

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 16 May 2001

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 CYD HO SAU-LAN

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.

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.

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 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.

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

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

**MEMBERS ABSENT:**

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

DR THE HONOURABLE PHILIP WONG YU-HONG

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

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

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

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE DONALD TSANG YAM-KUEN, J.P.  
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE ANTONY LEUNG KAM-CHUNG, G.B.S., J.P.  
THE FINANCIAL SECRETARY

THE HONOURABLE ELSIE LEUNG OI-SIE, J.P.  
THE SECRETARY FOR JUSTICE

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

MISS DENISE YUE CHUNG-YEE, J.P.  
SECRETARY FOR THE TREASURY

MR STEPHEN IP SHU-KWAN, J.P.  
SECRETARY FOR FINANCIAL SERVICES

MRS LILY YAM KWAN PUI-YING, J.P.  
SECRETARY FOR THE ENVIRONMENT AND FOOD

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

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

MRS CARRIE YAU TSANG KA-LAI, J.P.  
SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING

**CLERKS IN ATTENDANCE:**

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

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

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

**TABLING OF PAPERS**

No. 86 — Securities and Futures Commission  
Annual Report 2000-2001

No. 87 — The Government Minute in response to the Report No. 35  
of the Public Accounts Committee dated February 2001

Report of the Bills Committee on Telecommunications (Amendment)  
Bill 2001

**ADDRESS**

**PRESIDENT** (in Cantonese): Address. The Chief Secretary for Administration will address the Council on the Government Minute in response to the Report No. 35 of the Public Accounts Committee dated February 2001.

**The Government Minute in response to the Report No. 35 of the Public Accounts Committee dated February 2001**

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): Madam President, laid on the table today is the Government Minute responding to Report No. 35 of the Public Accounts Committee (PAC). The Minute sets out the measures the Government has taken or is taking, on the conclusions and recommendations contained in the Report.

The PAC selected for detailed study seven of the 12 subjects investigated by the Director of Audit in his Value For Money Report No. 35. For the other five subjects not selected for detailed study, the relevant bureaux and departments have been following up on the recommendations of the Director of Audit, and will make regular reports on progress made on these recommendations. May I take this opportunity to thank the Director of Audit for the conscientious and professional way he has undertaken these investigations. This has made Hong Kong a more transparent economy, leading to an even more responsible Government.

The Honourable Eric LI, Chairman of the PAC, spoke on 14 February when tabling the PAC's Report. He commented on the six cases on which study has been completed. I would like to take this opportunity to respond to some of his remarks.

On the matter of controlling flooding in the urban areas, the Administration has committed significant resources to improving the drainage systems in these areas. We are now carrying out a series of drainage improvement works costing about \$5 billion in West Kowloon and will make every effort to secure their early completion.

The departments concerned have taken various improvement measures in the management and co-ordination of public works projects including measures for monitoring the performance of consultants mentioned in the Government Minute. We fully agree that in discharging public duties, there is a need for a responsible attitude as well as properly documented procedures. In this regard, I shall make it a personal motto as Chief Secretary for Administration to foster an accountable and responsible culture within the Government which is one of the greatest objectives of the civil service reform.

On the Government's support and administration of kindergarten education, we believe that an effective way to monitor the collection of miscellaneous fees by the kindergartens is to increase transparency to enable parents to make informed choices. Kindergarten operators should be accountable to parents for ensuring that profits are reasonable and that parents have been informed of the voluntary nature of the purchase of the services.

The Education Department (ED) has issued a refined "List of Components of School Fees for Kindergartens", making it clear that as from the year 2001-02, kindergarten school fees will include fees for such basic activities as birthday parties and graduation ceremony, which form part of the regular learning process. Moreover, the department has issued instructions to make it explicit that the profit limit of 15% is applicable to both the sale of school items and paid services provided by schools to pupils.

The ED has also published a set of Kindergarten Profiles (the Profiles) which contain, among other things, information on miscellaneous fees charged by individual kindergartens. Some 42 000 copies were printed for distribution to parents. The Profiles are also available from the Department's homepage,

public libraries, district offices, family services centres and maternal and child health centres. Seven briefing sessions on the Profiles were organized for 3 000 parents in March 2001.

The ED will continue to adopt a proactive approach in monitoring the collection of miscellaneous fees. During school inspections, it will remind kindergarten operators of the profit limit, and will inspect school records to ensure that the kindergarten adheres strictly to the Code of Practice and other guidelines on purchase and acquisition of paid services. Kindergartens must always remain in full compliance with the Code and the guidelines. The ED will also conduct investigations into allegations of non-compliance with the guidelines, and issue warning letters in case of substantiated irregularities.

I should also like to speak on the use of employers' returns and notifications for assessing and collecting salaries tax. The Inland Revenue Department (IRD) has taken measures to strike a balance between tightening the system of tax assessment and collection on the one hand, ensuring cost-effectiveness on the other.

The IRD has agreed with the Immigration Department a new arrangement for the latter to provide current addresses of tax defaulters as reported on their arrival or departure cards.

To ensure tax collection from "high-risk" taxpayers, the IRD has drawn up new procedures to enable early identification of potential cases which may require the application of departure prevention directions. In addition, the IRD is considering several possible legislative proposals. These proposals include imposing special requirements on employers of taxpayers who stand a higher chance of departing from Hong Kong without clearing their tax liabilities. We are mindful of the need to safeguard human rights, which is very important. The IRD is seeking legal advice on the human rights implications of these proposals.

The IRD will continue to monitor and review the relevant procedures, with a view to preventing tax defaulting and improving the overall efficiency and effectiveness in tax collection, assessment and recovery.

On interdiction of government officers, the Administration shares the PAC's observations that we should keep the number of interdiction cases as



small as what is strictly necessary and the period of interdiction the shortest possible. The Government Minute outlines the measures that we have taken or will be taking to ensure that interdiction cases are subject to vigilant monitoring at both the central and departmental levels.

The experience of the Secretariat on Civil Service Discipline since its inception in April 2000 confirms that having a dedicated pool of officers to handle cases centrally does help shorten the time needed for disciplinary proceedings. The Civil Service Bureau will review the efficacy of the new system later this year to see if the mechanism could be further streamlined while complying with the principles of natural justice.

In addition, the Police Force has agreed to the PAC's recommendation to rationalize its practice governing the pay of officers under interdiction, thereby bringing it in line with the rest of the Civil Service.

The Employees Retraining Board (the Board) has examined how best to improve objectivity and accuracy when it reports job placement rates under the Employees Retraining Scheme. The Board will conduct retention surveys on a regular basis to serve as a further indicator of successful job placement. To address the PAC's concern over the effectiveness of the retraining programmes, the Board has standardized most of its courses and will complete the exercise by the middle of this year. The Board will pilot skills assessment test and proceed to develop a common assessment and competency certification of the courses in the long run. User feedback will be part of the assessment process. Also, the Board will recruit additional staff to step up management audits on the training bodies.

The Education and Manpower Bureau is commissioning a consultancy study to review the organizational set-up for vocational training and retraining. As part of that review, which is very important, we shall examine the Board's programmes and the criteria for admission to such programmes.

The Housing Department (HD) will ensure that the Comprehensive Redevelopment Programme is carried out in an efficient and effective manner. It has set performance standards on rehousing operations and the letting of public rental flats, and will monitor the situation closely and report to the Housing Authority (HA) regularly.

To facilitate rehousing operations and improve the living conditions of tenants, the HD encourages tenants affected by the Comprehensive Redevelopment Programme to move to other estates at an early stage before redevelopment. The department will then freeze the flats vacated from re-letting. The HA has reviewed this arrangement, taking into account the two suggestions of the PAC of letting these vacant flats to families on the Waiting List on a short-term basis and shortening the existing frozen period of three years. The HA concluded that the scope for reducing the frozen period is limited, and that vacant flats should continue to be frozen from re-letting to avoid "double moves" within a short period. To make better use of resources, these vacant flats will continue to be let to overcrowded families in the same redevelopment phase. The HA will regularly review this arrangement.

Madam President, I wish to take this opportunity to thank Mr LI and members of the PAC for their contribution to our common goal of achieving value for money in the delivery of public service. The Administration attaches great importance to forging a constructive partnership with the legislature. Our response to the PAC report as reflected in the Government Minute is one of the examples of how we treasure constructive comments and sound advice from Members of the Council. We look forward to continuing with such constructive partnership to serve the community.

## **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 about 15 minutes on average. Supplementaries should be as concise as possible and Members should not raise more than one question or make statements when asking supplementaries.

First question.

### **Regulating Activities of Debt-collection Agencies**

1. **MR ALBERT CHAN** (in Cantonese): *Madam President, as it is common for financial institutions and estate agents to hire debt-collection agencies to recover debts from their clients, and these agencies often harass the debtors by various means, will the Government inform this Council whether:*

- (a) *the relevant regulatory authorities have taken measures to cause the financial institutions and estate agents to reduce engaging debt-collection agencies and to recover debts from their clients by legal proceedings instead; and*
- (b) *it plans to introduce legislation to regulate the means and activities of these debt-collection agencies?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President,

- (a) Like other creditors, authorized institutions (AIs) such as banks and deposits-taking companies, and estate agents may employ agencies to collect debts on their behalf. However, the employment of debt collection agencies by these institutions is subject to oversight by their respective regulatory authorities.

Under the Code of Banking Practice (the Code), AIs are required to instruct their debt collection agencies to refrain from using illegal or harassment type of collection tactics. The Hong Kong Monetary Authority (HKMA) has recently conducted a review of the Code in consultation with the banking industry and the Consumer Council. As a result of the review, the HKMA has made a number of recommendations to strengthen provisions in relation to the use of debt collection agencies by AIs and specify in clearer terms the oversight responsibilities of AIs, for example, requiring AIs to put in place proper systems and procedures for the selection of debt collection agencies and monitoring their performance.

The Estate Agents Authority (EAA) has issued circulars providing detailed instructions to estate agents on the proper procedures to follow when using the service of debt collection agencies. Estate agents are urged to use legal means, including proceedings through the Small Claims Tribunal and the courts, when collecting outstanding payments from clients. When an estate agent resorts to employing a debt collection agency, it should enter into a written agreement with the agency which stipulates, among other terms, that the agency must not use intimidation or violence, whether verbal or physical, against any person when executing its duties. In

particular, the agency must not harass the debtor. The EAA will continue to monitor closely the situation and, if necessary, consider introducing further regulatory measures.

- (b) There are adequate provisions under the present criminal law to deal with various illegal practices employed by debt collection agencies. For instance, it may be an offence under the Crimes Ordinance (Cap. 200) for debt collectors to resort to intimidation.

However, in view of public concern on this issue, the Law Reform Commission (LRC) had formed a sub-committee in 1998 to consider the adequacy of the existing law and to recommend such changes in the law as appropriate. The sub-committee released a public consultation paper on the "Regulation of Debt Collection Practices" in July last year recommending a range of measures to address the problem. The sub-committee is currently reviewing the recommendations in the light of the comments received. A final report will be issued when the review is completed. The Administration will consider whether legislation should be introduced to regulate the activities and practices of debt collection agencies in the light of the findings of the LRC.

**MR ALBERT CHAN** (in Cantonese): *Madam President, I welcome the measures taken by the Government to improve the situation. However, the means employed by debt collectors sometimes fall into grey area which cannot be marked as criminal intimidation. For instance, a debt collector may ask the debtor or his family members to "be careful". This may be a serious threat for elderly people, who may then live in panic. Will the Government, particularly the Financial Services Bureau or the Housing Bureau, inform this Council what regulatory measures it will take to ensure the under-privileged, including the elderly, will not be unnecessarily harassed or terrified by such behaviour?*

**PRESIDENT** (in Cantonese): Which Secretary would like to answer this supplementary question? Secretary for Financial Services.

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, let me briefly describe the methods employed by financial institutions. As Members may have known, the Code contains instructions to regulate the tactics used by debt collection agencies. The Code states clearly they should act within the law, refrain from action prejudicial to the business, integrity, reputation or goodwill of the institutions for whom they are acting. The Code also says that they must not resort to intimidation or violence, either verbal or physical, against any person in the course of their debt recovery actions. This includes actions designed to humiliate debtors publicly and harass debtors. We will certainly encounter some difficulties in enforcing the Code. Indeed, the HKMA and the industry, the Hong Kong Association of Banks (HKAB) and the Consumer Council have held a joint meeting recently to discuss this issue. They have put forward some proposals, which are in the final stage of consultation. These proposals may improve the relevant system and procedure in the sense that they will be made clearer and more complete so that banks may find it easier to choose debt-collection agencies and monitor their performance. Moreover, banks must lay down some set procedures to deal with complaints. They must frequently review their charges to see if they are reasonable and check to see if improper means of debt-collection are employed. We do have a number of requirements for banks to follow. For example, banks are required to tape-record or make a written record of complaints. The HKMA will step up "on-site examination", that is, it will send its staff to banks to see if they would monitor the performance of debt-collection agencies they have employed. There is also a new requirement under which the internal audit departments of banks or AIs must audit the performance of the debt-collection agencies to see if they have acted in compliance with the Code, after which a report would be sent to the HKMA accordingly. The HKMA has allocated additional resources to carry out inspections and it has set up a hotline for complaints. The Administration will step up its regulatory efforts in this regard.

**SECRETARY FOR HOUSING** (in Cantonese): Madam President, estate agents are regulated by the EAA. As the Secretary for Security said in her main reply, the EAA has issued a relevant guideline, clearly stating, *inter alia*, that in recovering debts, estate agents should employ lawful means, failing which, they may then employ other means such as a final reminder or the services of debt-collection agencies. If the services of debt-collection agencies are employed, the guidelines clearly state that there are a number of restrictions, such as the prohibition of the use of intimidation or violence. If there is intimidation or violence involved, estate agents should bring the case to the attention of the police.

But I must point out, Madam President, that given these guidelines, the number of complaints received by the EAA is small. There were only 13 confirmed cases in 1999 and six in 2000. The cases that were substantiated or supported involved complaints about simple issues not involving violence or intimidation, such as telephoning the clients for repayment of debts or posting notices around the residence of clients. These are rather minor complaints, which the EAA is aware of. However, the EAA does not think this should make them reconsider more stringent measures such as restrictions in licensing. The EAA will continue to monitor the situation and, if necessary, it will consider taking more stringent measures.

**PRESIDENT** (in Cantonese): Honourable Members, there are nine supplementaries waiting to be asked, so I would ask Members to be as concise as possible when asking supplementaries.

**MR DAVID CHU** (in Cantonese): *Madam President, will the Government inform this Council of the total number of complaints from the public against harassment received in the past three years, I mean, including complaints in the housing and financial sectors?*

**PRESIDENT** (in Cantonese): Which Secretary has available the information to answer this supplementary question? Secretary for Security.

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, the police would receive complaints from two aspects: criminal and non-criminal, such as harassment of the clients or the use of foul language to humiliate clients. In the past three years, the number of cases involving criminal elements are: 1 464 in 1998, 3 420 in 1999 and 2 498 last year, while the number of cases involving non-criminal elements are: 0 in 1998, 6 115 in 1999 and 8 753 in 2000.

**MR MARTIN LEE**: *Madam President, bearing in mind that this problem has been with us for many many years, can the Government inform this Council whether it will consider proposing legislation which will make the authorized institutions responsible for the criminal and/or tortious conduct of their debt-collection agencies while collecting debts for them; and if not, why not?*

**PRESIDENT** (in Cantonese): Which Secretary would like to answer this supplementary question? Secretary for Security.

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, from the figures I read out, one can tell the situation was not too worrying in 1997 and 1998. It was only in the latter part of 1998 to 1999 that the problem began to aggravate. We trust this was due to the Asian financial turmoil that have increased the number of debtors, consequently adding to the number of cases involving the use of illegal means to collect debts. In view of this, the Government has requested the LRC to set up a sub-committee to study the issue. As I said, the sub-committee completed its report in July last year and recommended 10 measures to address the problem. There was a public consultation. Since the end of September as the sub-committee completed its collection of comments from the public, it has been reviewing the comments. The LRC will be making some preliminary recommendations, including of course those mentioned by Mr LEE, for example, criminalizing those currently non-criminal behaviours, including harassing and humiliating clients, or harassing clients outside their doorways. The relevant authorities may pass laws to license and regulate debt-collection agencies or lay down practice rules for professional institutions to follow, be they financial institutions or estate agents, when recruiting debt-collection agencies. At present, we are waiting for the final recommendations from the LRC, upon receipt of which we will study the matter further.

**MS AUDREY EU** (in Cantonese): *Madam President, in part (a) of the main question, Mr Albert CHAN asked whether the relevant regulatory authorities have taken measures to cause the financial institutions and so on to reduce engaging debt-collection agencies and to recover debts from their clients by legal proceedings instead. Would the Secretary for Financial Services answer this part?*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, I think anyone who lends money to people certainly expect them to repay. Therefore, I do not think it is wrong to collect debts. But what is of paramount importance is that the means employed must be correct. Indeed, debt-collection agencies exist not only in Hong Kong but also in the United

Kingdom, the United States, Australia and so on. I do not think the problem lies in whether or not banks or other institutions should be allowed to employ debt-collection agencies to recover debts. What matters most is that we must ensure that the debt-collection agencies they recruit would employ lawful and proper means rather than harassment of debtors in recovering debts. As I said in answer to a supplementary question, the HKMA and the HKAB are focusing on ways to strengthen provisions in the Code to ensure debt-collection agencies would use legal means, not illegal ones or harassment type of collection tactics.

**MR MICHAEL MAK** (in Cantonese): *Madam President, to what extent should harassment or illegal means amount to in the course of debt collection before the police will begin to provide extra protection to complainants? If such extra protection is provided, in what form will it take?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I think cases that require police protection must involve criminal behaviour. For example, the relevant persons must have contravened provisions in the Crimes Ordinance or Offences against the Person Ordinance concerning actions amounting to intimidation or blackmail. Then the police may consider providing protection. Consideration is given on the merits of each case.

**MR JAMES TO** (in Cantonese): *Madam President, the Secretary indicated that as a result of the review, the HKMA will specify in clearer terms responsibilities of AIs in monitoring the performance of debt-collection agencies. Will the Government inform this Council whether, in the present system, can a debt-collection agency which service has been terminated by a certain bank for using harassment in recovering debts be recruited by another bank? Moreover, is there any way in the relevant procedures whereby other banks are aware of the debt-recovery tactics employed by the debt-collection agency so that when banks conduct audits, they may cut down on the recruitment of such categories of debt-collection agencies?*

**PRESIDENT** (in Cantonese): Which Secretary would like to answer this supplementary question? Secretary for Financial Services.



**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, although we have the Code, I agree we must strengthen monitoring. That is why I said AIs must conduct internal audits each year to review the performance of their debt-collection agencies. AIs should conduct surprise checks to monitor their professional standards, operation and practice and see whether professionally-trained staff are employed. AIs are required to retain records on complaints of improper behaviour made against the debt-collection agencies under their employment. When a complaint is received, the relevant AIs must immediately carry out an investigation and send a reply to the complainant. Of course, the HKMA will also take note of the replies given by AIs to see if follow-up action has been actually carried out. Indeed, what Mr TO said is one of the recommendations under consideration by the HKMA. If all AIs keep a record of the performance of the debt-collection agencies under their employment and of the ways complaints are dealt with by the AIs, then there will be a proper system and procedure to enable AIs to ensure that the debt-collection agencies they employ are acting properly and are ones that have good track records.

**PRESIDENT** (in Cantonese): This Council has spent over 18 minutes on this question. We will proceed to the second question.

### **Hygiene Conditions of Public Toilets**

2. **MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, survey findings have shown that members of the public and tourists are dissatisfied with the hygiene conditions of public toilets in the territory. In this connection, will the Government inform this Council:*

- (a) *of the government departments responsible for monitoring the hygiene conditions of the public toilets managed by government departments or non-government organizations, and the division of duties among these departments; of the respective numbers of complaints received by these departments concerning unsatisfactory hygiene conditions of the public toilets in the past five years, together with a breakdown by the subject of complaint;*

- (b) *of the respective amounts of public expenditure on cleansing the public toilets managed by government departments and on public education on keeping the public toilets clean in the past five years; and*
- (c) *whether it has made reference to overseas experience and drawn up plans to improve the hygiene conditions of public toilets; if it has, of the details; if not, the reasons for that?*

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

- (a) The Food and Environmental Hygiene Department (FEHD) is responsible for the provision and monitoring of public toilets, including their hygienic conditions. Besides, the Agriculture, Fisheries and Conservation Department (AFCD) and the Leisure and Cultural Services Department (LCSD) also provide toilets in country parks, parks and leisure as well as cultural venues for use by the public. The two departments also monitor the hygienic conditions of these toilets.

As for licensed premises such as restaurants and cinemas under the Public Health and Municipal Services Ordinance and the Places of Public Entertainment Ordinance and their subsidiary legislations, they are required to provide toilet service during business hours and keep the toilets clean at all times. When health inspectors of the FEHD inspect these premises or upon receipt of complaints from the public, they will also inspect the hygienic conditions of the toilets. If irregularity is found, depending on the seriousness of the irregularity, the department will issue verbal warning or prosecute the operators of the premises concerned.

As regards toilets provided by other private organizations, it is the responsibility of the organizations concerned to monitor the hygienic conditions of these toilets. Upon receipt of complaint by the FEHD, the FEHD will in the first place advise either the management companies or responsible persons to take appropriate action to rectify the irregularity. For serious cases which cause

environmental nuisances, the FEHD may issue nuisance notices demanding rectification as soon as possible.

Since the establishment of the FEHD and the LCSD on 1 January 2000 to 31 March 2001, they have received a total of 328 complaints on the hygienic conditions of public toilets, of which 224 concern about the cleanliness of toilets and the other 104 cases concern about inadequate or damaged facilities.

In the past five years, the AFCD has received a total of 12 complaints concerning the hygienic conditions of its toilets, of which six concern about the cleanliness of the toilets and the remaining six about damaged facilities. As regards toilets provided by non-government organizations, since the establishment of the FEHD on 1 January 2000 to 31 March 2001, it has received a total of 38 complaints about the hygienic conditions of toilets provided by restaurants.

- (b) In the past five years, the two former Municipal Services Department, the FEHD and the AFCD spent a total of \$136.3 million on cleansing of public toilets. As the cleansing of toilets within venues managed by the LCSD is only part of the cleansing work covered by the cleansing contracts of these venues, there is no breakdown on expenditure spent specifically on toilet cleansing service of the LCSD.

The FEHD, the AFCD and the LCSD all have organized various promotion and publicity programmes to educate the public to keep Hong Kong clean. We do not have a breakdown of the expenditure spent specifically on promoting public toilets clean.

- (c) Relevant departments have paid overseas visits in order to improve the design of public toilets. For example, through learning from overseas experience, the Architectural Services Department (ASD) has started incorporating new designs for new public toilets, including the use of anti-bacteria building material, auto water tap and floor drying system.

**MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, public toilets are a vexing problem in Hong Kong. Their hygiene conditions have long been criticized by both the local people and tourists, especially by ladies, and they have come to be regarded as a stain on Hong Kong. Two years ago, the Government commissioned a research centre of the University of Hong Kong to conduct a survey; the findings show that people's ratings of the public toilets in Hong Kong are the lowest. In a scale with 10 points as the highest score, its average rating is just 4.2 points, much below the passing score. Many other regions near Hong Kong are now making strenuous efforts to improve the hygiene conditions of their public toilets .....*

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

**MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, in both the Mainland and Taiwan, improvements to the conditions in public toilets are regarded as a significant indicator in relation to the upgrading of international image. May I ask the Secretary whether the Government has set down any targets for thoroughly improving the hygiene conditions in our public toilets, and whether or not it has drawn up any plans to remove their ill-repute?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, judging from the complaint statistics I have quoted, the situation does not seem to be as bad as that described by Mr CHEUNG Man-kwong. In spite of this, however, we have still been trying hard to improve the designs of public toilets and the facilities provided.

Let me raise three points to explain the situation. First, the FEHD aims to improve the facilities and hygiene conditions in older public toilets through renovation, because we realize that though we must of course do our best to maintain the cleanliness of public toilets, out-dated facilities in older toilets sometimes may still pose difficulties to our efforts in maintenance and cleaning. Second, the FEHD aims to provide soap and toilet paper in all public toilets within this financial year, and we will also station full-time attendants in those public toilets with high usage rates. We are convinced that this can help improve the cleanliness of public toilets very significantly. Third, as I

mentioned earlier on, the ASD is now trying to phase in a new design for new public toilets. So said, I must stress that no matter how hard the relevant departments try to keep our public toilets clean, to introduce a new design or to renovate old public toilets, all will depend ultimately on whether or not people are trying their best to maintain cleanliness and observe hygiene when using public toilets. My point is that people should be civic-minded.

**MR WONG YUNG-KAN** (in Cantonese): *Madam President, it is mentioned in part (c) of the Secretary's main reply that the authorities concerned have paid overseas visits in a bid to improve the design of public toilets. May I ask the Secretary whether the Government has set down any timetable for improving the conditions in public toilets. When will all the several hundred public toilets be improved? I ask this question because some public toilets are still aqua privies.*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, we do have a timetable for the phased renovation of the existing old public toilets. As pointed out by Mr CHEUNG, the problem may affect the tourism industry — Will the hygiene conditions and facilities of our public toilets leave a bad impression on tourists, even preventing them from using our public toilets? For this reason, as an important segment in our timetable for the renovation and improvement of old public toilets, we will accord priority to those located in popular tourist spots.

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, may I ask the Secretary whether, among all those cases involving the cleanliness of public toilets, are there any particular matters which have attracted more complaints than others? And, with respect to complaints against poor hygiene conditions in public toilets, has the Bureau taken any steps to deal with the specific issues involved?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, the statistics on the complaints received by the FEHD in the past 10 months or so show that one of the major matters of complaint is the poor hygiene and stinking smell in public toilets. The stink in public toilets is actually a very complex problem; we have been conducting continuous studies on

it and found that it is closely associated with the age and design of a toilet and the materials used. As I have pointed out, to address the problem of poor hygiene, we will station full-time attendants at toilets with high usage rates, so that these toilets can be washed more frequently. Meanwhile, even if the cleaning contract of a toilet does not specify the stationing of full-time attendants, we will still request the contractor to wash the toilet at least several times a day. As for other improvement measures, I have already given an account of them when replying to the supplementary questions asked by other Members.

**MR WONG SING-CHI** (in Cantonese): *Madam President, the Secretary said that the maintenance of satisfactory hygiene in public toilets has to depend on the civic-mindedness of people themselves and also their awareness of cleanliness when using the toilets. The point is that over the years, many people have developed the deep-rooted habit of ignoring cleanliness and hygiene when using public toilets. That being the case, may I ask whether the Government has tried to promote community education specifically among these people, to instill in them a sense of civic-mindedness, so that they would pay more attention to cleanliness when using public toilets?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, my answer is yes. The FEHD aims to start with our schools, including primary schools and kindergartens, in the hope that our children can form good hygiene habits in their childhood. The health education exhibitions and resource centre of the FEHD also lay stress on the importance of personal hygiene and good habits. Besides, we would put up posters and stickers in public toilets very frequently to remind people of the need to maintain cleanliness. We will step up our work in this respect.

**MR JAMES TIEN** (in Cantonese): *Madam President, I am no expert in matters concerning public toilets. But I do notice a very strange phenomenon over the past four years since the reunification: the public toilets in the Mainland are getting cleaner and cleaner, but those in Hong Kong, especially the ones located in the boundary area of Lo Wu, are getting dirtier and dirtier in contrast. I agree with the Secretary that it is very important that we must renovate our public toilets. But are all these renovation works confined only to the replacement of ceramic tiles on wall surfaces? I notice that very often,*

*problems with public toilets are actually caused by the damaged pipes inside the concrete walls. May I ask the Secretary whether the renovation works carried out by the Government are just confined to the renovation of wall surfaces? Or, do they also cover the complete renovation of wall concrete and pipes?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, the scale of our renovation programme is determined largely by the availability of financial resources, which is why we are unable to carry out too many works all at the same time. But I can still tell Honourable Members that our renovation and improvements works will cover the renovation of both the internal and external equipment of a public toilet, the replacement of its ancillary fittings and the reinforcement of its ventilation system. I believe that the reinforcement of the ventilation systems in particular may help remove toilet stink. In the last financial year, we renovated a total of 43 public toilets, and we hope to renovate 50 public toilets this year.

**PRESIDENT** (in Cantonese): Mr James TIEN, is your supplementary question not answered?

**MR JAMES TIEN** (in Cantonese): *Madam President, my supplementary question is: Do renovation works cover the drilling of concrete walls to replace the pipes inside?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, I think if there is such a need, we will certainly replace the pipes, because broken pipes will affect the overall hygiene conditions of a public toilet. As for whether or not this type of renovation works is to be carried out in all public toilets, much will have to depend on the circumstances of individual old public toilets.

**DR TANG SIU-TONG** (in Cantonese): *Madam President, it is mentioned by the Secretary in part (a) of the main reply that during the period from 1 January 2001 to 31 March 2001, the FEHD and LCSD received a total of 328 complaints. May I ask the Secretary how many of these complaints were related to public*

*toilets in rural areas? I am sure that anyone who has used a public toilet in the rural areas will certainly remember the abundance of coprophages there. In this connection, does the Government have any improvement plan in mind?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, I am afraid I do not have the relevant complaint figures at hand. I shall submit a written reply to the Honourable Member later. (Annex I)

As for whether or not we have any plans to improve aqua privies, the answer is yes, because there are still many aqua privies, as many as 586. As for how we are going to improve these toilets, I also hope that the President can allow me to submit the required supplementary information in writing later. (Annex II)

**MR HOWARD YOUNG** (in Cantonese): *Madam President, if we compare the statistics given in the last two paragraphs in part (a) of the Secretary's main reply, we will notice that the number of complaints relating to public toilets run by the Government is 10 times higher than that relating to those provided by non-government organizations. Which of the following conclusions can we draw from these statistics: That although the number of toilets provided by non-government organizations should be greater than that of those provided by the Government, there have been fewer complaints about the former, because the hygiene conditions in toilets run by non-government organizations are usually better? Or, that the big difference in complaint figures between the two is largely caused by people's inadequate understanding about channels for complaints or any other factors?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, I think Mr Howard YOUNG's second conclusion should be the case. What I mean is that while most people know that public toilets are run by the FEHD, they may not be aware that they can also lodge complaints with the FEHD if they are not satisfied with the hygiene conditions in restaurant toilets. I wish to emphasize once again that if any person is not satisfied with the hygiene conditions in the toilets of any restaurants or any licensed establishments, he can lodge a complaint with the FEHD.



**PRESIDENT** (in Cantonese): Last supplementary question.

**MR FRED LI** (in Cantonese): *Madam President, my supplementary question is very simple. Do the Secretary and the top officials of the FEHD often use and inspect public toilets to acquire an understanding of their actual hygiene standards?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, I think the top officials of the FEHD are already doing so very often. On my part, because I often have bowel problems, I often have to use public toilets, and so there is no need for me to make any special inspections.

**PRESIDENT** (in Cantonese): Third question.

### **Setting up Joint Customs Clearance Checkpoints**

3. **MR KENNETH TING** (in Cantonese): *Madam President, will the Government inform this Council whether it has discussed with the mainland customs authorities the setting up of joint customs clearance checkpoints so as to shorten the customs clearance time for cross-boundary vehicles; if so, of the progress of the discussion; if not, whether discussion will be held as soon as possible?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, as Hong Kong is an important economic centre in southern China, the Government of the Hong Kong Special Administrative Region (SAR) is committed to maintaining the smooth operation of its boundary control points so as to facilitate the convenient and speedy cross-boundary flow of passengers and goods. In light of the ever closer ties and increasing cross-boundary freight traffic between the Mainland and Hong Kong, the customs authorities of the two places have been exploring and examining ways of streamlining their customs procedures and enhancing efficiency to shorten customs clearance time for cross-boundary vehicles.

At present, the Hong Kong Customs and Excise Department (C&ED) takes about 40 to 60 seconds on average to clear a cross-boundary vehicle. The Department is actively examining the streamlining of customs procedures and the application of electronic technology and equipment to further enhance clearance efficiency at boundary control points. As regards the proposal to set up joint customs clearance checkpoints, the Administration considers it necessary to take into account the provisions of the Basic Law and the concept of "one country, two systems" when exploring its feasibility. Article 116 of the Basic Law states that the SAR shall be a separate customs territory. The setting up of joint customs clearance checkpoints, whether in Hong Kong or Shenzhen, will involve customs officers of one place enforcing their laws in another place, which will give rise to complicated jurisdictional problems. Moreover, the laws enforced by the customs authorities of the two places are different, and their customs procedures and the time required for customs clearance also differ. If the proposal of setting up joint customs clearance checkpoints involves such ideas as "joint clearance" or "exit clearance only", the customs authorities of the two places will have difficulties co-ordinating their law enforcement requirements. Efficiency and efficacy of customs clearance will inevitably be undermined.

In view of these considerations, the SAR Government will need to take more time to further study the proposal and up to the present, it has not yet discussed with the mainland customs authorities the feasibility of setting up joint customs clearance checkpoints.

**MR KENNETH TING** (in Cantonese): *Madam President, although the United States and Canada are two systems under two countries, in terms of customs clearance, they are using the approach of joint customs clearance. As Hong Kong and the Mainland adopt the "one country, two systems" principle, so it should be somewhat simpler in this respect. Hong Kong has to compete with other international cities, but since container handling fees charged in Yan Tian port are much cheaper, I would like to ask the Government whether it is possible for customs clearance procedures to be made simpler to attract more goods to use Hong Kong for customs clearance?*

**PRESIDENT** (in Cantonese): Mr TING, what would you like to ask the Secretary for Security?

**MR KENNETH TING** (in Cantonese): *I would like to ask, has there been any timetable set to expedite the setting up of joint customs clearance checkpoints in the two places?*

**PRESIDENT** (in Cantonese): Mr TING, are you asking the Secretary to give a reply to the question in relation to time?

**MR KENNETH TING** (in Cantonese): *Yes, could the Secretary tell us what are the arrangements in place concerning the time?*

**PRESIDENT** (in Cantonese): Mr TING, please sit down first, Secretary for Security, please reply to this if you have the information at hand.

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, as far as I know, countries like the United States and Canada have not carried out any practice like joint customs clearance as such. Many people think that they do have an arrangement of joint customs clearance because they adopt the one-way approach of "exit clearance only". We have examined this issue with the relevant officials and find that the reason why the "exit clearance only" approach is adopted is that it would be hard to exert any customs control given the extensive borders which the United States and Canada share. So it would have vast resource implications if these countries adopt the 100% departure and arrival control like we do. Therefore, they have devised a more effective method and that is, if some people or goods from Canada have arrived in the United States illegally, the latter will make investigations on behalf of Canada. However, such kind of arrangement is only applicable to countries with very similar customs clearance and law enforcement requirements as well as similar judicial systems, and where countries can have their information exchanged very easily. So actually there is no joint customs clearance for the United States and Canada. As I have mentioned earlier, under the Basic Law, Hong Kong is a separate customs territory. That is why our law, judicial system and customs clearance requirements are different from those of the Mainland. In view of this, we think that joint customs clearance is not a very effective approach to take and we will not propose that this should be taken.

Notwithstanding this, the C&ED is actively taking measures to streamline customs procedures and raise its efficiency. I believe Mr TING is aware that since 1994, the C&ED has taken the measure that empty goods vehicles may go through a special crossing point for clearance. Apart from that, since March last year, the C&ED has also permitted the advance notice arrangement for exports. Under this arrangement, if cross-boundary goods vehicles can submit a list of goods to the C&ED three hours before they depart for Shenzhen, then they may use the express crossing point when they pass the Lok Ma Chau Control Point, thereby saving the time for clearance. In addition, since August last year, the C&ED has shortened the time required for advance customs declaration from three hours to one hour. This is meant to provide more convenience to the cross-boundary transport industry. To date, there are more than 600 cross-boundary goods vehicles which have applied to the C&ED for taking part in the pilot scheme. The Department will continue to study into the application of other advanced technology to further enhance clearance efficiency.

**MR HUI CHEUNG-CHING** (in Cantonese): *Madam President, the Secretary in the second paragraph of the main reply mentions that if the proposal of setting up joint customs clearance checkpoints involves such ideas as "joint clearance" or "exit clearance only", the customs authorities of the two places will have difficulties in co-ordinating their law enforcement requirements. Will it be feasible if "arrival clearance only" is practised?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, does Mr HUI mean that one side will be responsible for arrival control and the other side for departure control?

**MR HUI CHEUNG-CHING** (in Cantonese): *Let me put my question more simply. What I mean is, the Hong Kong side will be responsible for inspection when goods from the Mainland arrive in Hong Kong, and the mainland side will be responsible for inspection when goods from Hong Kong arrive in the Mainland.*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, this idea would pose a lot of problems as well. First, Hong Kong and the Mainland are two separate customs territories. With respect to customs tariff, I think Mr HUI is aware that we have no customs tariff, but there are many items of customs tariff in the Mainland. If under this arrangement, Hong Kong is responsible for exit clearance, then the Hong Kong customs officers will be responsible for enforcing mainland laws. There will also be a need for the Legislative Council to pass new laws and the Mainland to do the same in order to vest the powers exercised by the mainland customs officers in their Hong Kong counterparts. Second, as we do not have any customs tariff, how can we deter tax evasion activities on behalf of the Mainland? In addition, the two places have different definitions on contraband goods. For example, Hong Kong does not have any legislation which controls the arrival of antiques. But the Mainland does impose control on the exit of national treasures and antiques. From this it can be seen that there are variations in the legislation and enforcement policies of the two places. So I would think that this idea is very difficult to enforce.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, the Secretary has mentioned earlier that electronic technology and equipment are applied to further enhance clearance efficiency. Would the Secretary tell us what kinds of technology and equipment have been put into use and when are they installed and to what extent will they improve on clearance efficiency?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, the C&ED is studying into the introduction of automatic vehicle identification system in the three land control points in Lok Ma Chau, Man Kam To and Sha Tau Kok. Equipment of the system can read information on vehicle licence automatically and there is no need for any manual input of data when each vehicle passes through the control booth. It is expected that the system will save five seconds of clearance time for each vehicle and this will pave the way for the future joint vehicle clearance system which makes use of electronic data. The SAR Government has set aside \$14 million in this financial year for the installation of 42 sets of automatic vehicle identification systems in our three land control points. The installation of the new system is expected to be completed by 2003.

In addition, we will be launching a trial scheme of one-stop inspection in the near future. I believe Honourable Members will welcome such a move. Honourable Members are aware that if they drive through the Man Kam To Control Point, they are required to pass the control booths of the Immigration Department before customs clearance. In other words, vehicles will have to go through two checkpoints. We are examining whether these booths can be redesigned to enable immigration and customs officers to sit together. So some design alteration is needed, which will involve making changes to the two kinds of computer systems used by the two departments respectively, and the area of the booths may have to be enlarged as well. In any case, we will proceed with the trial scheme in the near future. If this is proved to be workable, the number of crossing points can be increased, and so will be the number of booths. Then vehicles will not have to go through two checkpoints any more. I believe this kind of one-stop service will help improve clearance efficiency.

**MR JAMES TIEN** (in Cantonese): *Madam President, the Secretary is right when she mentions earlier that the Basic Law has provided for the concept of "one country, two systems" and Hong Kong is made a separate customs territory. This is necessary for our trading activities. I think China stands a great chance for accession into the World Trade Organization (WTO) in the near future. May I ask the Secretary with the accession of China in the WTO, and taking into account the definition of "one country, two systems", will there be any chance to make a review of the duties charged for customs clearance of goods so that efforts on this can be improved?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I think this supplementary question should be answered from two different perspectives. First, as a matter of principle, the Basic Law provides that Hong Kong is a separate customs territory and this provision in the Basic Law must be complied with. Any change in customs procedures in future must not lead to a violation of this principle. Second, I believe there will not be any major change in our operations in the near future. For even as China is acceded to the WTO, customs tariff will only be reduced in a progressive manner. That I think Mr TIEN knows very well. As far as I understand, the Mainland is actively preparing for the new challenge and they are improving on their computer systems and the related procedures. However, there are indeed differences between the formalities involved in the two places. In fact, we have another

practical difficulty and that is the two places are using two different kinds of computer systems. For example, in a bid to crack down on smuggling, the Chinese customs authorities in Huang Gang border crossing use a nation-wide computer network system. When a vehicle passes through the checkpoint, it will be subject to inspection by this nation-wide computer network system. That is why the time taken to clear customs on the mainland side is longer. I think this problem will remain even after some time. In any case, given the prerequisite that what we do will not contravene the provisions of the Basic Law, we will continue to study how we can streamline the clearance procedures on our side and how we can co-operate with the Mainland in simplifying the procedures.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, the Secretary in the second paragraph of the main reply mentions the figure of 40 to 60 seconds. The figure seems to indicate a very short time. But if we imagine goods vehicles in Shenzhen have to wait for two hours before they can clear the customs, the situation will be quite different. In Europe, the TIR System has been in place for many years. Under that system, manufacturers of an independent customs territory will stick a paper strip seal on the goods and that can save all the clearance procedures. May I ask the Government whether it can study into the feasibility of allowing manufacturers in the Mainland to stick a paper strip seal on the containers coming to Hong Kong for re-export so that clearance procedures can be further streamlined such that even the 40 to 60 seconds presently taken can be saved?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, on an average, the time taken for customs clearance is 40 to 60 seconds. However, in some cases the time required is longer since further inspections have to be carried out. According to information provided by the C&ED, the time actually required for many vehicles to clear the customs is only 20 seconds. The reasons leading to a longer time for customs clearance are the following: traffic problems, the discontent of drivers of goods vehicles and people in the industry, or there may be long queues of vehicles waiting on the mainland side. The proposal made by Mr YOUNG can certainly be explored. As I have mentioned earlier, the C&ED is studying into the system of advance notice and that will enable vehicles to go through the checkpoints without having to undergo inspection, unless the risk management approach is used whereby certain vehicles have to be inspected when they go through the checkpoints. Otherwise,

some vehicles can use the express crossing points. As to the suggestion of sticking paper strip seals on the containers loaded onto the goods vehicles in the Mainland so that they can go from the mainland ports to Hong Kong without having to undergo inspection, I will relay this idea to the Commissioner of Customs and Excise for his consideration. It is of course our principle to ensure that after a paper strip seal has been stuck on the goods coming from warehouses or container ports, they will go through our checkpoints safe and sound and without being tampered with. We will have to ensure that the goods will not be used for smuggling purposes. Only when the above-mentioned conditions can be met that the idea can work out. In any case, I will relay the suggestion to the Commissioner of Customs and Excise for his consideration. (Annex III)

**PRESIDENT** (in Cantonese): Last supplementary question.

**MR HUI CHEUNG-CHING** (in Cantonese): *Madam President, the business sector will certainly benefit greatly if the time taken for customs clearance can be reduced. The Secretary mentions in the last paragraph of the main reply that the SAR Government has not yet discussed with the mainland customs authorities on the feasibility of setting up joint customs clearance checkpoints. As the SAR Government and the mainland authorities would hold trade and economic co-operation joint conferences each year, may I ask the Secretary, can the issue of reducing the time for customs clearance be put on the agenda in the next meeting?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, if what the Honourable Member is referring to is "joint customs clearance", then as I have said earlier, we think that this idea is not workable, at least for the time being. As for how Hong Kong and the Mainland can co-operate to reduce the time for customs clearance, we would raise this issue from time to time in the Hong Kong-Guangdong Co-operation Joint Conference and in the Annual Boundary Liaison Review Meeting.

**SECRETARY FOR SECURITY** (in Cantonese): Fourth question.



**Installation of Telecommunication Lines and Equipment in Communal Areas on Private Land**

4. **MR LAU KONG-WAH** (in Cantonese): *Madam President, the Hong Kong Cable Television Limited (HKCTV) is progressively rolling out its hybrid fibre coaxial (HFC) network to replace the Microwave Multipoint Distribution System (MMDS) network. I have learnt that the company has yet to reach an agreement on technical arrangements for the roll-out of fibre-optic network with the owners' corporation of an estate. The company has stated that as it will have to return its MMDS frequencies to the Administration by the end of this month, its cable television and telecommunications services to the estate may be terminated. Regarding the installation of telecommunication lines and equipment by telecommunications service operators in the communal areas on private land, will the Government inform this Council:*

- (a) how the Administration will follow up the company's termination of cable television and telecommunications services to some estates;*
- (b) whether it will assist owners' corporations and property management companies of private buildings in resolving their disputes with telecommunications service operators over technical problems with the installation of telecommunication lines and equipment; and*
- (c) whether it will assist owners' corporations in claiming compensation from telecommunications service operators for the damage to the facilities in the estates as a result of the installation works; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, I will give my reply in accordance with the order Mr LAU Kong-wah raised his question.

- (a) Currently, the HKCTV is a holder of both a deemed domestic pay television programme service licence and a fixed telecommunications network services licence. Under the licences, the company may provide television services via its HFC network and the MMDS, but the telecommunications services may only be

transmitted via its HFC network. As such, problems arising from the use of the MMDS will not affect the provision of telecommunication services.

As regards the television services, the renewed licence of the HKCTV stipulates that unless the Telecommunications Authority (TA) approves otherwise, the HKCTV shall surrender the 2 GHz and 12 GHz frequencies for the purpose of operating the MMDS by 31 May 2001. These frequencies will be required for other services, such as third generation mobile communication and satellite broadcasting services. To facilitate the HKCTV to provide services to residents in premises not passed by the company's HFC network, approval has been given for the HKCTV to use the 18 GHz band after 31 May in replacement of the 2 GHz and 12 GHz bands currently used by the company's MMDS.

Under the renewed licence, the HKCTV is obliged to provide subscription service to persons occupying the premises passed by its networks (both HFC network and the MMDS). The Broadcasting Authority will deal with any complaints on alleged breaches of licence conditions in accordance with the statutory procedures. As for the arrangement of in-building network roll-outs, the HKCTV should negotiate with the relevant property management companies or owners' corporations to reach an agreement on the works to be carried out so as to minimize the potential impact on the residents. The property management companies or owners' corporations in turn should co-operate with the HKCTV as well as other operators to allow the works to be carried out smoothly, such that residents may have access to the services they want.

- (b) The Office of the Telecommunications Authority (OFTA) has set up a Building Access Group in March 2000 to resolve disputes related to operators' access to buildings for the installation of telecommunications lines. Regular contacts with the property management companies and owners' corporations are made to assist resolving their disputes with the operators and to explain to them the effective ways of utilizing the in-building cable networks. Since the establishment of the Group, the OFTA has provided assistance to operators for over 1 000 buildings.

- (c) According to section 14(2) of the Telecommunications Ordinance, the licensee, in exercising his power to access the common areas of buildings for the installation of telecommunications wires, shall:
- (i) give reasonable notice to the owner of the building or to the person in control of the building his intention to enter the building; and
  - (ii) cause as little damage as possible.

The licensee is also required to pay full compensation to any person having an interest in the building or the right to use the building, who suffers physical damage to the building as a result of the exercise of those powers.

If the owners' corporations or property management companies and the licensee fail to reach a compensation agreement, the dispute shall be referred to and determined by the District Court. This dispute resolution procedure is given in sections 15(1) and 15(2) of the Telecommunications Ordinance.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, the compensation requirement mentioned by the Secretary is a post-installation issue, but the problem in question is an antecedent issue, which arises before the installation work commences. On the whole, the roll-out of HFC network will cause to the building a certain damage which may be difficult to be remedied, and will impact on subscribers' satisfactory reception of programmes broadcast on other television channels. The owners' corporation concerned has requested that the relevant works be supervised by an independent authorized person, but unlike other fixed telecommunications network services providers which have agreed to the request, the HKCTV refused to oblige. Because of this divergence of opinion between the HKCTV and the owners' corporation, the dispute has come to a deadlock, thus affecting the interests of subscribers. With regard to the present situation in which the crux of the dispute lies in the antecedent approach rather than the post-installation compensation arrangement, could the Secretary inform this Council whether the Government would discuss with the fixed telecommunications network services providers concerned or the HKCTV to bolster the confidence of the owners' corporation in the company so that entry may be made to their building to carry out the installation works?*

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, I am not sure whether the case Mr LAU refers to is an individual incident; if it is, I can ask the TA to look into the matter.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, this is by no means an individual incident. The HKCTV is applying the same arrangement to all premises across the Territory.*

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, please follow up the part of your supplementary question which has not been answered.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, I do not wish to repeat my supplementary question. I had thought that the Secretary would give us a satisfactory answer at this meeting today. Could the Secretary inform this Council what would the Government do to bolster the confidence of the owners' corporation in the HKCTV for entry to be made to their building so that installation works can be carried out? Could the Secretary inform us of the measures the Government has in place?*

**PRESIDENT** (in Cantonese): Secretary, do you have anything to add?

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, a co-ordination group has already been set up by the Government. I trust that the co-ordination group will be most willing to handle this case, as it involves mainly matters relating to the satisfactory reception of services, the offering of a peace of mind to subscribers, delivery of services to subscribers, and so on. Hence, I believe if anybody should make similar requests, the co-ordination group would be very happy to follow up the cases concerned.

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, has your supplementary question been answered by the Secretary?

**MR LAU KONG-WAH** (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. As a matter of fact, the co-ordination group has already taken up the case, only that the problem remains unsettled as the dispute between the two parties has yet to be resolved. That is why I ask the Secretary of the actions she has taken in this connection. It seems that what can be done has all been done, even the relevant District Council has held meetings to discuss the problem. May I ask the Secretary what else can she do?*

**PRESIDENT** (in Cantonese): Mr LAU, please resume your seat first. Secretary, do you have any further information to add?

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, I do not have anything to add. However, if Mr LAU should still be dissatisfied with my reply, I could further discuss the matter with the TA later on.

**MR JASPER TSANG** (in Cantonese): *Madam President, according to part (a) of the Secretary's main reply, to facilitate the HKCTV to provide services to residents in premises not passed by the company's HFC network, approval has been given for the HKCTV to use the 18 GHz band after 31 May, that is after the surrender of the 2 GHz and 12 GHz bands currently used by the company, so that the services provided for subscribers living in premises not passed by the company's HFC network will not be interrupted. I have read the letter the HKCTV sent to the housing estate concerned — and I believe the present case is not an individual incident, since the HKCTV has offered the same explanation to all its subscribers — indicating that upon the expiry of the company's MMDS licence in May this year, subscribers using the MMDS could no longer receive the television broadcasting services provided by the HKCTV. But then, the letter has made no mention of the approval for the company to use the new 18 GHz band after surrendering the current frequencies. Could the Secretary inform this Council whether the HKCTV is unable or unwilling to use this 18 GHz replacement band?*

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, I do not know when the

said letter was sent. Perhaps it was sent at a very early stage. I need to find out the relevant dates before following up the matter. Nevertheless, as we have now given approval for the HKCTV to use the 18 GHz band for provision of services, individual subscribers concerned can still receive services via the MMDS. We are aware of cases of this kind.

**MR IP KWOK-HIM** (*in Cantonese*): Madam President, actually, the HKCTV has had many disputes with owners' corporations over its access to buildings for installation works, thereby giving rise to many complaints and causing much trouble to the residents concerned. According to the Secretary's main reply, for arrangement of in-building network roll-outs, the HKCTV should negotiate with the relevant property management companies or owner' corporations to reach an agreement on the works to be carried out beforehand. Moreover, it is also mentioned in part (c) of the main reply that according to section 14(2) of the Telecommunications Ordinance, the licensee, in exercising his power to access the common areas of buildings for the installation of telecommunications wires, shall — "shall" is the word used by the Secretary — give reasonable notice to the owner of the building or to the person in control of the building. Could the Secretary inform this Council of the meaning of "reasonable notice"; and whether the owner of the building or to the person in control of the building could refuse to let the licensee enter the building on the grounds that no reasonable notice had been given? Since the word "shall" used in part (c) of the main reply carries the meaning of "must", I wish to make it clear what the Secretary really means.

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (*in Cantonese*): Madam President, a "reasonable notice" is a notice given a sufficiently long period of time beforehand. It is very difficult to give a general answer as to what should be included in its content. If Mr IP's concern is that somebody may resort to different excuses to refuse entry to be made by the HKCTV to a building to carry out installation works for provision of its services, I can tell Honourable Members that the TA is also vested with other powers in this respect. Under section 14(9)(a) of the Telecommunications Ordinance, telecommunications services operators may apply to the TA for a certificate certifying that the licensee has the right of access to the building specified. Further still, under section 14(9)(b) of the Telecommunications Ordinance, applications may be made to the court for an injunction to allow the

operator concerned to carry out the relevant installation works. Over the years, the TA has altogether issued 39 certificates of this kind. With the exception of the present case, the works of other cases have all been carried out smoothly.

**PRESIDENT** (in Cantonese): Mr IP, has your supplementary question been answered yet?

**MR IP KWOK-HIM** (in Cantonese): *Yes, Madam President. Actually, what I asked about was exactly the opposite of the reply given by the Secretary just now. In the present case, HKCTV has entered the building to carry out its installation works without giving any prior notice to the owners' corporations concerned, thereby causing grave concern to the owners' corporation. So, the problem is not that the HKCTV cannot enter the building concerned, but that it has entered the building to carry out installation works without seeking permission. What my supplementary question asks about is exactly the opposite of what the Secretary tried to answer just now. I hope the Secretary can answer my supplementary question.*

**PRESIDENT** (in Cantonese): Secretary, please answer this one.

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, I think the answer should be given in the light of the details of each individual case. Hence, we will consider ways to resolve problem on the basis of the situation concerned. As a matter of fact, the Government has already set up a co-ordination group vested with the responsibility to resolve problems of this kind.

**MR CHAN KWOK-KEUNG** (in Cantonese): *Madam President, some residents have complained that while they used to enjoy good reception of programmes broadcast by the Hong Kong Television Broadcasting Company (TVB) before the installation of the cable television network and could still enjoy satisfactory reception of programmes broadcast on both the TVB and the HKCTV, they were unable to enjoy the same satisfactory reception of TVB programmes once they had decided not to have cable television services after trying out the HKCTV for*

*a few months. May I ask the Secretary whether the HKCTV has any responsibility to restore the reception effect of the television sets of the relevant subscribers?*

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, it would also depend on the details of the cases concerned. The TA will certainly follow up the cases if technical matters are involved. As regards which party should have the responsibility to carry out a certain type of work, it has to be determined in accordance with the terms and conditions as set out in the relevant licence or contract.

**MR YEUNG YIU-CHUNG** (in Cantonese): *Madam President, earlier on the Secretary mentioned that as a transitional arrangement, approval had been given for the HKCTV to use the 18 GHz band. In this connection, could the Secretary inform this Council how long would this transitional arrangement last; and when would the HKCTV complete its HFC network roll-outs?*

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, the use of the 2 GHz and 12 GHz frequencies is a transitional arrangement, and the Government must resume the frequencies for other services. As regard the 18 GHz band, the HKCTV can use it until the expiry of its licence in 2005.

**PRESIDENT** (in Cantonese): Council has spent more than 15 minutes on this question. Last supplementary question.

**MR SIN CHUNG-KAI** (in Cantonese): *Madam President, the licences for operating third generation (3G) mobile communication services are expected to be put up for auction in September, which is some four to five months' time from now. On the other hand, it is mentioned by the Secretary in the main reply that the 2 GHz and 12 GHz frequencies would be required for other services, one of which would be 3G mobile communication. May I ask the Secretary whether the Government would allow the HKCTV to use these two frequency bands for a few more months, and then switch to the new band upon the renewal of its licence?*



**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, actually we have discussed the matter with the HKCTV, and the consensus we have now was reached after the company had decided that the 18 GHz band should be a more suitable choice.

**PRESIDENT** (in Cantonese): Honourable Members, although several Members are still waiting to raise their supplementary questions, I suggest they should follow up the issue through other channels.

The Council now proceeds to the fifth question.

### **Regulation of Tobacco Advertisements**

5. **DR LO WING-LOK** (in Cantonese): *Madam President, will the Government inform this Council whether it will consider regulating the promotion of tobacco products by tobacco companies through the following channels: Internet, TV plots, film segments and television broadcast of sports competitions held in overseas venues which display tobacco advertisements; if it will not, of the reasons for that?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, by the existing Smoking (Public Health) Ordinance, we can regulate the promotion of tobacco products by tobacco companies, including the display of tobacco advertisements. Hong Kong has been following closely the international trend in tobacco control, with tobacco advertisements being prohibited in most of the public places. In the legislative amendments of the Ordinance we proposed on Monday, one of the proposals was to impose more stringent controls on tobacco advertisements.

Under the existing Ordinance, there are provisions governing tobacco advertising through each of the following channels: television, film and the Internet. Section 13 of the Ordinance prohibits the broadcast of tobacco advertisement by radio or visual images. Section 13A prohibits the exhibition of tobacco advertisement by film. Also, in Section 13B, it prohibits the placing of tobacco advertisements on the Internet. Any person who contravenes these

sections commits an offence and is liable to a maximum fine of \$25,000. Thus, it is obvious that the existing legislation does have clear provisions for the regulation of tobacco advertising through these channels.

Although there are tobacco products appearing occasionally on television, they are not for the purpose of advertising. In order to deal with this situation, section 14(5) of the Ordinance allows accidental or incidental appearance of tobacco product or the trade mark, trade name, brand name or logo of tobacco product. Since their appearances require that no valuable consideration has been or is intended to be given, the promotion of tobacco products by tobacco companies through these channels can still be effectively prohibited. Therefore, most of their appearances are necessary for the TV plots or as accompaniments to the broadcasting of competitions. For the broadcasts of sports competitions held in overseas venues which display tobacco advertisements, there exists practical enforcement problems if they are to be regulated.

Legislation is of course one of the important means for the regulation of the promotion of tobacco products by tobacco companies. However, it does have limitations. In the above-mentioned situations, legislation may not be the most feasible solution for the problem. The reason is that in most cases, the tobacco shots are considered necessary by the producers of the TV programs or films. If we prohibit the appearance of any smoking act in TV or film, or any broadcasts of sports competitions which venues have tobacco advertisements, we have to consider carefully its feasibility. According to what we know, there are no overseas countries banning these situations by legislation. This in fact implies that apart from legislation, we should also consider tackling the problem by other means.

Over the years, the Government has adopted the multi-pronged approach for its anti-smoking policy, which includes legislation, education and publicity. Thus, apart from legislation, tobacco advertisements can also be regulated by other means. An example is through an ongoing dialogue between the Tobacco Control Office (TCO) under the Department of Health, and other anti-smoking bodies such as the Council on Smoking and Health, with the producers of TV programs or films, persuading them to avoid the unnecessary smoking act during production. Another means is the pressure exerted by the non-smoking public. The experiences of overseas countries show that effective education and publicity are the most important for this issue. They should be co-ordinated with a view to arousing the awareness of the general public on the harmful effects of smoking and to cultivating a no-smoking culture.

**DR LO WING-LOK** (in Cantonese): *Madam President, as it is difficult to regulate the broadcasts of sports competitions held in overseas venues which display tobacco advertisements, will the Government consider issuing warnings or legislating to require television stations to warn viewers of smoking hazards to health by way of caption or by other means at the same time when those programmes are broadcast?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, I have mentioned in the main reply that legislation might not be the most effective solution for tackling this situation. At this stage, I believe the best way is for us to co-ordinate our efforts in education or discuss with the business sector to see what can be done to prevent the appearance of such shots.

**MR LAW CHI-KWONG** (in Cantonese): *Madam President, the Secretary has mentioned in his supplementary reply and the fifth paragraph of the main reply that the TCO under the Department of Health and other anti-smoking bodies have been persuading producers of TV programmes or films to reduce the number of smoking shots. Can the Government lobby them to prevent the brand names of tobacco products, such as the brand names of cigarettes, from appearing in the shots? Even if smoking is considered part of the plots and deemed unavoidable, the brand names of cigarettes can still be refrained from showing for the sake of avoiding publicity. Can the Government incorporate this practice into the relevant guidelines?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, we may try to do so but sometimes it is impossible to control such shots in Hong Kong. I believe it is going to be difficult to enforce such a regulation.

**MR LAU PING-CHEUNG** (in Cantonese): *Madam President, in the third and fourth paragraphs of the main reply, the Secretary mentioned that the appearances of tobacco products in films or TV programmes were necessary for the plots. Actually, he has mentioned this twice. Will the Secretary inform this Council of the criteria adopted by the Government for determining whether such appearances are necessary for the plots? Is it really necessary for the plots for the whole pack of cigarettes as well its brand name to be shown?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, we are only executing our duties under the Smoking (Public Health) Ordinance. We will try to institute prosecution if tobacco advertisements appear unjustifiably. It will then be up to the court to make a ruling.

**DR RAYMOND HO** (in Cantonese): *Madam President, the Secretary mentioned in the second paragraph of the main reply that the existing legislation does have clear provisions for the regulation of tobacco advertising through television, film and the Internet. Since there are clear provisions laid down in legislation, will the Secretary inform this Council of the enforcement of tobacco advertisements on the Internet? Can the Secretary provide us with the relevant prosecution figures?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, we have not prosecuted anyone so far. Nevertheless, we have issued letters to Internet service providers to warn them not to show tobacco advertisements on the Internet.

**MR DAVID CHU** (in Cantonese): *Madam President, will the Secretary inform this Council whether there is regulation of broadcasting of smoking scenes in TV programmes or films by overseas countries?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, as far as I know, the answer is negative. I believe there are practical difficulties in doing so.

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, in the fifth paragraph of the main reply, the Secretary mentioned that if Hong Kong is to cultivate a no-smoking culture, we will have to carry out effective education and publicity which have to be co-ordinated by legislation. However, if we still fail to achieve our goal of cultivating a no-smoking culture even though effective publicity and education have been carried out, will the Secretary consider imposing a complete ban on smoking in order to achieve this goal?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, the Government's overall policy is to implement our plan step by step and carry out education and publicity according to the law. As regards whether our goal can be achieved, it will depend on the work carried out in each phase. Some Members did indicate to me that they saw it necessary to impose a complete ban on smoking. We may consider this proposal.

**PRESIDENT** (in Cantonese): Mr Tommy CHEUNG, I am afraid you have to wait for the next turn to raise another supplementary question.

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. My question is: If the existing legislation and the Government's publicity and education efforts fail to cultivate a no-smoking culture in Hong Kong, will the Government consider it necessary to impose a complete ban on smoking? I was not asking the Secretary whether Members saw such a need.*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, I have stated earlier that the Government's policy is to implement its plan progressively through legislation, publicity and education. This approach should work. I do not believe that it will fail.

**DR RAYMOND HO** (in Cantonese): *Madam President, the Government is of the view that education and publicity will be the most effective tool for achieving our goal of prohibiting smoking. Nevertheless, Members should also agree that the smoking problem of young people has become increasingly serious in recent years. Will the Government agree that education and publicity activities are inadequate or we can even say that the Government is on the verge of failure?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, our education and publicity work has proved to be highly efficient and satisfactory except that we have yet to achieve our target of reducing the number of young smokers to zero. Compared to other countries, our smoking rate is on the low side. Of course, we still have to make further efforts and work harder

in education and publicity. Actually, the real situation is not as simple as it seems. The public will not change their behaviours because of government publicity. Members should understand that the change in behaviour is not solely dependent on the acquisition of certain knowledge. Overall co-ordination from the environment and support from various sectors of the community are also required. We are now taking further steps to regulate tobacco publicity which should require co-ordination in education.

**PRESIDENT** (in Cantonese): Sixth question.

### **Entertainment Expenses of Offices of the Secretaries and Bureaux**

6. **MISS LI FUNG-YING** (in Cantonese): *Madam President, regarding the entertainment expenses of the offices of the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice (offices of the Secretaries) and the bureaux, will the Government inform this Council:*

- (a) *of the entertainment expenses of each of the offices of the Secretaries and bureaux in each of the past three fiscal years, as well as the amounts therein incurred by the Secretaries and the Bureau Secretaries themselves;*
- (b) *how it determines the annual estimates on entertainment expenses for the offices of the Secretaries and the bureaux, and whether it will publish the estimated and the actual entertainment expenses; if not, the reasons for that; and*
- (c) *whether it has laid down clear guidelines on the levels of entertainment expenses incurred for various types of social functions; if it has, of the details; if not, the reasons for that?*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, on the first part of the question, the three Secretaries, namely, the Chief Secretary for Administration, the Financial Secretary and the Secretary for Justice, are eligible for a non-accountable entertainment allowance. The rates of this allowance are specified in the Government's Annual Estimates of Expenditure of

the General Revenue Account. In 2001-02, the rate for the Chief Secretary for Administration is \$401,800 a year, for the Financial Secretary \$307,900 a year, and for the Secretary for Justice \$200,800 a year. The allowance is taxable. Bureau Secretaries are not eligible for non-accountable entertainment allowances.

Every year there are entertainment expenses incurred by the offices of the three Secretaries and Policy Bureaux on a re-imburement basis. Such expenditure for the past three years is listed in Annex 1.

We cannot provide a breakdown of expenditure incurred by the Secretaries or the Bureau Secretaries themselves. There are three reasons for this. First, the reimbursements, as recorded in payment vouchers, are made to officers who have actually made payments. Other staff of the office or bureau may have paid first on behalf of the Secretary or Bureau Secretary. Second, many of the functions are attended by the Secretary or Bureau Secretary together with his colleagues. It is difficult to identify the expenditure incurred by the Secretary or Bureau Secretary himself. Third, the existing government accounting computer system does not allow for such a detailed breakdown. Therefore, the information sought would have to be obtained manually by searching the many records on files kept for the past three years. This would entail a lot of time and efforts and the results may not be accurate.

As regards the second part of the question, official entertainment expenses form part of the standard Subhead 149 General departmental expenses of each Head of Expenditure. This arrangement has been specified in the Introduction of the Government's Estimates of Expenditure of the General Revenue Account. The standard Subhead 149 includes various other kinds of expenses directly related to the day to day running of the office or bureau. The total amount of these other expenses far exceeds that on official entertainment. In deciding the allocation for Subhead 149 under each Head of Expenditure for a financial year, we make reference to information provided by the controlling officer on the estimated day to day operational requirements of his entity. The proposed provision is then listed in the Appropriation Bill for examination and approval by the Legislative Council. As there are over 100 different types of day to day operational expenses covered by Subhead 149, it would be difficult to list out each and every one of them in the Estimates of Expenditure and in the accounts published by the Treasury.

Consolidating all the different types of operational expenses into one single subhead does not mean lack of proper control. First, in accordance with section 12(2) of the Public Finance Ordinance, each controlling officer is responsible and accountable for all expenditure from any head or subhead for which he is the controlling officer. Second, according to section 6(3) of the Public Finance Ordinance, the total expenditure under each subhead is limited by the provision shown in the Estimates of Expenditure as approved. Third, Civil Service Regulations 750 and 751, attached as Annex 2, stipulate the use of official entertainment. And, of course, such expenditure is subject to examination by the Director of Audit.

As regards part three of the question, we consider that the Public Finance Ordinance and the Civil Service Regulations have already provide clear guidelines on the incurring of official entertainment expenses.

Annex 1

| <i>Expenditure Subheads of Offices of Secretaries and Bureaux</i> |  | <i>Entertainment Expenses</i> |                  |                |
|---|--|-------------------------------|------------------|----------------|
|   |  | <i>1998-99</i>                | <i>1999-2000</i> | <i>2000-01</i> |
|   |  | <i>\$</i>                     | <i>\$</i>        | <i>\$</i>      |
| 53  | GS : Home Affairs Bureau   | 528,800                       | 708,103          | 498,308        |
| 55  | GS : Information Technology and Broadcasting Bureau                                | 198,257                       | 83,582           | 249,625        |
| 56  | GS : Planning and Lands Bureau and Works Bureau                                    | 305,283                       | 296,497          | 390,486        |
| 92  | Department of Justice  | 361,625                       | 280,453          | 216,549        |
| 142   | GS : Offices of the Chief Secretary for Administration and the Financial Secretary | 879,996                       | 616,364          | 692,119        |
| 143   | GS : Civil Service Bureau  | 266,078                       | 182,199          | 273,513        |
| 144   | GS : Constitutional Affairs Bureau   | 274,355                       | 265,984          | 144,345        |
| 145   | GS : Economic Services Bureau  | 525,555                       | 666,749          | 497,232        |
| 146   | GS : Education and Manpower Bureau   | 253,077                       | 197,449          | 240,718        |
| 147   | GS : Finance Bureau  | 76,367                        | 53,285           | 73,656         |
| 148   | GS : Financial Services Bureau   | 143,210                       | 196,320          | 342,929        |
| 149   | GS : Health and Welfare Bureau   | 244,398                       | 231,017          | 344,920        |
| 150   | GS : Housing Bureau  | 296,016                       | 236,137          | 373,724        |
| 151   | GS : Security Bureau   | 343,515                       | 506,718          | 582,447        |
| 152   | GS : Commerce and Industry Bureau  | 314,506                       | 267,342          | 418,448        |
| 153   | GS : Transport Bureau  | 121,739                       | 134,506          | 160,442        |
| 154   | GS : Environment and Food Bureau   | 0                             | 28,938           | 158,624        |
| Total:  |  | 5,223,673                     | 5,070,752        | 6,026,608      |





## ENTERTAINMENT EXPENSES

- Aug. 90           (2) Expenditure on official entertainment should be fully supported by receipts wherever possible. Claims for expenditure on home entertainment when receipts are not produced must be supported by full details and should be certified a reasonable by the Head or Deputy Head of Department personally.
- (3) Vouchers must include sufficient supporting information to enable the Director of Audit to ascertain whether the provisions of these Regulations are being complied with. The list of guests for a particular function need not be attached to the voucher but must be retained for at least 12 months and produced for the Director of Audit's examination if required.
- Aug. 90           (4) In the case of large departments the authority referred to at CSR 751(1) and (2) may, with the consent of the Secretary for the Treasury, be delegated to an Assistant Head of Department.
- (5) Entertainment given in connection with opening ceremonies and similar functions may be debited to the entertainment votes provided that:
- Dec. 97           (a) these Regulations are complied with; and
- (b) no special provision has been made under another subhead.

**MISS LI FUNG-YING** (in Cantonese): *Madam President, the Secretary did not answer part (c) of my main question directly. In part (c) of the question I asked whether the Government has laid down clear guidelines on the levels of entertainment expenses incurred for various types of social functions. Is it because of the absence of such guidelines that has caused the phenomenon as reflected by the Secretary in Annex 1 of her reply, that is, the entertainment expenses of some Policy Bureaux can be as high as \$500,000, whereas those of other Policy Bureaux amounted to tens of thousands of dollars only? Does a high level of spending by those Policy Bureaux prove that they are more hardworking? Is such a huge discrepancy the result of an absence of clear guidelines?*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, I wish to thank Miss LI for asking this supplementary question. First, the nature of the work of Policy Bureaux varies a lot, and for some Policy Bureaux, external work may take up a greater proportion in their work portfolio. For instance, the Commerce and Industry Bureau is tasked with many external work; but for myself, the Finance Bureau has comparatively less external work to do. Apart from the Legislative Council, my working partners are mainly civil servants. Given the different nature of work, the entertainment expenses incurred by each Policy Bureau are therefore different.

Second, official entertainment is conducted in different ways and scales. The expenses so incurred also depend on the status of the guests or special protocol requirements. Therefore, it is difficult for us to set a ceiling for the expenses for various types of entertainment or those for individual guests. This will involve operational difficulties.

**MISS EMILY LAU** (in Cantonese): *Madam President, the Secretary said that it is impossible to set a ceiling for entertainment expenses. I believe members of the public will worry about it because as shown in Annex 1, the entertainment expenses of some Policy Bureaux can be as high as \$600,000 to \$700,000 or even more. While the main reply has explained the circumstances under which such expenses can be paid out of public funds, can the Secretary consider setting a ceiling for entertainment expenses? I would also like to ask the Secretary who is in a position to examine and approve the entertainment expenses incurred by Bureau Secretaries or Directors themselves?*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, I thank the Member for her supplementary question. First, the Director of Audit has the power to examine all government expenditure, including the expenditure under each subhead. Second, Members may wish to note that it is clearly stated in the Civil Service Regulations that in making claims for reimbursement of entertainment expenses, the applicant is required to state clearly the number of guests, the names of guests, and the number of civil servants participating in the function. Apart from the Head or Deputy Head of Department, all applications must be submitted for the approval of the Head or Deputy Head of Department. The entertainment expenses incurred by the Deputy Head certainly require the approval of the Head of Department. The entertainment expenses incurred by the Head of Department are approved by the Head himself. In other words,

Bureau Secretaries and Directors will approve their own entertainment expenses. However, all Bureau Secretaries and Directors are controlling officers, and as controlling officers, they are duty-bound under the Public Finance Ordinance to ensure that the expenditure under each subhead does not exceed the provision as approved by the Legislative Council. So, although we consider that the existing mechanism may not be one hundred percent perfect, we will try our best to ensure efficiency and will absolutely not allow wastage on the premise that we must be especially careful in using taxpayers' resources. We will ensure that money is spent only where necessary.

**PRESIDENT** (in Cantonese): Miss LAU, is your supplementary question not answered?

**MISS EMILY LAU** (in Cantonese): *Madam President, she did not answer the first part of my supplementary question. I asked why consideration is not given to setting a ceiling because the entertainment expenses now are as high as \$500,000, \$600,000 or even \$700,000. If they keep on increasing, I believe the spending will be exceedingly great, and it will not be acceptable to the public.*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, operationally it is difficult to set such a ceiling. Members can see from Annex 1 that even for the same Policy Bureau, its official entertainment expenses in the past three years may also show great discrepancies for some objective reasons. When a bureau draws up its estimates in around January every year, very often it is difficult to estimate accurately how many visitors it will receive in the next fiscal year, or how many Ministers, Deputy Ministers or officials of other governments will stop over in Hong Kong or come to Hong Kong to exchange views or discuss certain issues with it. Moreover, it is also difficult for them to estimate who in Hong Kong will have to meet them by way of official entertainment. So, these are the actual operational difficulties involved.

**MR CHAN KWOK-KEUNG** (in Cantonese): *Madam President, I wish to ask the Secretary whether government officials are required to account for their entertainment expenses? Besides, in the past three years, some Policy Bureaux had incurred more entertainment expenses, whereas some other Policy Bureaux had incurred less. Will the Government use this as a basis for assessing whether the officials are hardworking or lazy?*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, in my case, for example, I will have to ask the Financial Secretary whether he would rate my performance as good simply because I have spent more as entertainment expenses. As far as I understand it, the annual appraisal report of our staff does not contain any item inquiring about how much was spent on official entertainment in the previous year as a basis for assessing the performance of a colleague. For the time being, we do not have such a mechanism. Besides, in my reply to a supplementary question asked by a Member earlier on, I said that given the different nature of work of each Policy Bureau, and as the official entertainment that a Policy Bureau is required to engage in may be different from that of the previous year, it is very difficult not to allow departments or bureaux certain degree of flexibility over their entertainment expenses. On the issue of concern to Mr CHAN, since official entertainment expenses form part of the standard Subhead 149, I can tell the Member that the expenses incurred by Heads of Department or controlling officers must not exceed the provision as approved by the Legislative Council for each subhead.

**MR JAMES TO** (in Cantonese): *Madam President, I have to declare an interest before I ask my question, for I have attended the entertainment activities organized by the Security Bureau. As the Secretary has said earlier on, external work may account for a larger proportion in the work portfolio of some Policy Bureaux, and the Commerce and Industry Bureau is a case in point. I can also think of the Home Affairs Bureau (which is often required to carry out district liaison work), the Economic Services Bureau, the Financial Services Bureau, and so on. In 2000-01, the entertainment expenses of the Security Bureau were as high as \$580,000 odd, but the total amount of such expenses incurred by the Offices of the Chief Secretary for Administration and the Financial Secretary was \$692,000 only. Can the Secretary tell us if that was due to a sudden substantial increase in the external work of the Security Bureau in that year?*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, please allow me to make inquiries with the Secretary for Security after this meeting and see if we can provide the Member with some relevant information. (Annex IV)

**MISS CYD HO** (in Cantonese): *Madam President, my supplementary question is very similar to that asked by Mr James TO, and is also about why there was a drastic increase of \$240,000 in the entertainment expenses of the Security Bureau. Perhaps let me go into greater detail. In respect of that \$240,000, can the Secretary provide a breakdown by countries, so that we can see how much of the entertainment expenditure was related to local organizations and how much was related to overseas organizations or mainland officials?*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, I will make inquiries with the Secretary for Security after the meeting. But given the current accounting practice, I hope Members will appreciate that Policy Bureaux do not have a detailed breakdown of their guests to show whether they are local people or from the overseas. At least the Finance Bureau does not have such a breakdown. Moreover, I believe both local and overseas guests may attend the same function on many occasions. Anyway, I will make inquiries with the Secretary for Security after the meeting, but lots of efforts and time will be required to provide the information as requested by Miss HO and Mr TO just now. We will provide the information as far as possible, but I hope Members will appreciate that the information we can provide may be very limited. (Annex V)

**MISS EMILY LAU** (in Cantonese): *Madam President, I am reading Annex 2 but I cannot find any provisions therein that govern Members of the Legislative Council. We have entertainment expenses too, but of course, we do not have that much for entertainment purposes. However, Members of the Legislative Council cannot invite their fellow Members to meals. I do not know the reasons for it. Can the Secretary tell us are there provisions stipulating that civil servants cannot invite civil servants to meals?*

**SECRETARY FOR THE TREASURY** (in Cantonese): Madam President, civil servants certainly can invite civil servants to meals, just that they have to pay out of their own pockets. I sometimes also invite my colleagues to meals. However, if the expenses so incurred are charged to public funds, then they are subject to very stringent restrictions because official entertainment expenses are allowed only for activities that are related to official duties. The guidelines issued by the Civil Service Bureau have stated that if the participants in an activity are all civil servants, then expenses for the activity definitely cannot be charged to public funds except that it is held under the following two

circumstances: First, if the Head of Department has to conduct consultation with staff associations formally set up within the Department, expenses for such activities can be charged to public funds even though all the participants are civil servants. In spite of this, there are still many restrictions. For instance, not more than \$150 can be spent per head. If Miss LAU wishes to know about the other restrictions, I can provide her with a written reply. (Annex VI)

The second exception is very special. That is, if the Head of Department considers that for some special reasons, some colleagues deserve commendation and if the Head of Department considers it better to do it by way of a meal, then the Head of Department himself must write to the Secretary for the Civil Service. It is only with the consent of the Secretary for the Civil Service that the expenses so incurred can be borne by taxpayers on a reimbursement basis. Meanwhile, the other restrictions that I have just mentioned, such as capping the spending per head at \$150, are also applicable. Other than these two exceptions, civil servants are not allowed to treat civil servants to meals out of public funds.

**PRESIDENT** (in Cantonese): We have spent over 16 minutes on this question. Time for oral questions ends here.

## WRITTEN ANSWERS TO QUESTIONS

### Mainland Students Studying in Local Tertiary Institutions

7. **DR YEUNG SUM** (in Chinese): *Madam President, regarding matters relating to people from the Mainland studying in local tertiary institutions, will the Government inform this Council of:*

- (a) *the number of mainland students studying in local tertiary institutions in each of the past three academic years, together with a breakdown by the courses in which they enrolled;*
- (b) *the number and percentage of these students who received subsidies from public funds in tuition fees, academic expenses and living costs, and the average amount of subsidy granted to each of them in each year; and*
- (c) *the numbers of mainland students who applied to stay in Hong Kong to pursue further studies or take up employment respectively upon*

*completion of their courses, and the respective numbers of such students whose applications were approved in the past three years?*

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

- (a) A breakdown of the number<sup>1</sup> of full-time equivalent mainland students studying in the University Grants Committee (UGC)-funded institutions in each of the past three years by level of studies and major academic programme category is at Annex.
- (b) According to the existing policy, both local and non-local students (including mainland students) of the UGC-funded institutions pay uniform tuition fees which are equivalent to about 18% of the costs. Apart from this, the Government does not provide other forms of financial assistance to non-local students. At present, all the scholarships for mainland students are sponsored by private or non-government organizations.
- (c) Non-local students (including mainland students) are normally granted visas for one year. In order to continue their studies in Hong Kong, they have to apply to the Immigration Department each year for extension of stay. The Immigration Department does not keep separate statistics on the number of non-local students applying to stay in Hong Kong to pursue further studies after graduation. The total enrolment of mainland students in postgraduate programmes as shown at Annex has included those mainland students staying in Hong Kong to pursue further studies after graduation.

The existing channel for mainland students of local tertiary institutions to seek employment in Hong Kong is the "Admission of Talents Scheme" introduced in 1999. As at the end of April 2001, a total of six applications submitted by mainland students of local tertiary institutions were approved under this scheme.

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<sup>1</sup> The figures shown at Annex are the total enrolment, rather than fresh intakes, of mainland students each year. The relevant numbers include new arrivals from the Mainland with length of residence shorter than three years.



| <i>Academic Programme Category</i>          | <i>1998-99</i>                 |                                      |  |              | <i>1999-2000</i>               |                                      |  |              | <i>2000-01</i>                 |                                      |  |              |
|---|--------------------------------|--------------------------------------|--|--------------|--------------------------------|--------------------------------------|--|--------------|--------------------------------|--------------------------------------|--|--------------|
|   | <i>Undergraduate Programme</i> | <i>Taught Postgraduate Programme</i> | <i>Research Postgraduate Programme</i> | <i>Total</i> | <i>Undergraduate Programme</i> | <i>Taught Postgraduate Programme</i> | <i>Research Postgraduate Programme</i> | <i>Total</i> | <i>Undergraduate Programme</i> | <i>Taught Postgraduate Programme</i> | <i>Research Postgraduate Programme</i> | <i>Total</i> |
| Engineering and Technology                  | 3                              | 1                                    | 281                                    | 285          | 29                             | 2                                    | 301                                    | 332          | 42                             | 3                                    | 365                                    | 410          |
| Physical and Applied Sciences               | 8                              | 0                                    | 234                                    | 242          | 24                             | 2                                    | 285                                    | 311          | 54                             | 0                                    | 364                                    | 418          |
| Computer Science and Information Technology | 9                              | 0                                    | 91                                     | 100          | 31                             | 0                                    | 151                                    | 182          | 58                             | 1                                    | 198                                    | 257          |
| Business and Management Studies             | 13                             | 9                                    | 76                                     | 98           | 54                             | 15                                   | 96                                     | 165          | 110                            | 26                                   | 119                                    | 255          |
| Social Sciences                             | 6                              | 2                                    | 61                                     | 69           | 21                             | 2                                    | 77                                     | 100          | 33                             | 2                                    | 90                                     | 125          |
| Medicine                                    | 0                              | 0                                    | 49                                     | 49           | 1                              | 0                                    | 57                                     | 58           | 1                              | 0                                    | 105                                    | 106          |
| Humanities                                  | 0                              | 0                                    | 37                                     | 37           | 1                              | 0                                    | 50                                     | 51           | 4                              | 0                                    | 65                                     | 69           |
| Architecture and Town Planning              | 1                              | 0                                    | 10                                     | 11           | 7                              | 3                                    | 19                                     | 29           | 8                              | 8                                    | 40                                     | 56           |
| Education                                   | 0                              | 0                                    | 16                                     | 16           | 2                              | 0                                    | 20                                     | 22           | 4                              | 1                                    | 33                                     | 38           |
| Language and Related Studies                | 0                              | 0                                    | 15                                     | 15           | 2                              | 0                                    | 20                                     | 22           | 5                              | 0                                    | 22                                     | 27           |
| Law   | 0                              | 0                                    | 6                                      | 6            | 1                              | 4                                    | 9                                      | 14           | 2                              | 31                                   | 11                                     | 44           |
| Arts, Design and Performing Arts            | 1                              | 0                                    | 1                                      | 2            | 4                              | 0                                    | 1                                      | 5            | 7                              | 11                                   | 7                                      | 25           |
| Studies Allied to Medicine and Health       | 2                              | 0                                    | 9                                      | 11           | 0                              | 0                                    | 8                                      | 8            | 0                              | 1                                    | 11                                     | 12           |
| Mass Communication and Documentation        | 0                              | 0                                    | 7                                      | 7            | 0                              | 0                                    | 7                                      | 7            | 0                              | 0                                    | 12                                     | 12           |
| Dentistry                                   | 0                              | 0                                    | 0                                      | 0            | 1                              | 0                                    | 0                                      | 1            | 1                              | 0                                    | 15                                     | 16           |
| Total number of course/ programmes          | 43                             | 12                                   | 893                                    | 948          | 178                            | 28                                   | 1 101                                  | 1 307        | 329                            | 84                                   | 1 455                                  | 1 868        |

**Qualifications of Persons Working in Private Clinics**

8. **MRS SELINA CHOW** (in Chinese): *Madam President, regarding persons engaged in dispensing and nursing work in private clinics, will the Government inform this Council:*

- (a) *whether existing legislation requires such persons to be registered nurses;*
- (b) *of the liability of private medical practitioners for the medical blunders of their employees who are not registered nurses; and*
- (c) *whether it plans to provide training for those engaged in dispensing and nursing work in private clinics so as to help them to obtain the relevant professional qualifications?*

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

- (a) There is no specific legislative provision requiring medical practitioners in private practice to deploy registered nurses to assist them in their work. According to the Professional Code and Conduct for the guidance of registered medical practitioners published by the Medical Council of Hong Kong, a medical practitioner must exercise effective personal supervision over any persons working under his supervision and retain personal responsibility for the treatment of the patients. In practice the practitioner would be expected to ensure the persons deployed have the competencies or acquire the competencies to perform the work required of them. These persons cannot use the title of registered nurse unless they are duly registered under the Nurses Registration Ordinance.
- (b) A medical practitioner is responsible for the work of those persons working under his supervision. The extent of his liability would depend on the nature of the medical error and the circumstances of the case.

- (c) Those persons assisting medical practitioners in private clinics carry out their work under the personal supervision of the medical practitioners concerned. The medical practitioners may provide the necessary training for their assistants to enable them to perform their work. There are also courses available for individuals who meet the entry criteria to undertake and obtain the relevant professional qualification if needed.

### **Inclusion of Chinese Medicine Trade into Admission of Mainland Professionals Scheme**

9. **DR LUI MING-WAH** (in Chinese): *Madam President, will the Government inform this Council whether, in order to develop Hong Kong into a Chinese medicine centre, it will consider including the Chinese medicine trade into the Admission of Mainland Professionals Scheme (Professionals Scheme); if not, of the reasons for that?*

**SECRETARY FOR SECURITY** (in Chinese): Madam President, the Administration has all along emphasized the importance of human capital to the development of a knowledge-based economy in the 21st century. The objective of the recently announced Professionals Scheme is to attract mainland professionals with proven qualifications to work in Hong Kong, so as to meet our manpower requirement and enhance our competitiveness in the international market. The mainland professionals to be admitted must possess expertise and skills in short supply or not readily available locally, and they must be able to contribute to the day-to-day operation of local enterprises. Initially, the Professionals Scheme only covers the information technology and financial services sectors. According to the Report on Manpower Projection to 2005 prepared by the Education and Manpower Bureau, over the next five years, the manpower requirement in these two sectors will grow at an average annual rate of 11.8% and 3.7% respectively. The growth in these two sectors is much higher than that in other sectors. Notable shortages of manpower are anticipated.

Information provided by the Health and Welfare Bureau shows that there are at present more than 7 000 Chinese medical practitioners (CMPs) in Hong Kong. Since there is an adequate supply of CMPs to meet the demand for

Chinese medical services in the community, currently the Administration has no intention to include the Chinese medicine sector in the Professionals Scheme. The Administration will review the Professionals Scheme 12 months after its implementation. We will consider whether it is necessary to include other sectors in the Professionals Scheme in the context of the review, taking into account the situation of manpower supply and demand at that time.

Despite the fact that we have a large number of CMPs in Hong Kong, there is a shortage of CMPs engaged in clinical teaching and research on Chinese medicine. The Immigration Department is prepared to consider whether an applicant who possesses such professional expertise meets the eligibility criteria of the Admission of Talents Scheme (Talents Scheme). The Department will consult the Health and Welfare Bureau and other relevant government department/bureaux if necessary on such applications.

The Talents Scheme was introduced in December 1999 to admit talents who have outstanding skills or achievements not readily available in Hong Kong. These talents can help to enhance the competitiveness of Hong Kong as a manufacturing and services centre, particularly in technology-based, high value-added or knowledge-intensive activities. The Talents Scheme, which is open to all sectors, provides a new channel for Hong Kong to admit talents from all places, including the Mainland. Talents in Chinese medicine who meet the eligibility criteria may submit applications under the Scheme. Information provided by the Immigration Department shows that as at the end of April 2001, five talents specializing in Chinese medicine research were admitted into Hong Kong under the Talents Scheme. The admission of these talents is conducive to Hong Kong's development as a Chinese medicine centre.

### **Registration Scheme for Degradable Containers and Bags**

10. **MR DAVID CHU** (in Chinese): *Madam President, a voluntary Registration Scheme for Degradable Containers and Bags was launched by the Environmental Protection Department (EPD) in December last year. Under the Scheme, suppliers of disposable environmentally-friendly food containers may commission designated laboratories, including the Hong Kong Productivity Council (HKPC), to test aspects of food safety, degradability and physical performance of the products which they supply. The EPD maintains, for public information, a register of the products which have passed the tests. It has been*

*reported that, due to the high testing fees, so far only a few suppliers had sent their products to designated laboratories for testing. In this connection, will the Government inform this Council:*

- (a) of the reasons for the poor response from suppliers of environmentally-friendly food containers to the Scheme;*
- (b) whether it knows how the HKPC determined the levels of fees for the tests, and the fees currently charged by various laboratories designated for such tests; and*
- (c) of the measures to encourage more suppliers to participate in the Scheme?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Chinese):

Madam President,

- (a) Given that the Testing Guideline on the Degradability and Food Safety of Containers and Bags has been launched for only some four months, we do not agree that the response from suppliers is poor. So far, 15 products have been submitted for testing. We understand that tests for other products are also being arranged by their suppliers.
- (b) The HKPC determines its fee levels for testing services on the basis of commercial principles. Its fee levels are comparable to those of other laboratories. The fees for a full test for one product range from \$30,000 to \$40,000.
- (c) All suppliers and producers have been briefed on the Testing Guideline and Registration Scheme. Catering companies and major users of food containers are encouraged to require suppliers to test their food containers and to procure registered degradable products when such are available. We believe that more suppliers will submit their products for testing when the first batch of degradable products are registered later this year.

**Acquisition of Permanent Resident Status and Right of Abode**

11. **MR ANDREW CHENG** (in Chinese): *Madam President, regarding the acquisition of the status of permanent resident and the right of abode by persons who have come to Hong Kong, will the Government inform this Council:*

- (a) *of the respective numbers of applications approved and rejected in the past three years for establishing permanent residence by persons not of Chinese nationality, together with a breakdown of rejected cases by the applicants' nationalities;*
- (b) *whether entry restrictions and conditions of stay can be imposed by the authorities on persons not of Chinese nationality who hold permanent identity cards; if so, of the details; and*
- (c) *given that the Secretary for Security has said that persons who come to work in Hong Kong under the Admission of Mainland Professionals Scheme "can apply for the right of abode after they have resided in Hong Kong for seven years", of the procedure and eligibility for making such an application; whether the persons concerned can apply in Hong Kong; and the differences and similarities between this procedure and that applicable to other Chinese citizens?*

**SECRETARY FOR SECURITY** (in Chinese): Madam President,

- (a) Since the reunification and up to 5 May 2001, a total of 53 344 persons not of Chinese nationality had their permanent resident status established in accordance with the relevant legislative provisions. On the other hand, the claims to permanent resident status of a total of 2 425 persons not of Chinese nationality could not be established. The breakdown of these persons by nationalities is as follows:

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|                 |       |
|-----------------|-------|
| Nepal           | 587   |
| Great Britain   | 573   |
| Canada          | 322   |
| United States   | 138   |
| Australia       | 118   |
| The Philippines | 107   |
| Pakistan        | 102   |
| Thailand        | 97    |
| Netherlands     | 90    |
| India           | 77    |
| Others          | 214   |
| <br>            |       |
| Total           | 2 425 |

- (b) Holders of a permanent identity card, whether they are Chinese citizens or persons not of Chinese nationality, all enjoy the right of abode in the Hong Kong Special Administrative Region (SAR). People with the right of abode in the SAR, regardless of their nationalities, can enjoy the right:
- to land in the SAR;
  - to be free of any condition of stay (including a limit of stay) in the SAR;
  - not to be deported from the SAR; and
  - not to be removed from the SAR.
- (c) Under paragraph 2(b) of Schedule 1 to the Immigration Ordinance (Cap. 115), a Chinese citizen who has ordinarily resided in Hong Kong for a continuous period of not less than seven years before or after the establishment of the SAR is a permanent resident and enjoys the right of abode in the SAR.

Mainlanders to be admitted for employment under the Admission of Mainland Professionals Scheme will become permanent residents of the SAR and enjoy the right of abode if they can meet the requirements under the law. They will initially be granted a

permission to enter Hong Kong to take up employment for a period of one year. Subsequent applications for extension of stay will only be granted if they continue to be employed in the relevant sector.

If they apply to establish their right of abode, they will have to go through the same application procedures as those applicable to other Chinese citizens. Under the current administrative arrangements, persons who would like to establish their right of abode may apply for verification of eligibility for a permanent identity card. They should send the application form (Form ROP 145), duly completed, together with photostat copies of the relevant supporting documents by post to the Right of Abode Section of the Immigration Department at 25th floor, Immigration Tower, 7 Gloucester Road, Wan Chai. When making the application, the applicant must be staying in Hong Kong legally. Upon receipt of the required information and documents, it will take about four to six weeks to process the application. No fee will be charged.

### **Low Level of Funding Approved by Innovation and Technology Fund**

12. **MR ERIC LI** (in Chinese): *Madam President, as at 31 March this year, the total amount approved by the Innovation and Technology Fund (ITF) since its establishment in November 1999 was \$355 million, representing only 7.1% of the \$5 billion available in the Fund. In this connection, will the Government inform this Council of:*

- (a) *the reason for having approved only 7.1% of the available fund since the establishment of the Fund more than a year ago; and*
- (b) *the number of institutions which submitted financial statements containing auditors' qualifications in the applications for funding during this period; the number of applications which were withdrawn for this reason, and, of the total number of applications, the percentage of applications rejected on account of such qualifications?*



**SECRETARY FOR COMMERCE AND INDUSTRY** (in Chinese): Madam President,

- (a) Within the \$5 billion ITF, the Administration has initially set aside about 60% (that is, \$3 billion) for funding research projects of the newly-established Applied Science and Technology Research Institute for the first five to six years. Of the remaining \$2 billion, \$480 million is required to meet the remaining expenditure for projects funded by the predecessors of the ITF (that is, the Industrial Support Fund and the Services Support Fund) which were not yet completed.

Discounting the above amounts, we expect that the remaining \$1.52 billion and the relevant projected investment income may be used for five to seven years, which means about \$310 million a year. During the one and a half year period between the establishment of the ITF to end April this year, we have approved projects involving a total amount of \$416 million. This is in line with our expected rate of approval under the ITF.

- (b) According to our rules, only companies or organizations incorporated under the Companies Ordinance are required to submit to us the latest audited financial statements when applying for funding. Since the establishment of the ITF, we have not received any financial statements which contain auditors' qualifications. Hence, we have not rejected any applications or requested any companies or organizations to withdraw their applications on such an account.

### **Nuisance Caused by Helicopter Landing Pad in Tai O**

13. **MR TAM YIU-CHUNG** (in Chinese): *Madam President, it is learnt that when helicopters take off or land at a helicopter landing pad in Tai O, which is very close to the nearby residential stilt houses, the air current produced causes the galvanized sheet iron at the rooftop of the stilt houses to rattle and sweeps away the items that residents are drying in the sun, thereby affecting the lives of the residents and causing them property loss. In this connection, will the Government inform this Council whether it plans to relocate the landing pad; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR SECURITY** (in Chinese): Madam President, there are at present two sites in Tai O where helicopters can land and takeoff safely, respectively the Shek Tsai Po Temporary Athletic Training Field and Yim Tin Pok Temporary Playground. These two sites are used by the Government Flying Services (GFS) for emergency medical or casualty evacuations to hospitals in the urban areas. As there is no land transportation between the Tai O Clinic and Yim Tin Pok, it takes almost half an hour for patients to be conveyed to the landing site. The GFS will have to make use of the Shek Tsai Po site, which is close to the clinic, whenever there are serious or life-threatening cases.

We are very concerned that the downwash caused by helicopters landing and taking off at Shek Tsai Po has affected residents of the stilt houses nearby. We are now working on remedial measures, including the installation of shielding fences along the nearside of the Shek Tsai Po temporary sports ground. The Architectural Services Department and the GFS have arranged to conduct site surveys and feasibility studies shortly. In addition, we have been liaising with the Planning Department to identify an alternative and safe site for helicopter landing in the Tai O area to minimize the impact on residents. The Islands District Council will be consulted on these measures on completion of the feasibility studies.

### **Non-means-tested Loan Scheme for Students of Tertiary Institutions**

14. **MR YEUNG YIU-CHUNG** (in Chinese): *Madam President, regarding the Non-means-tested Loan Scheme (NLS) set up for students of tertiary institutions, will the Government inform this Council of:*

- (a) the respective numbers of full-time and non-full-time students awarded loans in this school year, and their relative ratios;*
- (b) the number of applications received since January last year for deferring repayment of loans, with a breakdown by the reasons for applying; and*
- (c) the current number of cases in which repayment of loans has been outstanding for two or more consecutive quarters and its percentage in the total number of repayment accounts, as well as the total amount overdue?*

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

- (a) The ambit of the NLS covers students of publicly-funded institutions<sup>1</sup>, the Open University of Hong Kong, the Hong Kong Shue Yan College and persons pursuing continuing education provided in Hong Kong by registered schools, non-local universities and professional and recognized training bodies. In the 2000-01 academic year (up to 30 April 2001), a total of 9 970 person have obtained loans under the NLS with 7 356 (74%) taking full-time courses and 2 614 (26%) taking part-time courses.
- (b) From January 2000 to 30 April 2001, we received 313 applications for deferring repayment of loans under the NLS. A breakdown by the reasons given in support of these applications is as follows:

| <i>Reason for deferment</i> | <i>No. of applications</i> |
|-----------------------------|----------------------------|
| Further studies             | 199                        |
| Financial hardship          | 111                        |
| Illness                     | 3                          |
| Total                       | 313                        |

- (c) A breakdown of the loan repayment cases that were in default for two or more consecutive quarterly instalments as at 30 April 2001 is as follows:

|   |               |
|---|---------------|
| Number of default cases                                   | 372           |
| Number of repayment accounts                              | 5 158         |
| Percentage of default cases in term of repayment accounts | 7.2%          |
| Amount overdue  | \$1.1 million |

<sup>1</sup> The eight University Grants Committee-funded institutions, the Hong Kong Institute of Vocational Education of the Vocational Training Council, the Hong Kong Academy of Performing Arts and the General Diploma Course on Dental Technology at the Prince Philip Dental Hospital

## Statistics on Information Technology Personnel

15. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, regarding information technology (IT) personnel in the Information Technology Services Department (ITSD), the Computer Division of the Housing Department, the Computer Division of the Vocational Training Council and the Corporate Development and Information Services Division of the Hospital Authority, will the Government inform this Council of the following:*

- (a) *the current number and average length of service in each rank of these IT personnel;*
- (b) *the respective numbers of these IT personnel who were promoted and those who left the service in each of the past three years; and*
- (c) *the annual payroll for these IT personnel in the past three years?*

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

- (a) The current number and average length of service in each rank of the IT personnel in the ITSD, the Housing Department (HD), the Vocational Training Council and the Corporate Development and Information Services Division of the Hospital Authority are set out as follows:

- (i) ITSD

| <i>Rank</i>                               | <i>Number</i> | <i>Average year<sup>1</sup><br/>of service</i> |
|---|---------------|--|
| Directorate Officer <sup>2</sup>          | 17            | 28.2   |
| Systems Manager <sup>3</sup>              | 239           | 17.2   |
| Analyst/Programmer <sup>4</sup>           | 1 151         | 7.0  |
| Computer Operator/IT Officer <sup>5</sup> | 488           | 11.9   |

<sup>1</sup> Weighted average based on the total number and year of service of all IT personnel in the respective category.

<sup>2</sup> Including the Director, Assistant Directors and Chief Systems Managers.

<sup>3</sup> Including Senior Systems Managers and Systems Managers on permanent and contract terms.

<sup>4</sup> Including Analysts/Programmers I and II on permanent and contract terms.

<sup>5</sup> Including Computer Operation Managers, Assistant Computer Operation Managers, Senior Computer Operators, Computer Operators I and II and IT Officers on permanent and contract terms.

## (ii) HD

| <i>Rank</i>              | <i>Number</i> | <i>Average year of service</i> |
|--------------------------|---------------|--------------------------------|
| Contract Project Manager | 6             | 5.0                            |
| Contract Systems Analyst | 13            | 5.4                            |
| Contract Programmer      | 20            | 2.3                            |

IT staff seconded from ITSD to HD have been included in the statistics of ITSD at (i) above.

## (iii) Vocational Training Council

| <i>Rank</i>  | <i>Number</i> | <i>Average year of service</i> |
|--|---------------|--------------------------------|
| Centre Director and Head of Department                       | 2             | 1.0                            |
| Systems Manager/IT Advisor <sup>6</sup>                      | 17            | 7.4                            |
| Lecturers, IT Training Officer and Technician <sup>7</sup>   | 166           | 6.8                            |
| Analyst/Programmer <sup>8</sup>                              | 35            | 3.2                            |
| Computer Supervisor/Operator and Data Processor <sup>9</sup> | 39            | 8.5                            |

## (iv) Corporate Development and Information Services Division, Hospital Authority

| <i>Rank</i>                 | <i>Number</i> | <i>Average year of service</i> |
|-----------------------------|---------------|--------------------------------|
| Systems Manager             | 28            | 8.2                            |
| Computer Operations Manager | 3             | 4.8                            |
| Analyst/Programmer          | 126           | 4.9                            |
| Computer Operator           | 50            | 6.5                            |

<sup>6</sup> Including Chief Systems Managers, Senior Systems Managers, Senior Advisers, Systems Managers and Advisers.

<sup>7</sup> Including Principal Lecturers, Senior Lecturers, Lecturers, Training Officers, Assistant Lecturers, Vocational Studies Tutors, Senior Technicians and Technicians.

<sup>8</sup> Including Senior Analysts/Programmers and Analysts/Programmers

<sup>9</sup> Including Computer Supervisor, Computer Operators I and II and Data Processors.

- (b) The respective numbers of these IT personnel of the above departments/organizations who were promoted or who left the service in each of the past three years are set out as follows:

(i) ITSD

| <i>Financial Year</i> | <i>No. of IT personnel promoted</i> | <i>No. of IT personnel departed</i> |
|-----------------------|-------------------------------------|-------------------------------------|
| 1998-1999             | 98                                  | 24                                  |
| 1999-2000             | 20                                  | 14                                  |
| 2000-2001             | 17                                  | 43 <sup>10</sup>                    |

(ii) HD

| <i>Financial Year</i> | <i>No. of IT personnel promoted</i> | <i>No. of IT personnel departed</i> |
|-----------------------|-------------------------------------|-------------------------------------|
| 1998-1999             | 3                                   | 4                                   |
| 1999-2000             | 4                                   | 6                                   |
| 2000-2001             | 4                                   | 3                                   |

(iii) Vocational Training Council

| <i>Financial Year</i> | <i>No. of IT personnel promoted</i> | <i>No. of IT personnel departed</i> |
|-----------------------|-------------------------------------|-------------------------------------|
| 1998-1999             | 4                                   | 1                                   |
| 1999-2000             | 2                                   | 7                                   |
| 2000-2001             | 12                                  | 4                                   |

<sup>10</sup> The number of IT personnel departed is higher than in past years, probably because the private sector market demand for IT personnel was very high at the time. Most of those departed were less experienced and of lower seniority.

- (iv) Corporate Development and Information Services Division,  
Hospital Authority

| <i>Financial Year</i> | <i>No. of IT<br/>personnel<br/>promoted</i> | <i>No. of IT<br/>personnel<br/>departed</i> |
|-----------------------|---|---|
| 1998-1999             | 17  | 19  |
| 1999-2000             | 1   | 13  |
| 2000-2001             | 18  | 16  |

- (c) The annual payroll for these IT personnel of the above departments/organizations in the past three financial years is set out as follows:

- (i) ITSD

| <i>Financial Year</i> | <i>Annual payroll (in \$'000)</i> |
|-----------------------|-----------------------------------|
| 1998-1999             | 435,052                           |
| 1999-2000             | 456,012                           |
| 2000-2001             | 458,306                           |

- (ii) HD

| <i>Financial Year</i> | <i>Annual payroll (in \$'000)</i> |
|-----------------------|-----------------------------------|
| 1998-1999             | 21,726                            |
| 1999-2000             | 21,100                            |
| 2000-2001             | 26,958                            |

- (iii) Vocational Training Council

| <i>Financial Year</i> | <i>Annual payroll (in \$'000)</i> |
|-----------------------|-----------------------------------|
| 1998-1999             | 165,758                           |
| 1999-2000             | 165,580                           |
| 2000-2001             | 174,668                           |

- (iv) Corporate Development and Information Services Division,  
Hospital Authority

| <i>Financial Year</i> | <i>Annual payroll (in \$'000)</i> |
|-----------------------|-----------------------------------|
| 1998-1999             | 131,312                           |
| 1999-2000             | 131,193                           |
| 2000-2001             | 133,751                           |

### **Air Quality Inside Taxis**

16. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that, in order to save fuel and avoid drawing in the foul air outside, many taxi drivers choose to close the air vents of their vehicles while in service, resulting in excessive carbon dioxide build-up inside the vehicles, which not only poses a health hazard to the drivers and the passengers, but may also lead to traffic accidents if the drivers fall unconscious after inhaling too much carbon dioxide. In this connection, will the Government inform this Council:*

- (a) *of the number of traffic accidents resulting from the above situation in the past three years;*
- (b) *whether publicity efforts have been made over the past three years to raise taxi drivers' awareness of the need to maintain good ventilation in their vehicles; and*
- (c) *whether it plans to introduce legislation to regulate the air quality inside taxis; if not, of the reasons for that?*

**SECRETARY FOR TRANSPORT** (in Chinese): Madam President, the Government does not maintain statistics on traffic accidents resulting from closure of air vents by taxi drivers.

Over the past three years, the Government from time to time reminded taxi drivers to keep their taxis clean and not to smoke inside taxis, although we did not specifically draw their attention to the question of air quality inside taxis. We are considering ways to step up publicity to remind taxi drivers to maintain



good air quality inside taxis. Planned measures include publishing an article in the quarterly *Taxi Newsletter* and requesting the taxi trade representatives to appeal to taxi drivers to maintain good ventilation in their vehicles.

The Government has no plan to introduce legislation to regulate air quality inside taxis. We are of the view that publicity and education are more appropriate means to remind taxi drivers to maintain good air quality inside taxis.

### **Appointment of School Managers, Supervisors and Principals by Sponsoring Bodies**

17. **MISS EMILY LAU** (in Chinese): *Madam President, it has been reported that a former Chief Executive of the Hong Kong Buddhist Association has written to the Administration complaining about the Association's unfairness in selecting managers, supervisors and principals for its schools, and the failure of the appointed school managers and supervisors to discharge their duties of supervising the schools concerned. Regarding the appointment of school managers, supervisors and principals by sponsoring bodies (SBs), will the executive authorities inform this Council:*

- (a) whether they have investigated the above complaint; if so, of the findings; if the complaint is substantiated, the follow-up actions to be taken; and*
- (b) of the mechanism in place to monitor the procedure adopted by SBs for appointing school managers, supervisors and principals, as well as the plans to prevent SBs from being unfair in handling such appointment matters?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Chinese): Madam President, at present, the appointment of supervisors, school managers and principals is governed by the Education Ordinance (Cap. 279). Under the Ordinance, all school managers have to register with the Director of Education (D of E), and the appointment of supervisors and principals has to be approved

by the D of E<sup>(Note)</sup>. The D of E may refuse to register a school manager/approve the appointment of a supervisor or principal on a number of grounds (for example, the candidates concerned are not considered to be fit and proper persons to be entrusted with such responsibilities). The D of E may also cancel the registration of a school manager or withdraw his approval for appointment of a supervisor/principal for various reasons, such as failure to perform duties satisfactorily.

Apart from the above, in appointing the principal of an aided school, the school management committee (SMC) is required to comply with the relevant provisions of the Codes of Aid. For example, the candidate has to possess the relevant qualifications and experience required.

As more and more responsibilities are devolved to schools, there is a need to increase the transparency and accountability of SMC in their decision-making process (including appointment matters) and the use of public funds. In this connection, we are now devising a school government framework to further involve key stakeholders in the decision-making mechanism. This is done by enhancing the representativeness of the SMC by introducing parent and teacher representatives and independent members to the Committee. Under the framework, we also propose that the selection of principal should be made by an independent selection committee comprising the school SB and SMC member. A more transparent and accountable SMC under the proposed framework will enable closer monitoring of school managers' performance and help ensure fairness in appointment matters. We will introduce legislative amendments to the Education Ordinance later this year to give legal backing to the framework.

To better support school managers and principals to perform their roles, the Education Department (ED) will also issue a "Guide to the Selection and Professional Development of Principals" and "School Managers' Handbook" in the 2001-02 school year. The publications will provide reference to school SBs as well as SMCs on, amongst others, selection of managers and principals.

As regards the handling of complaints about unfairness in selecting school managers, supervisors and principals, due investigation will be conducted by the ED. Should a complaint be substantiated, the Department will consider

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<sup>(Note)</sup> Under the Education Ordinance, the school management committee has to recommend a supervisor and principal for the D of E's approval.

necessary follow-up actions to rectify the situation, including the cancellation of registration of school managers or the withdrawal of approval for appointment of supervisors/principals as provided for under the Education Ordinance. It would however be inappropriate to comment on individual cases.

### **Supply and Demand of Hostel Places for Mentally Handicapped**

18. **MR CHEUNG MAN-KWONG** (in Chinese): *Madam President, regarding the demand and supply of hostel places for the moderately and severely mentally handicapped, will the Government inform this Council of:*

- (a) (i) *the respective numbers of persons assessed to be moderately mentally handicapped or severely mentally handicapped;*
  - (ii) *the respective numbers of additional hostel places for moderately and severely mentally handicapped persons; and*
  - (iii) *the numbers of mentally handicapped persons aged above 15 who could not be admitted to the hostels and continued to attend special schools*
- in each of the past five years;*
- (b) *the longest and average waiting time for admission to the hostels in the past five years; and*
  - (c) *the measures in place to increase hostel places in the near future?*

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

- (a) (i) For planning purposes, a moderate degree of mental handicap is defined as attainment of intelligent quotient (IQ) level 35-40 to 50-55 whereas for severe degree of mental handicap, the attainment of IQ level ranges between 20-25 to 35-40. This definition is in line with that adopted by the American Psychiatric Association in its Diagnostic and Statistical

Manual of Mental Disorders and is used in the compilation of the Hong Kong Rehabilitation Programme Plan.

Under the present system, various government departments and statutory bodies (including Department of Health, Education Department, Social Welfare Department and Hospital Authority) perform assessments on persons who might be mentally handicapped seeking different services for different needs. Individuals may therefore undergo different assessments at different times in their lives. As such, we do not have comprehensive statistics on the number of persons assessed as moderately or severely mentally handicapped in any one year.

- (ii) The number of additional residential places in hostels provided for moderately and severely mentally handicapped persons over the past five years is as follows:

| Number of Additional Places  |                |                |                |                  |                |              | <i>Total<br/>Current<br/>Provision<br/>(as at 1<br/>April 2001)</i> |  |
|--|----------------|----------------|----------------|------------------|----------------|--------------|---|--|
| <i>Service Type</i>  | <i>1996-97</i> | <i>1997-98</i> | <i>1998-99</i> | <i>1999-2000</i> | <i>2000-01</i> | <i>Total</i> |   |  |
| Hostel for Moderately<br>Mentally Handicapped<br>(HMMH)  | 125            | 150            | 0              | 50               | 250            | 575          | 1 744   |  |
| Hostel for Severely<br>Mentally Handicapped<br>(HSMH)  | 13             | 450            | 100            | 150              | 72             | 785          | 2 365   |  |
| Care and Attention<br>Home for Severely<br>Disabled Persons<br>including Mentally<br>Handicapped<br>(C&A/SD) | 50             | 100            | 0              | 0                | 0              | 150          | 490   |  |

- (iii) We do not have information on the number of mentally handicapped persons aged 15 or above who could not be admitted to hostels but who continued to attend special schools. In the 2000-01 school year, only 11% of mentally handicapped students attending special schools were boarders. In most cases, students leaving special schools attend skills centres for vocational training or are referred to day service providers such as sheltered workshops, day activity centres and so on.

For Members' information, the number of mentally handicapped persons aged over 15, who are on the waiting list for a residential hostel is as follows:

| <i>Service Type</i> | <i>As at March 2001</i> |
|---------------------|-------------------------|
| HMMH                | 1 301                   |
| HSMH                | 1 661                   |
| C&A/SD              | 325                     |

Under the Social Welfare Department's Central Referral System for Rehabilitation Service, documentary evidence of the condition of the applicant is not required at the time of application for residential places. An assessment is only made at the time the application is processed (that is, when a residential place becomes available). These statistics need to be seen in the context that most carers of mentally handicapped persons prefer to look after them at home. However, many carers put these individuals on the waiting list for a residential place, as a contingency in case they are no longer able to look after them.

- (b) As regards the waiting time, the average for hostel places for the mentally handicapped over the past five years is:

| <i>Service</i> | <i>Average waiting time</i> |                |                |                |                |
|----------------|-----------------------------|----------------|----------------|----------------|----------------|
|                | <i>Months</i>               |                |                |                |                |
|                | <i>1996-97</i>              | <i>1997-98</i> | <i>1998-99</i> | <i>1999-00</i> | <i>2000-01</i> |
| HMMH           | 72                          | 60             | 35             | 54             | 42             |
| HSMH           | 47                          | 64             | 58             | 49             | 52             |
| C&A/SD         | N.A.                        | 17             | 12             | 8              | 25             |

Under the present system, an applicant may indicate his or her preference for a particular hostel. As a result, an applicant may have to wait longer than others if no vacancy is available in the preferred hostel.

- (c) To meet the demand for residential hostel places, we have secured resources to provide an additional 1 400 places for moderately and severely mentally handicapped persons over the next five years. Immediate improvements in 2001-02 include the provision of 160 HSMH places, 80 HMMH places and 50 C&A/SD places.

In addition, the Financial Secretary, in his 2001 Budget speech, has committed an additional \$30 million a year to provide additional community support services for the disabled and their families. This together with other non-residential services, will contribute towards strengthening support services for mentally handicapped persons and their families and facilitate the provision of enhanced community-based support services, to enable carers who are able to look after mentally handicapped persons in the home setting.

### **Broadcasting of Audio-visual Programmes on Buses**

19. **MR ALBERT CHAN** (in Chinese): *Madam President, regarding the regulation of the installation of audio-visual facilities and the broadcasting of audio-visual programmes on buses by franchised bus companies, will the Government inform this Council of:*

- (a) *the number of complaints received from bus passengers last year about the nuisances caused by these programmes and the follow-up actions it has taken; and*

- (b) *the reasons for allowing the Kowloon Motor Bus Company (1933) Limited and the Citybus Limited to install audio-visual facilities and broadcast audio-visual programmes on buses; and whether it plans to step up regulation in this respect?*

**SECRETARY FOR TRANSPORT** (in Chinese): Madam President, the introduction of audio-visual broadcasting on buses is an initiative of the bus companies to provide infotainment programmes as their continued efforts to enhance the quality of their services to passengers. In allowing the introduction of such initiative, the Transport Department has taken into account the results of the passenger opinion surveys conducted by the bus companies which indicated that the majority of interviewees welcomed the broadcasting, and the consideration that the broadcasting equipment is being used as a platform for research into the feasibility of introducing Global Positioning System to further enhance the quality of bus services by enabling the provision of real-time passenger information and better fleet management.

The bus companies started broadcasting audio-visual programmes on some of their buses in November 2000. Up to the end of April 2001, there are a total of 2 000 buses providing such service.

During the six-month period between November 2000 and April 2001, the Transport Department and the Transport Complaints Unit received 281 complaints on the broadcasting of these programmes. Most of the complaints were about the volume of the broadcasting inside buses. The Transport Department has taken follow-up actions with the bus companies to address the cause of the complaints. As a result, the bus companies have implemented the following improvements:

- lowered the volume of the broadcasting;
- used a compressor to ensure that the variations in pitch are within a narrow range; and
- designated a quiet zone on the left side of the lower deck of the bus where the speakers are turned off.

According to the results of a survey commissioned by a market research group which were released to the press recently, the majority of respondents were actually in favour of the broadcasting.

The bus companies will conduct regular passenger opinion surveys and introduce further improvements where appropriate in the light of passenger feedback. At the same time, the Transport Department is developing guidelines on audio-visual broadcasting on buses in the light of experience. It will also continue to closely monitor the situation.

### **Services for Young People at Risk**

20. **MR LAU KONG-WAH** (in Chinese): *Madam President, regarding the services provided to young people at risk, will the Government inform this Council of:*

- (a) *the average number of young night drifters (YNDs) approached for the first time by each outreaching social work team or integrated team in each month, as well as the effectiveness of such outreaching social work service and the difficulties encountered; and*
- (b) *the details of and the resources allocated for counselling service provided to the young people subject to supervision under the Police Superintendent's Discretion Scheme (PSDS) in various districts?*

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

- (a) Social workers serving YNDs provide services to meet their individual needs, publicize available welfare services and encourage them to seek assistance when the need arises.

A pilot project to set up Youth Mobile Teams (YMTs) for YNDs was completed in 1999. Based on the data obtained from the two YMTs set up, 10 277 YNDs were identified over a period of 16 months. Of these, 4 713 (46%) were assessed to have no need for service; 1 905 (19%) were assessed either to have no immediate



need for service or they were already receiving service from other social workers during the day; 2 182 (21%) were assessed to be in need of service but declined receipt; and 1 477 (14%) received services from the YMTs.

Since completion of the project, many outreach social work teams (OSWTs) and integrated teams (ITs) have extended their service hours to serve YNDs. At present, they are not required to provide statistics on YNDs.

In 2001-02, the Administration has earmarked additional recurrent resources to strengthen the manpower provision of 18 ITs (with an addition of one Assistant Social Work Officer and two Social Work Assistants each) to provide targeted services to YNDs. Non-governmental organizations will be invited to apply to take up the new service. We expect the new service to commence operation in August 2001.

To evaluate their performance and service effectiveness, the ITs, to which additional resources will be allocated, will be required to submit statistical returns on both output and outcome indicators. These will include the number of YNDs contacted and served, the number of referrals made to existing welfare service operators, the percentage of YNDs who continue to receive mainstream services after a period of time and the percentage of YNDs who after receiving service continue in education or employment. An independent study will be carried out to evaluate service effectiveness.

The difficulties encountered include identifying YNDs and establishing links with them given the highly mobile nature of YNDs and the reluctance of some to come forward to receive services.

- (b) At present, \$6.9 million is allocated to non-governmental organizations to operate two Community Support Service Scheme (CSSS) teams, which serve young people cautioned under the PSDS in the Hong Kong and New Territories West Regions. With a view to reducing the likelihood of their re-offending, services including individual and family counselling, education and vocational

guidance, group activities and volunteer service activities, are provided. In 2000-01, 1 187 cases were served by the two CSSS teams.

In 2001-02, we have earmarked additional recurrent resources of \$4.1 million to extend the service scope of three selected Integrated Teams (one in East Kowloon, West Kowloon and New Territories East Regions) to provide CSSS services for PSDS cases in those regions. This integrated mode of service delivery is considered more desirable and cost-effective. With the additional resources, we will achieve full coverage of CSSS services over the territory.

## **BILLS**

### **First Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: First Reading.

### **MESSAGE ESTABLISHMENTS (AMENDMENT) BILL 2001**

**CLERK** (in Cantonese): Massage Establishments (Amendment) Bill 2001.

*Bill read the First time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.*

### **Second Reading of Bills**

**PRESIDENT** (in Cantonese): Bills: Second Reading.

### **MESSAGE ESTABLISHMENTS (AMENDMENT) BILL 2001**

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I move that the Massage Establishments (Amendment) Bill 2001 be read the Second time. The object of the Bill is to narrow down the scope of control of massage establishments to those premises offering full-body massage by persons to

customers of the opposite sex and to allow massage establishment licences to be renewed for two years subject to certain conditions.

The Massage Establishments Ordinance was enacted in 1983 with the primary objective of controlling vice activities in massage establishments through licensing. In recent years, a myriad of massage services have flourished which include foot massage, massage in spa, health clubs, beauty parlours and so on. We have received a number of complaints from massage operators, especially foot massage operators, that the licensing control is unnecessary and too stringent for them. Since the primary objective of the licensing scheme is to combat vice activities in massage establishments, it is inadvisable for the Government to regulate *bona fide* massage businesses which promote health and relaxation.

In 1999, the Business and Services Promotion Unit commissioned a consultancy study to review the Ordinance and the related regulatory controls exercised by the police. The consultant pointed out in particular that the present scope of control is too wide, thus unnecessarily regulating and inhibiting the growth of *bona fide* massage businesses that do not appear to be prone to vice activities.

As a result of the review, we propose to narrow down the scope of control of massage establishments. It is proposed that only massage establishments offering full-body massage to customers of the opposite sex will be required to obtain a licence. Full-body massage is defined as a massage treatment provided to a person covering that part of the body between the neck and the knees. In other words, should this proposal be adopted, those premises where only face, scalp, neck, hand, arm or foot massage is administered to customers, or where no full-body massage is administered to a customer by a person of different sex, may operate without a massage establishment licence.

According to the enforcement of the police, vice activities are not commonly found in foot massage establishments or spa and health clubs where full-body massage services are provided to customers by massage assistants of the same sex. The narrowing down of the scope of control would promote the development of these kinds of massage businesses.

Another proposal of the Bill will facilitate the business operation of those massage establishment which are required to continue to obtain licences. The current licensing regime requires a licence to be renewed each year. It is proposed that renewal may be granted for an extended period of two years if the licensee has not breached any licensing conditions during the preceding licensing period. However, should any adverse record be found, the licensing period may be reduced to one year upon the next renewal. We believe that this arrangement will facilitate the operation of massage establishments.

A public consultation exercise was conducted from February to March 2001 on the relevant legislative amendment proposals. The vast majority of comments received support our proposed legislative amendments. We also consulted the Legislative Council Panel on Security at its meeting on 3 April 2001. Members did not object, in principle, to the proposed legislative amendments.

We believe that the proposals we have worked out following extensive consultation and studies can strike a proper balance between the need to control vice activities and not inhibiting *bona fide* massage businesses. Therefore, I hope that the Bill can receive the support of Members.

Madam President, I so move.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Massage Establishments (Amendment) Bill 2001 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill referred to the House Committee.

### **Resumption of Second Reading Debate on Bill**

**PRESIDENT** (in Cantonese): We will resume the second reading debate on the Telecommunications (Amendment) Bill 2001.

**TELECOMMUNICATIONS (AMENDMENT) BILL 2001****Resumption of debate on Second Reading which was moved on 14 February 2001**

**PRESIDENT** (in Cantonese): Mr James TIEN, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

**MR JAMES TIEN:** Madam President, the Bills Committee on Telecommunications (Amendment) Bill 2001 has completed its deliberations on the Bill.

The Bills Committee held six meetings, met the Administration, the 3G consultants and the industry. The Committee received a total of 10 written submissions.

There are three major points of discussion between the Bills Committee and the Administration. They are summarized as below.

Firstly, about stipulating in law that the Telecommunications Authority (TA) "shall" regard the bids offered in auction as a determining factor in granting licences. Clauses 2 and 3 of the Bill expressly provide that, in determining applications for the licence and the assignment of spectrum frequency, the TA "may" regard the bids arising from the method of auction and so on as a factor in the granting of licences. Some members have pointed out that the clauses will give discretion to the TA to regard or disregard the bids on licence fees as the only determining factor in issuing licences. In response, the Administration explains that the use of the word "may" in the primary legislation is appropriate. There will be provisions in the subsidiary legislation with regard to the third generation (3G) licensing exercise. Both subsidiary legislation and primary legislation have the force of law in Hong Kong. It would be *ultra virus* for the TA to contravene provisions of the subsidiary legislation. At the Bills Committee's request, the Administration has agreed to give an undertaking in this Council that the TA is bound by the provisions of subsidiary legislation, and in the case of the 3G licensing exercise, the TA must regard the bids arising from auction as the determining factor in granting the licences.

The second point is about the Secretary for Information Technology and Broadcasting and the TA to be subjected to the statutory obligation of consulting the industry. Clause 4(a) provides that the Secretary will prescribe by regulation the level of spectrum utilization fees, or the method for determining the spectrum utilization fees. Clause 4(b) also empowers the Secretary to specify the minimum amount of the relevant fee, and the TA to specify the terms and conditions of auction. The Bills Committee asks the Government whether it should be written down in the law that the Secretary and the TA should consult the telecommunications industry and the relevant parties before they exercise such powers. In response, the Administration points out that the Secretary is required to table the regulation, together with the TA's order to designate the relevant frequency band, for the scrutiny of the Legislative Council. Section 6C of the existing Telecommunications Ordinance has already required the TA to consult affected persons and the public before he exercises his powers under the Ordinance. However, the Administration has agreed to give an undertaking in this Council that the Government will consult the relevant parties on the important principles of the terms and conditions of auction before the relevant terms and conditions are published in the Gazette.

The third point is about whether there will be substantial injustice to a licensee if his licence is cancelled or suspended by the Chief Executive in Council on the ground of "public interests". Clause 5 provides that when the Chief Executive in Council considers whether to exercise his powers of cancelling or suspending a licence on the ground of public interests, the fees already paid by a licensee should not be a relevant consideration factor in such determination, and that any spectrum utilization fee already paid will not be refunded upon licence cancellation or suspension. In response to the question raised by the Bills Committee as to whether this could work substantial injustice to the licensee, the Administration points out that the exercise of the power is subject to safeguards including representation by the licensee and judicial review. The Administration agrees to give further consideration regarding whether it should be clearly spelt out in the legislation the circumstances under which "public interests" could be invoked to cancel or suspend a licence, and to inform the Panel on Information Technology and Broadcasting of its deliberations in this respect in six months' time.

Apart from the above three major points, the Bills Committee has also considered and supported the Committee stage amendments proposed by the Administration.

**MR SIN CHUNG-KAI** (in Cantonese): Madam President, we support the passage of this Bill. During the deliberations of the Bills Committee, a rather controversial point was the word "may" in the report. The context is that the Telecommunications Authority (TA) shall comply with the result of the auction in issuing licences. However, the word used in the present legislation is "may" instead of "shall". Of course, according to the Government's explanation of the clause, the word "may" in the present legislation is adequate as there will be provisions in the subsidiary legislation for dealing with cases.

I would like to talk about the question of the policy. I hope the Secretary can make a clear statement in her reply later on. If the Government chooses the candidate to whom a licence will be issued by way of auction, the result of the auction should be the only determining factor, that is, the result of the auction is the only basis on which the Government makes its choice. Does the use of the word "may" in the present legislation imply that other factors will be considered? I hope the Secretary could clarify this later on.

Madam President, the progress of issuing third generation (3G) carrier licences in Hong Kong has been slower than in other regions. Initially, we hoped that licences could be issued in the middle of this year. As I recall, the Government conducted the first round of consultation early last year, while the second round of consultation was conducted at the end of last year. During the first consultation, the Government was inclined to choose the operators for the issue of licence through a method somewhat like a "beauty pageant". However, during the second consultation, the Government turned around 180 degrees and substituted the "beauty pageant" with the auction method. This is probably because the auction results in a number of European countries, such as Britain and Germany, in the first and second quarters last year had brought substantial revenues to their treasury. During the past year, the entire telecommunications market underwent drastic changes. Recently, the chairman of the British Telecom had to resign due to the drastic fall of its share prices. The market has been volatile indeed.

Since there is a need for the Government to issue the licences, the Legislative Council has to pass this law to provide an adequate legal basis for the Government's licensing exercise. At present, the Legislative Council is scrutinizing the relevant legislation. This Saturday, we will continue to scrutinize its subsidiary legislation. I hope that when the Government designs the method of auction, it will review the objectives of adopting the mechanism of auction and ensure the fair selection of four operators participating in the bidding.

As to whether the Government's objective should be to maximize revenues, given the present fiscal resources, the Government should rather consider how to develop an industry that can take root in Hong Kong, as well as taking into account future consumer interests and the overall interests of society. If after the passage of the law the Government decides to issue the licences by way of auction, such auction should be conducted in the overall interests of society, and not in the interests of the Government's revenue. Of course, the Government has repeatedly explained that the purpose of holding auctions is to select four winners fairly instead of maximizing revenues. I just hope the way the Government conducts the auctioning will be consistent with its policy.

However, the subsidiary legislation the Government is drafting reflects a split between body and soul. The Government explains that the spirit of auctioning is to select four operators fairly. But if the auctioning method in the subsidiary legislation now being drafted is adopted, it will certainly bring a huge revenue to the Treasury. I am not against the Government having more revenue, but is the revenue that necessary? In the long run, what good will it do to the industry — we are not just talking about a few operators — and the whole community? How can it promote information technology and further consumer interests?

The Government's proposal to adopt the bids of the fourth or the fifth withdrawing bidder aroused much controversy among members of the Bills Committee. In the auctioning process, after the fifth bidder leaves, four operators will remain and the policy objective of fairly selecting four operators will have been achieved. But if the Government continues to auction in the "dark room" after four operators are left, so that only three operators will remain and the price offered by the fourth withdrawing operator is adopted as the minimum fee for the licensing exercise, it would be no longer fair in my view. This is much more complicated. But on the whole, I hope the Government understands that according to the European experience, a huge increase in the Government's revenue might mean large debts for the telecommunications operators. It might even slow down the roll-out of the 3G mobile services ultimately. The Hong Kong experience has shown that the competitiveness of the Hong Kong telecommunications industry lies not in the provision of facilities or development facilities, but in the area of application.

If the 3G mobile services are well run and they can be rolled out and widely applied at an earlier date, Hong Kong will be able to develop many new technology industries. We can even provide the technology and experience in



this area to other regions. The licences for 3G mobile services can only be issued in September at the earliest. We are lagging behind our neighbouring regions, such as Singapore. Therefore, it is important for the Government to expedite licensing and offer the operators of 3G mobile services a chance to survive. This is also important if Hong Kong is to become an information centre in future. Thus, the Government should look more at the long term and not be shortsighted. I hope the Government could reconsider the question of adopting the price of the fourth or the fifth withdrawing bidder to see if it is good for Hong Kong in the long run.

I am also in favour of the creation of a level playing field by the Government to ensure that the auction can take place smoothly, instead of converting it into a profit-making avenue. The Government should also consider one other question. If the four operators make a profit in future, they will have to pay taxes under the Hong Kong taxation system, just like other local companies. Besides, the telecommunications industry is labour intensive. If those in the industry can exploit the opportunity to develop into mobile virtual network operators (MVNOs) in future, many job opportunities and other development opportunities could be created.

Thus, I hope the Government will not be tardy, but will complete the licensing in a timely manner. It should also reserve some room for the operators to develop. The Democratic Party supports this Bill. Thank you, Madam President.

**MR YEUNG YIU-CHUNG** (in Cantonese): Madam President, the Democratic Alliance for Betterment of Hong Kong (DAB) looks forward to the early commencement of 3G mobile services in Hong Kong. In terms of the licensing timetable, Hong Kong has already lagged behind some countries. In recent years, Hong Kong has been increasingly challenged by the economies of other countries in the Asian region. In terms of the development of information technology, the adequacy of its investment in hardware and manpower training has been questioned. In designing the licensing of third generation (3G) mobile services, the Government has a duty to assist in such development. This Bill which amends the Telecommunications Ordinance empowers the Government to issue licences. Apart from providing for the method of licensing, this amendment bill also sets down some rules to prevent participants from cheating, such as providing for the forfeiture of fees and the guaranteed minimum payment and civil liability, in anticipation of problems that may arise in the licensing exercise.

This Amendment Bill mainly spells out clearly the respective roles and powers of the Secretary for Information Technology and Broadcasting and the Telecommunications Authority (TA) to tie in with the novel licensing method. The Administration has finally adopted a hybrid method "combining a pre-qualification exercise with public auctioning" and will issue four 3G licences "based on royalty payment, subject to a guaranteed minimum payment". The provisions as amended spell out the respective powers of the Secretary and the TA. The majority of the amendments deal with the question of licence fees, including the method of determining and calculating the fees, the method of payment and rules on penalty and so on.

However, the bidding procedures which are the key to the auction are still under discussion. The industry is particularly concerned about at what stage the auction will end and whether it will end until the fourth bidder decides to withdraw. In the DAB's view, apart from ensuring fairness and the proper allocation of spectrum, the bidding procedures should also take consumer interests into consideration. The Government should not adopt any details that would be highly detrimental to consumer interests later on.

On behalf of the DAB, I support the amendments made by the Government to the principal legislation of the Telecommunications Ordinance. Thank you, Madam President.

**MR HOWARD YOUNG** (in Cantonese): Madam President, as a member of the Bills Committee on this Bill and the speaker of the Liberal Party on information technology, I support the passage of this Bill through three Readings.

Actually, the relevant principal legislation may be said to have paved the way and laid the foundation for the auctioning, while other details may be dealt with in the subsidiary legislation. The auctioning of spectrum is something new in Hong Kong. It is also considered quite new throughout the world. Some time ago, the first of such kinds of auctions took place in Britain and brought a huge revenue to its treasury. This has indeed opened up new vistas. However, some recent reports make me rather worried. For instance, yesterday's papers reported that some spectrum auctions took place in Europe with a lot of participants. But after some companies paid to participate in the auctions, their share prices fell sharply to below the level before the auctions. Other companies only consider what to do with the spectrum after winning. I wonder how these companies are going to recover their cost in future.

Of course, both the Government and Legislative Council Members should safeguard public interest by ensuring that public money is spent properly and that the treasury could have a substantial revenue. However, we should also strike a balance and not focus on how much the Government can earn from auctions, because this may have side effects in the long run. Recently, I have noted that Japan is deferring many plans in this respect and Singapore is also postponing its plans. In my view, the issue of third generation (3G) licences would open up new modes and new opportunities not only in information technology in Hong Kong, but also in telecommunications, entertainment and education. It will encourage a lot of developments. I wish to see competition in this market in future and hope that companies which participate in the competition will stay stably in business in the long term.

On other occasions, Mr Kenneth TING has a lot to say at the mention of shippers or container terminals. He always complains that the fees of Hong Kong's container terminals are the highest in the world. But the reason for this is that the Hong Kong Government has always adopted a policy of awarding contracts to the highest bidder in the container terminal business, or merely provides waterfront land for the operators to carry out reclamation themselves. It allows the industry to make money through different ways and means, while the treasury will stand to profit. These companies cannot spare any cost in setting up their business. Since they have paid a high price to start with, they cannot afford to give consumers any advantages, because even if they do not plan on making a profit, they have to recover the cost of interest. I believe we should learn a lesson from this business. In future, assuming that four operators win the 3G licences and start their services, if two of them have to wind up their business after several years, only two operators will remain to provide services and it is very likely that they will monopolize the market. By that time, if consumers complain about the high service fees, those companies or even the Government would say that the licences were won by the highest bidders in an auction conducted in the free market. Since the relevant companies were willing to pay, the Government would not interfere. The setting of the fees scale is their own business. However, such a scenario will hamper the development of Hong Kong.

That is why I quite agree with what Mr SIN Chung-kai and Mr YEUNG Yiu-chung have said. When we scrutinize the subsidiary legislation, we have to pay special attention to the bids made by the fourth and fifth withdrawing bidder. I have pondered the issue of the fourth and the fifth withdrawing bidder, and

found it quite a novel idea. But my feeling is that the auction should be over. What the Government is considering is to keep the bids secret from the remaining bidders, so that they will continue to struggle with each other and to bid with high prices. This will give people the impression that the Government is trying to squeeze every penny out of the bidders fighting for a place. However, the Government should also consider whether or not these companies which participate in the auction can stay in business later on.

Economic integration is a global event. Hong Kong is not a very large market and the spectrum won by the four companies which obtain their licences through auction can only be used in Hong Kong. We must take into account the fact that the auction is conducted not just to create a good business environment and foundation to develop this industry. We must also remember that the fees for the services later on will be paid by consumers. We hope that when Hong Kong people enjoy 3G communications in future, they can have a wide choice and the technology can be fully developed, while the fees should not be higher than those in our neighbouring regions. Only this would be in the best interests of the whole community.

I so submit.

**MR DAVID CHU** (in Cantonese): Madam President, on behalf of the Hong Kong Progressive Alliance (HKPA), I support the passage of the Telecommunications (Amendment) Bill 2001 and the relevant Committee stage amendments.

In the HKPA's view, the Bill should be able to provide a more solid legal basis for the Telecommunications Authority to specify the terms and conditions of an auction and tender for spectrum auctioning, including the issue of licences for third generation (3G) mobile services by a hybrid method with a "pageant style" pre-qualification exercise followed by spectrum auctioning. This hybrid method of licensing is a new attempt. It could effectively ensure that operators eligible for bidding are able to set up a qualified service network within the specified timetable after obtaining the licences. At the same time, it could give full play to the spirit of fair and open competition.

The HKPA hopes that the Administration can issue licences to the successful candidates to operate the 3G mobile services in the middle of this year

as scheduled, so that Hong Kong, as an international information centre, will not lag behind other advanced countries in terms of the use of 3G mobile services. It will also allow consumers and the business and professional sectors to benefit from a market with open and fair competition.

With these remarks, Madam President, I support this amendment on behalf of the HKPA.

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

**MISS EMILY LAU** (in Cantonese): Madam President, I rise to support the resumption of the Second Reading of the Telecommunications (Amendment) Bill 2001.

Earlier, Mr SIN Chung-kai said that the Secretary or the Administration changed their stance by turning around 180 degrees, because during the first round of consultation, the Administration was in favour of a "beauty pageant-like" selection. The auction was later proposed. Madam President, I wish to state that I am very much in favour of the auctioning method. In my view, a spectrum is a scarce resource and should not be handed over to certain business groups unconditionally. If the Government were to choose instead of using the method of auction, I am sure Madam President can guess what the result will be. The Administration will certainly come under attack, because we all know that no matter whether the Government adopts the method of auction or gives the spectrum away, certain people are bound to obtain the licences. I have noted that other countries have derived substantial revenues from auctioning 3G licences. But some members of the industry told us afterwards that the bidders in the auctions had lost their reasoning and some companies which had participated in the auctions came under tremendous pressure later on. I understand this perfectly. I am sure that after these auctions, many people in the industry have sobered up and will not bid recklessly any longer. The Administration came up with this solution after studying the issue fully. I very much support it. I believe members of the industry will assess first their capability, such as whether they have sufficient capital, how important the licences for third generation (3G) mobile services are for the development of their business and why should they participate. Members of the industry will no doubt consider the above factors.

I also support the Government's proposal to adopt the price offered by the fourth withdrawing bidder. Madam President, we are not debating this question today. I am sure you are aware that we have tried our best to accommodate the Government. Before the gazettal of the relevant subsidiary legislation, we have already set up a Subcommittee, which will meet at 9 am this Saturday to listen to the views of the industry. But since so many colleagues have spoken, I must also speak in order that all the views could be heard. In my view, spectrum is extremely scarce and must not be sold cheaply. We could push the price up and see how much the bidders are willing to pay by letting the auction continue until the fourth highest bidder decides to withdraw. Then the Government can ask him to return and tell him that his bid is also successful. In my view, this is not a bad idea.

However, Madam President, you also heard many colleagues say just now that it would be better to adopt the price offered by the fifth bidder who withdraws. Needless to say, the difference between the fourth and the fifth withdrawing bidder is that the price offered by the fifth bidder who withdraws is lower. If the price offered by the fourth bidder who withdraws is adopted, the fee will certainly be higher. Some Members say that we should not try to squeeze every penny out of them. I hold a different view. However, I am quite prepared to be open-minded and to listen to the views of the industry (the industry would no doubt think that the lower the price, the better) and the views of the public. Although our fiscal reserves now stand at over \$400 billion, it is still correct for the Government to make more money. But I also think that the Government should spend public money where spending is justified.

In my view, today is not the proper time to discuss the details, since we can still discuss them when the Government submits the subsidiary legislation. But since so many colleagues have expressed their views, I have to express mine too, lest that people think that Members are unanimously of the view that the Government's proposal to adopt the bid of the fourth bidder who withdraws has no support. I believe we should listen more to the views of members of the public and decide whether it is better to adopt the bid of the fourth or the fifth bidder who withdraws from the point of view of public interest. If the bid of the fourth bidder who withdraws is to be adopted, does it mean we are squeezing every penny out of the operators, so that they will have no capital for further development? I am not so sure. In my view, everybody knows how many people will participate in the auction and what bids they can offer. Madam President, everyday, we read from all kinds of reports that the market is very

quiet. But even so, I support the auctioning of the spectrum. As the Secretary said, if there are only four bidders, there would be no need to carry out the auction. They could each be allocated a licence.

Another point I wish to make is that the auction process must be open, fair and highly transparent. This would pose a challenge to the Secretary, since she has to balance the interests of the various sides. She wishes to keep the number of bidders in the auction confidential. At the same time, she wants to protect the interests of small companies. Thus, she intends to conduct the auction in a "dark room". But this may cause problems. Many people know what an auction is like. In land auctions in Hong Kong, all the bidders raise their hands in their seats to bid. But if the auction takes place inside a room, we would not know who have raised their hands to bid and what bids they have made. In my view, this will tarnish Hong Kong's image and may lead to disputes afterwards. With regard to the Bill now in its Second Reading, the Secretary have pointed out that the Government wishes to clarify some points in view of the many lawsuits after the auctions took place in Europe. I agree with this. I also do not wish to see disputes arise later on because of problems in the auction process. This is not a good thing.

Madam President, lastly, I wish to explain a little why we were so furious at that House Committee meeting. As I said, we had been working very hard. But at that meeting, some journalists asked the Secretary why the auction scheduled to take place in June was postponed to September or October, which gave the impression that Legislative Council Members had caused the delay because they worked so slowly. It is true that the Secretary later clarified that no one was blaming the Legislative Council Members. I am sure everyone knows we have tried our best to work as fast as possible. Here, I must reiterate that Members are trying very hard to support the Government's work. But sometimes, the Government presses us to scrutinize bills hastily because it is in a hurry to pass certain legislation, and ends up more a hindrance than a help. This time, the Secretary expressed that there was no other alternative. However, I hope that the Bureau Secretaries can give the Legislative Council more time to scrutinize bills in future. They should not submit the bills to the Legislative Council and urge the Council to scrutinize them first, saying that they are very urgent, even though they have not yet been gazetted. This will impose a lot of pressure on Members. If any errors are to be made because of the haste, I believe both the Legislative Council and the executive authorities will be blamed. I hope the Bureau Secretaries will not put us in such a difficult position

again in future and that the executive authorities will understand that Members need to be given ample time to scrutinize complex laws.

With these remarks, I support the resumption of the Second Reading.

**MR LAW CHI-KWONG** (in Cantonese): Madam President, I will only make a brief speech. In my view, there is one thing we have to face up to in our discussion. The spectrum is not something for somebody to bid successfully in an auction and then assume its ownership, the spectrum is a public property.

Today, we are going to pass a piece of legislation basically to regulate the spectrum effectively through certain means. The purpose of allocating the spectrum to certain operators is to enable the public to use the spectrum more effectively. This is the spirit of this law. We are not enacting a piece of legislation to auction the spectrum and allow some people to own it. I hope Members will not have this misconception.

If we entrust such a scarce resource to a group of operators, they should not regard it as their own property. They are only the so-called "agents". We are only providing the means for the public to use this public resource more effectively and not selling it to anybody. Thank you, Madam President.

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

(No Member responded)

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, I move the resumption of the Second Reading debate on the Telecommunications (Amendment) Bill 2001.

The Telecommunications (Amendment) Bill 2001 seeks to amend the Telecommunications Ordinance, with a view to providing a firm legal basis for the third generation (3G) mobile services and any future licensing exercises involving the payment of spectrum utilization fees. I am very grateful to the Chairman of the Bills Committee, Mr James TIEN, and other members of the Bills Committee for their efforts and co-operation. They have provided many



valuable suggestions on the Bill and reached a consensus to support the resumption of the Second Reading debate on the Bill. On the basis of the full co-operation and support of the Bills Committee, the Legislative Council has formed a Subcommittee to scrutinize the relevant subsidiary legislation, and agreed that the Subcommittee will start scrutinizing the subsidiary legislation tabled by the Government in the hope that the deliberations will be completed within this legislative session. I must express my heartfelt gratitude for these special arrangements and Members' understanding. If the Bill and the relevant subsidiary legislation are passed, we plan to launch the spectrum auctioning for the 3G mobile services in September this year, so that Hong Kong, like other advanced countries, will be able to enjoy the new 3G mobile services over time.

Having listened to the valuable views of the Bills Committee, we will move a number of amendments, and I will explain them to Members in the Committee stage later on. Here, I wish to respond to three points made by the Bills Committee.

The newly added sections 7(12) and 32H(6) as proposed in the Bill seek to provide clearly that the Telecommunications Authority (TA) may be empowered to regard the fees arising from the auction, tender or other methods as a determining factor in issuing licences or allocating spectrum. The purpose is to stipulate clearly the relevant considerations of the TA in exercising his power and to remove possible uncertainties arising from a spectrum auction or tender. At the meetings of the Bills Committee, members asked whether amendments should be made to the Ordinance to the effect that the TA, in a spectrum auction, must regard the spectrum utilization fees as a determining factor in issuing licences. As we have explained to the Bills Committee, sections 7(12) and 32H(6), to which amendments are proposed by the Telecommunications (Amendment) Bill 2001, are general empowering provisions applicable to the 3G licensing exercise and any future licensing exercises involving the levy of spectrum utilization fees. At the request of Mr SIN Chung-kai (he is not in this Chamber now), I hereby reiterate that in the case of the 3G licensing exercise, it is expressly provided in the draft subsidiary legislation that the highest bidders in accordance with the terms and conditions of the auction will be the successful bidders. Therefore, we do not consider it necessary to propose this amendment to the primary legislation. Let me reassure Members that as a statutory body, the TA is bound by the laws of Hong Kong, including the primary legislation and the subsidiary legislation enacted for the purpose of the licences for 3G mobile services. With regard to the 3G licensing exercise, we have clearly provided in

the draft subsidiary legislation that the highest bidders in accordance with the terms and conditions of the auction will be the successful bidders. In accordance with the provisions of the subsidiary legislation together with the terms and conditions of the auction, the TA will regard the fees arising from the auction as a determining factor in issuing licences.

Moreover, the Bills Committee has given views on the level of the spectrum utilization fees or the method for determining such fees to be prescribed by the Secretary for Information Technology and Broadcasting, and also on the need for the TA to conduct consultation on the terms and conditions of the auction. In respect of the 3G licensing exercise, the TA already conducted two rounds of public consultation in March and October last year, as well as an industry workshop on the open network requirement in January 2001. In March this year, the TA conducted another consultation exercise on the rules on connected bidders and is currently studying the views of the industry. We believe the industry and the public have adequate opportunities to express their views on the important principles of the terms and conditions of the auction. Regarding future licensing exercises involving spectrum auctioning and tenders, we will also consult as appropriate on the important principles of the relevant terms and conditions. As the Chairman of the Bills Committee, Mr James TIEN, has pointed out earlier on, at the request of the Bills Committee, we have conducted further studies of the provision empowering the Chief Executive in Council to cancel or suspend a licence on grounds of public interests, and we will inform the Panel on Information Technology and Broadcasting of our deliberations in six months' time. Regarding views on auction arrangements, including whether the bids of the fourth or fifth bidder who withdraw should be adopted, we are happy to continue our discussion with Members at meetings of the Subcommittee on the relevant subsidiary legislation. In fact, these arrangements are proposed having regard for the precedents of spectrum auctioning recently. The proposed auction design should be able to achieve our objective of encouraging more operators to take part in the auction so as to enhance and maintain competition in the market, with a view to preventing collusion, minimizing market distortions and achieving effective allocation of spectrum. We believe through continuous exchanges and discussion with Members, we should be able to achieve the above objective in the interest of the public ultimately.

I wish to thank the Bills Committee again for their efforts and co-operation. Particularly, I must thank the Bills Committee for taking on board the special

arrangements proposed by us to facilitate the smooth deliberation of the Telecommunications (Amendment) Bill 2001. We look forward to working in concert with the Legislative Council after the passage of the Bill, in order to ensure that the subsidiary legislation can be passed smoothly by the end of this legislative session.

I move the resumption of the Second Reading debate on the Telecommunications (Amendment) Bill 2001. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Telecommunications (Amendment) Bill 2001 be read the Second time. 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 of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): Telecommunications (Amendment) Bill 2001.

Council went into Committee.

### **Committee Stage**

**CHAIRMAN** (in Cantonese): Committee stage. Council is now in Committee.

**TELECOMMUNICATIONS (AMENDMENT) BILL 2001**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Telecommunications (Amendment) Bill 2001.

**CLERK** (in Cantonese): Clauses 1, 2, 3 and 5.

**CHAIRMAN** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): Clause 4.

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam Chairman, I move the amendments to clause 4, as set out in the paper circularized to Members.

Let me briefly explain the amendments. The amendment to clause 4(a) is a textual amendment to the new section 32I(2)(b)(i), replacing the words "a combination of auction or tender" with "a combination of auction and tender".

The amendments to clause 4(b) seek to amend the new sections 32I(4)(a), 32I(5)(d) and 32I(9)(c) to expressly provide that the Secretary for Information Technology and Broadcasting is vested with adequate power to specify the minimum fee of the spectrum utilization fee.

After discussions with the Legal Adviser of the Legislative Council, we proposed to make textual amendments to the new sections 32I(5) and 32I(7). Amendments are also proposed to the new section 32I(10) to clearly provide that the Government will recover any outstanding spectrum utilization fees owed by a licensee as a civil debt to the Government.

*Proposed amendment*

**Clause 4 (see Annex VII)**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendments moved by the Secretary for Information Technology and Broadcasting be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): Clause 4 as amended.

**CHAIRMAN** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CHAIRMAN** (in Cantonese): Council now resumes.

Council then resumed.

### **Third Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: Third Reading.

### **TELECOMMUNICATIONS (AMENDMENT) BILL 2001**

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Cantonese): Madam President, the

Telecommunications (Amendment) Bill 2001

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Telecommunications (Amendment) Bill 2001 be read the Third time and do pass.

**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 of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): Telecommunications (Amendment) Bill 2001.

### **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. Therefore, Members please speak in accordance with the time limits on speeches. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: The 4 June incident.

### **THE 4 JUNE INCIDENT**

**MR SZETO WAH** (in Cantonese): Madam President, to forget history implies betrayal. If one can forget the 4 June incident in 1989, one can similarly forget the Cultural Revolution, the "overt conspiracy" of the anti-rightist campaign, the Nanjing Massacre, the 4 May Movement, the Revolution of 1911, the Eight-Power Allied Forces of 1900, the Opium War and so on. People are not unaware of it, they are aware of it, yet have just forgotten it, or they are pretending that they have forgotten it, and pretending that the incident has never occurred. Thus behaved, how can they be considered to be Chinese? Thus behaved, have they not betrayed the Chinese race?

To forget history implies a denial of the future. The human race has always been tapping its experience from history, from which they find ways and directions leading to a better future. To erase history from memory is to be

deprived of the lessons to be learnt from experience, and hence of the direction or ways leading to a better future. So said, there will be no progress but regression, and there will be no future.

Not long ago, I have said that I had three wishes: first, to have the 4 June incident vindicated; second, to have the Chief Executive and Legislative Council Members returned by universal suffrage; third, to have Taiwan and the Mainland peacefully reunified: to be arranged in such a sequence with an inevitable logic existing among them. The vindication of the 4 June incident will show that China is striding out its first step towards political reform and moving in the direction of democracy. Only if China is moving towards democracy will Hong Kong have democracy and the Chief Executive and legislators returned by universal suffrage. Only if the 4 June incident is vindicated and China and Hong Kong are democratized will the doubts of our compatriots in Taiwan be dispelled, the cohesion of the Chinese people be fortified, and the great cause of re-unification of both sides of the Taiwan Strait be fulfilled on a peaceful, democratic, prosperous and powerful basis.

Some people have kept saying that the 4 June incident should be left to history for a solution. Why they are not saying that the re-unification of both sides of the Taiwan Straits should be left for history to give a solution, too? History has already been erased, how then can things be left for history to solve?

Distortion of the historical facts of Japanese invasion of China by the Japanese Government indicates the potential crisis of a resurrection of militarism, which is widely opposed by all peace-loving people in the world. The compulsion on the people to erase history is a mistake by far more serious than the of distortion of history.

On 8 May this year, three volunteer workers of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance) were assaulted, arrested and charged by the police. On that occasion, they were not taking part in any public meeting or procession. They were actually quite far away from the venue of the Fortune Global Forum. People all over Hong Kong witnessed the police violence on television as the police took to nose jabbing and throat pinching; from the radio broadcast the screaming for help was clearly audible as the arrested person was stripped of his mobile phone by the police. On 12 May, the mini van of the Alliance was detained without reasonable grounds by the police and was prevented from participating in a procession. I



have reasons to suspect that all such police actions were targetted at the Alliance. For the past 12 years, the Alliance has been organizing peaceful, rational, and non-violent activities, why has it become a target of criticism in such an abnormal way recently? These are the omens of further attacks on its activities which will come by progressively; these are the omens of oppression and destruction on the commemoration of the 12th anniversary of the 4 June incident. "We should not feel conceited about the improbability of its arrival, instead we should be prepared for its arrival." Not only should we be on guard and be cautious, but we should also be steadfast and undaunted. Do not say that we have not made the warning beforehand. If the SAR Government is really going that far, it will not only be retaliated twice as hard as it strikes, but it will also have to pay a hefty price in political terms.

Madam President, I so submit and I beg to move the motion that "the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated".

**Mr SZETO Wah moved the following motion: (Translation)**

"That this Council urges that: the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr SZETO Wah be passed.

**MR LAU CHIN-SHEK** (in Cantonese): Madam President, the Sunday just past was Mother's Day. Under the May sky, while I have been thinking of my 94-year-old mother, whom I have not seen for half year, I was simultaneously remembering a great number of those family members who survived the dead in the 1989 pro-democracy movement: the wails of Tiananmen mothers have stayed on!

The well-known Prof DING Zilin of the People's University in Beijing is a typical figure of Tiananmen mothers among the surviving family members of the dead in the 4 June incident. JIANG Jielian, the 17-year-old son of Prof DING, was one of the innocent victims killed in the 4 June suppression. I believe even many outsiders like us can also feel the profound agony Prof DING has been suffering in all these long years.

Recently, Prof DING Zilin has completed an article commemorating the 12th anniversary of the 4 June incident under the title of "The Three People I Deeply Miss". In her unpublished article, Prof DING wrote, "All through these years, whenever it was the Ching Ming Festival or the anniversary of 4 June, the names of three people have always lingered in my mind: the first is my classmate in primary school, young pianist GU Shengying; the second is my schoolmate in my secondary and university days, LIN Zhao; and the third is my son, JIANG Jielian. They were people of different generations, but they all died in the same era, in the latter half of the 20th century." Among the three people whom Prof DING has been thinking of, GU Shengying the pianist committed suicide during the Cultural Revolution subsequent to a failure to put up with the humiliation; LIN Zhao was gunned down by the Chinese authority in 1968 in Long Hua Airport, Shanghai; while Prof DING's son was one of the victims in 4 June. At the end of her article, Prof DING wrote: "From 'the anti-rightist campaign' to 'the Cultural Revolution' and to '4 June', the destiny of two generations of Chinese people in the past 50 years was reflected. Amongst these people, the oldest was 36 and the youngest, 17. Some of them had hailed the birth of a 'new China', some of them had bathed in the 'sunshine, rain and dew' of the 'new China' since birth; however, they were all eventually gobbled up by this 'new China'. The only blunder they had made was to hunt for something called 'freedom' and 'dignity' in their homeland, and they had hunted in the wrong place."

One piece of dialogue in the movie "the SOONG Sisters" was rather classic, for it was said, "in the course of battles, the majority of those who got killed were men, but it was always the women who suffer most of the agony". In the course of the 4 June incident, however, I believe most of those have gone down were fervent students and enthusiastic citizens of Beijing, and undoubtedly, the most profound agony were left for family members of the dead, in particular the mothers.

In the past 12 years, family members of the dead in the 4 June incident like Prof DING Zilin have not only suffered the agony of losing their closest kin, they were also persistently persecuted by the Chinese Government, including the prohibition of holding commemorative activities in public and the restriction on external communication. In the course of it, the biggest disappointment is that the Chinese Government has neither disclosed the whole truth of the 4 June incident nor investigated the parties who should be held responsible for the massacre.

To me, what earns great respect is that despite the great grief suffered by family members of the dead such as Prof DING Zilin, they still bravely manage to rally all other family members of the dead in the 4 June massacre and staged the Mothers of Tiananmen Campaign. With great perseverance, they strenuously demanded for five things: firstly, family members of the dead should have the right to commemorate those massacre victims in public; secondly, the injured and the families of the dead should have the right to receive funds donated to them on humanitarian grounds; thirdly, the authority should stop persecuting the injured and the families of the dead in the 4 June massacre; fourthly, the authority should release all political prisoners who are still in custody in connection with the 1989 pro-democracy movement, and fifthly, the Chinese Government should disclose the truth of the 4 June incident and investigate all those who should be held responsible for the massacre.

What the Mothers of Tiananmen Campaign represents is not only the heartfelt aspirations of the family members of the dead in the 4 June massacre, it is also a call for the restoration of true historical facts, which is representative of a progressive force of the Chinese society where the hope of progress for China lies. Just as JIANG Peikun, husband of Prof DING Zilin, wrote in his recently completed article, "As an intellectual in China, it should be the bottom line for a man to face such humiliation and to bear it in mind. However, at the same time, as an intellectual in China, he should neither be a senseless and cold-blooded coward, nor a weeper who blames everyone but himself. He should be a righteous and courageous person who has the courage to undertake responsibilities. He should first of all allow himself to live in real terms, to brave lies and evils directly in reality, to exhaust all his moral strength to deter such lies and evils, and to prevent such lies and evils from creating greater calamities and more grievous souls." As Mr JIANG Peikun has further wrote in his article, "In recent years, quite a number of learned persons in the Chinese intelligentsia have finally set themselves free from lies; furthermore, they have caused their noble spirit in pursuing justice with no remorse to converge on the contemporary torrential struggle for democracy, freedom and human rights in China. I believe people can see hopes for China in it, and they will certainly see such hopes."

Madam President, I wish to put it on record that maintaining "the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated" is my unyielding faith, and is a goal which I will spare no effort to pursue!

Madam President, I so submit in support of the motion moved by Mr SZETO Wah. Thank you.

**MR JAMES TIEN** (in Cantonese): Madam President, the motion debate today seems to be a "set menu" for colleagues at about this time every year. If I remember correctly, in the debate last year, other than the democratic camp, the Liberal Party was the only group which spoke. The position today may be the same.

Madam President, the 4 June incident that took place 12 years ago started with the mourning activities initiated by some university students, but it later developed into an anti-corruption and even an anti-government campaign. Afterwards, even senior level power struggle was involved. In the process, many parties tried to let off the steam for the situation, unfortunately without success. It ultimately resulted in tragedy.

It has hitherto been the belief of the Liberal Party that democratization must be accompanied by a stable political situation and adequate economic conditions. I trust leaders at the central authorities must have their own view as to whether the 4 June incident should be vindicated and history will deliver an appropriate judgment. Just as the saying goes, "Range far your eyes over long vistas", at this stage, China should concentrate its efforts in developing its economy and improving the people's livelihood. I trust this is more important and pragmatic.

Madam President, the main reason why I speak today is that I respect Mr SZETO Wah. However, on this particular issue, the Liberal Party does not have any new viewpoints and so my speech will be short. Just like the last few years, we will be abstaining.

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam President, Mr SZETO Wah's motion on the vindication of the 4 June incident has become the topic of an annual conscience debate in the Legislative Council. The motion on the vindication of the 4 June incident is somewhat like a mirror which reflects the conscience of, or the lack of it among, Members of the Legislative Council. In 1997, a motion on the same demand was accidentally passed, but thereafter, the same motion has been negated time and again without any exception. But in the course, the evasiveness and even volte-face of some political parties are clearly evident.

The vetoing of the vindication of the 4 June incident in the Legislative Council does not mean that the sense of righteousness and conscience of the people of Hong Kong have also been negated. Twelve years on, there is still a very strong public opinion in Hong Kong which unequivocally condemns the 4 June suppression by the Chinese Government, demanding the vindication of the 4 June incident. The candlelight vigil held in the Victoria Park every year is still attended by several ten thousand Hong Kong people who wish to pay tribute to the martyrs who sacrificed themselves for the cause of democracy in China 12 years ago. The people of Hong Kong are convinced that the vindication of the 4 June incident will eventually come one day, and the dogged determination of the Honourable SZETO Wah in moving motions on this will be recorded in history as a chapter on how the people of Hong Kong struggled for the vindication of the 4 June incident.

The recent publication of *June Fourth — The True Story* by an overseas publisher has stirred up a gale of renewed concern for the 4 June incident, reminding the Chinese people once again of their deep grief and bitter memories, lifting them from long-time oblivion to the forefront of history again. Czech writer Milan KUNDERA once referred to the struggle between remembrances and oblivion. For 12 years, the Chinese Government has tried to make the people forget the 4 June incident with all its might; in a similar fashion, the Hong Kong Alliance in Support of Patriotic Democratic Movements of China and numerous other organizations in support of the 1989 pro-democracy movement, despite their scanty strength, have also tried with all their might to prevent the 4 June incident from being forgotten by the people.

However, simply not daring to forget is still too passive an attitude. That is why I am going to voice a new wish today, the wish that the 4 June suppression be recorded in the history textbooks of Hong Kong, so that young people can have a chance to learn about this sorrowful and bitter part of our history. In 1994, there were once some heated arguments on whether or not the 4 June incident should be put into our history textbooks. The then Director of Education, Dominic WONG, remarked that incidents which occurred within 20 years in the past should not be put into history textbooks. His remark aroused strong criticisms from the education sector. The Hong Kong Professional Teachers' Union (PTU) also conducted a questionnaire survey on the History panel chairmen of all schools in Hong Kong. The findings showed that 85% of

the panel chairmen were against the opinion of Dominic WONG, and only 5% of them supported him. In brief, teachers were strongly dissatisfied with Dominic WONG's attempt to interfere with the teaching of history and the freedom of publication.

Nevertheless, the remark of Dominic WONG succeeded in scaring off some textbook publishers; because of commercial considerations, because they feared that the Education Department might make life difficult for them after the publication of their textbooks, some publishers therefore chose to exercise self-censorship. As it turned out later, only two history textbooks for junior secondary classes included the 4 June incident, each giving an account in fewer than 100 words, just as a token of respect for history. Publishing this kind of halting accounts of the 4 June incident is really an irony or pity to the publication industry; freedom of speech is no match for political realities after all, so what can be done is only to remain absolutely silent or refrain from telling the whole truth.

Recently, the Curriculum Development Council has finally announced the Chinese History curriculum for senior secondary classes, and it recommends that the historical events between 1976 and 2000 should be included in the modern history section of the curriculum. Since the coverage is going to end with 2000, it is inevitable that the 4 June suppression in 1989 has to be included in the Chinese History textbooks of Hong Kong, and that it will become a formal part of the Hong Kong Certificate of Education Examination (HKCEE) syllabus. As usual, a recommendation like this has led to the outbreak of different kinds of "4 June phobia", the most common of which is marked by the worry that since there is not yet any "definitive historic conclusion" on the 4 June incident, it will be very difficult to write any account of it, or to teach it in class. This argument is actually too familiar to us, for it was also raised during the Dominic WONG affair years back. Then, the PTU also conducted a survey, and it came up with a very clear answer: over 91% of the panel chairmen who responded to the survey were of the view that it was all right to include major historical incidents with no definitive conclusion in the history curricula of schools. Only 2% of the respondents objected to the idea.

If we take a look at the history curricula of our schools, we will notice that they do cover a great number of historical incidents with no "historic conclusion".

For events such as the contributions and blunders of Qin Shi Huang Di and Empress WU in ancient times, to the three incidences of Cudgel Assault<sup>1</sup> · Red Pills<sup>2</sup> · Residence Removal<sup>3</sup> in the Ming Dynasty, and to the Xian Incident in modern times, there have not been any conclusions in history of these incidents, but they are all covered in our history textbooks. So, why should the 4 June incident be an exception? The only explanation is perhaps that the 4 June phobia is still haunting some people like a nightmare, which they would rather forget than to talk about, let alone make a record of it in any history textbooks, lest that before the 4 June incident is vindicated, if they make known their positions too early, they may upset the Central Government.

It is actually quite an outdated concept that historical incidents yet to have a with "historic conclusion" should not be recorded, taught and treated as an examination topic. In the recent Chinese History paper of the HKCEE, there was a question which received very favourable comments from the education sector: "Do you think that Ming Tai Zu was a tyrant? Please give your views." What this question asks for is in itself a controversial topic in history; there is simply not any model answer as such, and the question aims only to examine the student's ability to think independently on the basis of the historical facts and literature he has read. This is precisely the very aim of the education reform.

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<sup>1</sup> One year during the reign of Emperor Shen Zong, a man Zhang Chai armed with a cudgel attempted to rush into the residence of the Crown Prince, injuring the guards at the entrance. He was arrested on the spot, and confessed that he had been let into the Imperial Palace by Pang Bao and Liu Cheng, both being eunuchs attending Lady Zheng, the highest-ranking concubine. Lady Zheng had a son of her own and she was the favourite concubine of Emperor Shen Zong, so it was suspected at the time that she had master-minded the cudgel assault in the hope of killing the Crown Prince and putting her son in his place. Both Emperor Shen Zong and the Crown Prince did not want to pursue the matter any further. In the end, Zhang Chai was treated as a lunatic and executed together with Pang Boa and Liu Cheng. The case is referred to as the Cudgel Assault by historians.

<sup>2</sup> Emperor Guang Zong ascended to the throne following the death of Emperor Shen Zong, but he fell sick shortly afterwards. The imperial doctor, Cui Wen Sheng, prescribed some laxatives to the Emperor. The laxatives failed to work, however, as the Emperor suffered diarrhoea as a result. The Minister of Rites, Li Ke Zhuo, subsequently recommended some red pills to the Emperor. The first pill gave some relief to the Emperor, but after taking the second pill, the Emperor died. This case occurred not too long after the Cudgel Assault, and since both Cui Wen Sheng and Li Ke Zhuo were the men of Lady Zheng, the highest-ranking concubine of Shen Zong, it was again suspected that she had master-minded the whole scheme. This case is referred to as the Red Pills by historians.

<sup>3</sup> Emperor Xi Zong was brought up by LI, one of the palace maids selected to serve his father Emperor Guang Zong, because his mother died an early death. Obsessed by what she regarded as contributions to the Empire, LI tried to make herself the Empress Dowager, so that she could control the Emperor and act as the *de facto* ruler of the country. She failed, however, and after this, she made Qian Qing Court the residence of the Emperor and herself, refusing to let the Emperor go out. Loyal ministers subsequently sought an audience with the Emperor, and while so doing succeeded in moving him to Ci Qing Court. But LI remained in Qian Qing Court. It was only after much hassle that LI was forced to move to Hui Lian Court. This case is referred to as the Residence Removal by historians.

Since the examination has already taken this approach, is there still any point for our history textbooks to turn a blind eye to what actually happened in history and resort to using "no historic conclusion" as an excuse for erasing all memories about the 4 June incident?

Today, I will support the motion moved by Mr SZETO Wah on the vindication of the 4 June incident, and I also hope that the 4 June incident can be put into our history textbooks, so that from what is written in black and white in our history textbooks, our young students can read the crimson blood shed on 4 June and the saga of the pro-democracy martyrs. Of all these 4 June martyrs, the youngest one was LU Pang, who was even younger than a secondary school student when he died, being just nine years old. But his sacrifice has become a glorious chapter in our history and the pride of the Chinese people, for it has illuminated our entire race.

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

**MISS EMILY LAU** (in Cantonese): Madam President, I rise to speak in support of the motion moved by the Honourable SZETO Wah. Twelve years is quite a long time, but there are always things which we will not forget despite the passage of time. Some were in Beijing at that time, and they witnessed the massacre; others learnt of what had happened from second-hand or even third-hand sources and information, and the whole incident was recorded in many publications.

A moment ago, the Honourable CHEUNG Man-kwong mentioned the recently published *June Fourth — The True Story* and the English version of *The Tiananmen Papers* published in January this year. Volumes 1 and 2 of this book were published in April. I highly recommend this book to Members. Madam President, I also recommend it to you. This book is not written by any famous writers, but up to now, as far as I am aware, no one has ever come forward to gainsay with any authority the truth of what is contained in the book. As for the contents of the book, it contains many documents of the highest confidentiality, including the minutes of meetings of the Central Authority, other informal or formal minutes of meetings, the dialogues and conversations of State leaders (which show that the writers of the book are really something, for they could get hold of all these documents, even the records of discussions between YANG Shangkun and a certain person) and papers from many other departments



and intelligence agencies. It can be seen from these papers that during those several months, the Central Authority constantly received submission of papers from all over the country.

Following the publication of these two books, Madam President, as you may probably be aware, some academics have been arrested. It is not certain whether the arrests were caused by the publication of the book, but some do say that this is precisely the case. The author of this book is called ZHANG Liang, but everybody knows that this should be a pseudo name, for although there is only one author, there was actually a whole team of people providing him with assistance at the back, and the book was written and compiled several years ago. Besides, a number of American university professors and people of high standing who all have a very profound understanding about the history of China and its development have been invited to assist in the publication of the book. All these people have gone through the whole book, and they at first feared that their names might be mentioned, but later on, they all came to the conclusion that the book was highly reliable.

This book can help Mr SZETO Wah in moving this motion, because he says that he wishes to talk about what happened in history. We already know some of the facts about this historical incident, but we do not know some others. Frankly speaking, I do not know too much about the Mainland, but I have learnt a lot more about it from this book. I wish to mention some facts I have learnt from the book, because they are quite relevant to the motion topic today, and also because we all wish to find out the truth behind the 4 June massacre.

Madam President, if we study the constitution of China, we will notice that the National People's Congress (NPC) should be the highest state organ of China, and, Madam President, we know that you are one of the Deputies. But we also know that although the NPC is no longer a mere rubber stamp, there is still a very long way to go before it can really become the highest state organ. That is why, Madam President, you must still exert more efforts. From this book, however, we learn that at that time the highest authority in China was not the NPC. Well, Members may well say that in that case, the highest authorities should be the Chinese Communist Party, the Political Bureau or the Standing Committee of the Political Bureau. But all these were not; rather, they were the "Eight Elders" or "Eight Elder Statesmen". Of these Eight Elder Statesmen, three were most prominent, namely, DENG Xiaoping, CHEN Yun and LI Xiannian, and the rest were WANG Zhen, PENG Zhen, YANG Shangkun, DENG Yingchao and BO Yibo. If we look at the role played by the Eight Elder

Statesmen during the 4 June incident, we will certainly be petrified. And, there is something even more ridiculous — I mean, can Members guess where that final decision affecting the important development of modern Chinese history was made? It was all made at the home of DENG Xiaoping, not during any meetings of the Standing Committee held in Zhongnanhai. Let me perhaps also mention several relevant dates. Of the Eight Elder Statesmen I have mentioned, two of them, I must mention in particular, namely, BO Yibo and YANG Shangkun, were both empowered to attend all the meetings of the Political Bureau and its Standing Committee. Why were they vested with such powers? I did not know why until I had read the book. All could actually be traced back to the two resolutions made by the then Political Bureau in October 1987. One of these resolutions gave DENG Xiaoping the substantive power to approve or override the decisions made by the then leaders or Standing Committee (because DENG Xiaoping had, by that time, formally relinquished his position), and the resolution was passed to vest in DENG Xiaoping that kind of power; when DENG Xiaoping met with Mikhail GORBACHEV on 16 May 1989, he talked about this power, and he was later accused by some for divulging the secrets of the Communist Party. The other resolution made by the then Political Bureau empowered YANG Shangkun and BO Yibo to attend all the meetings mentioned above as representatives of the Eight Elder Statesmen.

I must quickly talk about why I find the book so enlightening. We can see that so many important decisions related with the 4 June massacre were all made at the home of DENG Xiaoping. The first of these decisions was made on 25 April 1989. ZHAO Ziyang had gone on a state visit to North Korea on 23 April 1989, and so, he was not present at the meeting on that day. At that time, a number of Elder Statesmen and the Standing Committee of the Political Bureau concluded an official line at the home of DENG Xiaoping, one which classified the student movement as a riot. Therefore, on the following day, that is, 26 April, the *People's Daily* published an editorial along this official line, thereby causing huge outcries and leading to endless waves of demonstrations and protests all over the country. But we knew nothing about the story behind at that time. Then, on 17 May (Madam President, this was also a very important date), when ZHAO Ziyang returned to Beijing and another meeting of the Standing Committee of the Political Bureau was held in the evening, only YANG Shangkun and BO Yibo among the Eight Elder Statesmen attended the meeting, and in this meeting, it was decided that martial law should be imposed in Beijing. At that time, ZHAO Ziyang and HU Qili opposed the imposition of martial law, QIAO Shi abstained, while LI Peng and YAO Yilin supported the imposition. (I shall speak more quickly.) On 21 May, the Eight Elder Statesmen met and

together they resolved to dismiss ZHAO Ziyang and subject HU Qili to recall with effect from 22 May. On 27 May, the Eight Elder Statesmen met again at the home of DENG Xiaoping and decided to replace the office of ZHAO Ziyang with JIANG Zhemin. On 2 June, with the exception of CHEN Yun and DENG Yingchao, all the Elder Statesmen, totally six of them, met yet again at the home of DENG Xiaoping and decided to send troops into Tiananmen Square, thus triggering off the massacre we have seen.

Madam President, we must not forget what happened in history, and I believe that like the Members who are going to support the motion today, the people of Hong Kong all wish to remember what happened in history.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, 12 whole years have passed since the 1989 pro-democracy movement and the 4 June incident. During these 12 years that can neither be described as long or short, the memories of some people have faded with the passage of time, some have confused the concepts of right and wrong in the face of benefits, while others have been drilled to become insensitive by the practicability of real life. However, during the past 12 years, some family members of victims have endured the loss of their loved ones and the suppression of the Government. To them, difficult times and hardships have been unceasing, and I believe that what can make a change on them is only when the 1989 pro-democracy movement is vindicated, and when the seeds of democracy that were sown in 1989 will bloom and bear fruits on Chinese soil.

Today, like in the past years when 4 June is drawing near, Mr SZETO Wah would consistently move a motion at the Legislative Council that "the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated". This year, the date for this debate seems earlier than usual, but it is "just timely", why is that so? Because this year, Mother's Day fell on last Sunday, 13 May, which was also the date when students went on a hunger strike 12 years ago. This adds another perspective to the debate today, for on one hand, it commemorates students who sacrificed their lives for democracy 12 years ago; and on the other hand, it also draws our attention to the sufferings undergone by the mothers of the Tiananmen victims. Twelve years ago, the mothers of students who went on a hunger strike released their children, with the greatest mixture of feelings, on the most honourable mission, but at the same time, it was also something that they did not wish to see. From the declaration of students who went on the hunger strike, I recalled the following statement:

"Papa and Mama, do not grieve as we suffer from hunger; Uncles and Aunts, do not be heart-broken when we bid farewell to our lives; we only have one wish, that is, to let us live better lives; we only have one request, that is, do not forget that what we are in pursuit of is certainly not death! This is because democracy is not the concern of just a few people, and the course of democracy certainly will not be accomplished by one generation of men."

Such a simple request of the students had eventually been subjected to ruthless suppression, and the grief of the students' mothers which started from the day when the students went on hunger strike persisted until this day. The 4 June incident was an suppression of the Central Authority on pro-democracy movement. The totalitarian authority has not only taken away the lives of young students, but it has also prohibited their family members from moaning in pain.

For the past 12 years, the suppression of the Central Authority on the family members of the victims of the 4 June incident has never ceased. Some people were injured, others were dismissed from work just because they were family members of the 4 June incident victims, and still some others were deprived of their right to work and live. Some people have been repeatedly put under house arrest because they refused to erase the 4 June incident from their memories and insisted on seeking legal justice, and donations from all over the world made in the name of humanitarianism were being seized and held in abeyance. For those who hold political views different from that of the Government, the Central Authority today is reminiscent of the feudal imperial court several thousands years ago, for those who "deceived the emperor" would "implicate his nine clans and bring death upon them". However, mothers of the victims would not give up the chance of seeking justice for fear of oppression from the Central Authority. Last year, Madam DING Zilin who lost her son in the 4 June incident started the "Mothers of Tiananmen Victims Campaign". What they requested was only to be allowed to pay tribute to the victims of the 4 June incident in public, to cease the persecution on them and to investigate the truth about the 4 June incident. It is a pity that not only were their simple requests as such gone unnoticed by the Central Authority, but they were also even being denied of the chance of being heard. In fact, though the representatives of the mothers of Tiananmen victims had only wished to express their views to JIANG Zemin when he attended the "Fortune Global Forum" last week, the Government of the Hong Kong Special Administrative Region (SAR) restricted their activities to several streets far away from the venue of the forum.

Is this an appropriate approach that should be taken by a government that claims to be a people's government?

I would like to ask whether JIANG Zemin has felt ashamed of himself when he spoke on the subject of "Next Generation Asia" at the above forum? Has he ever considered that the totalitarian authority of the Central Government is, in fact, the murderer of the country's next generation, and has he ever reflected on how indelible pains have been brought into the lives of two generations?

Twelve years have passed and it is time for all sorrow and grief to come to an end, but the Central Government, with its deep-rooted vices, have so far chosen to extend the pains of the people and have refused to admit its mistakes. I think the pains may still have to be sustained for a long time. In fact, the experiences of foreign countries indicated that such incidents, including the "228 incident" of Taiwan and the "Kwangju incident" of South Korea, can only be vindicated upon the establishment of a democratic system. I believe that the 4 June incident is no exception and as students who went on hunger strike once said, the course of democracy is not something that can be accomplished by one generation of men. It is therefore my hope that we can persist and maintain our confidence in democracy while we strive for a democratic system, and to have the 4 June incident truly vindicated.

Madam President, the so called "Prague experience" has been a popular subject lately, and I would also like to talk about it. Prague happened to witness the following piece of history: in 1968, Soviet tanks invaded Czechoslovakia and suppressed the then prevalent "Spring of Prague" movement, and the pro-Soviet puppet government ruled the people with an iron fist. However, who would have thought that the seeds of democracy would bloom and bear fruits after 21 years, that is, in 1989. I also hope that the officials of the SAR Government and its master — the Central Authority — would read history carefully and understand that those authorities that oppress the people will eventually be overthrown. This is the historical trend and will not be altered solely according to the wishful thinking of all those in power.

With these remarks, Madam President, I support the motion moved by Mr SZETO Wah.

THE PRESIDENT'S DEPUTY, MR FRED LI, took the Chair.

**DR YEUNG SUM** (in Cantonese): Mr Deputy, the advent of 4 June every year always finds me with a rather heavy heart. Twelve years have passed in a flash since the 1989 pro-democracy movement, but it is regrettable that the 4 June incident has not yet been vindicated and justice has not yet been done. I am very grateful to the Honourable SZETO Wah who sponsors this motion debate every year. Although there is very little chance for this motion debate to be carried this year, the motion itself is of great significance. By the proposal of this motion, Hong Kong people are reminded not to forget the 4 June incident and the motion can also fortify our confidence in continuing our support for the democracy campaign in China.

In recent years, under the impetus of market economy, marked improvements have been made in the economy of the Mainland. However, reforms on the Mainland are basically restricted to economic aspects, and still very little has been done in the area of politics. Under the prerequisite of stability to come before everything, it is believed that no further progress can be made in respect of political reforms or the trend of further democratization in China, or we can say it is merely marking time.

Apart from the fact that the leading authority of the Mainland would do everything in its power to maintain stability, political reforms on the Mainland are also closely related to the ideology of human rights in China. According to the White Paper on Human Rights issued by China, the basic human right of the Chinese people is survival. In other words, the basic human right of the Chinese people is only restricted to survival, and not those mentioned in the United Nations Universal Declaration of Human Rights such as freedom of thoughts, religion, association, party formation and the political right of returning a government through a general and fair election.

The basic difference between human beings and animals is that human beings are capable of thinking. Therefore, basic human rights should not only be restricted to survival, but should also include the right and freedom of thoughts, religion, association, party formation and universal suffrage.

Mr Deputy, I have major reservations on the so-called "Asia Value" and I also believe that basic human rights should be universal, instead of being restricted by the so-called "national conditions", since those in power have often restricted the basic rights of the people under such a pretext. However, the so-called "national conditions" is only a pretext employed by those in power, out of

their wishful thinking, to deprive the people of their basic rights in order to consolidate their regime.

As there is a possibility for further liberalization and development of the economy of the Mainland subsequent to its accession to the World Trade Organization, as well as a gradual development and improvement in information technology and education, I believe that the ideas of human rights and civic rights will gradually have the chance to take root on the Mainland. Personally, I am confident that the 4 June incident will be vindicated.

A few days ago, the Chief Secretary for Administration mentioned Prague in relation to demonstrations held during the "Fortune Global Forum", and this made me cherish memories of the "the Spring of Prague" ever more. In the sixties, Soviet Union tanks invaded Czechoslovakia, but the people of Czechoslovakia have never forgotten the Soviet invasion and the humiliation of being invaded since then. After years of resistance, the spring of Prague re-emerged on the land of Czechoslovakia, causing the Czechs to rise in pride for the dignity of the country and the freedom of its people.

From the history of Czechoslovakia, I can fully appreciate that it is important that the people would not forget the history of their own country. In Hong Kong, we should hold a 4 June candlelight vigil every year, so that the candlelights of the 4 June vigil will continue to shine until the day when the 4 June incident is vindicated.

Meanwhile, as 12 years have passed, our younger generation may not have understood the true significance of the 4 June incident. So, it is necessary for us to keep them informed of the historical significance of the 4 June candlelight vigil, so that memories of the 4 June incident and this period of blood-stained history will not be erased from the memories of Hong Kong people. By doing so, Chinese people at home and abroad will understand that it is positively significant for China to move onto the road of democratization, with the hope that democracy will ultimately be realized in China one day.

The road to democratization is long and winding, but the seeds of the 1989 pro-democracy movement will eventually bloom and bear fruit one day. I am looking forward to that day.

With these remarks, I support the motion.

**MS AUDREY EU** (in Cantonese): Mr Deputy, it is almost the same time every year that the Honourable SZETO Wah would move a similar motion. In debating a similar motion in this Council last year, only a few Members from the democratic camp and Mr James TIEN of the Liberal Party have spoken. Perhaps Members have felt that as it has been 12 years since the occurrence of the 4 June incident and this motion has been debated a number of times before, there is nothing much they can add. Even the Chief Executive, Mr TUNG Chee-hwa, whenever he talks about the 4 June incident, he would earnestly urge Members to put aside the burden of the incident and instead to look forward and try to appreciate the progress made by our motherland in the past decade. Nevertheless, I cannot subscribe to such an ostrich-like policy.

The 4 June incident is an event that has actually happened. However rapid our motherland has developed and even it has made improvements in handling democracy and human rights issues, it cannot brush aside this sorrowful historical fact. Next week, Mr Jasper TSANG will move a motion to condemn Japan for its distortion of the historical facts relating its invasion on China. I agree that the invasion is a regrettable event which should be condemned. By the same token, can we deny that the 4 June incident is but another regrettable event in the history of modern Chinese?

For the Chinese people, the 4 June incident is a very important event. In the vast territory of China, only a few places have been able to mourn this event in public, for this reason we, the people of Hong Kong, should be obliged to uphold the truth. Mr Deputy, any past event, be it good or bad, can always enable us to learn some lessons just like modern people drawing lessons from history. Therefore, we should not refrain from talking about the 4 June incident because it involves sensitive issues or because we will get on the nerves of the Central Government in doing so. Mr Deputy, a country or society must have the courage to face up to history in order to gain any advances. I agree with Mr SZETO Wah that we should "hold fast on to the good that we have identified" and I will therefore support the motion.

Mr Deputy, I so submit.

**MR ALBERT HO** (in Cantonese): Mr Deputy, this year marks the 12th anniversary of the 1989 pro-democracy movement and the 4 June tragedy. In the past 10 years or so, we have been asking people not to forget the 4 June incident but to vindicate the 1989 pro-democracy movement because it concerns with a grave matter of right and wrong in history. We must insist that a



righteous and just solution be provided and the matter be properly dealt with, so that justice could be done for those who have been ill-treated by history.

Autocratic governments and politicians, especially those that have turned their backs on justice, created tragedies and suppressed the people, always fear that the people would know the whole truth of what has happened, for the people will then press the governments to take up the responsibilities. Years ago, MAO Zedong was afraid that the people would reverse the verdict on the Cultural Revolution and so several years before he died, he teamed up with the Gang of Four to start the Struggle against Right Deviation and the Tendency to Reverse Correct Verdicts. The post-war right-wing government of Japan, for a similar reason, did not want the people to know about their crime of invading Asia, has thus attempted to distort history many times to evade the responsibility that history has awarded them. Mr Deputy, history will not be forgotten by the people. In the modern history of China, the 1989 pro-democracy movement is not only an extensive movement with far-reaching effects, for the 4 June incident has also been a trauma for the entire race. Both events have found deep roots in the collective memories of the whole Chinese race. For those who have participated or who have sustained personal injuries, all these have left indelible experiences and memories in their lives.

It is not possible for the government to cover up or distort history, for the people are absolutely not foolish. The government cannot cover up everything single-handed. The people will learn about the truth and the non-government version of the true history will take the place of any falsified version advanced by the government.

This year, a book by the title "The Tiananmen Papers" was published and it aroused much concern from the international community. The writing process was said to have involved large amounts of strictly confidential materials relating to the way the Communist Party dealt with the 1989 pro-democracy movement. The materials disclosed the way that high-level party members of the Chinese Communist Party thought, debated and made decisions on the event. As I ploughed through the book, although there was nothing particularly new that has given me shocks, my heart sank and I was greatly saddened. For as I turned the pages, I saw how misfortune has be fallen upon a large group of idealistic, energetic and promising young men and citizens. This was the result of confusion in organization and a lack of discipline among themselves and of an absence of mediation mechanism for social conflicts in the country on the one hand, and the misjudgment of conservative leaders culminating in a series of erroneous decisions made on the other hand. So, people were demonized and

they were directed towards a tragic and disastrous ending. Mr Deputy, the word "demonized" was used in the book and I had very strong feelings for it.

What aggrieved me most is that the materials in the book confirm once and again that from the beginning till the end both the government as well as the protesting students and public had shared a very crucial consensus: that people should stand united to fight corruption and official profiteering without delay. The documents also revealed leaders at the time also concurred that students and vast majority of the public were patriotic; therefore, force should be avoided as far as possible in handling the protests so that bloodshed would not occur. Nevertheless, the event still ended in bloodshed. Why? From these materials, we saw the main reasons were: firstly, a group of stubborn and conservative political leaders headed by DENG Xiaoping insisted on defining the nature of the student movement as social disorder. The view was relentlessly held all along without modification. Secondly, the leaders refused to have any dialogue with the students in public, or to undertake the determination to fight corruption, or to promise not to take action against the protestors afterwards.

At the same time, political leaders ruled out the possibility of a concession, lest it would cause the Party and the nation to be overthrown. Why? Mr Deputy, why was the destiny and survival of our entire race, the well-being and safety of our people, and even the determination of right and wrong of such a historical importance be decided once and for all by an unofficial meeting of several persons with no official titles in the home of DENG Xiaoping, someone who have no power at all in the Establishment? Why was the normal decision-making process of our country rendered ineffective? Why should power come ultimately from outside the system? Why were those who repeatedly requested that an extraordinary meeting of the National People's Congress (NPC) or the Standing Committee of the NPC be convened treated as criminals and punished?

Mr Deputy, many questions that racked my mind went unanswered. Certainly there is a need for us to look into a host of other issues, but we believe what was right and what was wrong in history are clear enough and many problems will eventually be concluded. The conclusion is that our country must undergo a political reform to be transformed into an open and democratic regime. Only through a democratic reform can we set up a system to effectively tackle the conflict between the government and the people. Only through a democratic reform can the government steadily push forward its plans for modernization and secure support and trust from the people, in the course of which our country can continue develop and prosper alongside the process of globalization.

I urge colleagues to support the motion today with the same spirit that they will uphold for the motion next week on opposing the distortion of history in Japanese textbooks. Thank you.

**MISS MARGARET NG:** Mr Deputy, every year around this time, we mark the occasion of the 4 June tragedy. We do so to pay tribute to those who died fighting for an ideal — an ideal of an open, democratic and civil society in our homeland, free from corruption and oppression. We mark this occasion to show that we have not forgotten them, to renew our pledge to carry on with their fight, to tell the world that we have not changed and that time has not softened our determination. We speak so as to stand up and be counted, that even if darker days are coming, we will not cower in silence.

I look at the past 12 years with mixed feelings. China has grown, the rich and powerful of the world are increasingly coming to knock on China's door. Those of us who care for the rule of law are particularly heartened by the new reforms quietly gathering force in the Mainland. But democracy today is just as distant, and without democracy, the rule of law will remain precarious and vulnerable. That remains a matter of deep concern.

I cannot help but mark the deterioration of the rule of law in Hong Kong, as the aspiration to democracy and human rights seems ever less certain. The unchecked domination of police power, the open contempt for fundamental rights and freedoms — all these sadden me. We are embarking on the path to suppression and subservience.

Mr Deputy, no words that I may use tonight can pay sufficient tribute to those brave souls who put their lives at risk for truth and justice. My hope is that by standing up tonight, I renew my commitment to them, and in so doing, renew my commitment to Hong Kong and to our common homeland. May nothing divert our resolution. May truth and justice, long withheld, triumph at last.

Thank you.

**MR ANDREW CHENG** (in Cantonese): Mr Deputy, as in last year, my speech this year will again focus on how to encourage our next generation to show more concern over the 4 June incident, we are "to educate the next generation to relay the struggle for democracy". It is because the 4 June incident is a milestone in

the arduous struggle of the Chinese nation for democracy. It would concern not only this generation, but it is also something that our next generation must learn, know, reflect on and remember by heart when carrying on with the fight for a democratic China.

Twelve years have passed. Some of those who played some roles in politics then have passed away by now. However, up till this day, the patriotic pro-democracy movement on 4 June 1989 has yet to be vindicated by those in authority. Those who died innocently and the families of these victims have yet to be offered a proper account of the incident. The wounds of history have yet to be soothed. Justice has yet to take its course. How then can we possibly say that our memories of it have faded? So, we must make even greater efforts to educate the next generation, so that they will know the truth in history. Only when we know history, respect history and learn history by heart, allowing the grief we felt to be turned into lessons which we will never forget, then we will not make the same mistakes again. Only in this way will our nation have a bright future.

The majority of our younger generations care little about Chinese affairs. The best way for them to learn about the development of the Chinese nation is from the subject of History in their school days. Much to our regret, all the textbooks have now avoided the mention of the 4 June incident. Moreover, the examination system has put an unbearable pressure on our next generation, and there are people who set on making deliberate attempts to marginalize the 4 June incident and ask that the 4 June incident be forgotten, in order to curry favour with those in power. All these have caused us to worry about how we can foster concern among the next generation about the past of our Motherland and about the future of our country.

Mr Deputy, while we are prattling about instilling patriotism in young people on the one hand, we are, on the other hand, telling our next generation not to face up squarely to this massacre in history, and telling them not to face up squarely to one of the most significant events in the history of pro-democracy movement of the 20th century. This sort of hollow patriotism which lacks substance is indicative of the ignorance and blind faith of those people who provide service to those in power. It will not bring a bright future for our country. On the contrary, it will only further weaken the national consciousness and patriotic sentiments of our next generation, turning them into a generation in whom indifference prevails.

Mr Deputy, the century-long era of British colonial rule is now over. Three years have lapsed since the reunification of Hong Kong with the Motherland. Who should be responsible for cultivating national consciousness and patriotic feelings among the next generation? I believe the Government of the Hong Kong Special Administrative Region (SAR) should have an unshirkable responsibility. I hope that Mr TUNG, as the Chief Executive of the SAR, will stop telling people to shake off memories of the 4 June incident and stop telling people to forget history. Instead, he should tell us to face up squarely to and get to know this part of history.

I look forward to the day, when textbooks for history and social subjects will give an impartial, objective and rational account of the 4 June incident, so that this part of history will not slip from the memories of our next generation.

*The Tiananmen Papers* published this year emphasized that the book is "dedicated to all the people who strive for democracy in China and all the people who are concerned about the future and destiny of China".

The editor of this book felt that the truth of history has become a vocation for him. Mr Andrew J NATHAN, an academic who collated these classified papers, stated in the Introduction that now, a few who are in the Chinese communist government "have decided to rejoin the struggle for democracy by the strongest means available to them: revealing the true story of June Fourth.". He went on to say that "Documents of the sort included in this book are available to only a tiny handful of people in China. .... getting the papers into the public domain in order to challenge the official story that Tiananmen was a legitimate suppression of a violent anti-government riot."

In the preface of *The Tiananmen Papers*, it is further stated that "in memorializing the 4 June incident on its 12th anniversary, four points can be deemed enlightening: First, the arrival of democracy in China will have to depend entirely on the people in China. Second, reversal of the verdict on June Fourth is another historical inevitability, as well as the aspiration of most of the Chinese people. Third, the open-minded faction in the Party will become the key force for pushing forward democratic policies in China. Fourth, the system of democracy in China has to depend on forces rooted inside China for development."

So, from the book *The Tiananmen Papers* that in the Chinese communist government, we know there are people hoping to disclose the truth of the 4 June incident. They dare risk their lives to make public these strictly confidential

papers in order to resume the struggle for democracy and to have the 4 June incident vindicated. Even in the despotic institutions of the central authorities, there are still people who dare demand for the vindication of the 4 June incident, so how can we, Members in this Legislative Council of the SAR Government where "a high degree of autonomy" and "one country, two systems" are practised, push to the back of our mind the aspiration for a democratic China, an aspiration that we as Chinese people should cherish, and relinquish our fight for the vindication of the 4 June incident?

Mr Deputy, the preface of *The Tiananmen Papers* is concluded by the remarks made by Mr LU Xun. Let me also cite these remarks as an encouragement to Honourable colleagues: "A true warrior dares to stare the sadness of life in the face and to see the fresh blood that drips". I hope that all Members, whether they have spoken today or whether they support the motion, will join us to be the true warriors for the vindication of the 4 June incident.

Thank you, Mr Deputy.

**MISS CYD HO** (in Cantonese): Mr Deputy, it is indeed very difficult to speak on this subject. Although 12 years have passed, I still feel very poignant if I look back to the past with an open heart.

Mr James TIEN has just delivered his speech, expressing that we must look ahead. In fact, I really do not want to direct my speech against him. After all, other than the Members of the democratic camp, he was the only Member who spoke and I also had much respect for him. However, I cannot help comparing the situation in Hong Kong today with that during the 4 June incident in 1989. Also, I would like to talk about the hardships suffered by the people when the 4 June incident of 1989 took place.

At that time, corruption was a very serious problem in China, the policy then was to enable some of the people to get rich first and allow the economy to develop. However, politically, with completely no co-ordinating measures for checks and balances, the problem of corruption has become very serious. The people are in dire plight living under the rule of a government swarmed with corruption problems. There are also corruption problems in Hong Kong today, fortunately they are not serious. However, under the leadership of the SAR Government, the present livelihood of our people is indeed very poor. Such conditions may be said to be unprecedented in the recent 20 years. Besides, the disparity between the rich and the poor nowadays is indeed very serious. What

the Hong Kong Government today and the Peking Government 12 years ago have in common is the way in which they both seek development of the economy and stability and vest in them an overriding force which surpasses everything, causing truth to be surpassed by power as well. Twelve years ago, it can be said that the demand for stability and for economic development have surpassed dissenting voices.

When the "Fortune Global Forum" was held in Hong Kong last week, we had mobilized considerable police manpower. Since the event we were to hold would attract international attention, our freedom of expression, of speech and of demonstration must be suppressed. After the suppression, similar to what happened then, all the propaganda machines of the Government came forward to talk black into white. Twelve years ago in China, YUAN Mu said, "Not a single person died in the Square." Twelve years later, in Hong Kong today, someone alleged there were too many demonstrators protesting on the street, which was a bid to legitimize the action in mobilizing some 3 000 police officers to suppress the demonstration. At the same time, the Government defined, in a high profile, local groups like the "April Fifth Action" as a group which is not co-operative, which failed to give notification, is not law-abiding and has an inclination to provoke the police with violence. All of a sudden, many senior officials of the SAR Government showed themselves up at different occasions and spoke in different ways, to try to explain that the actions taken to suppress the demonstration the previous week were reasonable. The Chief Secretary for Administration has even compared us with the demonstrators in Prague. In fact, the demonstrators in Hong Kong were behaving very gently. Not an egg or a tomato was thrown, not to speak of the hurling of stones. It would be absolutely unfair to say that such great violence has to be used to suppress the demonstration in Hong Kong, and to draw such a stubborn comparison between us and the chaotic situation in the last worldwide forum in Prague.

The two incidents had another feature in common. That is, 12 years ago, DENG Xiaoping came forth to express his appreciation for the armies after the massacre and lavished high praise on them; today in Hong Kong, the Chief Executive also praised the Police Force in public for their efficiency and showed his support for them. However, not a single word was mentioned of the other responsibilities of the police: those in protecting the citizens and the freedom of speech, and those in protecting human rights.

Mr Deputy, the Hong Kong SAR has practised the Chinese way. However, in respect of the suppression of ideas, I absolutely do not want the Hong Kong SAR to relapse into the old path of the 4 June incident in 1989.

While Hong Kong still retains its little bit of freedom, I hope that all of you can exercise this freedom to face the truth and your own conscience.

It has been more than 80 years since the May Fourth Movement. Yet, the groundwork for democracy and the spirit of science in pursuit of truth has yet to lay a stable foundation in the Chinese society, and that is, the base is still very fragile. I would like to conclude by quoting a statement made by one of the leaders of student movement at that time: Democracy is not something to be obtained by going down on your knees, it should not depend on charity granted by the dictator. He who gives you charity today may draw it back immediately or even carry out a massacre if you lose favour with him tomorrow. The establishment of democracy requires the participation of a good many people coupled with continuous regulation.

I trust that all compatriots in Hong Kong and China will still have to work hard. Thank you, Mr Deputy.

**MR LEE CHEUK-YAN** (in Cantonese): Mr Deputy, what happened just now is really reminiscent of a meeting scene for the Standing Committee of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China. Fortunately, several other Members are still waiting for their turn to speak. It has been 12 years since the 4 June massacre. However, this aggrieved case in history has not yet been concluded up till this day. As for the motion moved by SZETO Wah today, some said that it was useless and some said that the incident should be faded out of our minds. I sigh with regret at those who said that the motion was useless. Why do people in Hong Kong have to adopt such a utilitarian approach towards everything they do and have to judge whether the things they do are useful or useless? Is it that we are devoid of feelings? Is it that we do not have a conscience? Is it that we have to make calculations for everything and only do what is consider useful, while refusing to do what is considered useless? So, I would like to ask, what is useful and what is useless? If we have to be so calculating over everything we do and would only do what is useful, the way we behave will show a total lack of feeling and conscience. If thus behaved, are we even worse than pigs and dogs?

As for the second set of view, that is, the incident must be faded out of our minds, a Member mentioned just now that Mr TUNG Chee-hwa said that the 4 June burden should be dropped and he asked us to look ahead. But can people lose their memories so easily? Can our memory be erased once and for all in



the same way as we press the "delete" key of the computer? This is a struggle between memories and the losing of them. Now what worries me most is that those in authority asked us to forget certain things, but then at times they would ask us to remember certain things. The people in authority have asked us to remember the humiliation suffered from the Nanjing massacre, the Eight-Power Allied Forces, the Opium War, and so on. However, at the same time, we were told that there was something we must forget, such as the 4 June incident, which ought to be forgotten. Do our thoughts have to be controlled by the people in authority and the political powers? Does our memory system has to be controlled by "grandpa"? Do we really have to erase all memories from our minds? I am very worried about these memory-fading theories because the memory system of some seemed to have been controlled entirely by "grandpa". Today, I cannot see any senior government officials present in the Chamber. I do not know whether or not they wish to enter a collective amnesia system either. Is this an expression of political neutrality? In fact, everybody, however, knows that the 4 June incident had a significant impact both on Hong Kong and on China.

Recently, we have seen promotions on the development of northwestern China from daily reports about China, and people have even started to compare the competitiveness between Hong Kong and Shanghai. All of these are related to the development of the economy. I would like to ask, to China or to any country, does development of the economy means everything? Let us look at our history over these 5 000 years, the economy has its ups and downs all along. However, there is one thing that we have failed to resolve so far, that is to find a way to change the dynasty or the government. Inevitably, there is bloodshed every time we changed the dynasty or the government. I would like to invite all of you to take a look at the history of China. Every time, the course would surely involve first an uprising and then someone would become the emperor. Later, the government would become politically corrupt and then another uprising occurred. All of them were conducted in bloodshed.

Until nowadays, the entire regime continues to be maintained by way of bloodshed. Recently, I have read an article ready to be published written by JIANG Peikun, the husband of DING Zilin. In one of the paragraphs, it was written: Within the 50 years that the Chinese Communist Party has been in power, the "land reform", the "suppression of counter-revolutionaries" and the "elimination of counter-revolutionaries" were initiated in the first decade, followed by the "anti-rightist movement". In the second decade, the unprecedented "Cultural Revolution" was initiated, and it was all along extended

to the third decade, which finally ended with the suppression of the "5 April Movement" taking place on the Ching Ming Festival of 1976. Next was the fourth decade. Within this decade, the first thing that the Chinese Communist Party did was to eradicate the Sidan Democracy Wall thoroughly. The last thing it did was to mobilize several hundred thousand field armies to crack down on the 1989 pro-democracy movement at Tiananmen Square in bloodshed ..... Within these 50 years or so, the powers of the Chinese Communist Party has been transferred from the first generation to the second generation; from the second generation to the third generation. I think that from this list ....., it will not be difficult for people to draw the same simple conclusion: the facts revealed that the "legitimacy" of the powers for the three generations of the Chinese Communist Party over half of this century or so were established entirely on a series of crackdowns; leaving behind these three generations of rulers were silent tombs erected one after another.

Perhaps someone may say those were suppression actions in the past. But in fact, suppression is still going on, these tombs still exist. I would like to ask, when can we Chinese be completely set free from the vicious cyclic nightmares of suppression, and when will political tombs cease to exist. We cannot talk about developing the economy alone. If we can think of the ways to solve the problems in changing the dynasty or the government, as well as the political takeover, the problems prevailing in the 5 000 years of the history of China will then be ultimately solved. Why should we not give them some thoughts? Mr James TIEN said just now the most practical thing to do at present is to develop the economy comprehensively. This statement seems to suggest that economy bears no relation to democracy whatsoever. In fact, if the economy is to sustain a continuous and stable development, eventually the problems relating to freedom, corruption, stability and allocation must be solved in advance, and the allocation of democracy must, to a certain extent, be resolved too.

Recently, I have heard of an incident occurring in Jiangxi Province which made me feel very upset. In the incident, some 40 primary students were killed in an explosion in a primary school. Those in authority requested us to erase this incident from memory and they passed the buck in the incident to a mental patient. But do you know why was that group of primary students exploded to death? The reason was that their school was in lack of funds, so the school asked the students to manufacture firecrackers for sale. Actually, things of the sort were very popular within that region. Students going to primary schools were in fact required to manufacture fireworks. It is no surprise that such

incidents could happen and this illustrates what would happen in a developing economy in the absence of democracy. I would like to ask, under such circumstances, would the life of the people really become better? In fact, democracy and economy are closely intertwined.

Finally, I would like to call on all of you to take part in the gathering in commemoration of 4 June. Thank you.

**MR MARTIN LEE:** Mr Deputy, why do we debate the same motion every year? The answer is simple. Because truth will not go away and a gross wrong has to be righted. Who can forget the 4 June massacre? Can the million people who marched down the narrow streets of Hong Kong ever forget? Can those who watched the television of the events in the Tiananmen Square day after day during the spring and early summer of 1989 ever forget? No, we will not forget.

Our country will only be a really great nation when those in government are confident enough to do justice and give honour to our compatriots who sacrificed their young lives for the cause of democracy and a clean government, by reversing the verdict of the 4 June massacre.

Until then, let there be the same debate next year, and next year, and next year. But I am confident that we do not have to debate this motion forever. For so long as we do not give up, that day of vindication will come; for injustice can never last forever.

**MR FEDERICK FUNG** (in Cantonese): Mr Deputy, when it comes to the 4 June incident, I would usually think in conjunction with the May Fourth Movement, for these two events share some similarities, despite the differences between them. They are similar in that both events broke out under the circumstances where the people were in an abyss of sufferings and were confronted with many pressures. History tells us that in the May Fourth Movement, some Chinese students championing for democracy and science were subject to foreign humiliation and they were suppressed by warlords and foreign powers. Although the May Fourth Movement was quelled, it still left behind two issues that have to be handled. The first issue concerns students who had been killed and we must seek redress from the warlords and countries that had participated in the suppression then. The other issue is that the May Fourth

Movement has awakened all Chinese people and has pointed to the path that China should take. I believe that today, not only people taking part in this debate here, but also some organizations and authorities in the Mainland, are advocates of science and democracy. So, the May Fourth Movement has clearly revealed to us its significance in the longer term, in that it has pointed to a direction for the Chinese people.

The 4 June incident is similar to the May Fourth Movement in that since the implementation of economic reforms in China up till 1989, many economic problems had been uncovered, including corruption, profiteering by bureaucrats and suppression of the people by officials. It was precisely because of the emergence of these problems that so many people all over the country responded to the appeals and calls for support for a movement within a short space of time, that the movement could produce such a sweeping effect, and that so many people had arisen together to demand that the problems be handled and improved. The 4 June incident also enabled us to see facts in two facets. First, many students were unreasonably arrested in the 4 June incident, they were injured or killed by the army without going through any legitimate trial. There is a necessity for an explanation for this incident, and there is a need to find out the truth. We must find out the people who made the decision at the time and they must be held responsible for all consequences of this incident.

Second, the 4 June incident has kindled another wave of pro-democracy beliefs. Its influence is not only confined to Beijing or China, but has also touched a chord in the hearts of each and every member of the Chinese nation. All the Chinese people in Hong Kong, the United States, Britain, Europe and the Southeast Asia had first been anxious and worried and had later felt sad and distressed. Such of their feelings were unequivocal and consistent.

What did students demand for at that time? Their demand was that while they supported economic reforms, they hoped for improvements in the political system and they also hoped that the Government could deal with the problem of profiteering by bureaucrats. In the meantime, the students expressed their wish for a liberal political system and requested for channels for them to discuss directly with responsible officials the development of their own country. In fact, in the longer term, a direction towards democratic participation in politics by the people has also been indicated. So, we can see clearly that other than a bloodshed itself, the 4 June incident also expressed the aspiration of China and the entire Chinese nation over the development of China. If the Government could handle it properly at that time, it could lead the entire Chinese nation to act

in unison for a common aspiration. But regrettably, the Government adopted a completely wrong approach and finally let go of the golden opportunity. Despite the loss of such an opportunity, however, this incident has reminded us that if the so-called "modernization" proceeds without having regard for the political system and democracy, the "three modernizations" of China will only end up in a "blind alley".

In order to go on a broad road in its future development, China must put in place a co-ordinating political system apart from attaching importance to economic development. China has claimed that it is now developing towards a Chinese-styled market economy. But no matter how it is described, such a system is very much the same as the capitalistic system in the West. Their similarity will be more obvious after China's accession to the World Trade Organization, and to quote the expression used by China, the aim is to link its economy with the world. But after it is linked with the world, the question is: What co-ordinating measures are required? If communism and Marxism are still upheld in China, with fundamentals as such prevailing in the basic tiers of the political framework, the upper tiers of the political framework will certainly have to go by the same principles. According to the analysis by Karl MARX, where there is a capitalistic economy, there is a capitalistic political system. For over two centuries the Western countries have implemented a democratic system. If China wishes to practise this economic system and if it continues to uphold communism, it should perhaps take the path to democracy.

This is the seventh year that I speak on this motion. Whenever it comes to this topic, I invariably speak with a heavy heart. Many of the residents in my district started to refrain from talking about this incident. Nor would they wish to discuss it with us any more. But it does not mean that their memory of it has faded. I believe everyone in Hong Kong would remember two things by heart. First, we still do not know about the truth of the bloodshed, and we must find out the truth and the persons responsible for it. Second, we still have to strive hard to open up the road to democracy for China.

Thank you, Mr Deputy.

**MR MICHAEL MAK** (in Cantonese): Mr Deputy, I have mixed feelings about the 4 June incident. Although 12 years have passed since the occurrence of the 4 June incident, the scenes that I watched on television still leap up vividly before my eyes now. In discussing the incident today, the agitation I felt well up in my mind again and I am rather sad.

I recall that a group of enthusiastic students then gathered at the Tiananmen Square, fighting peacefully for freedom and democracy and advocating for the establishment of a clean government. For the future of the nation, they idealistically and sincerely fought with their bodies for a reform. History would adjudge whether their fighting was right or wrong.

On an evening a few days before 4 June that year, like many others, I sat before the television all night long, following closely the development of events. When I saw the troops entered the Square to disperse the students, I kept asking myself why a student movement with the best intentions should go out of hand like this.

I was quite heartbroken. I felt sorry for the dead and injured students on the one hand, and I wondered on the other hand why the Chinese Government should deal with unarmed students in such a tough manner. On 4 June that year, 1 million people took to the streets and demonstrated. I was one of the voluntary workers at the relevant 4 June processions or demonstrations and my main work was to provide first aid services. My heart sank deeply whenever such songs as the "Bloodstained Elegance" (血染的風采), "I Am A Chinese" (我是中國人) and "Blossoms of Freedom" (自由花) were played at the candlelight vigils.

I would never forget the spirit passed down by the ardent youths who gave up their lives. They contributed their talents and lives for the future of the nation. We hope that the families of the deceased students would be blessed. The death of their children made historic contributions the development of democracy in China. The vindication of the 4 June incident would not be realized within a short time, but history would determine the right and wrong in the 4 June incident. People would do justice to the incident, so, using lame arguments and spreading fallacies to deceive people definitely would not work.

Let us take a look at future developments. China is a developing third world country with abundant natural resources and a lot of opportunities for development. As China is implementing the Go West policy and is going to accede to the World Trade Organization, various countries are prepared to make investments in China. Therefore, there is a need for China to identify talents who would embrace this opportunity to stimulate its economic development.

A lot of students who stranded overseas as a result of the 4 June incident have completed their second-degree or doctorate courses. They are working

overseas and they have knowledge of advanced technologies of foreign countries. All countries in the world are now competing for these talents and these young men stranded overseas are the professionals we require. Economic growth and political liberty should complement one another. To open up a path for the future economic take-off, the Chinese Government should lay down the burden of the 4 June incident and put aside its prejudices. It should magnanimously allow the stranded young men to return to China and it should not regard them as great scourges. We can tell from past events that only a sufficiently open-minded government that allows its people to live peacefully will go down in history. We should join hands with all such talents who love our country to create prosperity for the next generation.

I am grateful to Mr SZETO Wah for giving me a chance to express my views on the 4 June incident, allowing me the relief of some mental burden and to transform sadness into strength.

Mr Deputy, my honourary advisers do not unanimously support my views (despite the fact that most of the advisers and voters have indicated their support), I hope that those who do not support me will continue to render support to my work. Nevertheless, I have decided to vote in support of this motion.

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

(No Member responded)

**DEPUTY PRESIDENT** (in Cantonese): Mr SZETO Wah, you can now reply and you have nine minutes 30 seconds out of the original 15 minutes. After Mr SZETO Wah has replied, the debate will come to an end.

THE PRESIDENT resumed the Chair.

**MR SZETO WAH** (in Cantonese): Madam President, this is neither the first time nor the last time for me to move a motion to vindicate the 4 June incident. As long as I remain to be a Member of this Council, I will move a similar motion on the eve of 4 June every year. Even if I no longer serve in this Council, I still hope my colleagues will continue to do what I have been doing.

I have not moved this motion with the fantasy that it will be passed. The objective of moving this motion is to remind those who still have a conscience not to forget this piece of blood-stained history, not to forget the democratic aspirations of Chinese people, and not to forget those years when they were burning with righteous indignation. Even for those people who dare not face this piece of history and this motion today, I believe this motion will still cause their conscience to tremble.

In the great marches, rallies and the "Democratic Songs for China" staged 12 years ago, I came across a number of senior officials and colleagues who are still present in this Chamber today, who had brought with them their younger generation to take part then. No matter what positions they are holding today, I believe the conscience remained in their heart is still trembling.

Civilians were suppressed by the people's government and shot dead by the people's army. The 1989 pro-democracy movement has made its contribution to history, in that it has stripped the government and the army of their masks which once symbolized that they were representing the people.

Although we still have a long way to go and although most people have chosen not to speak their minds, I still believe that the 4 June incident will be vindicated one day. In the debate held on this same motion last year, I said I believed Miss Cyd HO would be able to see that day even if I could not. After the meeting, Mr SIN Chung-kai and Mr James TO protested to me that they were even younger than Miss HO. Today, I would like to amend my remark: Even if I cannot see that day myself, I hope Mr SIN Chung-kai and Mr James TO will be able to do so. Of course, it would be even better if I can see it myself.

I have only spent five minutes 30 seconds on the speech delivered when I moved the motion. I had originally intended to save more time to answer and respond to the speeches delivered by other speakers. However, only Mr James TIEN, who is going to abstain from voting, has chosen to speak today. I am not disappointed. Neither do I feel that too much time has been left. This is because those who oppose the motion will keep their mouths shut, and this is to be expected. There are a number of reasons for Members' decision to keep silent and I understand some of those reasons. I have no doubt that some of those who keep their silence do still have a conscience. If this is really the case, I will, besides showing my understanding of their behaviour, express my respect for them too, however, that will not be too much. Mr James TIEN has expressed his respect for my motion. In return, I would like to show my



respect for him for his brief speech and for the Liberal Party's decision to abstain from voting.

I remember when the motion was moved for the first time in 1997 before the handover, many Members left the Chamber for the toilet. The motion was subsequently passed for only one Member, Mr CHIM Pui-chung, had voted against the motion. Many Members have now gone to the toilet too. All of them might return when the motion is put to vote later. I am therefore pretty sure the motion will not be passed. If one day none of the Member goes to the toilet and all Members remain in their seats when this same motion is being moved, and it is subsequently passed, it will not be necessary for me to move this same motion anymore because the 4 June incident should have been vindicated by then. This is somewhat like what happened in the "Gang of Four" era. When the Gang of Four was in power, there was enormous support. Once the gang was put under arrest, some people took to the street to express their support for the arrest.

We feel lucky that Mr Fred LI has stepped down from the President's seat as Deputy President. This means he will then be able to vote in support of the motion. Otherwise, his name will not appear in the supporters' list in the Hansard and he will surely feel regret for this bit of history.

A mainland scholar teaching in a university in Hong Kong gave a talk before the Hong Kong Alliance in Support of Patriotic Democratic Movements of China recently. He said he had become increasingly fond of Hong Kong, particularly so with the approach of 4 June every year. As a resident in Hong Kong, I feel honoured and proud on hearing his remark.

Dr YEUNG Sum mentioned the "Spring" in the speech he delivered earlier. If I have remembered it correctly, the "Spring of Prague" took place in 1967. Although the "Spring" vanished as soon as it appeared, it has blossomed again after more than three decades. This time, the blossom will never fade.

Mr HUANG Wenfang once asked me to put aside the burden of the 4 June incident and not to hold fast on to memories of the incident. Although he has passed away, I cannot help stop mentioning him. I told him at that time that I would not only hold fast on to memories of the incident, but would also remain so, that is, to hold fast on to what is good. I am really surprised that so many people still remember "choosing the good and insisting on it". I would like to

express my appreciation particularly for Ms Audrey EU for she still remembered I did mention "choosing the good and insisting on it" before.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr SZETO Wah 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)

Mr SZETO Wah rose to claim a division.

**PRESIDENT** (in Cantonese): Mr SZETO Wah has claimed a division. The division bell will ring for three 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:

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

Dr LUI Ming-wah, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr WONG Yung-kan, Mr Henry WU, Mr LEUNG Fu-wah, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the motion.

Mr Kenneth TING, Mr James TIEN, Mr Eric LI, Mrs Selina CHOW, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG and Mr Tommy CHEUNG abstained.

Geographical Constituencies and Election Committee:

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

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, 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, 21 were present, five were in favour of the motion, eight against it and eight abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 16 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 negated.

**PRESIDENT** (in Cantonese): Second motion: Family policy.

## **FAMILY POLICY**

**MR LAW CHI-KWONG** (in Cantonese): Madam President, the motion I move today to be debated in this Council forms part of my work to advocate the formulation of a comprehensive family policy by the Government. Earlier, I have released a consultation paper relating to family policy, and have also hosted

forums and conducted research on the subject. We hope our work on these areas, including the motion debate today, may adjust the contents of the paper and give substance to it before I submit the same to the Government for reference.

A Member told me he could not support my motion today because he held some different views about the consultation paper. I hope Honourable Members understand that the motion I move does not contain any specific proposals mentioned in the consultation paper. Moreover, the paper is only a consultation paper. When the consultation period is over, I will be pleased to amend the proposals in it after submissions are received.

Madam President, before I discuss the actual details, I wish to request colleagues in this Council to be magnanimous in dealing with certain motion debates. I made a similar request at the beginning of the legislative session. More often than not, motions were voted down and this projected a negative image of the Legislative Council on the citizens. The motion today appears to be very simple apparently, as it is about the formulation of a comprehensive family policy, some mechanisms and some policy issues. If it is not passed, we would cause people to think that we do not support the formulation of a comprehensive family policy by the Government. Therefore, I hope everyone would look at the contents of the motion, not those of the consultation paper.

In 1994, the former Legislative Council passed a motion on the formulation of a comprehensive family policy, but, unfortunately, the Government has not as yet had any positive response up till this day. Instead, it only dealt with the issue by stating that family policies were embedded in social welfare policies. At that time, the motion was a very simple one, but this time I have incorporated a mechanism and a scope for the formulation of a family policy. By so doing, I certainly reduce the chance of having the motion passed. In past discussions, many people have asked what would a family policy mean. A family policy is not a unitary policy, but it is a policy in which the Government provides assistance or co-ordinates the various programmes and measures to help family members fulfil their functions in the family. To put it in simpler terms, a family policy is a clear policy objective, and is also a mechanism for monitoring the formulation and implementation of public policies. This system is referred to as the "'family impact assessment' system" in the motion. Indeed, in the past, a number of social policies had negative impacts on the family. For example, some housing policies, resettlement policies as well as building designs in public housing indirectly encourage people to leave their aged parents early to live by themselves elsewhere. As another example, there are still no tax

concessions good enough to alleviate the burden of those who need to support their unemployed parents. There is only a \$30,000 tax allowance granted to people who live with their aged parents. When calculated on the standard rate, the tax burden can only be reduced by \$375 a month this way. This is far below the amount payable as old age allowance, and can therefore do little in encouraging people to live with their parents. Moreover, in the process of urban renewal or development of new towns, the relationship between new families and their parents living in old areas is not given due attention. Consequently, some families living in remote new areas are riddled with frustrations. The absence of any support has given rise to many family problems and tragedies resulted.

An important tool in the implementation of a family policy is the formulation of a statutory system for family impact assessment, which aims at assisting law-makers and policy-makers to assess the impact of policies and laws on the family. The system will facilitate the development and nurturing of the strength of the family itself and minimize the negative impact of social policies on the family. When suitably tuned, the system can even bring about a positive influence on the family. Social policies may influence the family in terms of its financial position, the abilities of its members in taking care of one another, the bonding between family members and in various other ways, depending on the type into which a family falls — disadvantaged families are especially vulnerable to influences. Assessment can be done through a "family impact assessment committee" or an administrative "family impact assessment group", which may provide independent, professional and objective family impact assessment reports for policy-makers. This will ensure that social policies, laws and other measures can promote the functioning of the family function effectively. The said committee or group may propose ways to minimize or compensate for the negative impacts that a certain policy has on the family. In addition, we may also use the system to raise the awareness of the Government, policy-makers and law-makers on the family. This is not a system coming out of fantasy. Similar systems have already existed in the United States, Australia and so on. The system may ensure that during a discussion on a certain policy, participants may understand that the difference in scope of a policy may have positive or negative impacts on the family. Thus the basic spirit of the entire system is to see how negative impacts could be minimized, while positive enhanced.

In formulating the different kinds of policy, we may consider three principles to ensure that they are "family-friendly":

Firstly, the policy should enhance the caring functions of the family. In recent years, youth problems have attracted a lot of attention. The lack of care for the elderly and young children by their family members is also becoming more and more common. Some of the members of a family have failed to discharge their traditional function of taking care of one another. If the family has failed to perform its function, how can the gap be filled?

Secondly, the pluralistic nature of the family must be respected. At present, there are over 10 000 cases of divorce, and many cases of disintegrated families which are separated between Hong Kong and elsewhere emerged due to immigration policies. Other types of family structure, such as cohabitation, are becoming increasingly popular. Thus a comprehensive family policy should meet the needs of pluralistic families.

Thirdly, the family should have the chance to show forth its power and to exercise its autonomy. If the family cannot function, how can it play the role of filling a gap? For example, we may implement a concessionary housing policy, which encourages the older generation and the younger one to take care of one another so that people are given the incentive to care for their parents. If the elderly are not cared for by their family members, how can the community bridge the gap to provide that service?

I also mentioned another point a moment ago, which is the definition of a family. A family may exist in many modes. The structure of the family may acquire changes as a result of the times, changes in the community and other geographical and cultural factors. Nevertheless, the family still has a very important role to play. In its most ideal form, it provides care and support for its members. However, probably because of religious or cultural reasons, most people still refuse to treat non-traditional families the same as traditional ones. According to a recent survey we have conducted, 50% of the interviewees refused to regard homosexual families the same as ordinary families and 40% of them refused to regard cohabitation families the same as ordinary families.

There are certainly still a lot of controversies over the definition of a family. I believe we will have to leave the debate or discussion to the community. But in order refrain from lingering on the discussion stage and to make some substantive progress on the issue of family policy, I hope Members can first put aside their arguments for the definition of a family, and adopt as a basic family mode the traditional family as at present, that is, a bond by legitimate marriage and their blood relationships, and explore the feasibility of

other proposals. As for how to extend such proposals to other non-traditional family types, further discussions could be made.

Coming to specific details, I do not intend to discuss at length in this motion debate the relevant policy, except the introduction of a family impact assessment system. In fact, the system may encompass labour laws, labour policies, tax concessions, enhanced co-operation between schools and parents and so on. In urban planning, we may notice that problems such as family mobility and segregation and so on are created. I hope Members can voice their opinions more frequently on all kinds of policies either at this meeting or in future. I hope that through some brainstorming on all sides, a comprehensive family policy may be formulated to help families in Hong Kong to confront different kinds of pressures. For their well-being, families in this generation and the next have to strive to minimize social costs due to social problems such as youth problems, security for the elderly and family violence which have remained unsolved over prolonged periods. We trust that a family policy should greatly relieve the burden shouldered by this generation and the next on behalf of the community, so that we can achieve a sustainable development.

The immense positive externality impact that a family policy can bring about is beyond imagination. Therefore, I wish to stress that implementing a family policy is not just an affair concerning social welfare or politics. It is indeed an important social investment because it can reduce social costs and promote prosperity and stability. Thank you, Madam President.

**Mr LAW Chi-kwong moved the following motion: (Translation)**

"That this Council urges the Government to formulate a comprehensive family policy so as to establish a "family-oriented" society and encourage the community to attach more importance to the family; to this end, the Government should:

- (a) introduce a "family impact assessment" system, with a view to assessing the impact of existing and future social policies, legislation and measures on the family;
- (b) formulate labour laws and policies that facilitate employees in taking care of their family members;
- (c) through tax concessions, encourage family members to discharge more effectively their function of taking care of one another;

- (d) strengthen the co-operation between schools and parents, so that they may become partners in nurturing the younger generation; and
- (e) increase the social welfare support for people who have to take care of their disadvantaged families."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr LAW Chi-kwong be passed.

**PRESIDENT** (in Cantonese): Mr Frederick FUNG will move an amendment to this motion, as printed on the Agenda. In accordance with the Rules of Procedure, the motion and the amendment will now be debated together in a joint debate.

I now call upon Mr Frederick FUNG to speak and move his amendment.

**MR FREDERICK FUNG** (in Cantonese): Madam President, with rapid changes in social, economic and demographic structures, the functions of family members in providing backing for the emotional health of the individual, in protecting the well-being of the family and in caring for one another have become more fragile than before. The Hong Kong Association for Democracy and People's Livelihood (ADPL) and I agree that the Government should provide or assist in providing or co-ordinating various programmes and measures to facilitate the discharge of such functions by members of a family so as to relieve the burden of families of the next generation in facing currently unsolved social problems. By so doing, the Government may also bring stability to the community.

I wish to state my case by using the definition of a family policy provided by the Hong Kong Family Welfare Association, a definition that I endorse. It says: "A family policy is a family-oriented policy that makes an assessment on existing social services or social services being planned, such as income protection, social services, education, housing, health care, the tax system and certain laws, by analysing their impact on the life and welfare of a family. The concept requires that we must aim at supporting and strengthening the family system in formulating social services and making laws." Today, I will move an amendment in the light of the impact brought about by housing issues on the life and well-being of the family.



Article 11 of the United Nations' International Covenant on Economic, Social and Cultural Rights states that: "The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." The right to housing is mentioned therein. The right to housing does not just mean a place with a shelter overhead for living. The right includes, inter alia, the right to live in a place that is secure, independent, wholesome and that provides dignity and privacy to the person.

The family policy proposed by Mr LAW Chi-kwong encompasses issues on labour, education, tax, welfare and so on, which we at ADPL endorse. We are of the opinion that a "permanent, independent, self-contained and affordable accommodation" is a necessity for the family, and hence I have proposed my amendment.

When the ADPL and I maintain that every family should have a permanent, independent, self-contained and affordable accommodation, we are referring to accommodation that is not temporary or make-shift such as units in temporary housing areas or rooftop huts. Families living in such accommodation would have to face demolition, fire risks and other natural disasters and have to worry about their safety all the time. How can family members living in such accommodation grow up properly? Moreover, we also think every family should have a self-contained unit. By that we mean the family should not be required to share basic facilities, such as washrooms and kitchens, with other tenants. This can enable a family to live harmoniously with adequate facilities and privacy. Independence means the unit should have a kitchen and a washroom, both of which will not have to be shared with others. Hence, independence refers to "one family, one unit". I have come across a case where a single-parent mother and her two daughters live in a cubicle, with other cubicles occupied by mate singletons. Living in such a place, how can the single-parent mother have the confidence in taking care of and raising her two daughters? We regard the family as a very basic cell in the community, and this cell needs a proper environment and accommodation for healthy growth and for its members to be nourished with loving care.

Hence, an independent, safe, permanent and self-contained accommodation that protects one's privacy is very important in maintaining a harmonious relationship among family members and in raising their young.

Madam President, Hong Kong has experienced an economic recession recently, and people have earned less than before, and the portion that families have to pay as rent becomes a greater burden. Therefore, I will spend more time discussing whether the present level of rent is affordable and how rents affect the family.

In Hong Kong, the rent payable for a unit in the private sector is very expensive, especially at locations such as the Hong Kong Island and Kowloon. According to statistics in the fourth quarter of 2000, the average monthly rent of a 70 sq m residential unit in the private sector at various locations ranges from \$121 to \$201 per sq m, while that for a public rental housing unit under the Housing Authority (HA), \$39 to \$54 per sq m. Thus, the average monthly rent for residential units in the private sector is 3.1 to 3.7 times higher than that for rental units under the HA. The figure is slightly lower than those in the first quarter of 1999, which were 3.3 to 4.6 times. However, as we all know, the median household income for families in Hong Kong has dropped from \$19,200 in 1997 to \$17,700 in the fourth quarter of 2000, which represents a 7.8% drop. It can be seen that rental expenses have stood at 26% of total household expenditure during the period from 1997 to 2000.

To many low-income families, rents for housing units in the private sector are relatively high. Take households at Sham Shui Po as an example, many of them spend 40% to 60% of their total household income on housing expenses. If these households can be allocated a public rental housing unit, their monthly household expenditure may be reduced by \$1,000 to \$2,000 so that the amount saved may be used on other household needs, thereby reducing the chances of quarrels in the family due to financial stress.

As at 31 October 2000, there were still over 100 000 families queuing up for public rental housing. About 20% of these families have been on the Waiting List for more than three years, and over 60% of them have three to four members. The latest statistical survey on household expenditure carried out by the Census and Statistics Department revealed that weighting on housing in the Consumer Price Index (A) has increased from 24.92% in 1994-95 to 29.13% in 1999-2000, showing a 17% rise. The rise in housing weighting reflects a rise on housing expenditure among families in the low-income group. This would cause financial stress to the family, undermine financial support to its members and readily create friction due to financial reasons among its members.

As for those families eligible for public rental housing, they still have to face the pressure of high rents in future. After the financial turmoil, the conditions of the tenants living in public housing are like this: the income they earn is continually dropping, for the median household income of tenants in public rental housing has dropped from \$15,000 in 1997 to \$12,300 in 2000, recording a drop of 18%. The monthly rent they pay, however, has increased by a big margin measured against their income. According to the latest data released by the HA, for the fourth quarter of 2000, the ratio of rent to median income of tenants was 10.2%. The figure went up to 10.3% for the first quarter of 2001, which has exceeded the statutory ratio of 10%. At the same time, a large number of tenants affected by urban renewal has moved into new public rental housing, which charges a rent three to four times higher than that paid by tenants when they lived in their former units. Even if families are eligible for public rental housing as a result of urban renewal, they still have to face the pressure of having to pay high rents. This is obviously against the undertaking of the Government to provide housing at affordable prices for low-income families.

Madam President, the ADPL and I maintain that in order to enable everyone to enjoy the right to housing, the Government should supply adequate land to produce public rental housing as well as units in the private sector in a proper ratio. In this way, every family may have a stable accommodation that is permanent, independent, self-contained, and that protects one's privacy.

Madam President, I so submit.

**Mr Frederick FUNG moved the following amendment: (Translation)**

"To delete "and" after "so that they may become partners in nurturing the younger generation;"; and to add "; and (f) recognize people's 'right to housing' so as to enable every family to have permanent, independent, self-contained and affordable accommodation" after "people who have to take care of their disadvantaged families"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Frederick FUNG to Mr LAW Chi-kwong's motion, be passed.

**MISS CHAN YUEN-HAN** (in Cantonese): Madam President, I speak on behalf of the Hong Kong Federation of Trade Unions (FTU). The family is the basic unit in society, and in traditional Chinese society in particular, the family is a very important component. With changes in the times and the social environment, the traditional family structure has changed. At present the number of single-parent families, families with members living separately on both sides of the border, families with second marriage parents, single-gender parents, unmarried mothers and so on have been on the increase. The problems faced by these families are getting more complicated. These include: divorce, domestic violence, battered wives, child abuse, abuse of the elderly, extramarital affairs and the suicide of the elderly and the young people and so on.

Today, the Government has indeed provided many kinds of support services. However, we cannot help but ask the following questions: Are these measures sufficient? Are these measures effective? Are these measures self-contradictory as they often appear to be? If we all agree that society should be cast on a family-based objective, then very often we will find that these measures are going against this objective.

All along, the FTU has been urging the Government to formulate a better — I do not want to use the word "comprehensive" — family policy, so that all policies can contribute to a consistent objective. Of course, we would lend our full support if the Government can formulate a sound policy on that. However, in the course of decades of efforts made by the women's affairs committee of the FTU in fighting for the rights of women, we know that at times there do exist difficulties.

Family policy is obviously a social policy. If we are to take human beings as our targets, we can see that family policy is targetted against the children, the women, the disabled, the elderly and the young people and so on. So we would also need to touch on other related policies as these are all complementary. As a matter of fact, whenever the Government wishes to formulate a social policy, it should make an assessment of the impact of this policy on the family. The FTU thinks that many of the existing policies do not complement each other, and there are even contradictions. Strictly speaking, they are destroying the harmony in the family. If we are adopting a family-oriented approach for social development, then as I have said earlier, some of the policies should be revised. Therefore, I would like to cite some examples which are cases that the FTU has come across in its fight for the rights of women because women play an important role in the family, and they have impressed us very much.

For example, when the SAR Government was established, Mr TUNG has said that he would put in efforts to foster care for the elderly. However, when we see how policies are formulated, we do not see any development towards this direction. The elderly should be given due respect in their families. We should care for the elderly and we support the idea of caring for the elderly as proposed by the SAR Government. But let us look at some existing policies, say for example, the social security policy, and we will find quite a different picture. When there are some elderly persons who want to apply for Comprehensive Social Security Assistance (CSSA) because their children are unemployed, what kind of a policy will these elderly persons face? It is a policy which may create conflict between the elderly person and his children. And these conflicts often appear in those families which are facing the greatest hardships. Under existing policy, we can find that those elderly persons who are living with their families will get less CSSA payments than those who are living alone and applying for CSSA as independent persons. Often times and in such circumstances, some elderly persons are forced to leave their families in order to lodge an independent application. That is because they want to get some more money from the CSSA (or that they may want to use the payments to support their families). So what kind of a policy is that?

Let us then look at the issue of public housing. Our public housing policy is one which will adversely affect a family-oriented social structure. We can see that when the children from a household in a public rental housing unit grow up and form their own families, the head of the household is only allowed to have one of his children to live with him while the rest will have to move out. Moving out is not a serious problem as such, but the Government should have told them well in advance so that the rest of the children can make application and be put on the waiting list for public rental housing units and that they may live in proximity with the head of the household. Of course, I am referring not to those families which have become immensely rich, but to those families which belong to the grassroots.

On top of that, the "rich tenant" policy has left us with a lot of problems. The result of the policy is that the older the housing estates, the greater number of elderly people living there. Why is that so? It is because once the children of a family grow up and earn a living, the income of the household would very likely exceed the upper limit for incomes as specified. And so the head of the household will have to drive his children out, for if not, it is likely that the whole family will have no place to live. The children of the family are forced to go away and form their own families. And the children and the head of the

household are very likely to be able to afford the rents of a public housing rental unit. Can the Government adopt some measures to make this policy a better one? But the Government has not done so. Now only the old people are left in these so-called aging housing estates. The young people have all moved out. All these happen because of the "rich tenant" policy.

Madam President, similar problems really do exist in great numbers. Those who are at the bottom of the social ladder living in the public housing estates and who are in dire need of our care and attention may be confronted with a lot of conflicts created in their families as a result of the problem of accommodation. The father may quarrel with the son and the son may in turn quarrel with his son. The relationship between the mother-in-law and the daughter-in-law and the relationship between siblings may deteriorate. All these would happen because of these policies. There is no harmony in the family, consequently there is no cohesion. Family members are unable to face difficulties together and sometimes they may even come to blows over some problems. We feel pain in the heart when we handle these cases. Very often, in these cases, even the elderly are battered and abused in these grass-roots families. I cannot help but ask, what kind of a housing policy is that?

After talking about the problems of the elderly, I would like to turn to the problems of women. As I have said, the women's affairs committee of the FTU has been very concerned about the important role played by women in the family. And no attention has ever been paid to this role by the Government. We now have policies for the elderly and the children, but has the Government ever given any thoughts to the problems faced by women? Why are they not given any attention? With the growth in the economy, many females have to work as well as to take care of the family. They are under tremendous pressure. This especially applies to those women who have to take care of the elderly as well as the children. If these working women are pregnant, the kind of pressure they face will even be greater. How is our society treating these women? When these women are confronted with problems like childcare and care for the elderly, the Government is not offering them any help. Besides, our society is undergoing a process of economic restructuring, there are many women who have to face problems like divorce, the taking of a second wife by their husband, domestic violence and so on. All these they have to bear by themselves. Cases of battered spouse rose from about 300 in 1985 to more than 6 600 nowadays, representing a 15-fold increase. Madam President, when the economy was good, the women could go out to work and thus became financially independent. However, even so, they are still being described as reserves in

our labour force. Under the present circumstances, when pressure comes from everywhere, the women will find it much harder to obtain employment.

I cannot speak on the details of every case because of time constraints. I just want to say something very briefly and that is the problem of "pseudo" single parents. Many people make applications for their family members to come to Hong Kong for reunion. The government policy is to grant approval to children to come here before the adults. Why does the policy have to be so? I think often times this will cause dissimulation to our society, for people will think that these people have wanted come here to receive public assistance. But who would have thought that the children will want to live with their mothers?

Madam President, I very much hope that the Government can formulate a family policy, I really .....

**PRESIDENT** (in Cantonese): Miss CHAN, your time is up.

**MISS CHAN YUEN-HAN** (in Cantonese): Thank you.

**MR DAVID CHU** (in Cantonese): Madam President, since ancient times the Chinese people have attached great importance to the concepts of family harmony and reunion. As Hong Kong is a Chinese society, it stands to reason that the people of Hong Kong also aspire for peace in family which, they believe, will make everything prosper. In fact, a harmonious relationship between parents and children can certainly help resolve many problems in relation to ethics, education, and so on. It can also prevent family disputes from developing into major social problems. In recent years, there seems to be a worsening trend of family problems in Hong Kong. This has given cause for public concern for it shows that many families have gradually lost their cohesion and have failed to perform their functions to divert conflicts and render mutual support for family members.

Given that family harmony is the cornerstone of stability in society, the Hong Kong Progressive Alliance (HKPA) reckons that there is a necessity for the Government to formulate a comprehensive family policy which targets at the different needs of family members, including the elderly, parents and children, and to ensure the incorporation of the family-oriented concept in the policy as far as possible.

In respect of the elderly, the Government should continue to improve the housing and medical services, including reducing the waiting time for public housing, improving the standard space ratio for each elderly resident in private residential care homes for the elderly, and so on. The Government can also provide inducement or assistance for children to take care of the elder members of family more effectively by way of its taxation policy.

As for parents, the Government should continue with its efforts in combating domestic violence and increasing the provision of nursery service, in order to ease the burden on parents and single-parent families. The Women's Commission can also draw up a set of comprehensive health care policy for women to enable females of the right age and couples to obtain more opportunities to access to suitable health care services both physically and psychologically as well as to information and public education. Besides, the HKPA has always hoped that the Government will make reference to the experience of Canada and New Zealand and set up an intermediary body to provide more effective assistance for single-parent families in collecting maintenance payments, and urge parents not to neglect their duty in raising their children despite the break-up of their marriage.

In respect of the children, the Government must expeditiously practise full-day schooling for primary schools, reduce the teacher/student ratio, implement the "one social work for each school" programme, and promote outreaching services for youngsters roaming the streets, so that teachers and social workers can more effectively share the pressure of parents in teaching their children. This will also protect youngsters from the threats of triad influence, soft drugs and other dangerous drugs.

Lastly, the Government should not neglect the needs of new arrivals and the disabled. For the new arrivals, the relevant government departments should step up their co-operation to provide job training in line with the needs of the economy, so as to enable the new arrivals to integrate into society early and stand on their own feet. In respect of the disabled, the Government should increase the quota for sheltered workshops and day activity centres, in order to fully cater for the needs of the mentally handicapped for day care services. This would not only help them integrate into society, but would also alleviate the pressure of their families.



Madam President, the HKPA hopes that the Government will understand that many social problems nowadays actually stem from problem families. The Government must bear in mind that only a family-oriented society can become a stable society.

Madam President, I so submit.

**MR WONG SING-CHI** (in Cantonese): Madam President, my speech today is mainly centred around the influence of the family on the youth. So far, many people used to say that there are no bad children but only bad parents in the world. It is quite incorrect to say so. There were roles of bad boys and bad girls in a lot of Cantonese films produced years ago and the messages given were that they were not in the wrong but that the only wrong was the society's. This is also not quite accurate because children who have problems often come from unhealthy families.

Quite a lot of studies have shown that the family is an important pillar for the growth of the youth, while the mental health of the youth and the cultivation of his inter-personal relationship are closely related to his family. Many studies have proven that a good family will more or less help develop the healthy growth of the youth. For instance, whether they have happy family lives and good sibling relationship and whether their parents have time to care for them or assist them in tackling difficulties affect the youth's healthy growth. But how many families in Hong Kong can really become the supporting pillar of the youth?

In Hong Kong, we can obviously see that a lot of problems originate from broken families. Some youths face plights because they come from incomplete families. Since 1992, a total of 306 young people under 20 years have committed suicide. In other words, every year, 30 to 40 young people would resort to death as a solution to their problems. This sets alarm bells ringing. If these young people have healthy families in which they can express their emotions and parents can help them solve their emotional problems, as such families can give these young people good support, I believe many unfortunate incidents can be avoided. However, very often not only would families fail to give support, but they are sometimes also a source of pain and trouble for these young people. In fact, the juvenile gang problem may result from a lack of family support and poor family relationship. We should make a start from the family when solving these problems so that these young people can receive good support from their families and live in a favourable environment.

As we can see, many young people would jump from a height for very trifling matters or hurt themselves with cutters to express their emotions. Very often, we would provide these young people with counselling services. Many social work colleagues told me that they are successful in that a lot of young people regard them as people to whom they can pour out their heart. But once these young people go home, they seem to lack support and have no channel to express their emotions and thus become emotionally distressed. For example, when they go home they may find out that their parents have extra-marital relationship or that their parents are separated or divorced, and all these would become nightmares for these young people. As their parents themselves are busily dealing with the problems with their marriage, they are less concerned about their children and they even regard their children as the core of friction. In our view, when the Government formulates a policy, it should focus on the happiness of the family and it should not just treat symptoms but not the disease. The Government should comprehensively consider how families could provide support so that young people can redress their distress.

The community has conducted a lot of discussions about juvenile gangs and youths that stay out at night, but very often, we have merely put the blame on the youth, feeling that it is inappropriate for them to roam around at night. Yet, how are they to go home? Their homes are just like "pigeon holes". As their parents work hard for a living all day long and spend a lot of time on their jobs, their homes are probably extremely messy. So, to the youth, there would be more room and open space on the streets. If that is the case, how can we ask these young people to go home? If we do not give these families support, these young people will only end up roaming around and the juvenile gang problem cannot be solved. In the past, a lot of parents were not taught how to be parents but the situation is different today. There are training courses in schools and community centres and parents can learn how to be parents. This is worth supporting and encouraging. Yet, it is a pity that parents have to work nowadays and even if parents with dual roles know that they have difficulties in teaching their children, they cannot spare time to learn how to get along with their children. Therefore, if the Government is concerned about the happiness of families, it should encourage employers to be more understanding towards employees and allow employees to have more time to learn so that their children will grow up healthier and develop better.

Lastly, I wish to say that youths need not only their families to be their pillars, but they would also become pillars of families today because they have to

take care of their elderly and jobless parents. However, if their parents have not yet past 60 years of age, the youths are not entitled for the dependent parent allowance. If this policy can be changed, it will enable youths to play their roles in their families more effectively.

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

**MR TOMMY CHEUNG** (in Cantonese): Madam President, families form the pillar of society and is also its basic element. In the view of the Liberal Party, no one should dispute the importance of families to the society. Even the Government will agree that social welfare, nurturing of youngsters, care both for the elderly and single-parent families as currently provided are to a certain extent co-ordinating with its family policy. If Members can still remember, a former Member, Mr HUI Yin-fat, once moved a motion for discussion in the former Legislative Council in 1994 to urge the Government to formulate a family policy. As the motion then has only put forward some proposals of a principle nature, the Liberal Party did not raise any objection at that time. Yet, the motion moved by Mr LAW Chi-kwong today embraces a lot of concrete demands. Obviously, Mr LAW is attempting to fight for the interests of individual sectors in the name of implementing "family policy". Whether these demands are in the overall interests of the community is indeed open to interpretation.

Madam President, Mr LAW Chi-kwong has set out a number of specific "family-oriented" proposals in his motion and interpreted them as part of a "comprehensive family policy". A family policy is in fact a strategy that cares for families. The Government should be able to achieve the objective of "building a society aiming to safeguard the interests of families" as proposed in the motion moved by Mr LAW if it can take the family into consideration in formulating various policies.

Let us take an overseas country as an example. Even Canada, considered to be a typical welfare state, has not formulated any uniform, systematic, specific family policy. Its family policy has actually been integrated into various policies and measures. Although there is no formal family policy in Hong Kong, this does not mean the Government has not taken the family into consideration when it formulates its policies in different aspects.

However, if we look carefully at the letter issued by Mr LAW for the purpose of consulting Members on today's motion, we will find that Mr LAW is actually intending to raise "the family" to a higher plane of principle and promote pan-welfarism. For instance, he suggested that the Government should examine relaxing its requirements to give all expectant mothers, whether having illnesses or not, unpaid maternity leave, to allow fathers to enjoy paid paternity holidays, and should provide more social welfare, and so on. The Liberal Party sees it necessary for us to conduct detailed discussion to seek public consensus. We must not take it for granted by merely imposing family moral standards on it. According to the rationale of the motion, the Government will then be required to interfere in everything. In that case, will there be any difference between our Government and an autocratic regime? Are we inviting the Government to interfere even with the gender of newborn babies under the name of a family policy?

The Liberal Party has always firmly believed that freedom, open-mindedness and the Government's positive non-intervention policy hold the key to Hong Kong's success. Our free-market mechanism will become ineffective if the Government is to interfere in everything. Furthermore, actions as such would affect the efficiency and flexibility of the Government, the size of the Administration and the vitality of the community. Therefore, it is not practical at all.

Madam President, it is entirely possible for each one of the proposals set out in the motion to be discussed as a separate item. If the motion is considered logical, the Liberal Party will have to ask: Does it imply that all the policies previously discussed in this Council are not related to the family? According to our practice of moving a motion, does that mean that we can add all kinds of topics into the motion endlessly in the name of "the family"? Since Mr Frederick FUNG has moved an amendment under the scope of housing, can the Liberal Party introduce an amendment to urge "the Government to help negative-asset families to pay mortgages" on the grounds that negative assets have resulted in family break-ups, and then move another amendment to "criminalize the keeping of concubines" based on the principle of safeguarding family harmony? If each topic is to be re-examined from the family angle, I think this Council may well be renamed as "family planning council" or "family services centre" and each Member may well play the role of social worker like Mr LAW does.

The definition of "the family", even Mr LAW Chi-kwong agrees, is highly controversial. It will therefore be even harder to define a "comprehensive family policy". As a matter of fact, the Government cannot take the place of the family. As the saying goes, "every family has its own problems". Every family has its own needs too. How are we to define "comprehensiveness" for family policy? According to the proposal put forward by Mr LAW, the Government must, in formulating a comprehensive family policy, assess the impact on families before implementing various policies. The scope of the impact is actually too broad and too wide. It is difficult for the Government to come up with a general principle to cope with the need of each and every family. The Government will not only encounter difficulty in implementation, but also waste a lot of time to conduct assessment, which may result in affecting the efficiency in implementing its policy. Therefore, "a comprehensive family policy" is highly controversial in terms of definition as well as technicality.

Madam President, the family is a basic component of society. While we agree that the Government should put in place appropriate co-ordinating policies, we will absolutely not subscribe to the practice of implementing pan-welfarism by making conceptual changes under disguise. With these remarks, the Liberal Party opposes the original motion and its amendment.

**DR RAYMOND HO** (in Cantonese): Madam President, according to Chinese tradition, families have always been the most basic component of the society. Families provide support for their members economically and in dealing with problems related to how they should behave themselves. In addition, families perform an important function of facilitating mutual support and care among family members. For instance, children are obliged for the maintenance of their parents, whereas senior members of the family should take up the responsibility of educating the younger members.

Nevertheless, the structure and function of families are changing subsequent to the rapid socio-economic and cultural changes in Hong Kong. Housing and economic restrictions have caused many local families to maintain only a core family. The fact that many couples need to work outside has also made it impossible for families to perform their past functions at various levels. Issues previously mentioned in relation to maintaining dependent parents and educating youngsters can serve as such examples.

In the meantime, the mode of families in Hong Kong has become increasingly diversified. With the emergence of single-parent families, families

with members living apart in different places, co-habit families, and so on, the situation has become even more complicated. There is thus an even greater need for the Government to make co-ordinations through its family policy to meet the needs of different families and to enable the community to develop steadily.

To enable families to perform their functions, there is a need for the Government to adopt appropriate policies and measures to, on the one hand, encourage society to attach importance to the family and, on the other, provide different families with the necessary assistance. The relevant policies, if implemented in an appropriate manner, will benefit our society tremendously.

To start with, reinforcing the basic functions of the family can help solve some social problems, such as lack of care for the elderly, family violence, youth problems and so on, more effectively. This will in turn reduce public spending incurred for the purpose of solving these problems and bring more remarkable results. Besides, families can provide urgent support when their members encounter problems relating to employment, studies or emotions and offer them timely assistance to overcome their difficulties. This can prevent the problems from worsening and the helpless victims from being driven into the path of desperation, thus reducing the occurrence of tragedies.

In order to tie in with the implementation of the family policy, it is necessary for the relevant authorities to introduce a "family impact assessment" system with a view to assessing the impact of existing and future social policies, legislation and measures on the family. Indeed, a number of proposals put forward in the motion warrants in-depth consideration.

Madam President, families have always play an important role in Chinese societies. By adopting an appropriate family policy, the Government should turn families into the nucleus of the society again to enable it to play a positive role. I so submit. Thank you, Madam President.

**MISS CHOY SO-YUK** (in Cantonese): Madam President, society is formed by numerous family groups. Whereas in traditional Chinese culture, great importance has been attached to ethics and family ties, human relation is built up first between close relatives. In our daily lives, family provides more often than not our most important moral and material support. In view of the importance of the roles played by the family, it is necessary that it be taken as one of the important considerations for government policies. The speech I am

going to make now will be focused on my views regarding the public housing policy and the ways that the Government can help to facilitate the development of harmonious family ties.

To begin with, even though it has been said all along that public housing policy in Hong Kong is aimed at helping needy families to resolve their accommodation problems, the Government in reality has never taken "family" as an important consideration in allocating public housing units. For example, while public housing residents may be allocated an additional unit for relief of overcrowding or other reasons, the Housing Department (HD) will not take into account the location of the housing units of the relevant heads of household, who are the parents or elderly members of the families concerned when allocating such additional housing units. As a result, although the parents or elderly members of families are living in urban areas, the younger generations have to move to new town areas like Tin Shui Wai, and so on. On the one hand, this will cause considerable inconvenience to people who have to take care of or visit their parents; on the other hand, this will also hinder the efforts to maintain family ties or to enhance family cohesion. Apart from that, the HD should also pay sufficient attention to the problems of overcrowded families. Family tragedies can very easily result from overcrowded living environment, economic pressure as well as other forms of social pressure. Likewise, as the housing units designed by the HD have failed to cater for the special needs of different families, cases of family tragedies as mentioned above abound. For these reasons, it is necessary that the HD adds in family assessment as one of the considerations for housing allocation. It is only in this way that family members can be encouraged to offer mutual support to each other.

Apart from housing policy, Madam President, I should also like to speak on how harmonious and healthy family ties can be promoted through other government policies. According to the results of a social survey conducted by the Democratic Alliance for Betterment of Hong Kong (DAB) in early April, the majority of the people of Hong Kong agree that they have a happy family life. Nevertheless, it is worrying that about 40% of the people interviewed have had "a quarrel" with their family members over the past month. Worse still, about 15% of the interviewees admitted that cases of scuffle, wounding with weapon, suicide, runaway family members, and so on resulting from family disputes had occurred in their families. At the same time, the findings of the survey also reflect that there is insufficient communication between youngsters and their families, as most of the young persons interviewed would not share their

innermost feelings with family members. The DAB believes that in order to enjoy a fulfilling family life, members of a family must work together to build up a sense of mutual trust among themselves and improve the communication within the family. In this connection, appropriate social support could play a rather important role here, and to start with, the Government may consider adopting the following measures. Firstly, the Government should set up family crisis support centre in the different districts across Hong Kong to provide families with immediate crisis intervention and counselling services. Secondly, at the district level the Government should put in efforts to promote the spirit of mutual help among neighbours and assist the public in setting up a complete mutual help network. Meanwhile, the Government should attach importance to education for parents, with a view to teaching parents how to deal with their children, improving their communication skills and encouraging them to co-operate with schools. Further still, the Government should also look into ways to provide effective counselling services and assistance for families with problematic students, so that counselling services can also be "family-based".

Madam President, the DAB agrees that where practicable and feasible, the Government should conduct research and assessment in relation to the impacts of government policies on families, and that improvement be made on those areas of existing government policies that have failed to take into full consideration the needs of families. Nevertheless, if such efforts or improvement should cast any far-reaching effects to the community, the Government must carry out consultation exercises and make careful plans in a bid to reach a consensus with the community. With regard to the second point put forward in the original motion moved by Mr LAW Chi-kwong, which urges the Government to formulate labour laws and policies that facilitate employees in taking care of their family members, the DAB is in support of the policy direction concerned. With regard to some of the specific points put forward in his family policy consultation paper, including the proposal for paternity leave, the rights of employees to take a maximum of four weeks' no-pay leave to take care of their ill family members, and so on, such issues must be handled with great care since these proposals will give rise to significant changes in the existing policies concerned and will affect substantially the rights and interests of both employers and employees. In this connection, Mr LAW suggests that the Administration should allow fathers to enjoy paternity leave with pay in respect of their new born child as well as the right to choose to take no-pay leave immediately after the expiry of such paternity leave. In the opinion of the DAB, while government policies should attach great importance to family needs, they must never overlook the various



objective social factors, such as social acceptability and the capacity of enterprises to provide such facilities. Given that the economy of Hong Kong is still in the process of recovering, if any attempt to amend the labour laws should pose greater operation difficulties to enterprises, thereby giving rise to any negative effects, the interests of families at large would be adversely affected. Moreover, so far society has not indicated any clear stance on the proposal for paternity leave. The DAB holds that instead of acting hastily, the Government must conduct careful studies and comprehensive consultation exercises on any proposals to amend labour laws. In particular, efforts must be made to reach a consensus with the Labour Advisory Board. Other than that, the DAB is in support of the many other proposals put forward by Mr LAW in his consultation document, such as the expeditious establishment of an alimony board, improvement in housing designs, provision of full-scale support for elderly families and families with disabled members, implementation of family education, and so on.

Madam President, I so submit and the DAB will abstain from voting on the motion.

**PROF NG CHING-FAI** (in Cantonese): Madam President, in 1994, Mr HUI Yin-fat, the then Director of The Hong Kong Council of Social Service and a Member of the former Legislative Council, took the opportunity of the "International Families Year" to move a debate in the former Legislative Council, urging the Government to formulate a family policy in Hong Kong. In addition, he requested various government departments and Policy Bureaux to consider or assess the impact of the policy on the family when formulating public policies.

Madam President, although Mr HUI's motion was passed at that time, the Government has not changed its long-standing position and viewpoint with respect to family policy. Mr HUI's motion came to an end after a vote was taken on the debate, but without being adopted by the Government. Today, six years after, a similar motion moved by Mr LAW Chi-kwong on family policy is debated in this Council again. I intend to link up some of the arguments and studies initiated by the two motions and to say a few words on what is in my mind.

To start with, is it really necessary for the Government to formulate a family policy? According to the theory held by the Government in the past, it was not necessary for the Government to do so as "a policy for supporting

families" was already in place in Hong Kong. Specifically, many government policies have already taken the family into account. With respect to the policy on public finance, for instance, a number of concessions has been granted towards salaries tax for families and their members. Giving regard to family tradition, the public housing policy offers young families incentives to live with their elderly members for the sake of taking care of them.

I see that the Government is trying to keep pace with the times. A review of existing family services is now being undertaken by the Social Welfare Department (SWD). Even the Director of the SWD, Mrs Carrie LAM, admitted that former family services had failed to gear to actual needs and were hence in need of repositioning. Such an attitude is commendable. Nevertheless, welfare services have targetted merely at the provision of family support services and assistance for problem families. A family policy is obviously more than just welfare services.

This explains why members of the public still see it necessary for the Government to formulate a family policy despite the slight regard that the Government has given to the family in implementing certain public policies. It is apparently necessary for Mr LAW Chi-kwong to make it more specific when he referred to the "comprehensive family policy". Just now, some Members have already stated their views on this. If Mr LAW was actually referring to the need for the Government to examine and formulate a family policy relating to principles which are commensurate with the objective conditions in Hong Kong and are able to promote the well-being of Hong Kong families, I will agree that there is a necessity to do so. It is also absolutely correct for the Government to encourage the community to attach more importance to the family. However, if the so-called "comprehensive family policy" means urging the Government to fully meet the needs of each and every family and to assume responsibilities as the principal head of several million families in Hong Kong, such a comprehensive family policy is not going to work out in practical terms.

I am inclined to agree with the view held by some academics: that the Government should not be the sole organ to help families. Such social groups as relatives, neighbours, employees, welfare groups, community organizations, and so on, should work in collaboration with the Government to care for and give assistance to individual families. Of course, the Government should play a leading role in providing diversified family assistance, but what is more, it must also play various roles at the same time: as a service provider to provide services that are most basic, important and that no others would provide; as an

intermediary between the family and various community groups; as a regulator to control the quality and quantity of family services available in the market. I believe that with respect to giving pluralistic consideration to the family policy in Hong Kong, we should indeed attach importance to and accept the proposals made by the academic circle.

As for the problem of assessing the impact on the family, I would like to quote what Mr HUI Yin-fat said six years ago. According to Mr HUI, "All government departments or branches must, in formulating all public policies, consider or assess the impact of these policies on the family". The first proposal made by Mr LAW in his motion is basically referring to the same thing. Nevertheless, it seems that Mr LAW is trying to make it more institutionalized, but just now, some Members have pointed out that it is difficult to do so.

From a practical angle, the policies of a number of government departments are directly or indirectly related to family affairs. Examples are the Health and Welfare Bureau, the Education and Manpower Bureau, the Home Affairs Bureau, the Housing Bureau, and so on. On the other hand, the Commission on Youth, the Women's Commission, the Elderly Commission, and so on, would give advice on family affairs.

However, in the course of discussing or formulating policies, is there adequate co-ordination among these government departments and commissions? Have their policies, with their different emphasis, extended their vision to families? For instance, the Government is making a vigorous effort to carry out education reforms in recent years. Besides school education, family education also plays an important role. There must be co-ordination between schools and families.

I note that last year, an academic suggested to the Government the setting up of a family commission last year. Under the proposal, the relevant government departments and advisory organs will work with the related academics and non-governmental organizations to examine and formulate a family policy. Of course, I am holding an open attitude towards the necessity of establishing such a commission. Moreover, we may further examine the issue in an in-depth manner. In any case, the proposal has pinpointed the existing problems of the family policy. The Government must give careful consideration in repositioning its family policy with a view to strengthening the function of the family and protecting the interests of family members so as to safeguard family welfare.

In short, Madam President, I think the family policy under discussion today should be viewed as an all-embracing issue at the basic level. In considering or reviewing the impact of government policies being formulated or carried out on the family, the Government should ensure that the specific policy issues of the various bureaux and departments must tie in with the reality of Hong Kong. Mr LAW Chi-kwong's motion and Mr Frederick FUNG's amendment have altogether raised six issues relating to the specific policies of departments responsible for labour, finance, education, social welfare and housing. Each issue can be the subject of a separate debate, but it is impossible for us to debate these issues one by one today. I can only say that I will support a feasible family policy, yet we may not be able to meet the demands made in each proposal raised by Mr LAW. Some of my colleagues even see the motion as "passing off fish-eyes as pearls", trying to do something under disguise. I believe this is not what Mr LAW has intended. In any case, I believe it is impossible for all specific functions to be included one a single motion.

I so submit.

**MR ANDREW CHENG** (in Cantonese): Madam President, on behalf of the Democratic Party, I wish to say a few words on the formulation of labour legislation and policies conducive to helping employees care for their family members. In a paper entitled "Consultation Document on Family Policy" he put forward earlier, Mr LAW Chi-kwong has already made a number of tentative recommendations on the relevant issues.

Madam President, the vigorous industry of people in Hong Kong seems to be a well recognized fact, and examples of people working from nine to nine abound. According the Census and Statistics Department's fourth quarterly report for the year 2000, the number of local employees working more than 60 hours a week is as large as 601 000, representing 18.9% of the total number of employees. Long working hours over continuous periods will not only affect people's health, but will also, very often, force them to give up their family obligations, thus resulting in the alienation among family members. This may cause many social problems in the long run. The Government has been making publicity efforts to spread the message that "子女好與壞，在乎溝通與關懷" (the goodness or badness of children hinges upon communication and concern), but has it ever tried to create a "family-friendly" working environment for parents or employees who have to shoulder family responsibilities of one kind or another?

Under Article 16(d) of the Convention on the Elimination of All Forms of Discrimination Against Women, the State Parties shall ensure, on the basis of equality of women, "the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount." It can thus be seen that from the perspective of equal opportunities, the roles of a father and a mother should be equal, and this in turn means that a man should also have the right and obligation to look after his new-born baby. In many European countries, paternity leave is already offered to men, but in Hong Kong, only women under continuous employment are entitled to a maternity leave of 10 weeks. The Democratic Party has been fighting for paternity leave for years, but so far, the authorities concerned have failed to view with any seriousness at the issue.

According to many studies, women who can receive care and support from their family members and husbands after the birth of their babies are less likely to suffer from post-partum depression. Earlier on, I happened to read a feature article in a newspaper, in which Mr Dominic LEE, Associate Professor in Psychiatry, Faculty of Medicine, The Chinese University of Hong Kong, is quoted as saying that when a baby is born to a family, not only the wife, but also the husband, may suffer from depression before or after the delivery. According to statistics, in Hong Kong, some 6 000 women suffer from post-partum depression every year, and it is estimated that some 3 000 men also suffer the same problem. Increased financial pressure, onerous household chores and the change in role would all exert invisible pressure on husbands caring for their wives and new-born babies. For this reason, the Democratic Party proposes that the Government should study the possibility of offering paid parental leave to fathers at the birth of their babies. It is also proposed that no-pay leave should be further offered to these fathers, so that they can care for their wives and babies. As for the maternity leave for women, the Democratic Party proposes that the Government should study the possibility of relaxing the requirements on extending the period of no-pay maternity leave, so that mothers can choose to extend their maternity leave whenever necessary.

Madam President, the Chief Executive pointed out in his policy address last year that the Government would study ways of further promoting flexible working hours, or the so-called flexi-time, so that employees with young children could spend more time with their children and parents could also participate more in the management and parents' associations of their children's schools. The Democratic Party supports all these, but it is of the view that the

Government's pace in these respects seems to be a little bit too slow. Employers should seriously consider the idea of allowing their employees to adopt flexi-time, and they should also consider the concept of "home office" for some particular types of work, such as those relating to the handling of papers and documents, so that their employees can stay at home to work, sending and receiving correspondences through the Internet and e-mail. The Government should also consider the offering of no-pay leave up to a maximum of 24 hours, so as to encourage employees to take part in the parents' activities of schools, or to accompany their family members in seeking medical treatment. The offering of no-pay leave up to a maximum of four weeks should also be considered, so that employees can look after their family members who have fallen sick. Such arrangements will enable employees to shoulder their family obligations better.

Madam President, finally, I wish to say a few words on the arrangements adopted in times of typhoons and rainstorms. The Democratic Party has been fighting for a long time for typhoon and rainstorm leave. The reason is that typhoons and rainstorms will often cause serious traffic congestion, or even flooding and landslides, which will pose great dangers to employees. Under these inclement weather conditions, classes are usually suspended, and parents will have to stay home to look after their children. In regard to this problem, what the Labour Department has done so far is just the issuing of a set of guidelines which is not binding on employers. The guidelines also fail to specify very clearly the obligations and rights of both employers and employees at times of typhoons and rainstorms. The Democratic Party proposes that legislation should be enacted to give people paid leave during the hoisting of Typhoon Signal No. 8 and the Black Rainstorm Warning.

Madam President, Members representing the commercial sector are perhaps worried that the proposals may result in too many holidays and benefits. But I must say that the people of Hong Kong are noted for their industry and dedication, so unless absolutely necessary, they will not take any leave. What is more, all the different kinds of leave that Mr LAW Chi-kwong proposes today in connection with family obligations are no-pay leave. They will not impose any extra burden on employers, and he is not encouraging employees to abuse them. To sum up, the Democratic Party holds an open attitude towards all the proposals, and we hope that Members can offer as many comments as possible.

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

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, the basic component of a family is the individual. The fundamental method to improve the quality of life of families is therefore to resolve the problems that individual persons face in their daily lives. If the problems that individual persons face in their daily lives remain unresolved, it would be all the more difficult to alleviate the problems that families are faced with. Hence, the focus of the so-called family policy should be laid on how the rights and interests of individual persons could be safeguarded. If focus is not placed on this point, or measures that can get at the root of the problem are not put forward, any other proposals raised would just hardly help to resolve the various problems, or to contribute to the real improvement in the family lives of the grass-roots sector.

The original motion proposes to formulate labour laws and policies providing for arrangements that enable employees to take care of their family members, including the paternity leave suggested by Mr LAW Chi-kwong, no-pay leave for employees who need to take care of ill family members or attend school activities, and so on. While these suggestions can certainly help to improve people's family lives, we still need to take into consideration another grave problem facing wage earners today, which is the increasingly heavy work pressure on them. Workers from the grass-roots sector like security guards, cleansing workers and retail shop employees often have to work some 12 to 13 hours daily. After deducting the time required for meals, rest and communication, there is indeed very limited time left for them to take care of their families. Besides, as the Government is now advocating life-long learning, these wage earners are really at a loss as to whether they should spend the limited time that remains on learning, taking care of their families or having a rest.

All these have made life complicated mainly because of the Government's failure to attach importance to issues such as the working hours and wage levels of employees. As a result, people are faced with great difficulties in their daily lives and can hardly have enough time for rest. As I can recall, earlier on we have mentioned that the meaning of the First of May should lie in the "three eight principle" it advocated, which comprised eight hours of work, eight hours of rest, and eight hours for learning. But then, how many people can really enjoy such kind of life these days? I am afraid this is something we can hardly achieve. Hence, if we are to improve people's family lives, we must devote more efforts in dealing with problems in these aspects.

Further still, we have also seen that besides suffering from insufficient time for rest and difficulties in financial resources affecting their livelihood, unemployment is a yet graver problem facing grass-roots workers. As Members are aware, the rate of unemployment in Hong Kong has stood high. Burdened with anxiety over such a problem, workers can hardly spare any time to take care of their families. I therefore feel that if we are to handle family issues as a whole, we must never overlook the problems of individual persons.

A more ironical example is that a tragedy took place on the day we discussed the meaning of the First of May. A worker sought to resolve the debts of his family by committing suicide. But then, he actually could not resolve the problem even after his suicide, for his family still has to deal with the debts. The major reason why he ended up in huge debts was that he had remained unemployed for a very long period of time. So, today when we discuss the methods to resolve the livelihood problems facing families, we could hardly find out any solution to the problems if we should only concentrate on family issues without paying attention to the problems of individual persons I referred to just now.

Madam President, what we ask for is a set of family policies which start off with the individual and then extend to families from different sectors of society, which seeks to facilitate the healthy and harmonious development of families through enhancement of personal living conditions and improvement in the living environment of the various sectors in society. While tax concessions and no-pay leave for attending their children's school activities may seem very useful and practical suggestions in the eyes of the middle class living in affluence, to people from the grass-roots sectors working hard daily to earn a living, they would look for a stable job with humane working hours and a pay that could cover expenses on basic necessities to form the basis of their family lives. In my opinion, unless these basic conditions are fulfilled, it is very difficult to improve the family lives of these people. Other suggestions, however good-willed they may be, are just of no practical use to people from the grass-roots sectors.

Madam President, I am not making this speech to raise any objection to the proposals put forward by Mr LAW Chi-kwong. In my view, it is most important that the crux of the problem be dealt with. By that I mean while the proposals put forward in the motion are good suggestions, before the successful implementation of such proposals, we still have to be more practical, pay more



attention to the existing issues before us now, and give thoughts to how the problems of individual persons can be resolved. In this connection, we have repeatedly put forward proposals to urge the Government to formulate laws providing for minimum wage protection and regulating the number of working hours of employees, it is regrettable that the Government has turned a deaf ear to all our requests and never granted us any assistance in this respect. When discussing matters relating to the out-sourcing of jobs, we have urged the Government to take the lead by formulating laws to control the wage levels concerned, with a view to preventing the wage level for the work briefed out from being set at too low a level, so that the workers concerned may live in dignity. Regrettably, however, nothing has been done by the Government.

I will give support to the motion moved by Mr LAW Chi-kwong today. However, I wish to reiterate that we should never ignore the basic working conditions of individual persons when discussing family issues. I support the motion moved by Mr LAW Chi-kwong, but I still hope that in considering ways to improve family lives, the Government will also take into account the problems of individual persons.

Madam President, I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): Madam President, I speak on behalf of the Hong Kong Confederation of Trade Unions (CTU) in support of Mr LAW Chi-kwong's motion today. I am not sure what the voting result will be later today but I believe everybody thinks that families are important and none will say that they are not. Although all of us admit the importance of families and that they are important pillars for the continuous development of human society as well as very important units in society, the problem is that crises have emerged in families in Hong Kong have crises. Perhaps, crises have not only emerged in families in Hong Kong but they have also emerged in all families in the world.

Why have crises emerged in all families in the world? Why are there so many divorce and child abuse cases? Why are there so many juvenile gang and youth problems? Everybody thinks that the family system has set alarm bells ringing. The Government has really to formulate a comprehensive family policy to strengthen the family system. We hope that the Government would do so, but is it willing to do so? I feel that it depends on how the Government considers the impact of economic activities on families.

Even if we ask the Government to formulate a comprehensive family policy, if it just treats symptoms but not the disease and only provides more services and counselling, I think the problems are quite beyond the Health and Welfare Bureau to tackle alone. The source of these problems is related to the impact of overall economic activities on families. I wish to emphasize again that this is not only a problem for Hong Kong but also a headache for the whole world. More specifically, it is work that has split up families. This may sound unpleasant because work is supposed to be pleasant, and so is labour. Perhaps we can only say that the labour market that is full of adversity and exploitation has split up families, or economic activities, to a certain extent, have split up families.

The present day phenomenon of "poor and lowly couples often land in multiple distress" is something we often talk about. I would also like to discuss another phenomenon today. It is a "total briefing out of family care" phenomenon that has been observed in recent years.

We all know the phenomenon of "poor and lowly couples often land in multiple distress" very well. In the present economic situation with a high unemployment rate, a low-income family would be subject to the pressures of livelihood and living. The worry, pressure, anger and helplessness felt by many people who cannot earn enough to feed their families really drive them crazy. Ultimately, families split up and some may abuse their children while others may more tragically commit suicide, or the whole family may commit suicide together. Such cases are caused by the fact that people are driven crazy by the pressure of living.

What middle class families are confronted with may not be purely livelihood problems. They are often encountered with the fact that if they do not make continuous to efforts work very hard, their living standards may decline. As a result of this anxiety arising from the lack of a sense of security, many middle class families have to sacrifice their family lives and both of the parents have to continue to go out and work.

Therefore, both the poor and the middle class have to face a similar problem, that of working hours. If we do not look squarely at the problem of working hours, we cannot solve their problems at all. I earnestly hope that Mr TUNG Chee-hwa would not say that he was working "seven-eleven" again because this was not a good example. In fact, in a more humanitarian society, one should not flaunt such a "death-defying seven-eleven" spirit. Although I

also work "seven-eleven" sometimes, I would not talk about that. Therefore, I really hope that Members will realize that the problem of working hours is also a crucial element that splits up families.

As regards the phenomenon of a "total briefing out of family care" I just mentioned, I believe families in Hong Kong have started to follow the example of the Government. I clearly remember that when Mrs Anson CHAN explained why the Government had to brief out work, she said she would have to ask herself a few questions first. Firstly, what kind of jobs can other people do rather than the Government? Secondly, would it be cheaper if the jobs are given to other people to do? Families in Hong Kong have likewise made these considerations. They would consider whether it would be cheaper for other people rather than they themselves as parents do the jobs. They only have to spend \$3,670 a month for a foreign domestic worker to do the jobs; it is really cheaper. If either the wife or husband stays home, the cost to be paid is that he or she has to give up a monthly income of ten to twenty thousand dollars. Therefore, they decide to brief out their baby to a foreign domestic helper and then brief out all the household jobs in toto. For instance, they brief out the children's homework to family tutors and they gradually brief out other family care duties, until the relationship between the couples deteriorated, and they may finally even brief out their marriage. In the working world as at present, families keep briefing out family care responsibilities in order to continue to compete for success in economic activities. Have we paid too much for this competition? If we do not face up to these problems, the so-called family policies will ultimately only be "remedial measures".

I really hope that the Government will not be a "schizoid" any more, for while it says that families have to be taken care of, it has not enacted any labour legislation or policy to take care of families. We have neither working hour restriction nor paternity leave for fathers. In foreign countries, paternity leave for fathers has now come to be known as parental leave. In Europe and in many places, if a baby is born, either the father or mother can enjoy no pay leave for one year to take care of the baby. But there is nothing like that in Hong Kong. None of the laws in Hong Kong, including the legislation on rest days, has been geared towards taking care of families. Up till this day, some people in Hong Kong still have to work seven days a week. Where do they have their families? They have totally disappeared. Thus, the Government and the Education and Manpower Bureau cannot be indifferent or put all the blame on the Secretary, Dr YEOH Eng-kiong. Now I have to pour out these grievances on behalf of Secretary YEOH.

**MR ALBERT CHAN** (in Cantonese): Madam President, talking about the issue of comprehensive family policy, superficially, the Government has said a comprehensive family policy is in place and great importance has been attached to it. Actually, in many aspects, I still think that the Government has separated policies which are not matched by coupling measures. I would like to share my experience and express my views in the light of town planning and social welfare services.

In respect of town planning in Hong Kong, if we ask the residents of every district about what public facilities there are in their districts, especially the facilities intentionally designed by the Government for the leisure activities of families, I believe most of them will answer that they can rarely find such facilities. Many people will say that the Victoria Park is a good place but it is always very crowded on holidays and one can hardly find a place to sit. Some will suggest the Hong Kong Zoological and Botanical Gardens but there are also a lot of visitors and people living in other districts will not go there every week. Let me talk about the Tsuen Wan District where I live. If I have to find a place where families of four can spend their leisure time, apart from department stores and poshy shopping arcades, government facilities can rarely be found. There is a well-known Tak Wah Park in the Tsuen Wan town centre but most of the park have become "drug-trafficking centres" and are forcibly occupied by drug addicts. Even though there is a beautiful fish pond with koi in it, residents are unwilling to bring their children there. A seaside promenade and a promenade walk were originally designed a decade ago but the Government has made use of the area as a construction site in the past 10 years. Initially, it said that it was the site for the Route 3 but it later said that the site was intended for other projects. When I bought the Home Ownership Scheme flat that I am living in 10 years ago, it was stated on the plan that a promenade walk would be developed. However, the place has remained a construction site for 10 years. Furthermore, for the past 10 years, the Government also said that it would provide on the hillside such facilities as a basketball court and a sitting-out area. I have exchanged correspondence with the Government on this matter for 12 years but the relevant projects have not yet been implemented, and all along, the Government has put forward the excuse that the squatter problem has not yet been solved.

Regarding town planning design, if we ask the residents of each district to name the places in the district where ordinary families and children can carry out leisure time activities, I believe a lot of them can hardly name any place to their

satisfaction. Those who live in prestigious residential areas in the Mid-levels or near Repulse Bay may have a better environment but there is rarely any place near or on the outskirts of busy areas for the whole family to spend their leisure time. Those officials who are responsible for town planning have not participated in this debate today. If town planning is not complimentary with a comprehensive family policy, the policies of other bureaux would still be incomprehensive and lacking in support.

I can see that a representative of the Housing Bureau is present. In regard to housing policies, children from many families in Hong Kong grow up in the urban area. When they grow up and want to have new families of their own, some of them would apply for public housing, but 99% of them would be allocated housing in new towns that are far away from the urban area. The phenomenon thus created is that old people would live in old buildings in or near the urban area while the younger generation, like pioneers opening up the land, would have to live in remote places.

I remember that over 10 years ago when I worked in Tuen Mun as a social worker, I saw on Sunday mornings large groups of residents taking the bus to the urban area, and I saw many residents and their children waiting for the bus to go to back to Tuen Mun at the Tsuen Wan bus terminus after 7 pm to 8 pm in the evening. Similar scenes can now be seen in Tin Shui Wai. Many people would go to the urban area on Sunday mornings and then many would travel from the urban area back to Tin Shui Wai in the evening. There will be a lot of problems if young people live too far away from their elderly. The existing policies of the Government have deterred families comprising two to three generations to enjoy a reasonable and normal family life. I hope the Government would review its policies and act instead of merely saying that it attaches importance to the integrity of families. Actually, we Chinese seek to have undivided families comprising three and even four generations.

I would also like to discuss the social welfare services in Hong Kong. I cannot help shaking my head and sighing when I think of the provision of social welfare services in Hong Kong, and I have actually sighed for more than 10 years. The relevant services are provided on an age-specific basis in Hong Kong and there are services for children, the youth and the elderly. Only some family service units provide services in the name of families but they mainly provide counselling services. If there are family problems and family members wish to seek family service assistance, they are only given counselling services.

Of course, family life education services are also offered, but there is hardly any organization that provides comprehensive family services in districts or formal services targeted at certain families. A few years ago, some organizations tried to provide community-based family services in new towns and they have made such attempts for several years. However, the Government still did not accept the direction of such services and insisted on adopting the age-specific mode in providing such services. In my view, this mode fails to meet the needs of the families concerned and is a waste of resources. In general, there are very few users in youth centres in the morning while there are more users in the afternoon or the evening. On the other hand, there are many users in elderly centres in the morning and there are very few users in the afternoon or the evening. A lot of people who wish to organize such activities as Cantonese operatic song classes or pop dancing classes have found it hard to obtain venues for organizing such activities. As for the design of service provision, as the Government has provided services on an age-specific basis in the past, members of the same family in a district can hardly participate in the same activity. Sometimes, I had wanted to join my children in some of the meaningful activities organized by family service organizations, but I would have to give up the idea because I later found out that they were age-specific activities. I hope that the Secretary will give me some information so that I will know the places where meaningful and interesting activities would be organized, and then I could participate in such activities with my children. I hope that the Government would conduct a review on the relevant policy and make due improvements.

Thank you, Madam President.

**MR BERNARD CHAN:** Madam President, early this month, an unemployed father jumped to his death, leaving behind his kids, wife and an ill mother. The incident has once again prompted public concern over family tragedy in Hong Kong.

Family is a vital component in our society. It is no doubt that the harmony of family is a prerequisite for our society's stability. In the midst of rapid social changes, it is particularly important to preserve the strengths and capabilities of the family.

However, with all such an important role, are we giving adequate support to family?

The Hong Kong Council of Social Service yesterday organized a summit to mark the International Day of the Family. The theme of the summit is "United for Family Solidarity". The Council believes that a caring and harmonious family can function to support family members to face the many challenges and pressure in our society. And it needs the concerted efforts of all parties. Various aspects such as housing and town planning, education, labour protection, government and community support, and legislation were discussed at the summit.

The summit is timely as we see more family problems in the society. Very sadly, we have more single-parent families, split families and poor families in the community.

No matter which type of problem a family comes across, there is higher chance of having domestic violence, extra-marital affairs and children with behavioural problems.

Some family-friendly policies are urgently needed. Having said that, I do not mean that we need policy only to offer family financial assistance. Instant financial aid is important, but not the most important.

In fact, in the long run, we will need to enhance the family's capacity of helping themselves and others. The role of our Government is not to serve as a substitute for the family, but rather provide the necessary environment to facilitate members to develop their capacities, assist them to cope with difficulties and become self-reliant.

In order to achieve this objective, we need a comprehensive family policy. We should examine ways to better co-ordinate family services and to improve service delivery in order to address to family needs through a more effective and holistic approach.

In fact, Mr HUI Yin-fat, Director of the Hong Kong Council of Social Service and the then legislator, moved a motion in 1994 calling for a family policy for Hong Kong. The motion was passed.

However, Hong Kong families have experienced many changes in the past several years, especially after the Asian financial turmoil. The economic bubble has burst, leaving many shops closed and families unemployed. This has created new problems in our society, requiring new strategies to tackle with.

It is time for us to examine the problems and formulate a comprehensive family policy. Suitable tax concessions, fair labour laws, better co-operation between parents and schools and timely welfare support for families should all be welcomed. Such spirits of self-help and helping others should be promoted. However, details on how the measures should be implemented require a thorough study.

The Honourable LAW Chi-kwong made a number of proposals in his Family Policy consultation paper. He suggested, for instance, that the maternity leave be extended from 10 to 14 weeks, and that maternity leave be granted not only to mothers but also to fathers. Other holidays including leave for workers to take care of their ill family members and leave for workers to join their children's school activities were also proposed.

The recommendations are to protect the interests of workers, but I am afraid that they are not easy to implement, especially during this time when Hong Kong economy has yet to recover. Some of them require co-operation from employers and the entire business sector.

A family impact assessment system is also proposed. The system will be more complicated than the Environmental Impact Assessment, as family involves policies in education, working, housing and so on.

Several states in the United States require family impact analysis as part of their planning and evaluation process. The Government of South Australia has adopted a policy since 1980 requiring all proposed changes by state departments and commissions be accompanied by a family impact statement.

We could look at their systems, but I think, more importantly, we need to work out a system to fit our own unique culture.

Madam President, I may not entirely agree with all the suggestions proposed by Mr LAW Chi-kwong, but I think that the spirit of his motion should be welcomed and supported. This Council must send a clear message to arouse our community's awareness.

Thank you.



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

(No Member responded)

**PRESIDENT** (in Cantonese): Mr LAW Chi-kwong, you can now speak on Mr Frederick FUNG's amendment. You have five minutes.

**MR LAW CHI-KWONG** (in Cantonese): Madam President, the wordings of Mr Frederick FUNG's amendment are very simple and the intention is to enable every family to have its permanent, independent, self-contained and affordable accommodation. I heard Members question whether that would be feasible, how that could be done, while some of them even expressed that they could not agree. I am really baffled. This is a policy objective and I very much wish to ask all Members and everybody in Hong Kong whether they hope that every family would have permanent, independent, self-contained and affordable accommodation. Had the policy addresses made by the Chief Executive after he assumed office talked about the same objective in reality? Perhaps, everybody would like to ask, could we achieve the objective today? The policies formulated by the Government cannot be implemented immediately and they cannot achieve the objective at once since all policies take a certain years to implement and would gradually achieve the objectives according to some plans and proposals. I firmly believe that everybody in the community wants to have permanent, independent, self-contained and affordable accommodation. The Government should set this as the most fundamental objective; we can then consider when the objective can be achieved with the existing resources such as land and finances under the present circumstances. The appropriate attitude we should take is to set an objective and work out a specific plan before implementing a policy.

I think some Members will vote against this amendment later today but I really hope that they will think it over again: are all policies to be implemented immediately once they are formulated? This is my basic understanding of policies. I hope that all Members would support the amendment proposed by Mr Frederick FUNG. We are now setting a very clear and specific objective. Although the objective cannot be achieved today, can we achieve it in five or seven years or a longer time later? I hope that Members will consider this amendment from this angle. Thank you, Madam President.

**SECRETARY FOR HEALTH AND WELFARE:** Madam President, the Administration welcomes this opportunity to discuss family policy. It is indeed timely to do so, given that yesterday was the United Nations International Day of Families.

I have listened with great interest to the views of Honourable Members and am most appreciative of their views and comments.

However, I am bound to say at the outset that the Government cannot support the motion, since it implies that we do not have comprehensive policies for families. In reality, nothing could be further from the truth. Concern for and appreciation of the impact of individual policies on the family pervades throughout all government actions. Government policies have already taken into account the impact on individuals and families. This is self-evident and part of the accepted structure and motivation of the Government. Making reference to one authoritative publication on family policy, the major instruments for family policy include policy domains, such as — let me read out just a few — income transfers, including child and family allowances, social and public assistance, parenting policy, including pay and job protective leave for employees following child birth, child care policy, laws of inheritance, adoption, guardianship, foster care, marriage separation, divorce, custody and child support, family planning and abortion law and policy, housing allowances and policy, maternal family and child help services and so on. I think that Members will recognize that most of these are present in the Government's policies and operation at the moment. I shall, in due course, and using the specific policy areas referred to in the motion, provide more specific examples in support of my position.

But before doing so, I should first like to say a few words about the family and its position in our society. The importance of the family as a pillar institution of society is without question, either for Members or for the Administration.

There is, however, no consensus on the definition of a family. We all use the term and believe that we know what it means. But there are considerable variations in the community as to what precisely it should encompass. The traditional three generations living together model is becoming, in many communities, a rarity. Instead, families today may comprise adults with or without children, single parents, and those who live partly across the border.

In functional terms, the family is the oldest form of bondage between individuals. It is a source of strength, providing an intimate environment for the physical care, mutual support and emotional security of its members, individually and collectively. It is within the family that we learn basic social and moral values, develop relationships, share what we have with others, cope with conflicts, crises and tragedies, and love, nurture and care for one another.

One of the definitions that I have come across from the American Home Economics Association best demonstrates the diverse, complex and changing nature of families:

"A family: Two or more persons who share resources, share responsibility for decisions, share values and goals, and have commitments to one another over a period of time (the period is not defined). The family is that climate that one comes home to; and it is that network of sharing and commitments that most accurately describes the family unit, regardless of blood, legalities, or adoption or marriage."

Turning to family policy, this may have different meanings in different political and social systems. Family policy may be defined as a field in which certain objectives regarding the family are established and various policies and measures are developed to achieve these goals. Family policy may also be defined as a rationale, providing an acceptable reason for achieving latent objectives. Societies may identify goals which need not have direct relevance to the family but require some sort of behaviour on the part of the family — I repeat, require some sort of behaviour on the part of the family — or family members for goal attainment. Family policy may also be defined as perspective or criterion for social policy choice in various policy areas, with the use of family well-being as one of the criteria for decision making as well as an outcome for assessing the consequences of policies generally. As you can see from this, the family may be both the object and the ego of social policies. Consequently, policy relating to families cannot be one monolithic family policy and would necessarily encompass a diversity and multiplicity of policies that recognizes the variety of families and different policy domains.

The Administration is extremely sensitive to the multifarious needs of families and through different means adopts comprehensive and extensive policies for families. This policy naturally embraces the different members — all children, young people, men, women, parents and the elderly (and I think this

was quite clearly highlighted by Members individually) including those with specialized needs and the different types of families. We should also remember that policies designed to impact on family groups often also impact on other broader social policies and *vice versa*. Given the all-embracing nature of families, it is a given for the Government to consider the implications of relevant policies on the family as broadly defined. The issue is not whether the Administration takes into account the effect of policy on this fundamental unit and institution of our society, but rather the extent to which the Government should intervene, and whether this is desirable.

Against this background, I wish to highlight what the Government has been doing, in particular in promoting a family-oriented society.

Here in Hong Kong, our policies always take account of the family and its individual members. The 1991 White Paper, "Social Welfare Policy into the 1990s and Beyond", states that "the relevant policy Branches in the Government should consider the family perspective when developing policies that have implications on the family as a unit and as a resource" and "at the policy level, the different policy makers should take greater cognizance of welfare concepts such as the family unit and the welfare of the child when formulating policies for their respective policy areas".

The family is a vital component of our society. The family which functions well in discharging its responsibilities contributes to the stability and well-being of society. The major objectives of our family welfare services are:

- (a) to preserve and strengthen the family as a unit so that it provides a suitable environment for the physical, emotional and social development of its members;
- (b) to give assistance and enhance family functioning through support services in order to cope with difficulties in family life; and
- (c) to restore families in trouble so that they can regain their self-reliance.

With these objectives in mind and having regard to the rapid social and economic changes in Hong Kong, our family welfare services have been developed to assist families to discharge their caring and protective functions.

The Government strengthens and supports the family so that it can function properly and intervenes only when members of the family are in need of assistance and protection.

In 2001-02, the estimated recurrent expenditure on the family and child welfare programme is \$1.7 billion. Apart from this, a safety net in the form of the Comprehensive Social Security Scheme and charitable funds is available to assist families in need of financial assistance.

Having consulted colleagues in the bureaux responsible for the subjects raised in the motion, I now wish to give examples of the specific policies and actions taken to promote the well-being of the family, to strengthen the family as a key unit in our society and to promote a family-friendly society.

On the question of introducing a family impact assessment system, there appears to be limited information in the literature and in practice as to how such a system or systems could be applied. Without a consensus on the definition of the family, what constitutes family policy and a common understanding on the extent of state intervention into individual and family life, the development of universally accepted instruments is problematical. Applications of such instruments demand an adequate knowledge base, improved measurement capability and consensus on the society's values and objectives. As such, the Administration will continue to monitor the research in the development, application and evaluation of family impact assessment systems.

On the question of formulating labour laws and policies that facilitate employees to take care of their family members, we fully agree with the sentiment that we should encourage employers to adopt a caring and compassionate attitude towards their employees and be sensitive to their needs and those of their families. These are reflected in our labour legislation and our policies.

Under the Employment Ordinance, all employees engaged under a continuous contract have the right to statutory holidays, paid annual leave and rest days during employment. Employers must provide leave for employees on the 12 statutory holidays and a minimum of seven to 14 days of paid annual leave each year. They must provide employees with at least one rest day in every period of seven days. The level of regular and mandatory holidays in Hong Kong compares favourably with neighbouring economies in the region, and even some of the developed economies.

Our legislation also provides a full range of maternity protection and benefits. Under the Employment Ordinance, employers must provide their pregnant employees who are employed under a continuous contract a period of 10 weeks' maternity leave. If their employees encounter health problems before or after the delivery, employers must allow them to take an additional maximum period of four weeks' leave. During pregnancy and maternity leave, employees who meet the qualifying period of employment enjoy financial security and employment protection. Their maternity leave pay is equivalent to four fifths of their normal wages. Further improvements have been introduced in recent years to allow the concerned employees greater flexibility as to whether to allocate a longer part of the maternity leave to the period after the delivery. These legislative requirements ensure that employees are protected during maternity and that they can devote adequate attention and time to take care of their new-born babies.

The Government encourages employers to adopt a caring approach and to work out mutually acceptable arrangements in response to employees' needs and those of their families. We also encourage employers and employees to communicate and work out mutually acceptable arrangements together. In practice, many employers are already responding to the special needs of their employees by granting no pay leave to them so that they can attend to their personal or family needs.

Some Members have called on the Government to enact legislation to require employers to provide paternity leave, leave for taking care of sick family members, leave for taking care of adopted children and so on. Even though most of these proposals are in the form of no pay leave, they can cause disruption at the workplace. To mandatorily stipulate that employees should be entitled to such leave overlooks the genuine operational difficulties of some business operations. Also, it is difficult, if not impossible, to decide or agree on an exhaustive list of circumstances under which no pay leave should be granted. The current approach of mutual respect and facilitation is working well and should continue.

The Government will continue to promote employee welfare in this respect by setting and enforcing standards and through public education. We will also ensure that our employees' rights and benefits in this respect are improved progressively and in a way which is commensurate with the pace of Hong Kong's economic and social development.

As regards the notion that tax concessions should be granted to encourage family members to discharge more effectively their function of taking care of one another, I should like to remind Honourable Members that the Government has since 1947 provided various tax concessions for this purpose. There are a number of tax allowances and deductions under the existing Salaries Tax system to alleviate taxpayers' financial burden arising from taking care of their family members. Apart from the Married Person's Allowance, these include: Child Allowance, Single Parent Allowance, Dependent Parent Allowance, Dependent Grandparent Allowance, Dependent Brother or Dependent Sister Allowance, and Disabled Dependant Allowance.

To encourage people to live with their parents and grandparents, a person is entitled to an additional Dependent Parent Allowance or Dependent Grandparent Allowance in respect of each qualified parent or grandparent who resides with him/her or his/her spouse. To help those providing for their elders who need residential care, a person may claim a deduction of elderly residential care expenses paid by the person or his/her spouse to a residential care home in respect of the person's or his/her spouse's parent or grandparent.

The Administration keeps these allowances and deductions under review in the annual budget exercise, taking into account all relevant factors, including the community's aspirations.

Turning to co-operation between schools and parents, I wish to emphasize that family factors are taken into account in the formulation of education policies. The importance of home-school co-operation was raised by the Education Commission in its Report No. 5 and the Committee on Home-School Co-operation (CHSC) was subsequently set up by the Education Department (ED) in 1993 to promote home-school co-operation. With the continuous efforts of the ED and the CHSC, the number of Parent-Teacher Associations has increased significantly from below 100 in 1993 to over 1 100 this year.

In addition, as parents are the first teachers of children, and parent-school co-operation is essential to bring out the best in our youngsters, the Chief Executive announced in the 2000 policy address that the Government would set aside \$50 million in the next two years to promote parent education and to encourage parents to participate in educational affairs. The Steering Committee on Parent Education, which was set up in December 2000, has proposed to develop a comprehensive package of resource/reference materials on parent education.

The motion also calls on the Government to increase the social welfare support for people who have to take care of their disadvantaged families. I have earlier outlined our existing family welfare policy and some services within the extensive range of services available. The Administration acknowledges that the family is a source of support and strength in the care of the infirm, the elderly, the disabled, children and all young people. We agree that family members who take care of disadvantaged members of their families should be given adequate support to discharge their carers' role. Therefore, adequate child care facilities, respite services for carers of the disabled and elderly and counselling and training in care support are provided.

By way of example, I should like to highlight some of the support services currently available for carers of the elderly. As the majority of elders prefer to age at home and many of their families also wish to take care of them at home, it has been our policy to expand and strengthen the provision of home and community care services to enable frail elders to continue to be cared for at home. A full range of home and community care services, including home help teams, home care teams, day care centres and multi-service centres, is currently provided to assist families to care for their elders at home.

Carers' Support Centres have been established to provide information, training and emotional support for carers. Residential respite services are available at all subvented residential care homes, and a pilot project on day respite services has been launched to provide temporary relief to carers.

Support services are also available for carers of other disadvantaged families including those looking after the disabled and the infirm. Our social security system also recognizes the role of family in its structure.

Finally, on the right to housing, it is the Government's objective to achieve better housing for all families and individuals through an adequate supply of affordable housing for ownership or rent. Like many other places, we consider our children to be our future and thus for the first few decades of our public housing programme, the Government has accorded a high priority to the rehousing of families. The Hong Kong Housing Authority (HA) also has several schemes to encourage young families to live together or close to their parents or elderly dependents. We have by now provided housing directly for nearly half the population and facilitated the provision of housing by the private



sector for the other half. In the past five years, we have achieved a one-third reduction in the number of inadequately housed families in Hong Kong, cleared non-self contained buildings and structures including squatter areas, temporary housing areas and so on in several major programmes. It remains the Government's policy that anyone who claims to be homeless and in need of shelter will be provided with accommodation in transit centres or interim housing blocks.

However, public housing is a valuable and finite social resource and we need, therefore, to ensure the most effective use of this scarce resource. It is the HA's view that it is not right for well-off families to stay in the heavily subsidized flats while worse-off families are denied access. We are also unable to support the amendment proposed to the motion. As neither the motion nor the amendment defines the constitution of a family, it is unclear what should be provided to whom under what circumstances. It also ignores the freedom of choice of many Hong Kong families however defined to choose to share their flats or to live in non-self contained but centrally located premises.

Madam President, it is clear from my remarks that the Government already has comprehensive policies for families. In some places, you may even say that we have too many policies, because really in states and places where people are really quite afraid of government intervention, these policies may not be welcomed. We believe that given the diverse, complex and changing nature of families, that this is a more appropriate approach. This provides support to families and takes account of family perspectives in the formulation of policies affecting the family, with a view to promoting the well-being of diverse types of families. It is self-evident when one considers that by virtue of their birth, all individuals are part of a family at one time.

A final word — as the original motion indicates, the development and extension of a family-oriented society cannot and should not be the sole domain of the Government. This must be a community effort and I would urge everyone to attach much greater importance to protecting and nurturing the family as a cornerstone of our society.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr Frederick FUNG to Mr LAW Chi-kwong's motion, 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)

Mr Frederick FUNG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Frederick FUNG 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 Eric LI, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mr SIN Chung-kai, Mr LAW Chi-kwong, Miss LI Fung-ying and Mr Michael MAK voted for the amendment.

Mrs Selina CHOW, Mr HUI Cheung-ching, Mrs Sophie LEUNG, Mr Howard YOUNG and Mr Tommy CHEUNG voted against the amendment.

Mr CHAN Kwok-keung, Mr WONG Yung-kan and Mr IP Kwok-him 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, Dr YEUNG Sum, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi, Mr Frederick FUNG and Ms Audrey EU voted for the amendment.

Dr TANG Siu-tong, Mr David CHU and Mr Ambrose LAU voted against the amendment.

Miss Cyd HO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr NG Leung-sing, Prof NG Ching-fai and Mr YEUNG Yiu-chung abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 15 were present, seven were in favour of the amendment, five against it and three abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 13 were in favour of the amendment, three against it and nine abstained. 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): Mr LAW Chi-kwong, you can now reply and you still have four minutes 35 seconds.

**MR LAW CHI-KWONG** (in Cantonese): Madam President, I wish to thank my colleagues who have spoken on the motion and I am also grateful to my colleagues who just read out their drafted speeches without listening to the speeches made by other Members. I believe many colleagues who have proposed motion debates would feel the same, and I sometimes find that other

colleagues have spoken before going through the contents of the motion. For example, my motion is related to the carers of their disadvantaged family members but not the disadvantaged families and I think that we should provide these carers with social welfare support, however, some Members have misunderstood my intention. I also wish to emphasize that rather than a policy, a family policy is an objective and a mechanism that involves different policies. Thus, Members should be clear that we wish to promote a comprehensive "family-oriented" social policy rather than a single policy. We have to set up a mechanism under this policy to study how we can give play to the functions of families through other policies.

Madam President, this is the first time I heard a Member criticize that I am a "pan welfare ideologist". I have worked as a social worker for so many years but no one has ever criticized me this way and some even thought that I was too conservative in handling social welfare matters (*laughter*). We are now discussing how we can help families that have to take care of their disadvantaged families so that they can take care of their disadvantaged family members themselves. Then, the Government will not have to help those who are not taken care of by their families. If proposals as such should be interpreted as advocating welfare ideology, I am really unable to make head or tail of it.

The basic objective of enhancing the functions of families is to reduce other social problems arising therefrom, which would ultimately reduce social welfare expenditure. I am actually "toppling" social welfare and I really find it strange to hear someone calling me a "pan welfare ideologist".

Of course, I understand that other countries are more experienced in respect of a family impact assessment mechanism. For instance, the mechanism has been put into practice in the United States for more than a decade. Would there be a lot of papers in this respect? I agree that relevant papers are very limited. When many of my friends asked me about "family impact assessment", I know that this motion will hardly be passed because some Members may not even have heard about "family impact assessment". This is the first time I put forward this topic for debate and I hope that we will have more discussions in future.

I am really glad that Dr YEOH has just said that they would continue to "monitor the development of" family impact assessment and I am very glad that he has adopted an open-minded attitude towards the subject. In fact, Members

should not think in any way that the family policy we are discussing is merely a policy, and we should consider the each and every particular of the policy.

I have no intention to pass off fish-eyes as pearls in proposing this motion debate. I have introduced a consultation paper on different policies, but it is really not pertaining to the contents of the motion. If Members have not gone through the contents of the motion today, I hope that they will go through the Hansard in the future in order to be clear about the contents of the motion on which they have abstained from voting or against which they have voted.

I would also like to comment on the remarks just made by the Secretary. In comparison with the response made by the Secretary in 1994, his response to this motion should be deemed fairly comprehensive. He has not only touched upon a family service policy but also other scopes. Thus, it can be said that much improvement has been made. He has given two reasons for opposing this motion. He said that if he supported this motion, he would be telling people that the Government had not formulated any comprehensive policy. I am sorry, for I do not know that proposing this motion will hurt the pride of government officials. I did not mean to do so at all.

The second reason given by the Secretary was even more interesting. He said that I had not defined the term "family" clearly in my motion. If so, I believe the Government would have to oppose all similar motions because I have never seen any motion that has offer definitions for the important concepts in the motion. In fact, the definition just given by the Secretary is entirely the same as that given by me in the consultation paper; therefore, there is no contradiction. I also find it strange that the Secretary said that he would oppose my motion because its contents have not given definitions. Moreover, this motion was opposed because it hurt their pride.

I hope that my colleagues would be more careful when they propose motions in the future and would avoid hurting the pride of government officials. I also hope that Members would understand that a good family policy would make our investments in the younger generation more cost-effective. Our investments in expenditures on families will also reduce our expenditures in child care and care for the elderly because happy families would make happy employees, happy students and a happy society. I hope that Members would support this motion. Thank you.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LAW Chi-kwong 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)

Mr LAW Chi-kwong rose to claim a division.

**PRESIDENT** (in Cantonese): Mr LAW Chi-kwong has claimed a division. The division bell will ring for three minutes.

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

**PRESIDENT** (in Cantonese): Mr WONG Yung-kan, is there something wrong with your button? You can now press the button 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, Mr CHEUNG Man-kwong, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mr SIN Chung-kai, Mr LAW Chi-kwong, Miss LI Fung-ying and Mr Michael MAK voted for the motion.

Mrs Selina CHOW, Mrs Sophie LEUNG, Mr Howard YOUNG and Mr Tommy CHEUNG voted against the motion.

Mr HUI Cheung-ching, Mr WONG Yung-kan, Mr Henry WU and Mr IP Kwok-him abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi, Mr Frederick FUNG and Ms Audrey EU voted for the motion.

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

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 16 were present, eight were in favour of the motion, four against it and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 15 were in favour of the motion and 10 abstained. 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 negated.

## **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 23 May 2001.

*Adjourned accordingly at one minute past Nine o'clock.*

**Annexes I and II****WRITTEN ANSWER****Written answer by the Secretary for the Environment and Food to Dr TANG Siu-tong's supplementary question to Question 2**

The 328 complaints given in part (a) of the main reply were all in relation to flushing toilets. From 1 January 2000 to 30 April 2001, 37 complaints have been received for the 586 aqua privies (village toilets) managed by the Food and Environmental Hygiene Department (FEHD). For the five aqua privies managed by the Leisure and Cultural Services Department (LCSD), no complaint has ever been received.

Plans to improve aqua privies have already been included in the New Territories toilet facilities improvement programmes of the former Regional Services Department and the FEHD. As at the end of April 2001, some 560 aqua privies have been refurbished. The works included the provision of glazed wall tiles, non-slippery floor tiles, water supply, wash basins with mirror, fibreglass compartment doors and improvement to lighting and ventilation, and so on. The FEHD also plans to try out different odour control measures by means of masking or neutralizing effect to improve the hygiene condition of aqua privies.

If connection to nearby public sewages is feasible, the aqua privies will be converted to flushing toilets to improve their hygiene condition. Until 30 April 2001, conversion of seven aqua privies (with five since the establishment of the FEHD) has been completed. The FEHD has planned conversion work for another 18 aqua privies, of which six of them are already under conversion.

For the aqua privies managed by the LCSD, the plan is to replace them with flushing toilets in the long run.



**Annex III****WRITTEN ANSWER****Written answer by the Secretary for Security to Mr Howard YOUNG's supplementary question to Question 3**

The TIR (Transports Internationaux Routiers) System is a cargo transit regime established under the United Nations TIR Convention of 1965 to facilitate the movement of international goods by reducing customs formalities at the borders of transit countries. Under this system, goods are not required to be unloaded for customs inspection at each transit country and transit countries are provided with guarantees to cover the Customs tariffs at risk.

The implementation of the TIR System requires elaborate administrative arrangements on the side of the government of the participating countries and also the operators of the freight industry such as a tariff guaranteeing mechanism and mutual recognition of customs control between member countries, TIR carnets, customs seals, approved transporting vehicles/containers, and so on. Given the fact that Hong Kong is a tariff-free port, replicating the whole system in Hong Kong may not work to the real benefit of the trade. Nonetheless, the idea of moving goods under seal is worth considering. In fact, the use of sealing device is one of the recommendations in a consultancy study which the Customs and Excise Department (C&ED) commissioned earlier to review existing customs cargo clearance requirement and services.

The C&ED is trying out the recommended sealing device on transshipment goods moved under co-operative arrangements established with certain cargo operators to streamline customs operation for these cargoes. Subject to the result of the trial, the Department will consider extending the scope of its application.

**Annex IV****WRITTEN ANSWER****Written answer by the Secretary for the Treasury to Mr James TO's supplementary question to Question 6**

The Secretary for Security has now supplied the following information:

The building and maintenance of a network of contacts for co-operation externally with key countries and mainland authorities and internally with the community is fundamental to many areas of work of the Security Bureau. We need support and assistance from other countries and mainland authorities in our efforts in crime prevention and detection, in establishing the notification system for Hong Kong residents detained in the Mainland, in securing ease of travel for Hong Kong people, in preventing illegal entry of people and in preventing smuggling and drug trafficking. These are essential and ongoing work carried out by the Bureau.

Following the handover, we have stepped up our efforts in these areas to establish a firm foundation for the Government of the Hong Kong Special Administrative Region (SAR) in the international arena. Extensive negotiations and lobbying with officials of other countries have taken place to secure agreements on visa-free travel for holders of the SAR passport, mutual legal assistance in criminal matters, surrender of fugitive offenders, transfer of sentenced persons, establishment of the notification system and exchange of intelligence concerning smuggling and drug trafficking. As an example, we have held more than 50 official meetings with the European Union (EU) countries over the past 30 months before successfully securing visa-free access to 15 EU countries for SAR passport holders.

Our vigorous efforts in these areas have brought about the increase in our entertainment expenses since 1998-99.

A large percentage (24% or \$138,264) of the total entertainment expenses for 2000-01 was in fact expended on acquiring souvenirs for the Bureau, the bulk of which is still in stock.

**Annex V****WRITTEN ANSWER****Written answer by the Secretary for the Treasury to Miss Cyd HO's supplementary question to Question 6**

The Security Bureau has confirmed that such expenses have not been so categorized in its books. Based on experience, the Security Bureau reckons that it generally spends about 50% of its entertainment expenses on entertaining officials and other guests from overseas and the Mainland. About 30% of its entertainment expenses is used for hosting local functions for strengthening partnership with the local community. The remaining 20% is used in areas such as acquiring souvenirs.

**Annex VI****WRITTEN ANSWER****Written answer by the Secretary for the Treasury to Miss Emily LAU's supplementary question to Question 6**

I said at the meeting that according to the guidelines given in the Civil Service Regulations, public funds could not be used if the participants of a function were all civil servants. However, there were two exceptions, namely for meetings between a head of department and his department's staff associations and for functions to express appreciation to staff for exceptional achievements significantly beyond the normal call of duty. However, these were subject to certain limits on which I promised to supplement in writing.

I now list these limits for Members' reference:

- (a) reimbursements should be limited to reasonable expenditure on food and drinks and should not be more than \$150 per head per occasion;
- (b) not more than 10% or \$20,000 (whichever is less) of the provision should be used for such purposes; and
- (c) each case should be supported by the Bureau Secretary or the Head of Department concerned.

**Annex VII**

## TELECOMMUNICATIONS (AMENDMENT) BILL 2001

**COMMITTEE STAGE**Amendments to be moved by the Secretary for  
Information Technology and BroadcastingClauseAmendment Proposed

- 4
- (a) In paragraph (a), in the proposed section 32I(2)(b)(i), by deleting "or tender; or" and substituting "and tender; or".
  - (b) In paragraph (b) -
    - (i) by deleting the proposed section 32I(4)(a) and substituting -
      - "(a) empowering the Secretary to specify the minimum fee of the spectrum utilization fee -
        - (i) by notice published in the Gazette or otherwise; and
        - (ii) by means of -
          - (A) a minimum fixed fee;
          - (B) a minimum fee determined by reference to a formula or percentage or the occurrence of an event or series of events;

ClauseAmendment Proposed

- (C) a series of 2 or more minimum fees in relation to the same spectrum utilization fee where the relevant minimum fee is determined by reference to the occurrence of an event or series of events;
- (D) a minimum fee the determination of which varies upon the occurrence of an event or series of events;
- (E) a minimum fee determined by reference to another minimum fee, or by reference to the means of determining another minimum fee, whether or not the other minimum fee is or will become payable;
- (F) a minimum fee the determination of which varies, or is calculated by reference to, the period of validity of a

ClauseAmendment Proposed

licence or any part thereof; or

- (G) any combination of 2 or more of any of the means specified in sub-subparagraph (A), (B), (C), (D), (E) or (F), whether in whole or in part;"

(ii) in the proposed section 32I(5) -

(A) by deleting "可根據該款" and substituting "在該款所指的公告中";

(B) in paragraph (d), by deleting "amount" and substituting "fee";

(C) in paragraphs (e) and (f), by deleting "承" and substituting "出";

(iii) in the proposed section 32I(7), by deleting "可根據第(4)(b)(ii)款指明" and substituting "在第(4)(b)(ii)款所指的公告中指明的拍賣或投標";

(iv) in the proposed section 32I(9)(c), by adding "(i)" after "(4)(a)";

(v) by deleting the proposed section 32I(10) and substituting -

"(10) A spectrum utilization fee (including any part thereof) owing to the Government shall be recoverable by the Government as a civil debt.

ClauseAmendment Proposed

(11) Without prejudice to the generality of subsection (4)(a), in this section (including subsection (3)) - "event" (事件) includes a date; "spectrum utilization fee" (頻譜使用費) includes a fixed fee, a fee calculated by a formula or a fee ascertained by another method, or any combination thereof."