleagues seem to agree to the points raised by me and they also think that we should feel concerned. However, whether all the issues can be satisfactorily resolved and whether people should have the right to choose are not related to emotions and doubts, but our positions. If we are willing to give people the right to choose, we should express our willingness, and if we are unwilling to give them the right, we should also express our unwillingness. Yet, I believe the Frontier and many other Members also think that this is important. If new functions are to be added to the smart ID card, we should give people the choice. The Government should not specify after this Council has discussed and adopted certain items that people do not have the right to choose and they cannot therefore make a choice.

Lastly, I hope the Secretary will not be misled by the silence of the community. Sometimes, people's emotions are stirred up only after certain incidents have happened. As people are not yet affected by the data stored on the smart ID card, I believe they may start making an uproar when the relevant legislation passes this Council. Therefore, the Secretary should not think that people are most concerned about whether the photographs taken look good. I believe it is not as simple as that. The Government should not underestimate people's wisdom, and when it asks them to hand over their privacy data and store them on a card that is not guaranteed to be risk-free, people will state their position. Thus, it is most sensible and reasonable to make it possible for this Council to give consent to the storage of data on the card. The consent of this Council is very important because a smart ID card is not a "card to be toyed with" as mentioned by some people, or a document to which data can be casually added. So the consent of this Council is necessary before things can be done.

Thank you, Madam President.

SECRETARY FOR SECURITY (in Cantonese): Madam President, first of all, I wish to thank Miss Emily LAU for moving this motion today. It gives us an opportunity to discuss in detail the questions involved in the issuance of the new smart ID card. I am also grateful to some 20 Members who have spoken for their most valuable input.

To begin with, I wish to state that we do share many views, as Mr Eric LI has pointed out. The first consensus is that, as Mr LI has said, we all consider this a new measure and so, many issues will need to be addressed.

Regarding the second consensus, I noticed that just now the Democratic Party has clarified that, basically, they subscribe to a more forward-looking approach that keeps abreast of the times and features the application of new technology in the new smart ID card. In fact, what the three amendments are arguing is merely a matter of procedures.

Third, I am glad to hear it from the Democratic Party and Mr LEE Cheuk-yan that they basically do not believe the Government has an axe to grind. I am particularly glad to hear Mr LEE Cheuk-yan say that while Members have all read ORWELL's books, he believed we are not the "Big Brother". This reflected that Members have faith in the Government and this, I feel very happy indeed.

I think basically, the position of Members is very similar to that of the Government. As regards the procedures for issuing the smart ID card currently under study, I will explain later the reasons why we consider the procedures suggested by Miss LAU's original motion and Mr James TO's amendment impracticable. But before I explain the reasons in detail, I wish to clarify six points and give one undertaking first in response to the views expressed by Members.

The first point that needs to be clarified is this: Miss LAU said that the Government seemingly had not consulted the Legislative Council and this issue dropped on Members like a bolt from the blue. She opined that apart from seeking funding for the creation of a new post and submitting some papers in this connection, the Legislative Council appears to have not been formally consulted before the proposed scheme was submitted to the Executive Council in October. That is not the case. Apart from submitting papers to the Establishment Subcommittee on the creation of the post at Deputy Director level, which Mr WONG has assumed, we did consult the Panel on Security in March and June respectively. I am glad that Mr Albert HO clearly recalled that the Government

gave five undertakings and pledged adherence to five principles after consulting the Legislative Council in June. We undertook to store only the minimal data in the new smart ID card. We gave this undertaking to the Legislative Council and drafted our proposals on the basis of those five principles for consultation with the Executive Council.

Second, are the proposals already endorsed by the Executive Council? Some said that there is no room for consultation since the Executive Council has already made a decision. That is not true. At the present stage, it is impossible for the Executive Council to endorse each and every detail of the entire scheme which is massive in scale, complicated and innovative. The Executive Council has only accepted the Government's proposal to issue new smart ID cards that use new technology, not pandering any more to the outworn beliefs. The function of the ID card is to facilitate immigration control and management by the Government. We all know that in the early 1980s, the Government enacted the Immigration Ordinance, making it mandatory for citizens to carry their ID cards with them all the time. The reason was that we faced the crisis of the influx of illegal immigrants at the time as 500 illegal immigrants from the Mainland were arrested daily. Therefore, a consensus was reached in the community to assist the police to identify illegal immigrants. At the same time, the touch-base policy was also abolished by the Government. The Executive Council accepted the Government's proposal to enhance the application of technology with a view to allowing the police and officers of the Immigration Department to identify illegal immigrants easily. It also accepted that data or information that facilitates immigration control, such as the period of stay of temporary residents, can also be included, as suggested by Mr CHAN and some other Members. This will enable immigration officers to ascertain whether the period of stay of temporary residents has expired and hence facilitate identification, or allow temporary residents to clear customs without having to produce their travel documents, an arrangement as convenient as that for permanent residents clearing customs.

The Executive Council agreed that we should be more forward-looking and the storage capacity of the chip should be increased to make room for the development of other applications, such as e-purse or digital certificates for conducting e-commerce. All these will bring enormous room for development. The Government and the Executive Council do appreciate that it is impossible to finalize all the details at this stage. We still need to commission many more consultancy studies. Privacy and security assessments as well as public consultation will be conducted as an ongoing exercise at different stages when different details surface.

The third point that I must clarify is that a number of Members opined that the Government had not made much effort on publicity and that we had not listened to public views. Perhaps we did not publicize our publicity efforts already made, but the Government has indeed carried out lots of publicity work. I take great pleasure to explain to Members here that apart from reporting to the Legislative Council Panel on Security, representatives of the Security Bureau, the Information Technology and Broadcasting Bureau and the Immigration Department have also explained this scheme to the 18 District Councils (DCs), taking the opportunity to understand public concern and the views of DC members. In fact, the 18 DCs have indicated support for the issue of the new smart ID card. Moreover, seven exhibitions have been staged at shopping malls and the Immigration Tower. Those shopping malls where exhibitions were held include one at a convenient location in the centre of Sha Tin with large visitor flow. In the meantime, the relevant information was also uploaded onto the Internet to collect public views.

Members of the DCs considered that the adoption of this new technology for public convenience is in line with the current trend, and that the Government should keep pace with the times and introduce new technology in this ID card replacement exercise. Certainly, DC members are very concerned about such issues as privacy, security, the right to know, the right to choose, durability of the ID card, and so on. They also hope that the Government will do more to address these issues. Other than the quality of the photograph on the ID card, another issue that aroused more concern among Members is whether the costs for reissuance due to damages and loss will be exorbitantly high. Moreover, some Members hoped that the Immigration Department can provide quality services for citizens in the replacement exercise and minimize the waiting time.

From views gathered at exhibitions, we noted that privacy is not the greatest concern of the general public and they are also concerned about other issues. We found that the grassroots are generally more concerned about practical issues. Of course, I am not saying that they are not concerned about privacy, and I entirely agree with Miss LAU. Perhaps they will express concern over this issue when the legislation is being formulated in future. However, we can see that they are more concerned about practical issues, such as the design and colour of the ID card, its security features, the quality of the photograph, the fees and formalities for reissuance due to damages and loss. In general, our publicity campaign can be considered a great success. Over 32 000 people visited the seven exhibitions and the special webpage of the

Immigration Department has recorded a hit rate of over 70 000. A total of 22 000 people voted on the design of the new ID card at the exhibition venues and over 38 000 people voted on the Internet, representing as many as over 60 000 votes cast by the public. So, the Government has indeed conducted extensive public consultation. Yet, we may need to do a lot more to publicize our publicity endeavours. We will also continue to consult the public on such issues as privacy, security, the right to know, and what data should be stored in the ID card.

Then, I wish to clarify the point concerning the timeframe. In the debate earlier, Miss LAU asked why the Government has drawn up such a tight timetable so hastily in that the Government, after obtaining approval from the Panel on Security in March and June, immediately submitted the proposal to the Executive Council in October for approval and then proceeded to seek funding approval from the Legislative Council. As a number of Members, including Mr Ambrose LAU, have mentioned, it is necessary to set such a timetable and the urgency of the matter also obliges us to do so. The reason is that while the existing ID card cannot be described as security-flawed, it has been in use for over a decade and counterfeits have become a problem. As Members may know, we are currently using a very simple form of ID card. Although security-proven papers and patterns are used, the existing ID card is merely laminated. A common method of forgery is to cut open the lamination of the ID card and replace the photograph or other details therein, and one can easily get away with it. Therefore, it is necessary to step up measures against counterfeits. Furthermore, as the service life of our computer system will expire in 2002 and updating is required, we, therefore, propose the ID card replacement scheme and ask for Members' support.

Another point that I must clarify is that the Government has no intention whatsoever to use this ID card to keep a watch on the public, although I noted just now that a number of Members do appreciate this. The Government absolutely does not have this intention. The chip placed in the new ID card will store only the most basic data, and I will further explain later the most basic data that the Government insists to store in the chip. But if other newer applications are found possible, for instance, installing an e-purse or storing medical data, we will include these applications only after the public is consulted, having regard to the future technological development.

I also wish to take this opportunity to clarify one more point. Some Members questioned if this is a security-related scheme or one that has to do with information technology. If it is the latter, why does the Security Bureau take the lead? I think as Members have already noted, other than officers from the Security Bureau and the Immigration Department, Deputy Secretary SIU representing the Information Technology and Broadcasting Bureau is also involved throughout our briefings on this scheme and the publicity campaign. Of course, the ID card is primarily meant for security purposes, authenticating the identity of cardholders and curbing illegal entry, but nowadays, we hope to take advantage of this new technology to create more business opportunities for Hong Kong and lay a good foundation for the information framework in Hong Kong. That is why we have considered including applications other than identity authentication, and so, we have all along been working in co-operation with colleagues from the Information Technology and Broadcasting Bureau. In fact, there is a division of duties between us. Immigration-related applications are within the remit of the Security Bureau. As for the inclusion of other applications, including driving licence, library card or those for the purpose of electronic voting and e-purse, it will be studied by a working group led by the Secretary for Information Technology and Broadcasting, and public consultation will also be carried out by the Bureau.

Furthermore, I must also clarify one more point and give an undertaking in that connection, and I am glad to see that Dr David LI is in the Chamber. The Government has no intention whatsoever to compete with the public for profits. We have no plans of collaboration with any private company or business rivals to produce an ID card cum Octopus card. Nor do we have any idea to include a diversity of commercial applications to replace the existing "cash card" issued by banks. We have considered this point for we are certainly aware of all these possibilities. However, it has been the principle of the Government not to compete with the public for profits. We do not have the ambition or interest to do so, and to be honest, we do not have the ability to create a card so widely used as to compete with the business sector for profits. On this point, I can give reassurances to Dr David LI, Mr Eric LI and Mr SIN Chung-kai.

Let me now explain the reasons why we consider the procedures proposed by Miss Emily LAU to "implement the scheme only after such issues have been satisfactorily resolved" and those by Mr James TO as reflected by the wording of his amendment unacceptable. Moreover, I will explain the measures to be adopted in respect of security, privacy, and safeguards for privacy, the right to know and the public's right to choose.

First, in respect of security, I have said just now that the ID card currently in use encompassed only the primary security features. However, the new smart ID card in future will be made of advanced materials and utilize sophisticated laser technology to engrave the personal data of the cardholder on different segments of the card to deter counterfeits and alterations.

The chip embedded in the ID card will store only the most basic data. Some Members pointed out that if the digits representing the cardholder's thumbprints are stored in the ID card, what will the Government do in the event that the data is decoded and divulged? First, as other Members have pointed out, in the past when our ID cards were issued with either a green stamp or black stamp on them, data about the cardholder's thumbprint were stored in the ID card. But unlike the old ID card, the thumbprints will not be printed on the new smart ID card under our proposal of storing two thumbprints in it. Why is it necessary to store two thumbprints? The reason is that if the automated clearance system is implemented in future, in the event of inaccurate reading of one of the traveller's thumbprints or if the his left thumb is injured, his right thumbprint can be used for authentication. In fact, only digits or a set of codes will be stored. According to our consultants and information technology experts, the most sophisticated cryptographic technology will be employed to protect the data. Even if someone keeps on computing night and day with the use of a super computer, it will take 10 to 20 years to decode the encrypted data. Given that each ID card is protected by different encrypted key, it will not be worthwhile to plough in huge resources or spend decades to decode the data on one smart ID card. There is every reason for us to be concerned about the security issue. But in any case, the security features in future will definitely be better than the ID card currently in use. It will not be any worse than the one we have now. If Members are not too worried about the security of the existing ID card, they should not lose confidence in the security features of the smart ID card in future. But anyhow, we will certainly employ the latest technology to ensure that the data cannot be decoded easily.

On the privacy issue, let me reiterate that Members actually have many misconceptions for some Members think that an extensive range of data covering blood grouping, past immigration records, medical history, and so on, will be stored in the new smart ID card. That is absolutely not the case. The Government has no intention to have these personal data stored in the new ID card. Apart from data already contained in the existing ID card, including the date of birth, entitlement to the right of abode and sex, we plan to store only the

most basic data in the smart ID card. Moreover, we may delete some of the data stored in the existing ID card. Will Members please take a look at their ID cards. Some of the data on it are outdated, so their storage is no longer necessary. Members may find H1L2 on their ID cards. H1 refers to the centre where the ID card was issued to the cardholder, but it is no longer necessary to record whether the ID card was issued at the Carrian Centre or Tsim Sha Tsui office. As for L2 or L3, it stands for the number of times the cardholder has lost his ID card, and there is no need to retain this data nowadays. However, it will be rather difficult to implement Mr LEE Cheuk-yan's proposal of not showing even the cardholder's age or date of birth. While we ladies do not wish to disclose our age (*laughter*), this is nevertheless one of the most basic data. I cannot promise Mr LEE not to store this data on the new ID card.

Now, I wish to explain our proposal to store the most basic data in the new ID card, that is, the basic data required for identity authentication. Basically, they will include the data in the existing ID card (except those that we consider obsolete, such as the centre where the ID card is issued or the number of times the cardholder has lost his card), namely, the date of birth, sex and right of abode, together with digits representing the two thumbprints. As for the applications of the smart ID card, we hope that apart from identity authentication, it can also contain information about the limit and period of stay of temporary residents (that is, non-permanent residents), so that when dealing with suspected overstayers, law enforcement officers can use a special reader to confirm if the person's permission to stay is valid. This can help identify overstayers on the one hand and on the other hand, as I have said just now, we can tell from the ID card whether the cardholder's period of stay has expired and information on his exit/entry records. When temporary residents invest, do business and pursue studies in Hong Kong, and when they enter or leave the territory in future, they will not need to carry their travel documents with them, and all they need is to produce their ID cards. This will provide convenience for the public. So, we do not see anything wrong with this arrangement.

The storage of thumbprint digits can facilitate identity authentication and also serves to lay a foundation for the automated customs clearance system that may be implemented in future. Further, we also proposed that the ID card be used as a driving licence for the driving licence is also a proof of identity. The purpose of combining the two into one or perhaps combining three into one, using the ID card also as a library card, is to provide greater convenience for the public. If we decided to use the ID card as a driving licence in future, we may

need to add a code on the ID card to show that the cardholder has a driving licence, which is a very simple arrangement. Moreover, adequate storage capacity can be reserved in the chip so that we can further enhance the infrastructure for a digital future. This will ensure the availability of the necessary infrastructure to cater for the extensive and wide application of e-commerce and the introduction of e-purse.

I must also stress that at present, the data kept by various government departments cannot be exchanged or shared among them. Different data will be stored in the new smart ID card in future. Apart from immigration-related and personal data, and those relating to driving licence and library card, all data in the chip will be segregated and compartmentalized, and will not be accessible by other departments. Encryption will be employed to protect the data against disclosure.

Furthermore, the Immigration Department will conduct privacy impact assessments at different stages of the scheme under implementation and will keep the Privacy Commissioner for Personal Data informed of the results. In the meantime, we will consider the views of the Privacy Commissioner for Personal Data to review and modify privacy safeguards.

Fourth, the Government will employ advanced technology to protect privacy and data integrity at hardware, software and application levels, and ensure that all such data will not be accessed, retrieved or altered by unauthorized parties.

Another issue raised by Members is the public's rights to choose and to know. On the right to choose, we must understand that privacy is a very personal matter. The preferences and considerations of each person are different, and the public should have the right to choose. As I said earlier on, it is possible for many other data to be stored in the new ID card, such as medical records, personal medical history or other finance data. But all these only remain as possibilities and we have no intention to force the public to accept their storage at this stage. The inclusion of these applications requires public consultation and public acceptance. The Government only insists that apart from storing data for identity authentication, as I mentioned just now, the new ID card should also include information about the limit and conditions of stay of temporary residents, and also that relating to the driving licence of the cardholder. We only insist on the storage of these data in the chip.

Regarding the wording of Miss Emily LAU's original motion suggesting that "the scheme should be implemented only after such issues are satisfactorily resolved", I wish to explain here why we consider it impracticable. Earlier in the debate, some Members pointed out that the condition of "satisfactorily resolving" the issues may be too high a standard or too absolute. What does it mean by "satisfactorily resolving" the issues? With many schemes, particularly newly introduced schemes, we will not possibly know whether the related issues can be satisfactorily resolved before they actually come into operation. Secondly, whether the issues are satisfactorily resolved is purely subjective judgement. Who will decide whether the issues are satisfactorily resolved? I must ask this particularly as I have heard some Members, including elected Members, say in the debate that even they themselves cannot represent the public to exercise certain rights. So, who is going to decide whether the issues are satisfactorily resolved? Are not we giving ask the 6 million-odd Hong Kong citizens one by one if they consider the issues satisfactorily resolved?

The question of judgement aside, another important reason is that for issues relating to privacy, security, the right to know, the right to choose, and so on, it is impossible for us to resolve them satisfactorily at this stage or a year later. It is because for many issues, we will know how to resolve them only after a certain stage of work is completed. For example, since consultancy studies were commissioned in 1999, all we have been able to do is to make general proposals on the implementation of the smart ID card scheme, and raised some questions in relation to privacy and security. For the time being, we do not have an absolute solution to these issues. On the basis of the consultant's recommendations, and given funding approval of the Legislative Council, tenders will be invited next year. When inviting tenders, we have to list out the tender specifications, stating the requirements of the Government. Afterwards, the Government will receive a myriad of proposals from the tenderers on, for instance, the design of the ID card, whether it will be a contact or contactless card, and so on. Only when there is a more concrete layout of the scheme can we know what specific security and privacy safeguards are deemed necessary. Then, we will have to commission consultancy studies again. That is, at the next stage, consultants will have to be engaged again to ascertain if that particular design can resolve the problems envisaged. Therefore, the tight timetable spanning the next two years actually covers different stages of the scheme, and we may discover different security and privacy problems at each stage and need to identify solutions at different stages. So, it is impracticable to implement the scheme only after the issues are satisfactorily resolved for that is

tantamount to asking us not to implement the scheme. Further, as pointed out by some Members earlier, subsequent to the implementation of the new smart ID card scheme, we may find better and up-to-date solutions after the new ID card has been used for a year or two due to rapid technological advancement. Therefore, if we should proceed in the way suggested by Miss LAU in her motion, we cannot possibly launch the new smart ID card scheme in 2003.

I also wish to explain the reasons why Mr James TO's amendment is impracticable. As far as I understand it, Mr James TO's amendment will further limit the scope for the Government to implement the scheme for he proposed that "before the legislation to implement the scheme is passed by this Council, the Government should only apply for funding to engage consultants to assist in resolving those issues". That means the Government can do nothing except commissioning consultancy studies. In fact, we have already commissioned consultancy studies, and at the next stage when tenders are invited and when proposals are put forward to us, we have to engage consultants again to study the feasibility of the specific proposals. It is only when there are specific proposals that we will know the form of the new smart ID card, for instance, whether it will be a contact or contactless card; and we can introduce legislative proposals by then. Therefore, under Mr TO's proposal which suggested that before the relevant legislation is passed by the Legislative Council, the Government can only apply for funding to find solutions to such issues as privacy, security, the right to choose and the right to know, this scheme may not be taken forward. We, therefore, consider these two proposals impracticable and not feasible.

I wish to further explain the procedures involved, or to be specific, the procedures for implementing the smart ID card scheme in the next two years. These procedures include the commissioning of consultants (consultants have already been engaged for the first stage), inviting tenders for the procurement of hardware, analysis, design, system development, system testing, database conversion and formulation of work procedures, and so on.

From preparing the tender documents, selecting the suitable supplier to signing the contract, we estimate that it will take at least seven months. Analysis, design and system development can commence only after the contract is signed and are expected to be completed in one year's time. System trials can be conducted upon completion of system development, and will take another six months. In the course of system development, we need to draw up the work

procedures and introduce legislative amendments. Upon the completion of system development, we then need to convert the database for the data now stored in the existing computers have to be digitalized. To ensure that the privacy and security issues are thoroughly addressed, we must conduct privacy impact assessments at different stages of the scheme and review the security features when the system design is finalized. From this, we can see that it takes more than two years to replace an ID card system alone. To enable the new system to start operation in early 2003 as scheduled in order to ensure that the Government can continue to issue new ID cards to the public, the Government must be provided with funding in early 2001 to facilitate the invitation of tenders.

On legislative amendments, we consider it impossible to complete all legislative amendments before applying for funding. First, as a responsible government, we must know exactly how the future system will operate and its work procedures before we can draw up clear and explicit legislation. Although we already have some general ideas about these, the second and third privacy assessments may still have a bearing on the legislative amendments required. All these details can be finalized only upon completion of the design and development of the system. Second, decisions on the inclusion of other value-added functions and what data will be stored in the chip can be made only after the completion of feasibility studies by various departments. As I have said just now, other non-immigration value-added functions are now under study by the Secretary for Information Technology and Broadcasting, and there is a long way to go. These studies cannot be carried out and completed in a short period of time. The findings of these studies will also have a bearing on the scope of legislative amendments. Third, from past experience, an amendment to legislation may take six to 12 months to complete. If we are required to complete the amendment process first, we cannot possibly replace the already timeworn computer system in early 2003 as planned. We think that insofar as legislative amendment is concerned, we may start studying draft legislative proposals in tandem with the system development work, and this should not be done in a hasty manner.

I wish to add that our proposal to seek funding as a first step is entirely based on practical considerations. It does not mean that the Government does not attach importance to the legislative procedures. In fact, at Members' request, we have submitted papers to the Legislative Council earlier outlining the legislative amendments that may be required for implementing the new ID card system. We will further seek legal opinion on legislative amendments and will

submit detailed papers to the Legislative Council later. The new ID card will be issued only after the completion of all legislative procedures.

As regards ways to protect the right to choose of the public, I entirely agree with Members that the public should have the right to choose. The Government basically shares the view of Members. However, we only insist that this right should not be unrestricted. First, in allowing the public to choose whether to include other functions, we must ensure that the chosen function is considered acceptable by a majority of people. That is, if a consensus is reached in the community that the ID card should also be used as, say, a driving licence, we should not allow 6.5 million people to choose including this application in their ID cards, whereas the remaining 200 000 people continue to keep a separate driving licence for this would be very complicated and pointless. The principle is that we should base on the majority view. We should not allow a minority to choose to keep their old driving licences and oppose a two-in-one or three-in-one arrangement simply for sentimental reasons. This, we think is inappropriate. We consider that this should be circumscribed. We will not propose the inclusion of any function which is not supported by a majority of people.

Second, for data that can increase the Government's efficiency or provide greater convenience for the public, including the three types of basic data that I have mentioned earlier, namely thumbprint digits, the condition of stay of non-permanent residents and driving licence, our view is that the public should not be allowed to choose whether to have these data in their new ID cards. The Government's position is that these three types of basic data should be included in the new ID card. The public can disagree with it and a public consultation exercise will be conducted later. However, the position of the Government is clear, and we consider that having spent so much public money on a new ID card, we should store these data or information in it, so as to improve the Government's efficiency and provide convenience to the public. We proposed the storage of thumbprint digits of the cardholder as an effective deterrent against illegal and fraudulent use of others' ID cards, and to provide the infrastructure to facilitate the implementation of automated passenger clearance system by the Immigration Department in future. On the storage of data about the condition of stay of non-permanent residents, I have said just now that the purpose is to facilitate the identification of overstayers and exit/entry of non-permanent residents.

As to what data will be contained in the new ID card, I have repeatedly undertaken to keep the public well informed and the public will certainly know what types of data are stored in their ID cards. In fact, we are bound by the law for the issue of ID card is governed by the Registration of Persons Ordinance and the Registration of Persons Regulations. The storage of data in the ID card is governed by Schedule 1 of the Registration of Persons Regulations which provides for the content of ID card. To include in the smart ID card data not contained in the existing ID card, such as blood grouping, immigration records, and so on, the Government is required to table the relevant proposals at the Legislative Council to amend the Schedule. Like Mrs Selina CHOW, I was also astonished to hear Mr James TO say earlier that he had misgivings about whether the Legislative Council can decide for the public what data to be stored in the ID card, and I have not the faintest idea about why he would make such remarks. Indeed, I found it strange that while Mr TO had said before that the Government is the devil in disguise, which is certainly not something new for we have heard this before, he nevertheless remarked that the Legislative Council is the devil's mate, which is something I have never ever heard from him before. So, I found it strange as to why he had to degrade the Legislative Council. I believe all Honourable Members of the Legislative Council will certainly take account of public opinion when deciding to make amendments to legislation on the inclusion of what data. Like the Government, Honourable Members must take on this responsibility and decide what data should be provided for in the legislation on the basis of public opinion. Therefore, we consider that we should not be over concerned about this. We should take on this responsibility together. Initially, we also think that it may be necessary to define in the Registration of Persons Ordinance the other applications for which data will be stored in the chip, and the data items for such applications will also need to be provided for in the relevant legislation. Therefore, the Legislative Council will have ample opportunities to thoroughly discuss the data to be included in the new ID card.

Mr IP Kwok-him's amendment to the latter part of Miss LAU's motion has reflected more clearly these procedures and we, therefore, support his amendment. We also agree that the Legislative Council should decide if the public should be allowed to choose whether or not to include additional data for the Legislative Council is duty-bound to strike the right balance between the operational needs of the Government and the public's right to choose. Therefore, we believe the decisions of the Legislative Council to pass the relevant legislation in future will not conflict with the need to safeguard the public's right to choose.

To conclude, Madam President, we consider that the proposed smart ID card is more secure than the existing ID card. It can protect the privacy of the cardholder and also provide the infrastructure to facilitate the future implementation of the automated immigration clearance system, thereby improving the efficiency of the Immigration Department. Storage capacity can also be reserved in the smart ID card to enable the Government to provide other quality and efficient value-added services to the public. Judging from the conclusions of public consultation, the smart ID card scheme is generally supported by members of the community, and the measures taken by us to address their concerns have also commanded public recognition. Moreover, at the special meeting of the Panel on Security on 11 November and during recent discussions with the Information Infrastructure Advisory Committee, the business sector, information technology sector as well as many academics threw weight behind the Government's proposal. They agreed that the introduction of a multi-function smart ID card scheme can strengthen the overall information technology infrastructure in Hong Kong, help promote e-commerce, increase the competitiveness of the business sector and create new business opportunities for them. In the long term, the scheme will help Hong Kong develop into a leading digital city and enhance the status of Hong Kong in the international community. Nowadays as technology advances by leaps and bounds, Hong Kong absolutely cannot pander to outworn beliefs and remain in situ. Otherwise, our competitiveness will lag behind other countries.

Therefore, I urge Honourable Members to support Mr IP Kwok-him's amendment and vote against Miss Emily LAU's motion and Mr James TO's amendment. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr James TO, please clarify the part of your speech which was misunderstood by the Secretary for Security.

MR JAMES TO (in Cantonese): Madam President, in fact I intended to spend five minutes listening to the cassette tape but it appeared to be clear enough when I read my own notes. I never said the Government was the devil in disguise. I just said if the Government endorsed Mr IP Kwok-him's stance, we could not rule out the possibility that it would become a totalitarian and demonic government that controlled the community. I said I did not rule out that possibility. I did not say that it is so now. If the Secretary wanted to step in those shoes, I can do nothing about that. One may do great harm by discrediting others, albeit carrying a smile during the course.

After going through my notes carefully, I wish to clarify another point. I never said the Legislative Council could be the devil's mate. I believe that was possibly a deduction of the Government, especially the Secretary. Her deduction might cause misunderstanding against me and so I have to clarify. I never said the Legislative Council could become the devil's mate. I just said I had reservations about whether it was appropriate for the Legislative Council to make decisions on such an important issue and whether the people would agree to confer upon the Legislative Council the power to do so.

PRESIDENT (in Cantonese): I now call upon Mr IP Kwok-him to move his amendment to the motion.

MR IP KWOK-HIM (in Cantonese): Madam President, I move that Miss Emily LAU's motion be amended, as set out on the Agenda.

Mr IP Kwok-him moved the following motion: (Translation)

"To delete "to implement the scheme only after such issues have been satisfactorily resolved" and substitute with ", in formulating and implementing the scheme, to fully consider these concerns and adopt all effective measures to address the issues in question"; to delete "(other than fingerprints)"; and to delete "offer the public the right to choose the data to be" and substitute with "that it should be a matter for this Council to decide if the public should be allowed to choose whether or not to have such data"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr IP Kwok-him to Miss Emily LAU's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

PRESIDENT (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mrs Miriam LAU, Mr Abraham SHEK, Miss LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted for the amendment.

Dr David LI, Miss Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr LAW Chi-kwong and Michael MAK voted against the amendment.

Geographical Constituencies and Election Committee:

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Mr Andrew WONG, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi and Mr Frederick FUNG voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, 22 were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 11 were in favour of the amendment and 15 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

MRS SELINA CHOW (in Cantonese): In accordance with Rule 49(4) of the Rules of Procedure, I move that in the event of further divisions being claimed in respect of the motion on "Smart Identity Card" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mrs Selina CHOW be passed. Does any Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion on "Smart Identity Card" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I will now call upon Mr James TO to move his amendment.

MR JAMES TO (in Cantonese): Madam President, I move that Miss Emily LAU's motion be amended, as set out on the Agenda.

Mr JAMES TO moved the following amendment: (Translation)

"To add "before the legislation to implement the scheme is passed by this Council, the Government should only apply for funding to engage consultants to assist in resolving those issues;" after "such issues have been satisfactorily resolved;"; to delete "fingerprints" and substitute with "fingerprint data"; and to delete "submit the relevant proposals to this Council for endorsement, and"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr James TO to Miss Emily LAU's motion be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr James TO rose to claim a division.

PRESIDENT (in Cantonese): Mr James TO has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr David LI, Miss Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr LAW Chi-kwong and Mr Michael MAK voted for the amendment.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mrs Miriam LAU, Mr Abraham SHEK, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the amendment.

Miss LI Fung-ying abstained.

Geographical Constituencies and Election Committee:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Mr Andrew WONG, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi and Mr Frederick FUNG voted for the amendment.

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, six were in favour of the amendment, 21 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were

present, 15 were in favour of the amendment and 11 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Miss Emily LAU, you may now reply and you have up to two minutes and 18 seconds.

MISS EMILY LAU (in Cantonese): Madam President, I thank Members again for participating in the debate. With the exception of those who are out of Hong Kong or those who have to be absent due to some other matters requiring their attention, almost all have been present at this evening's debate. I believe I have got the message across to the Government to the effect that we are all very much concerned about the issue. Surely I do not want to see my motion come to nothing, Madam President. The fate of my motion is in the hands of Members and I hope they will support it.

I would like to respond to the Secretary's comments as regards issues being "satisfactorily resolved". Even though some may not think this Council can represent the people fully, we did try to get some issues satisfactorily resolved in the past. When we received some proposals, we would consult the people and table them before Members for a debate. If most Members voted for the proposals in this process, the matter would be satisfactorily resolved. I would feel very sorry if the Secretary were not aware of this or were reluctant to accept this process. I do not know what suggestions would be made by government advisers, but we would naturally consult the people about these suggestions. We would voice our opinions too. If there is any dispute in the process, then we would fail to resolve the issue satisfactorily.

In addition, I cannot accept that people should not be allowed any choice. Madam President, this is a very basic point. During the voting later, if a Member votes against my motion, I think it means he or she believes the people should not have the right to choose. In my opinion, the information stored in existing identity cards should continue to be stored in the new smart identity cards. Other new information to be stored should require the approval of the Legislative Council before it is given to the people to choose from. For example, people may choose to add information such as driving licence information, as mentioned by the Secretary, to the new smart identity cards. I

think this is a basic right of the people. I hope Members can think carefully before voting. Like the Secretary, I am pleased to see that Dr David LI can spare time amidst his busy schedules to join us in the debate. I hope Dr LI would help me (*laughter*) and I hope other Members would support my motion. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Miss Emily LAU, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Miss Emily LAU rose to claim a division.

PRESIDENT (in Cantonese): Miss Emily LAU has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Eric LI, Dr David LI, Miss Margaret NG, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mr SIN Chung-kai, Mr LAW Chi-kwong, and Mr Michael MAK voted for the motion.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mrs Miriam LAU, Mr Abraham SHEK, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the motion.

Miss LI Fung-ying abstained.

Geographical Constituencies and Election Committee:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Mr Andrew WONG, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi and Mr Frederick FUNG voted for the motion.

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the motion.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, eight were in favour of the motion, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 15 were in favour of the motion and 11 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Second motion. Railway development strategy.

RAILWAY DEVELOPMENT STRATEGY

MR LAU CHIN-SHEK (in Cantonese): Madam President, we can wait until they settle down. Please do not start counting the time now, Madam President. I am glad to see the return of the Secretary to this Chamber.

Madam President, I move that my motion as printed on the Agenda be passed.

The Railway Development Strategy 2000 outlined six new railway projects, namely, the Sha Tin to Central Link, the Island Line Extensions, the Kowloon Southern Link, the Northern Link, the Regional Express Line and the Port Rail Line. The Railway Development Strategy 2000 has taken as long as some two years to complete, but it deals only with six new railway projects, and only very rough estimated completion dates are given. Worse still, the Government has so far failed to give the community any concrete undertaking concerning the implementation of the six railway projects, the exact commencement and completion dates of each of them and the possibility of speeding up the construction.

I am particularly concerned about the combined population of nearly 1 million people living in Kowloon City, the future Southeast Kowloon development around the old airport site, the Western District and Southern District, for they have suffered for years the lack of any mass transit railway networks in their areas. Although the residents in these areas have urged the Government numerous times before to construct railway networks going through Kowloon City and the Western and Southern Districts on Hong Kong Island, they still have to hope against hope today. Besides, with the opening of the Ma On Shan to Tai Wai Rail Link in 2004, the passenger pressure felt by Tai Wai Station of the Kowloon-Canton Railway (KCR) East Rail will certainly increase; so, all of us agree that there is an urgent need to construct a rail link running direct from Ma On Shan to the urban areas.

The main objective of my motion today is precisely to urge the Government to implement the various new railway projects as quickly as possible. In particular, it urges the Government to start the construction of the Sha Tin to

Central Link and the Island Line Extensions without any further delay, so as to complete these projects before 2008. In the rest of my speech, I will discuss these two railway projects in detail.

In the next few years, many new railway projects will be completed, and these include the Tseung Kwan O Extension to be opened in 2002, the West Rail to be completed in 2004 and the Ma On Shan to Tai Wai Link. These railways will connect to the existing Mass Transit Railway (MTR) and KCR networks, and for this reason, it is certain that more and more people living in the New Territories and the extended urban areas will be using the railways to cross the harbour. In fact, as early as some three years ago, the Mass Transit Railway Corporation (MTRC) already estimated that the capacity of the three existing rail harbour crossings would be saturated by 2006, and that if a fourth harbour crossing could not open by then, the congestion of the existing railway networks during peak hours would certainly become more and more serious. Therefore, I must stress once again that there is a need to complete and open the fourth rail harbour crossing around 2006.

Another important reason for the prompt construction of the Sha Tin to Central Link is the need to improve the transport to and from Kowloon City and the Southeast Kowloon development areas. Kowloon City is currently inhabited by some 400 000 people. In the next few years, the reclamation of Hung Hom Bay will bring about more population, and the urban renewal projects for the old areas around Kowloon City will also increase the population in these areas. In addition, starting from 2003 to 2004, many more people will move into the areas around the old airport. From all this, we can see that if an East Kowloon rail link running through Kowloon City cannot be completed in good time, the traffic congestion in Kowloon City will certainly become increasingly out of control.

The residents in Kowloon City and I have made repeated demands to the authorities, so the delayed finalization of an East Kowloon rail link really makes me very disappointed and discontented! Actually, as early as the 1970s, when the construction of the MTR started, the authorities concerned already reserved a number of locations in Kowloon City for the construction of underground train tunnels. The only thing is that the Government has for years ignored the transportation needs of local residents and refused to extend the MTR to Kowloon City. In early 1997, the MTRC itself put forward proposals to construct an East Kowloon Line and a North Island Line, and specific proposals

on these railways were also submitted to the Government for consideration. The MTRC maintained at that time that there was a need to open these two railways in 2006. Unfortunately, since the Government did not take these proposals seriously, the commencement and completion dates for the East Kowloon Line has been deferred again and again.

Another extension of the Sha Tin to Central Link, that is, the Tai Wai to Diamond Hill section, as I pointed out just now, should be completed as early as possible following the opening of the Ma On Shan to Tai Wai Link. I am sure that Members here today should still remember that in the middle of last year, the financing arrangements for the Ma On Shan to Tai Wai Link were turned down by the Finance Committee since the Government failed to propose any scheme for constructing a railway running direct from Ma On Shan to the urban areas.

To sum up, the Sha Tin to Central Link is a strategic railway project, and its completion and inauguration is a matter of extreme urgency. However, the attitude of the Government is simply one of "could not care less". It seems that only the people, not the Government, can see the urgency.

As I pointed out a moment ago, although the MTRC already submitted concrete proposals on the construction of an East Kowloon Link and North Island Link to the Government as early as the beginning of 1997, the Government simply kept on refraining from giving any positive response. It subsequently said that a consultant had to be commissioned to study the relevant proposals. When the consultancy study commenced in early 1998, the Government said that a report could be released within 18 months, that is, in mid-1999. But later, the release of the report was deferred to late 1999, then to early 2000, and finally to May 2000, when the new railway development strategy was to be announced. At long last, when the Railway Development Strategy was finally completed, and when it confirmed the urgent need to construct the Tai Wai to Diamond Hill Link, the East Kowloon Line, the Fourth Harbour Crossing and the North Island Line, the Government again sought to delay the matter by saying that the Sha Tin to Central Link would be combined as one single project, and that the operator would be selected through open tenders. At that time, it said that tenders would be invited by the end of this year, but as recently revealed by sources, this would be deferred yet again to early next year. As for when an operator can be selected to run the Sha Tin to Central Link, one can only say that only God knows.

I am not against open tenders, but the Government must give the community a specific timetable instead of employing any "delaying tactic"! I hope that the Secretary for Transport can give this Council a concrete reply later at this meeting.

Actually, when it comes to open tenders, there are not going to be many bidders anyway, and it is going to be a competition between the MTRC and the Kowloon-Canton Railway Corporation (KCRC). It should be noted that over the next few years, the KCRC will still be preoccupied with several important projects, including the West Rail, the Ma On Shan to Tai Wai Link and the Lok Ma Chau Extension of the East Rail. What is more, we must also note that the KCRC does not have any experience in constructing large-scale railway networks. As a result, the Government must assess the capability of the KCRC, so as to see whether it will have any spare capacity to construct the Sha Tin to Central Link and complete it on schedule. Well, anyway, if the Government can select an operator as quickly as possible, I am sure that the Sha Tin to Central Link can still open before 2008, assuming that planning is to take three years and actual construction three years.

Madam President, besides the Sha Tin to Central Link, I am equally concerned about the West Island Line of the MTR.

The Western District and Southern District on Hong Kong Island are two developed areas which are not served by any mass transit railway networks, and local residents have for years been asking for MTR extensions to these two districts. Upon comparison, the West Island Line will run through areas with more population, and it will thus be more economically viable. Although the Railway Development Strategy 2000 proposes to construct the West Island Line, it also sets down a rather late opening date for it — between 2008 and 2012, and worse still, it even fails to say whether the project will certainly be implemented, probably because the Government wishes to wait until the completion of the current consultation exercise on the Western District Reclamation development project.

I maintain that the Government should go about the development of the Western District and the West Island Line in parallel. If the Government can give the "green light" in the very near future, it is absolutely possible to complete the West Island Line before 2008, assuming that actual construction is going to take four years only.

Madam President, I now wish to discuss two important issues related to railway planning. The first issue is environmental impact assessment (EIA). If the EIA of a certain project cannot be completed well in advance, then the construction works concerned may have to be halted right before commencement; this will turn out to be something like a pair of lovers getting married in church only to be stopped in the process by their objecting parents just when they are about to exchange their rings. When this happens, nobody will be happy. It is only reasonable that the work of communication for the benefit of mutual understanding should be done as early as possible beforehand.

The second issue concerns whether or not the contents of a railway project can fully reflect people's needs, whether in terms of alignment, locations of stations and even station facilities. I am of the view that both the MTRC and the KCRC should conduct extensive consultation whenever they plan and develop any new railways in the future, so as to avoid any criticisms after the relevant works are completed. The East Kowloon Line is an example. All along many people have been saying that there must be an extension running through the densely populated area of Whampoa, so the authorities must take this demand very seriously. Besides, I also notice that many existing railway stations are not equipped with any facilities which can enable the disabled to enjoy equal opportunities in using railway services, to travel on railways like the able-bodied. I think that this must be properly addressed in any future railway development projects.

Finally, I wish to discuss the issue of fares. Fares and railway development are admittedly not directly related, but if unreasonable railway fares are charged, I am afraid the objective of improving transportation by means of railway construction may be adversely affected, and so may people's livelihood. I therefore hope that when the Government selects operators through open tenders, it can adopt the charging of reasonable fares as an important factor. Moreover, it should also pay serious attention to how it can monitor the fares charged by the railway operators in the future, so as to protect people's livelihood.

Following the completion of the railway projects proposed in the Railway Development Strategy 2000, there will be more and more railway interchanges in Hong Kong, and many of these may even be interchanges connecting the KCR to the MTR or the MTR to the KCR. I think that the Government should really discuss with the two railway companies, so as to work out a uniform fare

charging policy that can avoid any "double payment" of fares by the travelling public.

With these remarks, Madam President, I beg to move.

Mr LAU Chin-shek moved the following motion: (Translation)

"That this Council urges the Government to expeditiously implement the new railway projects proposed in the "Railway Development Strategy 2000" published in May this year and, in particular, to adopt various measures to strive for the completion by 2008 of the Sha Tin to Central Link (comprising the East Kowloon Line, the fourth cross-harbour rail link and the Tai Wai to Diamond Hill Link) and the West Hong Kong Island Line; at the same time, when planning the implementation of new railway projects, the Government should expeditiously carry out environmental impact assessments and conduct extensive consultation on railway alignments and the locations of railway stations, so that railway development can harmonize with the need for environmental protection and fully reflect the wishes of the public."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr LAU Chin-shek be passed.

PRESIDENT (in Cantonese): Mr LAU Kong-wah and Dr TANG Siu-tong will move amendments to this motion. Their amendments have been printed on the Agenda. The motion and the two amendments will now be debated together in a joint debate.

I will call upon Mr LAU Kong-wah to speak first, to be followed by Dr TANG Siu-tong.

MR LAU KONG-WAH (in Cantonese): Madam President, actually we support the motion moved by Mr LAU Chin-shek. However, we think that the content of the original motion can be made more substantial and to address some new developments which have arisen. Therefore, the amendment we seek to move today comprises two main elements, firstly, improving the Railway Development

Strategy as a whole, and secondly, making railway development take better account of the needs for environmental protection and social development, as well as making a review of the existing legislation and the policy-making mechanism.

First, on the several new railway projects mentioned in the original motion, we are in full support of their completion by 2008. The railway project I am familiar with is the Sha Tin to Central Link, which runs from Diamond Hill and East Kowloon to Central. The construction of this railway link is most urgent and we do very much hope that it will be inaugurated by 2008. We have sent a clear message repeatedly in both the Legislative Council and in the District Councils that the existing capacity of the KCR has reached saturation. When the Ma On Shan extension is constructed in 2004, a bottleneck situation at Tai Wai Station is bound to happen with the increased passenger volume. And during the period from 2004 to 2008, the situation is expected to become quite intolerable. Therefore, we have repeatedly stressed that the construction of the section from Tai Wai to Diamond Hill should be advanced to 2006. If only the Government can specify the requirement in the invitation to tender document for the two interested companies to study and submit their proposals, then I am very confident that the Tai Wai to Diamond Hill section can be constructed in 2006. Therefore, I hope very much that the Secretary can tell us clearly what he thinks of this proposal later.

In addition, I have mentioned two railway projects in my amendment, that is, the Port Rail Line and the Regional Express Line. There is no mention of the timetable for these lines in the Railway Development Strategy 2000 published by the Government. However, in our opinion, these two lines are very important.

In the past, railway development used to concentrate in the urban areas. But with the development of the territory, there is no such distinction between urban areas and the New Territories. At present, half of the population live and work in the New Territories. Adding to this the close tie with the Mainland, the construction of the Regional Express Line and the Port Rail Line becomes a pressing concern. Apart from urging the Government to undertake strategic studies on the future development of these two railway lines, we also urge the Government to formulate a timetable in the near future for the construction of these two lines. That in our opinion is very important.

Madam President, as a matter of fact, the railway network in any major city in the world is sound and efficient. What I mean is that not only is the domestic network should be sound and efficient, but that the external links, in particular with the railway network in the Mainland, should also be sound and efficient. We therefore hope that the Government can formulate a timetable for this as soon as possible. We think that this sound and efficient railway network must be completed in 10 to 15 years.

On the other hand, while there is allusion in the original motion to railway development harmonizing with the needs for environmental protection, there are things that have not been clearly spelled out. If we look at the Long Valley case, the Lok Ma Chau Spur Line case, and the Lantau North South Road Link case of late, we can see that the problem cannot be solved just by calling upon the Government to balance the two kinds of needs without approaching the matter from legislation and the policy-making mechanism. Now we are at a loss as to how these two cases should be handled. Just as Mr LAU Chin-shek has put it, it is like a couple whose relationship is so intimate that they are about to get married and then suddenly comes their parents' objection. They are at a loss as to what they should do. The same goes for the two issues described above.

In the Long Valley case, some people say that it is a victory for the environmentalists. But I would like to point out that for every winner there must be a loser. We would like to harmonize social development and railway development. We should not say who is the winner and who is the loser. We do not wish to see this becoming a zero sum game. It should be a win-win situation. Some people say that it looks as if there is a clash between environmental protection and the interests of the residents. But the Lok Ma Chau Spur Line case is not only an issue for the local residents, but also an issue that has to do with the customs clearance and safety of thousands of travellers. I am very worried about the ability of the Lo Wu check point in handling dangerous situations. In addition, the north-south access of Lantau is not only an issue of traffic and transportation, but also safety in driving. When we say that in protecting the environment there is a need to care about the flora and fauna, it is more important to care about human lives. One cannot place flowers and trees above human lives. Problems do exist in the present mechanism. Take the Long Valley case as an example, a lot of discussions had been held and finally the Director of the Environmental Protection Department (EPD) vetoed the EIA report and the entire process has to start anew. We have nothing against the Director, for that is his job. But the job has really exerted too much pressure on the Director.

What can we do to make this mechanism harmonize environmental protection with social development? We suggest that a review should be conducted. We can look at how this review can be conducted by looking at a few approaches. We have not yet finalized any views on that and that is why we are tabling this matter before the Council. We hope that more views can be invited for consideration, and we also urge the Government to give serious thoughts to it. The first approach is to consider keeping the existing mechanism. The Director of Environmental Protection has vetoed the EIA report. There is an appeal mechanism in place. However, it is only capable of looking at the issue from one perspective only and hence it may not be able to solve the problems arisen. Second, the Executive Council has such supreme power that it can reject the relevant proposal or approve of it. But it is not our wish to see the powers of the Executive Council becoming overly centralized or that it can interfere with every project. Third, some people have suggested whether some kind of co-ordination can be made beforehand so that the consensus can be submitted to the Director for consideration. This approach may not work because the EIA has to be made in any case before the Director can make any decision. We cannot submit the consensus reached to the Director for action. That cannot happen at all. As to the fourth approach, we can refer the decision made by the Director on the EIA report to a vetting mechanism. Any such policy made should be founded a number of perspectives, having regard to the needs of environmental protection and social development, and the needs of the public. The concept of sustainable development must also be incorporated. As a matter of fact, the Government is prepared to set up a committee on sustainable development. Although the committee is not yet formed, its directions and concepts are clear enough. In our opinion, the committee can be charged with the task of policy-making after balancing the competing interests involved. We think that is an approach worth considering. In any case, the public should also look into these approaches mentioned.

Madam President, if work is not done and no result is produced, I am worried that the Lok Ma Chau Spur Line case and the Lantau North South Road Link case will repeat again and our society will become more divided. I therefore hope that the Council can send a clear message to the Government and the public today, that the Legislative Council supports both the causes of environmental protection and social development. The question is how they can be harmonized. Now is the time to make a review of the situation. It is more so my hope that Honourable colleagues can lend their support to my amendment and to the development of a sound and efficient railway network. Thank you, Madam President.

DR TANG SIU-TONG (in Cantonese): Madam President, there have been undoubtedly tremendous changes over the past two decades in the transport system of Hong Kong. The scale and design of some of the transport infrastructure projects have certainly reached world-class standards. However, the functions they perform are still quite limited. There is still congestion in the arteries at the heart of our major passenger and freight transportation links. For example, through the commissioning of the Western Harbour Crossing and Route 3, a lot of people are attracted to living and working in the Northwest New Territories and they use a lot of bus services. However, this massive increase in bus services has exerted additional traffic burden on the commercial areas in Central, Admiralty and Causeway Bay. To date, what the Government can do is merely alleviating the congestion by minor operations like restructuring the bus stops and bus routes. In addition to that, the problem of serious traffic jams in the Northwest New Territories caused by the long queues of container trucks at the boundaries and at the container terminals has made both drivers and passengers feel so exasperated that they may have the risk of getting hypertension, though a stroke is not that likely. That situation is not healthy at all.

The Hong Kong Progressive Alliance (HKPA) thinks that one of the major causes of the imbalance between the growth in our transport system and the social and economic needs lies in the piecemeal approach taken by the Government to expand the road links and the number of vehicles to meet the surge in demand. It has never taken the rail-based approach in its transport development strategy and in urban planning. That has caused long-standing problems of traffic congestion and environmental pollution, and the problems may just have shifted from one district to another. The HKPA therefore supports the speedy implementation of the proposed six railway corridors and one port rail line as recommended in the Railway Development Strategy 2000. Among these projects, the Regional Express Line and the Port Rail Line should be priority projects. The Regional Express Line connects the boundary areas and the metropolitan area, and the Port Rail Line links up Lo Wu and the Kwai Chung container terminals through either the East Rail or the West Rail. If the timetable for these two railway projects can be finalized and their construction can commence as soon as possible, it is tantamount to curing the congestion of the arteries in the Northwest New Territories by performing a percutaneous coronary intervention or a coronary bypass. Therefore, the Government should pay particular attention to that.

Madam President, in the Railway Development Strategy 2000 consultancy report, most of the projects proposed will be constructed underground and operate from there. As a result, the amount of land to be resumed would be less than developing road links. Still, the issue of land resumption should not be overlooked. I propose this amendment not because I oppose the original motion. Rather I wish the Government can note that setting up a fair and reasonable compensation system for those affected landowners can prevent the kind of a protracted confrontation between owners and officials in the Wah Kai Industrial Centre case. The mechanism can also enable the Government and the railway company to develop the mass transit system in a faster and smoother manner, thereby bringing more benefits to the overall passenger and freight transport of Hong Kong.

The compensation related to railway development is determined by way of commercial agreements reached under the stipulations of the Railways Ordinance and the Lands Resumption Ordinance. The kinds of claim payable include the value of the land resumed plus an annoyance compensation arising from the resumption of land; and if the property concerned is used for commercial purposes, then claims for loss or damage to business can be made. The compensation payable to ownership of land and property is its value in the open market. The compensation payable to loss or damage to business and annoyance include all the commercial losses and expenses, loss in rental, professional charges and removal fees incurred as a result of the resumption. Although the mechanism appears to be reasonable and fair, the owner affected has to face all kinds of unfair and unreasonable treatment in the entire negotiation process.

First of all, despite the use of an agreement made on the part of the Government to purchase the property from its owner, the owner is not entitled to negotiate with respect to the consideration. In any commercial transaction, if the consideration offered is not to the satisfaction of the owner, he may withdraw the property in question from sale. That is the greatest bargaining power that he has. Negotiations about the price are also perfectly common. However, given the Railways Ordinance and the Lands Resumption Ordinance, the owner has no alternative but to sell his property. Hence there is no basis for a fair negotiation of prices. In the Wah Kai Industrial Centre case, for example, in just three months after the announcement made to resume the building, the title

of ownership has been automatically reverted to the Government. By invoking the Lands Resumption Ordinance, a piece of land can be resumed in just a month's time. Apart from that, price negotiations are a common feature of commercial agreements. But if an owner does not want to concede under the threats of mandatory resumption of land, not only has he to face the difficulties of making removal arrangements to keep his operations going in a matter of a few months' time, he also needs to bear the financial burden arising as a result of the dragging negotiations and the delays in the payment of compensation. The owner may even have to file a suit against the Government and hence bear the risk of losing it and paying the legal costs. The negotiations about prices that are common in commercial transactions will become an option with a high degree of risk and pressure. For owners, it is like losing a battle before it is ever fought. And so the owners are at a great disadvantage from the outset.

In addition, when negotiating the prices, the Government will often offer the lowest possible price as it has the support of the professional surveyors. The price offered will not include any base for calculation and supporting figures, it is an "one-price offer". If the owner is not satisfied with the compensation, he has to make a counter-offer and he has to show how the figures under each item are worked out. When the owner makes this move, he is putting all his cards on the table, so to speak. Worse still, many owners, particularly the small owners, only know that they need to solicit the lawyer's advice in conveyancing matters on their title deeds, not knowing that compensation matters have to be handled by surveyors who will negotiate with the Government on their behalf. In the end, the owner will definitely be unable to win his case against the Government. So owners are often knocked out in the first round. Even if owners are smart enough to get a surveyor and negotiate with the Government, they are also at a disadvantage because of the following reasons: first, compared to the valuation of ordinary properties, this kind of compensation claim would require greater professional expertise and experience and since small owners often lack the information in this respect, they are unable to get the right kind of professional support. Besides, they may know very little about preserving the relevant proofs to substantiate their claim, and often these important proofs are lost inadvertently, hence making their claims very difficult. Even if these owners can find the right kind of assistance, they have to face the second problem, and that is, money. Surveyors who are well-qualified and whose work are so-called "value for money" would charge a higher fee. Under the

relevant legislation, the costs of hiring a surveyor belong to expenses which can be claimed, but there are stipulations that professional fees cannot be more than a certain percentage of the compensation payable upon land resumption. For example, for compensation which amounts to \$5 million or below, the claimable fees charged by surveyors cannot exceed 1.5% of the compensation payable. Claims from owners of the Wah Kai Industrial Centre are generally around \$2 million and the amount of professional fees claimable is only about \$10,000. It can thus be seen that the owners are handicapped in the professional expenses. Moreover, claims in respect of land resumption would drag on for a long time, at least six to nine months. Unless the owners are willing to hire surveyors out of their own pockets, they would not be able to hire some well-qualified surveyors to help them negotiate with the Government. In circumstances as these, the owners will lose in the second round. Just imagine how unfair and unreasonable is this kind of negotiation to the owners from beginning to end!

In addition, there are some owners who bought their properties when the property market was at its peaks. Their properties have become serious negative assets as a result of the financial turmoil. The value of their properties has dropped by more than half of the original price. Even if the existing compensation arrangements are followed and that the amount of compensation payable is fair and reasonable, the money they get will not be able to offset their liabilities. Once their properties are resumed, the properties which they have made mortgage arrangements with the banks will become government properties. And because the compensation they get will not be able to offset their mortgage loans, they will find themselves in serious financial difficulties and they will be harassed by their creditors and may even have to close their business.

When owners face such a dilemma and when they are so helpless, they would join other owners who have been similarly unfairly treated and aggrieved. They will vent their discontent through violent acts of opposition. They may lie on the streets or on the rails in protest. Clashes with public officers are frequent. There are of course some people who have done foolish things upon incitement by others. But this kind of complications arising in connection with the railway development projects as we have seen will not do any good to the Government, to the railway companies or to the owners themselves. All parties will become losers at the end of the day.

The plans by the Government to further develop a rail-based mass transit system are undoubtedly worthy of our support. However, in the process of resuming land, the rights of owners should be taken into full consideration. The HKPA thinks that the Government may consider the compensation payable to owners from the following four aspects.

First, the authorities should compile a handbook on the rights of owners in co-operation with the various professional bodies so that the owners may be able to know what their rights are. Due respect should be given to the religious beliefs of the residents and the potential value of the land involved in making out compensations.

Second, when after the owners or their agents have submitted the valuation reports, it will usually take half a year before the Government replies and the reply would just give some information on the valuation made by the Government. Detailed information is lacking. Hence the owners are often left in a passive position, unable to tell whether the valuation made by the Government is reasonable and objective. If owners wish to obtain more details from the Government, they may need to wait for yet another six months. So this kind of negotiation is often time-consuming. The Government should therefore simplify and speed up this vetting procedure.

Third, the professional fees claimable should be raised with respect to their percentage in the compensation payable, so as to ease the financial burden on the owners.

Fourth, the Government should consider setting up a kind of bridging loan to enable owners who are willing to sell their properties to the Government to tide over their difficulties, albeit their properties have become negative assets.

Madam President, the amendment proposed by me today does not aim at making the Government to lavish a huge amount of public money and raise substantially the amount of compensation in respect of land resumption, nor is it aimed at making the Government pay off the debts owed by owners whose properties have become negative assets. It is not aimed at amending the Railways Ordinance and the Lands Resumption Ordinance as well. It is only made with the hope that the existing land resumption mechanism can be reviewed so that when owners are compelled to sell their properties, they will get fair, reasonable and sensible treatment and protection.

Madam President, I so submit.

MRS MIRIAM LAU (in Cantonese): Madam President, undoubtedly, the sooner the Sha Tin to Central Link commences operations, the more advantages it will bring to Hong Kong. First, from the point of view of transportation and passenger flow, the Sha Tin to Central Link will not only greatly increase the cross-harbour railway capacity and the railway capacity between Sha Tin and Kowloon, it will also relieve the pressure on other railway lines. According to the Second Railway Development Study, the Tsuen Wan Line is expected to be extremely congested by 2006, while the Island Line will be near saturation. Trains between Tai Wai and Kowloon Tong will also be extremely crowded.

From the social and infractural perspectives, the Sha Tin to Central Link can meet the needs of the community and the growing population. The Government expects that people will begin to move into the Southeast Kowloon reclamation area in 2005. By the end of 2006, the population in that area, together with the existing population in Southeast Kowloon, will reach 300 000. The sooner the link commences operations, the sooner it can provide efficient transport connections to the population in that area, as well as speeding up the development and renewal of that area.

Insofar as the quality of the environment is concerned, the sooner the Sha Tin to Central Link is completed to replace a certain proportion of road transport, the better the air quality will be. With the completion of this link, it is estimated that the amount of nitrogen oxide emitted from vehicles will be reduced by 400 tonnes per year, the amount of respirable suspended particulates by 35 tonnes and the amount of carbon dioxide by 100 000 tonnes.

We must know that it takes at least eight to 10 years to build a railway. Thus, to strive for completion by 2008, the Government should decide soon which railway company should be given the right to operate the railway. In particular, it must urge the railway company to expeditiously carry out EIAs. If EIAs are not carried out until a few years later, we might discover only several years later that a certain area along the railway may be the habitat or feeding ground of some rare birds or insects. Then the link may not even be completed by 2018, let alone 2008. The rejection of the EIA report on the Lok Ma Chau Spur Link of the East Rail and the Lantau North-South Road Link by the Environmental Protection Department (EPD) earlier meant that the completion of the two transport infrastructural projects will certainly be delayed.

Some have of course blamed the EPD's rejection of the EIAs of the two transport infrastructural projects on inadequate co-ordination between government departments. However, I wish to point out that it is more than a problem of co-ordination between government departments. The more important question is how to resolve the differences between different government departments over environmental protection and economic and social development.

Among the indices of sustainable development, environmental protection is just one of the indices. There are other indices such as economic and social indices, transport and population movement, social and infrastructure. As shown in my analysis just now, we have to look at railway development and other types of transport infrastructure from various angles. We cannot look at the needs of environmental protection alone to the neglect of others. In fact, all parties must make an effort at balancing and co-ordination. If the Transport Bureau only takes care of transport and the EPD only takes care of environmental protection, who is to do the work of balancing and co-ordination? At present, with the ultimate decision resting in the hands of the Director of Environmental Protection, I wonder who can be in a position to undertake the work of balancing and co-ordination. Is the EPD prepared to balance and co-ordinate? I very much doubt this. The present situation reminds me of cases in some foreign countries where some road projects have to be aborted. It is said that their infrastructural facilities have failed to be completed due to the objection of environmentalists and the controversy over environmental protection over decades. I very much hope that Hong Kong is not following in their footsteps.

Madam President, while Mr LAU Chin-shek urges the Government to expeditiously implement the new railway projects proposed in the "Railway Development Strategy 2000" in the original motion, Mr LAU Kong-wah appears to be particularly concerned about the Port Rail Line and the Regional Express Line. That is why he has proposed an amendment. Actually, the new railway projects proposed by the Government also include the Kowloon Southern Link and Northern Link. I could have proposed another amendment to incorporate these two railways or refine the wording. But since the original motion has

included all the lines and especially focused on the most urgent projects, I did not propose an amendment. However, I also support Mr LAU Kong-wah's amendment, since I have always supported the development of the Port Rail Line in order to expand and penetrate into the hinterland of the Hong Kong port. I also firmly believe that Hong Kong must have a Regional Express Line to cope with cross-boundary transport needs in the long run.

Meanwhile, Dr TANG Siu-tong's amendment demands the setting up of a compensation mechanism which is fair and reasonable. When one talks about being "fair and reasonable", Madam President, who dares to object? Actually, there is a compensation mechanism in place under the existing Railways Ordinance, which does not seem entirely unfair or unreasonable. However, when the mechanism operates, it may not fit the individual circumstances. For this reason, the Liberal Party does not object to the Government conducting a review based on practical experience to see if the existing mechanism can be rendered fairer and more reasonable.

With these remarks, Madam President, I support the original motion and the two amendments.

DR RAYMOND HO (in Cantonese): Madam President, the railway is an environmentally friendly and effective means of transport. However, in recent years, Hong Kong has been slow in railway development. For many years, services has been provided by only several railway lines. Many people in the community, including myself, have been advocating vehemently that the Government step up its efforts in developing the railway network. Our efforts have come to fruition. Earlier, the Government of the Special Administrative Region decided to invest over \$100 billion to implement six railway projects, which are expected to complete in the next five years. In May this year, the Government released the Railway Development Strategy 2000 (RDS-2000), in which a plan was formulated for six new railways to be constructed. Thus, railways in Hong Kong will become an established transportation network and form the skeleton of our transport system.

Worthy of note is that the six new railways planned in RDS-2000 are expected to complete between 2008 and 2016. The Regional Express Line will be built, depending on the growth in cross-boundary traffic. The construction of the Port Rail Line is dependent on the pace at which cross-boundary freight traffic will build up. According to the timetable, some strategic railways in the plan, such as the Sha Tin to Central Link will not be completed in the next eight years. Due to the lack of a direct railway from Sha Tin to Central for the time being, I believe people will have to put up with the less-than-satisfactory condition for a while, until the completion of the Sha Tin to Central Link. As regards the West Hong Kong Island Line, there have long been discussions in the last 20 years for the MTR to extend to the Western District. People should rejoice over the materialization of the discussions. However, according to the timetable laid down in RDS-2000, residents in the Western District will have to wait for some time before their dreams can come true.

The Government certainly has its rationale for the timetable. From my understanding of the operation of the Government, many projects, especially large-scale infrastructure projects, however, will proceed only very slowly. A number of projects have experienced delays due to strenuous administrative procedures and land resumption difficulties. Earlier, I raised a question about the issue at the Chief Executive's Question and Answer Session. I hoped the Government could face such delays squarely so that approved projects may be implemented as soon as possible. If the Government can make improvements in this aspect, I believe it may advance the timetable laid down for the construction of the planned railways outlined in RDS-2000 so that traffic at the relevant areas can be eased and people would not have to wait for almost another 10 years for the service of a new railway.

Moreover, I hope the Government would not just focus on financial parameters as it considers the relevant railway development plans, ignoring the social and other huge benefits brought about by railway development to long-term development. The development of a railway transport system is closely related to the development of a district. The former facilitates the latter. At the planning and conception stage of a railway network for some of the districts, profits may not be generated. However, the railway network may constitute the traffic network needed by the district and may bring about the development of the whole community there. I want to mention at this point that the completion of the West Hong Kong Island Line may trigger off the redevelopment of dilapidated areas in the Western District. Therefore, the earlier the

development plan for the railway is implemented, the faster the district will be benefited.

In addition, I would like to take this opportunity to urge government departments and railway corporations to strengthen their communication in respect of the implementation of the relevant railway plans, especially in respect of environmental protection issues. This may avoid the scenarios that arose at the Long Valley Wetlands on the planned KCR Lok Ma Chau Spur Line and the Lantau North-South Road Link. The plans were prepared, drafted and went through the studies by consultants employed for the purpose and the environmental impact assessment stage, but they were eventually rejected by the EPD. The two events completely exposed the lack of communication and co-ordination between government departments and between the railway corporations and government departments. Any improvements made in this aspect will certainly help the progress of developments in our future railway plans.

Madam President, I so submit.

MR ANDREW CHENG (in Cantonese): Madam President, the Second Railway Development Study sets out the blueprint of the long-term development of the railway network in Hong Kong. It is expected that 11 passenger rail lines and one freight rail line will be completed starting from 2008. In the Democratic Party's view, the railway is the most cost-effective and a more environmentally friendly transport system among the various modes of transport. That is why the Democratic Party supports the Government giving priority to the development of railway in its transport policy.

Nevertheless, with regard to the timetable for the completion of the various railways, there is a great discrepancy between the Government's timetable and the people's expectation. In the Government's planning, the first railway to be built will not be completed until after 2008, while no one knows when the last railway will be completed. Over the next eight to 10 years, residents of Ma On Shan and Western District on Hong Kong Island will have to continue to transfer to the East Rail or the MTR to get to the urban areas. Obviously, the people's urgent needs cannot be met.

Madam President, the fact is that the Government fails to consider the factors in a consistent manner in planning the railway lines. In the Second Railway Development Study, the Tai Wai to Diamond Hill Link, the East Kowloon Line and the fourth rail harbour crossing are listed as one group of lines, rather than as independent projects. All these links will be completed between 2008 and 2011. In the Democratic Party's view, while the Ma On Shan Rail project is already underway, it will ultimately be linked with the Tai Wai to Diamond Hill Link. During its planning, the Government should take this into account and shorten the gap between the completion dates of both links, so that residents of Ma On Shan can get to the urban areas without transfer.

The Democratic Party fears that after the completion of the Ma On Shan Rail in 2004, its initial effectiveness will be very small. The decision to locate its interchange at Tai Wai is unrealistic. It is very doubtful whether residents of Ma On Shan and Sha Tin can get on the trains at Tai Wai station during peak hours. After this switch, they have to make a second switch at Kowloon Tong Station to get to the urban areas. How many people will have the desire and patience to board crowded trains and transfer several times during peak hours? Moreover, they have to keep up this patience for four to seven years, until the Tai Wai to Diamond Hill Link commences operations. Thus, I fear that during the first three to four years of its operation, the Ma On Shan Rail will have very few passengers, so that fare increase must be introduced to cover the operating cost of this \$10 billion project. Unless the Tai Wai to Diamond Hill Link, the East Kowloon Line and the fourth rail harbour crossing can be completed expeditiously, the Ma On Shan Rail will be a nightmare for the residents of Sha Tin and Ma On Shan no matter under what circumstances.

Madam President, the postponement of the completion date of the Northern Link in the railway plan to 2016 is also an unacceptable arrangement. Just as the KCRC has pointed out, the Lo Wu station will be reach saturation by 2004. No matter whether the Lok Ma Chau Spur Link can be completed, then, the Northern Link should be built expeditiously to tie in with the rapid growth of cross-boundary passenger traffic between China and Hong Kong. With the completion of that link, residents from Tsuen Wan in the south and Tuen Mun and Yuen Long in the north can get to Lok Ma Chau to cross the boundary without having to transfer to the East Rail. It will play an important role in diverting passengers for the East Rail. Thus, to complete it in 2016 is too far away. It is also an unacceptable arrangement for people in the Southwest and Northwest New Territories.

Madam President, in the Democratic Party's view, the original motion already covers a great deal and it therefore deserves our support. As for Dr TANG Siu-tong's amendment, a compensation mechanism is already in place under the existing Railways Ordinance and the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance to provide compensation to the affected persons. If they are dissatisfied with the amount of compensation, there is still the Lands Tribunal which can make a ruling. The recent problems of the West Rail which have led to the Wah Kai incident certainly show that the Government lacks leniency and flexibility in enforcing the two railway ordinances and the provisions for land resumption. This has brought about a deadlock between members of the public, owners, the West Rail and the Transport Bureau. I believe Mr Albert CHAN will appeal to the Transport Bureau on this matter on behalf of the Democratic Party later. For the above reasons, we fully support the content of Dr TANG Siu-tong's amendment.

The other amendment concerns the schedule for constructing the Port Rail Line and the Regional Express Line. It also calls for the co-ordination of the views of different departments, so that the construction of new railways can take better account of the needs for environmental protection and social development. In the Democratic Party's view, this does not contradict the content of the original motion in principle. Therefore, we will also support it.

With these remarks, Madam President, I support the original motion.

MR LAU WONG-FAT (in Cantonese): Madam President, when it comes to the expeditious implementation of the railway development strategy, satisfactory planning is certainly important, but proper land resumption is also an important matter, and this in turn depends mainly on the establishment of a reasonable scheme and mechanism for land resumption matters. Numerous cases in the past can show that an increasing number of landowners affected by land resumption have become extremely discontented about the Government's compensation criteria, and they have thus resorted to bitter confrontation as a means of protest. All these cases have not only impeded the progress of land resumption and project implementation, but also intensified the antagonism between the Government and the people. The recent disputes over land resumption related to Tin Ping Estate in Sheung Shui and Wah Kai Industrial Centre are good examples of this.

As far as compensation is concerned, the very same high-handed, almost "ruthless" policy of the former British Hong Kong Administration is still being adhered to. Under the beautiful excuse of "public interest", this policy ignores all the private property rights of the affected landowners, and the compensation criteria are set down almost entirely by the Government. Whenever anyone raises any objection, the Government will draw out that very overbearing "Imperial Sword" called the Lands Resumption Ordinance. Such a land resumption policy is extremely unfair and unreasonable. In the past, when government authority was above everything and civil rights were largely ignored, this policy did succeed in keeping people docile for a time. However, in today's society, if the Government does not abandon this policy as quickly as possible, it will only stir up confrontations, making the progress of works projects requiring land resumption increasingly difficult.

Madam President, when the former Legislative Council debated the Railways Bill on 4 June 1997, I already pointed out that the Bill's incorporation of the compensation criteria contained in the Lands Resumption Ordinance is actually a continuation of the Government's unfair policy, a mistake in repetition. The zonal compensation arrangement in use for more than 20 years will be applied without any changes to land resumption related to railway development, and this is especially unreasonable and inappropriate under the current situation. A railway line is a transportation link, all sections of which are supposed to play an equally significant role and have the same value. It should be taken as an integrated project of territory-wide significance, similar to the new airport project. For this reason, all affected landowners along its alignment should be compensated according to the same rate.

Besides, railway operations are a form of business investments, and railway companies frequently stress that they have to operate according to prudent commercial principles. But certainly, even if a railway company manages to reap very huge profits in the future, it will never again allocate even one single cent of them to the owners whose lands were resumed. Following resumption, the lands concerned are not used only for the purpose of public transport development, and what is more, many of the lands resumed are even used for superstructural residential and commercial developments which bring huge profits to the railway company. But land resumption is carried out by the Government under a very harsh policy. There are numerous restrictions in respect of zonal compensation and compensation rates, and not only this, the potential value of the lands concerned is also entirely ignored. How can such a high-handed approach command the obedience of people?

Madam President, instead of suppressing the powerless by authority, a good land resumption policy should seek to balance public and overall social interests on the one hand and those of the affected owners on the other. The Basic Law contains specific provisions on protecting the private property rights of people, and the Government should thus review the existing compensation system as quickly as possible, so as to work out a fair and reasonable compensation policy for land resumption.

Mr LAU Chin-shek's motion and Mr LAU Kong-wah's amendment are both desirable in some ways, but they fail to cover the question of how best the interests of affected property owners can be dealt with. Therefore, with these remarks, I support Dr TANG Siu-tong's amendment.

MR HUI CHEUNG-CHING (in Cantonese): Madam President, I am in favour of the speedy implementation of the six new rail corridors and the Port Rail Line as proposed in the Railway Development Strategy 2000 (RDS-2000). As mentioned in the consultancy report, the railway development strategy would strengthen the socio-economic ties between Hong Kong and the Mainland, in particular Guangdong Province and the Pearl River Delta Region. With the accession of China to the World Trade Organization, and the need for concerted development of our import / export trade, and the tourist, retail, technological and processing industries with the Pearl River Delta, our railway development strategy cannot afford to focus on our internal needs alone, consideration should also be given to the cross-boundary trade and economic relations planning. Therefore, the Government's proposal to build a Regional Express Line to connect the boundary areas with the metropolitan areas and the Port Rail Line which uses the East Rail or the West Rail to link up with Lo Wu and the Kwai Chung container terminals can serve not only to ease the passenger and freight capacity of the Northwest New Territories which has reached saturation, but also alleviate congestion in the traffic links with the Northwest New Territories, thereby preventing the needless incurring of extra costs in our trade with the Mainland.

I hope very much that the Government can use the RDS-2000 as a basis and give better play to the competitive edge of our airport and container facilities in our trade with South China. If our railway infrastructure can also be linked with regions of development potential like the northwest and southwest regions of China, then the hinterland of our exports will be greatly expanded. The SAR

Government should complete studies on cross-boundary infrastructure projects with the Mainland as soon as possible. These projects include access roads to the western part of China and the Lingdingyang bridge in Zhuhai. Both of these projects should form speedy links with the new airport and the container terminals. Moreover, the Government can also look into how the shipping industry can be linked with the railway developments, how to make greater use of the river transport to connect with our railways and sea and air freight facilities and to compete for a greater share in the freight transport of the southern and western parts of China, so as to consolidate our position as a centre of re-export.

Lastly, I urge the Government to support the amendment proposed by Dr TANG Siu-tong to improve on the mechanism for land resumption and compensation. This will certainly lead to fewer conflicts between government officials and the public, and it will enable the Government and the railway companies to concentrate their efforts on developing a rail-based passenger and freight transport network.

Madam President, I so submit.

MR ALBERT CHAN (in Cantonese): Madam President, Mr Andrew CHENG said I would be making a call about the effects of land resumption as a result of railway development and other relevant developments. I think the call may adequately reflect the government pressures and exploitation suffered by the property owners, factory operators and residents affected by the railway development in the past years, especially the last couple of years. However, the grievances and pains they have suffered could never be adequately expressed by the call I am making here. Most unfortunately, senior officials in this Chamber may not have personally met with those aggrieved. Lacking in contact with the aggrieved, senior officials may not feel their pains.

To Hong Kong as a whole, infrastructure development is a must. Such development will bring about a number of benefits to the economy of Hong Kong and lay the basis upon which Hong Kong builds its prosperity. However, behind this rosy picture, thousands and thousands of people have been treated unfairly and unreasonably, or even exploited and oppressed because some officials are either overambitious, pathetic to the needs of the grassroots, incapable of tackling some problems, or wrongful in their attitudes towards

certain issues. The arrogant and inflexible bureaucratic attitude of these officials must be addressed squarely and reviewed in the course of taking these railway developments forward. In the absence of a change in their attitude or style, more serious problems are bound to appear when we have so many railway projects to launch in future. Social unrest or more bitter conflicts between the people and the Government may result.

I would like to briefly describe the series of problems caused recently by the Northwest Railway. The delay in the planning and execution of the entire project led to many problems. For example, in the resumption of the Wah Kai Industrial Centre, why was the resumption schedule so tight? I understand that there was a delay of almost a year in the relevant gazetting and planning in the case. Due to delays caused by administrative departments, the resumption schedule was tight and there had to be forced resumption. Had there been better planning by the Government, and no delay in the gazetting, the relevant land resumption could have been more flexible and no forced resumption would have been necessitated. The forced resumption has driven many factory operators into near bankruptcy. I hope the relevant officials may learn a good lesson from the incident and put a stop to their inflexible bureaucratic attitude. I hope they can refrain from thinking they are right but the people are wrong in dealing with problems that arise.

Moreover, I would like to briefly talk about accidents in the project. We could find some casualties in the Northwest Railway project. Of course, sometimes accidents may not be foreseen. What is important, however, is the overall planning and supervision of the project.

In the Northwest Railway project, two problems often came to mind. One of them is the flooding problem, which has been widely reported. Many of the areas in Yuen Long, Tin Shui Wai and Tuen Mun suffer from flooding because of the project. But the West Rail company simply said the flooding had nothing to do with it and it did not have to be responsible for anything. When they saw their land inundated, the general public, in particular, the farmers, however, could point out without any doubts that, from their many years of experience, the flooding was caused by the Northwest Railway project. I paid a visit in person to the villages suffering from flooding. I could obviously see that, as a result of the West Rail project, some conduits were blocked and some nullahs narrowed, causing serious consequences and harm to the farmers and residents there. I think it was entirely wrong for the company to brush aside its

responsibility to compensate the victimized villagers by simply saying that it had nothing to do with the flooding.

The West Rail company and the Government shirked their responsibilities and put the blame on the contractor. Both said if the farmers and residents affected wanted any compensation, they should liaise with the contractor responsible for that part of the project. I find this very ridiculous. Since the whole project is carried out by the West Rail company and the Government is responsible for its co-ordination and planning, why do they not deal with the issue of compensation and shift the responsibility to the contractors? Members may ponder over this. It was the contractor who caused the problems. Will it ever take the initiative to compensate those affected? Therefore, I do not think it is a responsible attitude.

Another problem is the scores of cracks found on buildings along the route through which the West Rail project tunnels were excavated. When residents lodged complaints with the company, the West Rail company employed some consultants to conduct an investigation, the results of which concluded that the cracks had nothing to do with the project. The buildings remain intact and bear no cracks on it many years after completion, but now cracks started to appear when holes were bored some thirty metres away and the company said the cracks had nothing to do with the project. It is unthinkable to ask owners of the buildings to employ a consultant company to conduct some studies and submit expert opinions to sue the West Rail company.

When a problem or mistake arises, the West Rail company and the Government would say they had nothing to do with it; and when there was a need for land resumption, they did it by force, totally ignoring the hardship of the people even though they were driven to bankruptcy and homelessness. How detestable an attitude this is. I hope the Government has learned a good lesson from the event, after which I expect to see some improvements. I do hope the Government has learned the lesson.

Despite all this, I believe Secretary Nicholas NG may have taken my words with a grain of salt because as I spoke he was talking with other officials. Madam President, I do not think government officials should behave like this. If he does not want to listen to what I say, he may simply leave this Chamber. He should not waste our time.

I have some proposals for the Government. First, I hope the Government will conduct a thorough review on the issue of compensation. It should provide *ex gratia* compensation for property owners, factory operators and tenants affected. The present compensation arrangements will not suffice. Second, the Government must tackle the issue of rehousing. If in future the Government continues to rehouse affected residents living in Hong Kong or Kowloon to interim housing in Tuen Mun, I believe they will react vigorously. Third, I hope the Government will carry out comprehensive consultation on issues such as land resumption and the development and planning of the project so that people who are affected by the relevant projects are aware of their rights. I also hope future infrastructure developments will be more properly dealt with.

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, the Planning Department predicts that by 2016, the population of Hong Kong will reach 8.2 million. Therefore, Hong Kong must have a highly efficient transport system. In May this year, the Government released the Second Railway Development Study (RDS-2). The RDS-2 shortlisted six new component schemes to relieve bottlenecks in the railway network. It also identifies three independent schemes, including the West Hong Kong Island Line, the Regional Express Line and the Port Rail Line, which constitute a new corridor. The successful implementation of the RDS-2 will make railway transport, which is an environmentally friendly means of transport, the backbone of passenger transport in Hong Kong. In this transport system, we will rely less on vehicles using hydrocarbon fuels, which will be a great convenience to the people and alleviate the pollution problem.

Railway systems have been proved to be a socially effective and environmentally friendly means of public transport. So, everyone would like to see the early completion of the Sha Tin to Central Link and the West Hong Kong Island Line proposed in RDS-2, which is designed to solve people's transport problems. Some recent events, however, tell us that these public projects may not proceed as we wish them to if various government departments fail to effect co-ordination and smoothen the decision-making process.

We can take the Lok Ma Chau Spur Line of the East Rail as an example. The Environmental Protection Department (EPD) maintained that the ecological habitat at the Long Valley Wetlands would be severely affected by the construction of the Sheung Shui to Lok Ma Chau Spur Line of the KCR, and hence refused to issue an environmental permit for the project. At the moment,

the KCRC is appealing against the decision. If the appeal is unsuccessful, the completion of the spur line on an alternative alignment, according to estimation by the KCRC, would be delayed for three to four years. Thus, bilateral economic activities would be slowed down due to the delay because cross-boundary facilities would be facing great pressures due to the 17% annual increase in the number of travellers going through Lo Wu since 1997.

In developing new railway projects, we need to cater to the needs of social development and certainly the requirement to protect the environment. Mindful that environmental protection is an increasingly important component in our values, the Chief Executive proposed the concept of "a quality living environment" in last year's policy address. He even made nature conservation a policy objective in order to protect the quality of our lives.

However, we all understand that there is no free lunch in this world. Enhanced environmental protection will certainly mean more public expenditure. Most of the incurred financial burden will be transferred to the people. If the decision-making process on public policies and the procedures required under the environmental protection ordinance fail to complement each other, public expenditure will be increased indefinitely. Therefore, the first issue that must be tackled when the Government conducts construction of new railways is to find ways to adjust the decision-making process to fit the implementation of ideas in environmental protection to avoid wasting our resources.

At the moment, the EPD is acting both as an adviser and a monitor on environmental protection matters for government departments. Departments responsible for public works projects must consult the EPD, which will then decide whether environmental permits should be issued to the proponents of the projects or not. If all departments can conduct a comprehensive environmental impact assessment (EIA) on the alignment of the railway at the deliberation stage, then the alignment will be in a better position to meet EIA requirements so that time and money can be saved. The Government needs to review its decision-making mechanism as soon as possible, so as to ensure that the EPD can play its advisory role more positively and avoid conflicting roles both as an adviser and monitor on issues environmental.

With these remarks, I support the original motion and the amendments.

MR FREDERICK FUNG (in Cantonese): Madam President, according to projection by the Government, our population will rise to 8.9 million in 2016 and with the constant increases in population and the busy social and economic contacts with the Mainland, the demand on our transport system will also increase. A good example is Ma On Shan new town, which is growing rapidly with a population constantly on the rise. Hence the demand for transport is very keen.

Both the Hong Kong Association for Democracy and People's Livelihood and I agree that two railways projects proposed in the Railway Development Strategy 2000 should be implemented as soon as possible, the Sha Tin to Central Link and the West Hong Kong Island Line. The construction of the Sha Tin to Central Link is particularly urgent, for this new railway can benefit residents of Ma On Shan and New Territories East and facilitate their travel to and from the urban areas.

At the same time, the Sha Tin to Central Link will pass through the Kowloon City area which is currently not served by the MTR. After the relocation of the Kai Tak Airport, it can be seen that in the foreseeable future, there will be a great surge in population there in addition to the 400 000-plus residents living in the Kowloon City area, as Southeast Kowloon comes under redevelopment. Thus there will be an even greater demand for mass transport.

Apart from completing the railway projects as soon as possible, I think the Government should have regard for the rights of residents living in the areas affected by the railway projects. Consideration should be given to issues like environmental protection, the compensation and rehousing of landowners affected. In terms of environmental protection, the overall environmental impact on the areas to be developed when the projects are to commence should also be considered. The Government should also adopt various measures to minimize the problems of air and noise pollution which will affect the residents. At the same time, various departments should review the existing policy-making mechanism so that better co-ordination can be achieved. This will prevent delays to such large-scale construction projects due to differences in environmental protection standards in different departments. For if delays happen, it will not only lead to a waste in public money but also sufferings to the residents in the affected areas before they can benefit from the projects.

Lastly, I would like to mention the issue of compensation in respect of the landowners affected. In order to avoid delays in the railway projects, I think the Administration should discuss the issue of compensation with the residents and tenants of commercial premises there and to devise a reasonable standard of compensation. Those eligible residents should be rehoused according to the principle of local rehousing. For those residents in the urban areas who are not eligible for rehousing, the Government should consider building interim housing units in Sha Tin and Tsuen Wan for the purpose of rehousing them. These will prevent the happening of some unpleasant scenes when land resumption is to take place. More importantly, the construction of railway projects can thus be undertaken speedily.

Madam President, I so submit.

DR YEUNG SUM (in Cantonese): Madam President, in the blueprint of the Government, there are four railway lines which involve Hong Kong Island, namely, the Fourth Harbour Crossing (FHC), the North Island Line (NIL), the West Island Line (WIL) and the South Island Line (SIL). I am of the view that once all these railway expansion schemes for Hong Kong Island are completed, the residents of South and North Hong Kong Island will surely benefit. However, there is not yet a completion date for the SIL, and the completion date of the WIL will also have to depend on many factors. For this reason, the Democratic Party maintains that the Government should make more determined efforts to implement the railway expansion schemes mentioned above, so as to improve the transportation network of Hong Kong Island.

The NIL is classified by the Government as the most urgent scheme, and it could be open at the earliest in 2008 to relieve the anticipated bottlenecks in the railway system up to 2011, and to divert passenger flows from the existing Island Line (ISL) and Tsuen Wan Line (TWL). The Democratic Party accepts and supports the opinions and plans of the Government and urges it to set down 2008 as the target opening date, so as to tie in with the trade and commercial development of North Hong Kong Island.

Since the opening dates of the NIL and FHC have been finalized, the Democratic Party is now more concerned about the development and planning work of the WIL. After the release of the Second Railway Development Study (RDS-2) in May this year, I met with the officials from the Transport Bureau and

urged the Government to construct the WIL as soon as possible. The WIL is a trunk line extending from Sheung Wan Station to the Western District. The Democratic Party and I maintain that there is a need to construct this railway line as soon as possible, because the roads in the Western District are both curving and narrow, and the residents there have been tortured by traffic congestion for years. The construction of the WIL will ease the traffic congestion there very effectively. Unfortunately, the implementation programme of this railway line still has to depend on the progress of the reclamation and urban renewal projects in the Western District. We share the view that the further development of this district will exert additional traffic pressure on West Hong Kong Island. According to the Western District Development Strategy of the Government, a reclaimed plot of 79 hectares in Kennedy Town will bring about a population of about 70 000, and the urban renewal projects there will bring about another 50 000. This shows that there is an urgent need for the Government to construct the WIL. Unfortunately, as stated in the RDS-2, this railway line can only be opened between 2011 and 2016. We think that this is much too late. Whatever the scale of reclamation will be in the end, and whether the progress of urban renewal is satisfactory, there is still an urgent need to construct the WIL as soon as possible as a means of easing the traffic congestion suffered by the existing residents there. Therefore, the Democratic Party demands the Government to speed up its planning work on the WIL, so that the residents in Western District, who have been longing for a western expansion of the MTR, can realize their dream as early as possible. We also urge the Government to open the WIL in 2008 or at an even earlier date to serve the residents there.

As for the SIL, it is even more unfortunate, because it is not classified as a railway line with any priority under the existing blueprint of the Government. No implementation programme has been set down for it, and it is simply regarded as a possible project in our long-term railway development. For this reason, the SIL may well become a proposed railway project that will never be implemented. Hong Kong Island South is not as prosperous as North Hong Kong Island in terms of commercial development; this leads the consultant responsible for the study to conclude that the SIL should not be considered for implementation because its financial and economic performance is unlikely to be good. However, we must say that such a conclusion is far too mechanical, for it considers only the current situation and fails to see the effects of the railway line on the area. We are sure that the construction of the railway line will definitely bring forth numerous commercial opportunities to the Southern District. Besides, no matter what the alignment of the SIL is going to be —

from the Western District to Aberdeen, or from Admiralty straight to Aberdeen, we think that it will certainly serve as an effective means to ease the traffic congestion around Pok Fu Lam. In addition, if the SIL can already serve as a main provider of passenger services, the construction of the planned Route 7 (a trunk route linking Kennedy Town and Aberdeen) should be further discussed to find out whether there is any more need for it. The reason is that, as pointed out by the Government, since railways are a means of transport that is both economically efficient and environmentally friendly, they should be accorded priority. So, since there is demand for railway services in South Hong Kong Island, we must consider in greater detail whether there is still a need to construct the mammoth Route 7.

Madam President, I so submit.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member responded)

PRESIDENT (in Cantonese): Mr LAU Chin-shek, you may now speak on the two amendments. You have up to five minutes.

MR LAU CHIN-SHEK (in Cantonese): Madam President, for amendments proposed by Honourable Members recently, one can find that they are merely some refinements to the wording of the original motion. This point has been raised by Mrs Miriam LAU just now. Once I proposed an amendment and that was because I did not agree with the original motion. As a matter of fact, if Honourable Members wish to make any additions or deletions to an original motion, that can always be done. For example, if my motion omits the Kowloon Southern Link, Dr YEUNG Sum can always add that in. My original motion may include more details like the installation of facilities to cater for the handicapped and even details like fares should be set at a reasonable level, and so on. One doubts whether it is worthwhile to have this endless series of amendments which have no other aim than just adding in some details or refining the wording of the original motion. I think that is a point we should all ponder. Having said that, I am grateful to those Honourable Members who have proposed amendments, for that shows that we do care about the motion.

There are two points that I think must be brought up here in particular. The first was mentioned by Mr LAU Kong-wah in his amendment and that is, environmental protection and social development should be taken into better account. As a matter of procedure, I think we would all agree that assessment should first be made. Please do not show your opposition to this in the voting later. However, Honourable Members may differ in their opinion as to how the conflicts between environmental protection and social development can be resolved. The Council should discuss more on issues such as infrastructure development, environmental protection, conservation of the ecology and sustainable development, and so on, for problems related to such issues cannot be resolved simply by adding a few words to the original motion. Environmental protection and sustainable development are issues passing from generation to generation. We ought to have more discussions on how to harmonize and co-ordinate the two.

The second point was made by Dr TANG Siu-tong, who opined that a fair and reasonable mechanism for compensation to those affected landowners should be formulated. As Honourable Members have mentioned, I do not think anyone would voice out any objection to this idea. However, as some Honourable Members have made it a special point in their speeches, the Government should not overlook the impact of land resumption and these projects on those affected. In this regard, I do not think that can be solved by simply adding a few words to the original motion. I hope that the Government will not overlook this important point as well.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I am grateful to Honourable Members who have given their valuable opinions on the Railway Development Strategy 2000 (RDS-2000). Over the past few months, we have indeed consulted people from all walks of life on this paper, and just as pointed out by Honourable Members who have spoken, the most important task at hand is to implement the various proposals made in the paper. This especially applies to the railway projects which are more urgent. However, we need to implement the railway projects in accordance with the statutory procedures. This is also the policy and objective set out in the policy address for 2000. That is also precisely the approach we take.

The RDS-2000 recommends the building of six railways in the next 15 years. The expected completion date of each of these projects has also been

worked out with reference to the projected demand for transport and the schedules which these projects will commence. Since our publication of the paper in May, we have enlisted the support of the public, the Legislative Council, the District Councils, the related professional bodies as well as the two railway companies.

When planning and implementing the individual railway projects, we will certainly consult the public on alignment and location of stations in the hope that the railways can bring the greatest benefits to the public. As we make constant review of the policy for railway development, we would welcome comments from Honourable Members and the public.

Let me talk about the individual major railways and to respond to the views expressed by Honourable Members. On the Sha Tin to Central Link, the detailed timetable for this new strategic railway corridor must match the needs of Southeast Kowloon Development and it is affected by the completion date of the Central and Wan Chai Reclamation project.

In every major railway project, there are statutory procedures that must be followed at each of the stages of planning, design and construction. Generally speaking, the time needed would be about eight to 10 years. Take the West Rail as an example. Its construction was proposed in the First Railway Development Strategy published in 1994. 10 years are needed from that time to its completion in 2004. As for the shorter Tseung Kwan O Extension of the MTR, it was also proposed in the First Railway Development Strategy of 1994. The extension is expected to complete in two years' time, that is, in 2002. So actually the extension takes eight years to complete. These two examples precisely show that no matter how hard we try in speeding up the construction, but since time is needed to complete the statutory procedures in respect of the planning, design and construction stages of the projects, there is in fact very little room in which we can substantially shorten the time needed. So in our opinion, it is reasonable to set the expected completion date of the Sha Tin to Central Link at 2008 to 2011. In any case and when circumstances permit, we will strive to complete all the sections of this railway as soon as possible.

We are presently working on the specifications of the tender so that we can invite the two railway companies to submit their proposals at the beginning of next year. We would think that the tender process would complete by the end of next year and the operators would have been selected. In vetting the

proposals submitted by the railway companies, we will also require the companies to state whether they can complete all or part of the project ahead of schedule, and we will make this a factor for consideration.

As for the West Hong Kong Island Line and the North Hong Kong Island Line, the alignment, location of stations and the timetable for implementation will certainly be affected by the Western District Development and the urban renewal projects. As Dr YEUNG Sum has said, the Government is presently conducting a consultation exercise on the Western District Development. We hope that a consensus can be reached in the community with regard to this development project so that we can decide on the alignment and the location of stations of this railway project in order that construction can commence.

The RDS-2000 recommends the completion of the West Hong Kong Island Line and the North Hong Kong Island Line by 2008-12. In the next two to three months, we will invite the MTRC to submit their proposal on the implementation of the project, including the actual completion dates for the two extensions. However, as I have said just now, the project will be affected by the finalized Western District Development.

As for the Regional Express Line and the Port Rail Line, a few Honourable Members have expressed their concern about these two cross-boundary projects. The construction timetable of the Regional Express Line will depend on when we will need more and highly-efficient cross-boundary means of transport. Taking into consideration the growth in cross-boundary traffic over the past few years, it is likely that we will need this new railway very soon. Presently we are looking further into several proposals submitted by our consultants, and we will implement the project expeditiously when the time is ripe. As for the Port Rail Line, we will invite the KCRC to look into how this project can best be implemented. We will also consider the growth in freight traffic in the rail network and the proposal made by the KCRC to set up a logistics centre in Ping Wu. With respect to these two cross-boundary railways, we are confident that they can be finalized when the need arises.

Now I would like to turn to the question of environmental impact assessment (EIA). We are committed to protecting our environment. In our study on the development of new railways, one of the major tasks is to undertake strategic EIA. This will enable us to devise all the routes of the railway projects in the RDS-2000. In other words, when we are making studies for the RDS-

2000, we have completed some preliminary EIA work. It remains of course that the detailed EIA work and other specific details have to be done when the construction of the project in question has commenced. When we devise the routes for each of the railway projects in the RDS-2000, we have avoided as much as we can certain options which would carry greater environmental impact. Since most of the new railways will be built underground, that would hopefully minimize the possible impact they may cause to the environment. However, the actual impact and the problems related to it can only be seen when we study the individual routes concerned.

When we take individual projects forward, we will follow all the stipulations in the Environmental Impact Assessment Ordinance. We will work out a detailed EIA at the initial stages of planning and design, so that we can pick the best route among the options available, determine the impact on the environment and to formulate the mitigation measures to meet environmental protection requirements. All these are meant to make the railways meet the environmental protection requirements. If the railway routes are to serve the best interests of the public, they will need to achieve a good balance between factors like environment, operations of the railway, construction works, land, impact on the local community and other factors. The challenge we are facing is to strike a suitable balance in keeping with sustainable development.

On the issue of land resumption, our policy is to resume as little land as we can when we are to launch infrastructure projects. This is aimed at minimizing the impact on the owners and users of land. However, as we are constrained by our physical surroundings and we have to take into account issues in relation to construction and operation of the railways, it is inevitable that individual projects will involve land resumption.

Landowners affected by land resumption are entitled to compensation made according to the market value of their properties, and operators of business can also be compensated for the loss to their business as a result of land resumption. If the affected parties are not satisfied with the statutory compensation, they may lodge their cases with the Lands Tribunal for a ruling which will be final. As to the review of the compensation arrangements, the Planning and Lands Bureau, in the process of enforcing the Urban Renewal Authority Ordinance, is reviewing the compensation arrangements for those people affected by land resumption for urban renewal. If these new arrangements are approved, the Government will apply them to other land resumption projects, including those under the Railways Ordinance.

As for the co-ordination among government departments in implementing the railway projects, since the projects would involve different departments in the legal and policy aspects, therefore, we will set up steering committees and working groups at different levels of the Government, and at different stages from initial strategic planning to the commissioning of service. This will ensure smooth co-ordination. We believe that the established mechanism is effective, but we will review it from time to time and enhance the co-ordination between different departments according to practical needs which may arise.

Honourable Members have also mentioned the need to achieve a balance and co-ordination between environmental protection and social development. As a matter of fact, we have set up inter-departmental environmental management committees for each of the railway projects and these committees are chaired by representatives from the Environmental Protection Department. This arrangement will ensure that the EIA work is effectively co-ordinated. Should the need arise, we will consider enhancing the existing mechanism so as to deal with environmental issues more effectively.

Madam President, all in all, we are determined to implement all the railway projects as soon as possible so as to meet the transport needs of the public. We will do the best we can in environmental protection work, conducting public consultation and compensations in regard of land resumption. I very much hope that Honourable Members can lend us their support when we apply for appropriations from the Council later to carry out these railway projects, so that we can achieve the targets set in the RDS-2000 expeditiously.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr LAU Kong-wah to move his amendment to the motion.

MR LAU KONG-WAH (in Cantonese): Madam President, I move that Mr LAU Chin-shek's motion be amended, as set out on the Agenda.

Mr LAU Kong-wah moved the following amendment: (Translation)

"To add "the Government should also determine as soon as possible the schedule for constructing the Port Rail Line and the Regional Express Line;" after "the West Hong Kong Island Line;"; to delete "and" from "environmental impact assessments and" and substitute with ";"; and to delete ", so that railway development can harmonize with the need for environmental protection" and substitute with "; and review existing legislation and the policy-making mechanism in order to ensure more efficient co-ordination of the views of the relevant departments, so that the construction of new railways can take better account of the needs for environmental protection and social development, "."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr LAU Kong-wah to Mr LAU Chin-shek's motion be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the amendment passed.

PRESIDENT (in Cantonese): Dr TANG Siu-tong, as Mr LAU Kong-wah's amendment has been passed, I have given you leave to revise the terms of your amendment, as set out in the paper which was circularized to Members on 5 December. In accordance with the House Committee's recommendation which I have also accepted, when you move your revised amendment, you have three minutes to explain the revised wording of your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

DR TANG SIU-TONG (in Cantonese): Madam President, I move that Mr LAU Chin-shek's motion, as amended by Mr LAU Kong-wah, be further amended by my revised amendment, as set out in the paper which was circularized to Members on 5 December. Madam President, as I said a moment ago, I do not actually oppose the original motion or the amendment of Mr LAU Kong-wah. I only hope that when the property of an owner is resumed, he can be offered reasonable compensation. Wah Kai Industrial Centre in Tsuen Wan is an obvious example of those cases which warrant our discussions. I hope that Honourable Members can support my amendment.

Dr TANG Siu-tong moved the following amendment: (Translation)

"To add "; devise a compensation mechanism which is fair and reasonable to the affected landowners;" after "the Government should expeditiously carry out environmental impact assessments"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Dr TANG Siu-tong's amendment to Mr LAU Chin-shek's motion, as amended by Mr LAU Kong-wah, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the amendment passed.

PRESIDENT (in Cantonese): Mr LAU Chin-shek, you may now reply and you have up to four minutes.

MR LAU CHIN-SHEK (in Cantonese): Madam President, we seldom have such a happy ending in voting on motions (*laughter*). This is a rare moment for even the Government agreed with the amendment this time. Of course, we should be pleased with this.

I believe the public's demand concurs with the speeches delivered by Members today. It is our unanimous hope that more railways can be built within a shorter period of time, not fewer railways within a longer period of time. Railways can not only safeguard the public's right to use mass transit carriers, but also prevent the public from wasting time on congested roads, thereby stifling social development. The Secretary remarked earlier that he would address the problem with a positive attitude. In my opinion, in order to take a positive attitude, we must put words into action. For instance, the timetable for inviting tender for the Sha Tin to Central Link mentioned by us earlier can actually be shortened. As to the evaluation of the tenderers' actual ability and condition, I trust Members should be aware that no company will bid for the railway projects other than the two railway corporations. Insofar as these two corporations are concerned, the Government should be able to make immediate assessment without wasting any time.

Just now, a Member raised the reclamation issue. The reclamation project is actually related to the North Hong Kong Island Line, which is also part of the Sha Tin to Central Link. The railway line will terminate at the Hong

Kong Convention and Exhibition Centre. Actually, is it really necessary for reclamation to be carried out for the construction of the terminal? Even if reclamation must be carried out, it should be taken as part of the construction project. It should not affect the section extending here from Sha Tin via Hung Hom. In other words, even if this terminal requires partial reclamation, the section between Sha Tin and Hung Hom can still go ahead indeed.

I believe Members share the view that the railway project should not be allowed to delay till 2010 or 2012. We all hope a timetable can be set for the completion of the Sha Tin to Central Link or the West Hong Kong Island Line by 2008. For these reasons, the Government should consider this issue in concrete terms. It should do more and faster, not less and slower. I believe this is the aspiration of the whole community as well as this Council.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by LAU Chin-shek, as amended by Mr LAU Kong-wah and Dr TANG Siu-tong, be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion as amended passed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 13 December 2000.

Adjourned accordingly at two minutes past Nine o'clock.

Annex I**WRITTEN ANSWER****Written answer by the Secretary for Transport to Dr Raymond HO's supplementary question to Question 1**

Inter-departmental working groups under the Highways Department and Transport Department with representatives from tunnel companies meet on a quarterly basis to review the system equipment and emergency procedures for road tunnels. They review all structures and systems of the road tunnels including materials used for the tunnel tube boards. The working groups monitor and update the tunnel safety standards in the light of latest development on tunnel emergency management, and carry out upgrading works as and when better alternative materials and equipment become available.

The fire safety concern on tube board materials does not apply to railway tunnels as they do not have any tube boards.

Annex II**WRITTEN ANSWER****Written answer by the Secretary for the Civil Service to Mr Henry WU's supplementary question to Question 2**

As regards the breakdown of attendances for dental services of the Department of Health (DH) by civil servants, retired civil servants, their spouse, children and family of deceased officers, information of such is not collated routinely by the DH and will require considerable manpower resources to compile. We therefore regret that we cannot provide the information requested.

Annex III**WRITTEN ANSWER****Written answer by the Secretary for Health and Welfare to Mr LEE Cheuk-yan's supplementary question to Question 6**

To recapitulate, the multi-disciplinary case conference is a forum in which professionals share their knowledge, information and concern on the child, with a view to formulating a welfare plan for the child. Its objective is to protect children from any harm or abuse.

The responsible social workers of the Social Welfare Department and subvented agencies provided follow-up services to the victims of the 210 child sexual abuse cases newly registered by the Child Protection Registry. They delivered a package of welfare services to the victims and their families, including counselling, referral for psychological treatment, therapeutic group work service, arrangement of day or residential service, applications for care or protection orders where appropriate, and other assistance as required. They also advised victims and their families on ways to try to prevent a recurrence of the abuse. In providing these follow-up services, they liaised closely with other professionals to ensure smooth implementation of the welfare plans.

In addition, in the third paragraph of the Secretary for Health and Welfare's reply, he mentioned that upon receipt of complaints on non-compliance by kindergartens and schools with regard to the procedures in handling child sexual abuse cases, the Education Department requires the concerned kindergartens and schools to submit reports for scrutiny, investigation and follow-up action. For those failing to comply with the procedures, the Education Department will issue advice or warnings, depending on the seriousness of the non-compliance.

Annex IV

WRITTEN ANSWER

Written answer by the Secretary for Health and Welfare to Mr LAW Chi-kwong's supplementary question to Question 6

The Education Department has provided the following training for teaching staff in kindergartens and schools between 1998 and 1999 on the handling of child abuse cases:

<i>Date</i>	<i>Training Events</i>	<i>Target Participants</i>
14 December 1998	Seminar on "The Role of Early Childhood Educators in Child Sexual Abuse Issues"	Kindergarten head teachers and teachers
11 February 1999	Seminar on "Procedures for handling child abuse cases (Revised in 1998)". Copies of the Procedures went sent to each kindergarten, primary school and secondary school	All head teachers and teachers in kindergartens, primary schools and secondary schools
28, 29 and 30 December 1999	Three one-day workshops on "Overview of Child Abuse in Hong Kong"	Kindergarten head teachers and teachers

I understand that the Education Department will examine the need to organize additional training courses in the future.

Also, the Social Welfare Department provides training on early detection of child abuse cases for all child care supervisors and child care workers through basic child care work training and staff development programmes. Topics include "child abuse and protection", "knows and identifies children abused by others" and "handling child abuse" and so on. Six, six and five training courses were conducted in 1988, 1999 and in the first nine months of 2000 respectively.

Annex V

WRITTEN ANSWER

Written answer by the Secretary for Health and Welfare to Miss Emily LAU's supplementary question to Question 6

The number of child abuse cases newly registered by the Child Protection Registry of the Social Welfare Department is set out below:

<i>Category</i>	<i>1998</i>	<i>1999</i>	<i>1 January 2000 to 30 September 2000</i>
Physical	193	286	199
Gross Neglect	17	15	17
Sexual	162	210	104
Psychological	11	11	16
Multiple	26	53	27
Total	409	575	363

Note: The newly registered cases include all substantiated child abuse cases and suspected cases involving children at risk of abuse.